

Sequential Test

Land north of Station Road, Market Bosworth

Prepared by Fisher German LLP on Behalf of
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01 Introduction

- 1.1 This Flood Risk Sequential Test has been prepared on behalf of Richborough, Clive Vero, Geoffrey Malcolm Vero, Kathleen Ann Sheppard and Leslie Alan James in relation to Land north of Station Road for outline planning permission for up to 126 dwellings including affordable housing, landscaping, open space, drainage and associated infrastructure (all matters reserved except for access for upgraded access to Station Road).
- 1.2 The site is identified on the Environment Agency's Flood Map for Planning as being within Flood Zone 1 (Low Probability of flooding). Parts of the site are within areas at risk of surface water flooding. The vast majority of the site lies outside of any surface water flooding. Areas of low (1 in 1000-year) to high (1 in 30-year) surface water flood risk are present in the south west corner of the site and an area of the central portion of the site around a culverted watercourse.
- 1.3 National policy is clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 1.4 To achieve these objectives, national policy is to apply a sequential test approach to steer new development to areas with the lowest risk of flooding. It says 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
- 1.5 This Sequential Test has followed the methodology for assessment in the NPPF and the companion online Planning Practice Guidance. The purpose of the Flood Risk Sequential Test is to compare the application site within other available sites to establish whether there are any with lower flood risk than the application site.
- 1.6 As advised in national policy, the sequential test has been applied to the area defined by local circumstances and is related to the catchment area for the type of development proposed. As a residential proposal, the area of search has been identified as Market Bosworth. Residential sites

outside of Market Bosworth will not provide reasonable alternatives as they will be unavailable to meet the housing need of Market Bosworth.

02 The Site and Proposals

The Site

- 2.1 The site extends to 7.964 hectares (19.679 acres) and is located to the west of Market Bosworth, north of Station Road. The site comprises agricultural fields located on the northwestern edge of the town. The southern boundary of the site is defined by Station Road and existing residential and employment uses lie to the south of Station Road. The western part of the site is defined by the railway line with residential development beyond. Kyngs Golf Course and Country Club lies to the north of the site; this land has recently received planning permission for a new club house, holiday chalets and extensive carparking and more recently for a 50x room golf and leisure accommodation facility. The existing access to Kyngs Golf Course and Country Club runs through the site. A ditch runs through the centre of the site before being culverted and flowing west, ultimately outfalling to a culvert that crosses under the railway and development to the west before discharging to the canal. There is also an existing culvert along the western boundary, which traverses the railway to the west of the site.

Flood Constraints

- 2.2 All land in Market Bosworth is subject to (Low Probability of flooding), albeit there are pockets of surface water flooding exist across the settlement.
- 2.3 The application site itself is identified on the Environment Agency's Flood Map for Planning as being within Flood Zone 1 (Low Probability of flooding).
- 2.4 The recently updated mapping predicted for 2040-2060, provided by the Environment Agency, identifies a large extent of surface water flooding from the centre of the site towards the southwest, which is identified as having between a low and high yearly chance of flooding (figure 1). southwest. These extents are connected by the low to medium yearly chance of flooding extents. The vast majority of the site lies outside of any surface water flooding.
- 2.5 There are three segregated extents with a high yearly chance of flooding, located along the line of the existing onsite watercourse, the existing private access and at the low point to the southwest. These extents are connected by the low to medium yearly chance of flooding extents.

- 2.6 The extents identified along the line of the existing watercourse and site access can be attributed to shallow banking at these locations which will act to hold overland flows. The Environmental Agency mapping appears to have adopted the same logic regarding the larger extent of surface water flooding at the low point on site, suggesting a build up of overland flows on account of shallow banking towards the Battlefield railway line. The Flood Risk Assessment concludes that it is likely therefore, that the EA Surface water mapping does not account for the culverted watercourse which crosses the site, nor the railway culvert to the west, which act to convey overland flows away to the west. As such, it is considered that the surface water flood mapping is not a true representation of the existing conditions on site. Ongoing modelling is being undertaken to demonstrate the true conditions on site.
- 2.7 As part of the development proposal, overland flows on site will be mitigated against via the proposed daylighting of the onsite culverted watercourse as part of the proposed development. Therefore, the post development scenario for surface water flooding will have significantly reduced extents.
- 2.8 Overall, the existing site is depicted as being subject to some areas of surface water flooding, however, given the likely inaccuracies in the mapping on account of not considering the existing culverts, the flood risk from pluvial sources post development is considered to pose a low risk.

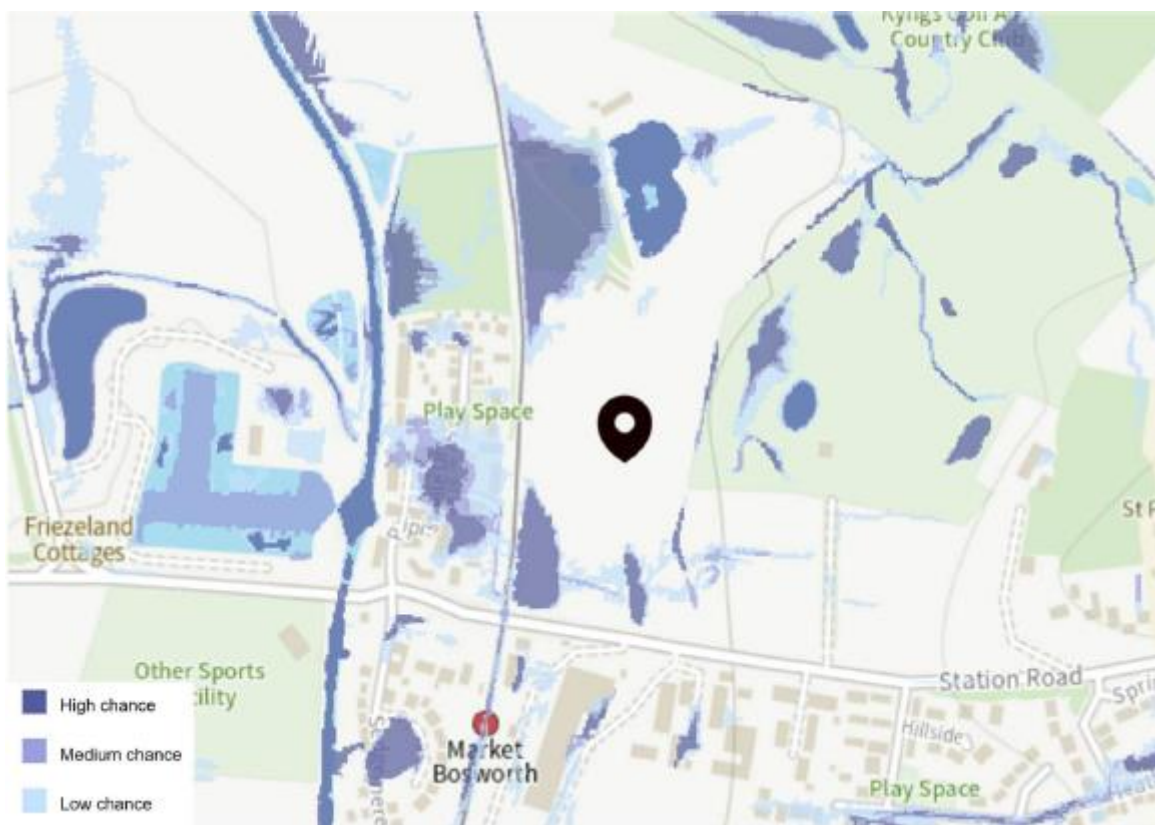


Figure 1 Surface Water Flooding Across Application Site

Proposed Use

2.9 The site is subject to an outline planning application for the erection of up to 126 dwellings (Planning Reference: 24/01079/OUT) which was submitted in November 2024. The site is not allocated in the adopted development plan however the Council has confirmed that it is unlikely that they will be able to demonstrate a 5YHLS, and therefore the tilted balance of paragraph 11d) of the NPPF is engaged.

2.10 The Indicative Site Layout is shown below at **Figure 2**.



Figure 2 Proposed Indicative Site Layout

03 Planning Policy Considerations

- 3.1 National planning policy on flood risk is set out in the National Planning Policy Framework (NPPF) and the online Planning Practice Guidance (PPG). The NPPF (paragraph 170) is clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 3.2 Paragraph 173 set out that a sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding.
- 3.3 Paragraph 174 states 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.
- 3.4 The online Planning Practice Guidance (PPG) provides additional guidance on the application of the sequential test to actual development proposals. Paragraph: 023 Reference ID: 7-023-20220825 states that the aim *“is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding”*
- 3.5 Paragraph: 024 Reference ID: 7-024-20220825 states *“Where it is not possible to locate development in low-risk areas, the Sequential Test should go on to compare reasonably available sites:*
- *Within medium risk areas; and*
 - *Then, only where there are no reasonably available sites in low and medium risk areas, within high-risk areas.”*
- 3.6 Paragraph: 027 Reference ID: 7-027-20220825 states that *“for individual planning applications subject to the Sequential Test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed. It says “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 proposed. 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.*** (our emphasis). It says sites outside the identified area are unlikely to provide reasonable alternatives and, in all cases, a pragmatic approach on the availability of alternative sites should be taken.

3.7 Paragraph 177 states *"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."*

3.8 Paragraph 178 continues adding that *"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."*

3.9 Dwelling houses are classified as 'More Vulnerable' within the Flood Risk Vulnerability Classification (Annex 3 and PPG: Paragraph: 078 Reference ID: 7-078-20220825, Table 1). Table 2 (PPG: Paragraph: 079 Reference ID: 7-079-20220825) maps the vulnerability classes against the flood zones set out in Table 1 to indicate where development is 'appropriate' and where it should not be permitted. Dwellinghouses are classified as an appropriate use in Flood Zone 1, meaning that an Exception Test is not required.

3.10 Whilst the Exception Test would not be required in this scenario, paragraph 181 of the NPPF sets out that *"When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- a) *within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) *the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
- c) *it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) *any residual risk can be safely managed; and*
- e) *safe access and escape routes are included where appropriate, as part of an agreed emergency plan."*

04 Sequential Test

- 4.1 This section explains the methodology followed in the preparation of this Sequential Test and the outcome of applying the Sequential Test.

Methodology

- 4.2 The scope of sites to be searched are as follows:
- Area of search is within/around Market Bosworth.
 - Area of search includes housing sites in the Strategic Land Availability Assessment (SHELAA) (2022), proposed sites in the Hinckley and Bosworth Local Plan, with others identified from a desktop assessment.
 - The site search should identify:
 - o The site's flood risk.
 - o If the site was available for development.
 - o If the sites(s) were suitable to accommodate the proposed development.

Alternative Sites

- 4.3 The sites searched as part of this Sequential Test were identified through the following means:
- A review of the Strategic Housing and Economic Land Availability Assessment (SHELAA) (2022), and draft allocated housing sites as detailed in the emerging Hinckley and Bosworth Local Plan, and further desktop assessment (Rightmove, Zoopla).
- 4.4 The site search resulted in a total of 7 sites (excluding the application site) which met the search criteria. These sites were then assessed as to whether they are sequentially preferable and available and suitable for the proposed development. A full assessment of each of the sites can be found in Appendix A.
- 4.5 Sites within a higher flood risk level, or the same as, the application site were discounted immediately as they are not sequentially preferable and, it is clear, as set out in the NPPF, that development should be steered away from sites at a higher risk of flooding.

- 4.6 The remaining sites were assessed as to whether they were available for development in the short to medium term and suitable for a development similar to the proposed scheme.

Results

- 4.7 A total of 7 sites (excluding the application site) that met the agreed search criteria were identified for the assessment. All 7 sites were in the SHLAA. No additional sites were identified as available through desktop assessments (Rightmove, Zoopla).
- 4.8 All 7 sites identified were ultimately discounted within the Sequential Test as not representing reasonably available or suitable sites for development on the following grounds:
- Of the 7 sites, 4 were discounted as having higher or the same flood risk zones than the applicant's site:
 - Site 3 - Land off Sutton Lane, Market Bosworth (Ref: LPR174)
 - Site 5 - Land West of Shenton Lane, Market Bosworth (Ref: LPR149)
 - Site 6 - Land off Ambion Rise, Market Bosworth (ref: LPR139)
 - Site 7 - Land South of Station Road, Market Bosworth (Ref: AS393)
 - Of the 3 sites that were in Flood Zone 1 (as the application is) but no Surface Water Flooding:
 - Site 1 - Land to the rear of Harcourt Spinney, Market Bosworth (Ref: AS401) - was discounted on the basis that its availability is unknown, and it is unsuitable for a development similar to the proposed scheme. This is because it is unclear if a suitable access can be achieved to the site and it was submitted to the SHLAA for just four dwellings. Even so the Council estimated that it would only be capable of achieving approximately 52 dwellings and therefore it is not capable of accommodating the scale of the development proposed.
 - Site 2 - Land South of Cedar Drive, Market Bosworth (Ref: LPR153) - was discounted as and it is unsuitable for a development similar to the proposed scheme. The Council estimated that the site could deliver approx.16 dwellings in the SHLAA assessment and so it is unlikely that the site is capable of accommodating the scale of development proposed.
 - Site 4 - Land East of Shenton Lane, Market Bosworth (Ref: LPR127) - was discounted as it is unsuitable for development as evidenced by the reasons for

the refusal of a previous planning application on the site (Site ref: 24/00831/OUT). These reasons include:

- o Safe and suitable access to the site cannot be achieved,
- o it would have a significant adverse impact on the landscape and visual character of the area and would not protect the intrinsic value, beauty, open character and landscape character of this countryside location or protect the distinctive individual settlement identity of Market Bosworth,
- o it would negatively impact the significance of the Market Bosworth Conservation Area which was not outweighed by the public benefit

4.9 The full results of the sequential test exercise are presented in a tabulated format at Appendix A clearly identifying the subject site, its site area and a commentary explaining why the site has been discounted. Sites are also mapped following this. For comparison, the application site is included within the assessment

4.10 The Sequential Test yielded no suitable alternative sites in areas of lesser flood risk that are reasonably available and suitable. The Sequential Test is thus deemed to have been passed. The application site is the only reasonable site which could accommodate the proposed development.

05 Conclusion

- 5.1 In compliance with the NPPF and PPG, the Sequential Test is passed as the application site is the only reasonable site which could accommodate the proposed development. The Exception Test is not required for 'more vulnerable' classified development located in Flood Zone 1.
- 5.2 As set out in Paragraph 181 of the NPPF, *"When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
 - b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
 - d) any residual risk can be safely managed; and*
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan."*
- 5.3 The planning application is supported by a site-specific flood risk assessment. This demonstrates that within the site, the most vulnerable development (dwelling houses) is mostly located away from the surface water flood areas, as demonstrated on the Site Layout at Figure 2. The assessment also details how the development is flood resistant and resilient, the sustainable drainage systems designed to mitigate the development impacts, how those impacts will be safely managed, as well as stating that proposed access and egress routes pass entirely through areas at low risk of flooding.

APPENDIX A – Sequential Test Assessment

Site Number	Source / Reference	Site Name	Site Area (ha)	Flood Zone / Surface Water	Available	Overall Assessment
1	SHLAA (2022)/AS401	Land to the rear of Harcourt Spinney, market Bosworth	1.72	Zone 1, No surface water flooding risk.	The availability of the site has not been investigated because it was excluded from the SHLAA.	Availability of the site is unknown. The SHLAA excluded this site from assessment because the site was proposed for only four dwellings, which is below the minimum size threshold for SHLAA assessment. The site is outside of the development boundary. Only capable of delivering approx. 52 dwellings and therefore it not capable of accommodating the scale of development proposed. It is unclear whether suitable access to the site is achievable for this number of dwellings. The site is discounted as its availability is unknown and it is unsuitable for the scale of the development.
2	SHLAA (2022)/LPR153	Land South of Cedar Drive, Market Bosworth	0.67	Zone 1, No surface water flooding risk.	SHLAA confirms the site is available.	In the SHLAA assessment, the Council estimated that the site is capable of delivering approx. 16 dwellings and so the site is not capable of accommodating the scale of development proposed. The site is outside of the development boundary. The site is discounted as it is not a suitable size for the proposed development and is therefore not a suitable alternative.
3	SHLAA (2022)/LPR174	Land off Sutton Lane, Market Bosworth	1.96	Zone 1, Areas of surface water	SHLAA confirms the site is available.	The site is outside and not adjacent to the development boundary and therefore it would be an

				flooding along eastern boundary and on central portion of the site.		isolated development and as such open market residential development would be contrary to policy. The SHLAA concluded that the site would be developable in 15+ years. Only capable of delivering approx. 54 dwellings and therefore it not capable of accommodating the scale of development proposed. There is surface water flood risk on site. The site is discounted as is not suitable for development and is not sequentially preferable.
4	SHLAA (2022)/LPR127	Land East of Shenton Lane, Market Bosworth	3.56	Zone 1, no surface water flooding risk	SHLAA confirms the site is available.	Refused planning application (Site ref: 24/00831/OUT). The reasons for refusal of the development proposal include, safe and suitable access to the site cannot be achieved, it would have a significant adverse impact on the landscape and visual character of the area and would not to protect the intrinsic value, beauty, open character and landscape character of this countryside location or protect the distinctive individual settlement identity of Market Bosworth, and it would negatively impact the significance of the Market Bosworth Conservation Area which is was not outweighed by the public benefit. The site is adjacent to the development boundary on just one side. Only capable of delivering approx. 90 dwellings. The SHLAA concludes the site is developable in 11-15 years.

						The site is discounted as is not suitable for development on the basis of the above.
5	SHLAA (2022)/LPR149	Land West of Shenton Lane, Market Bosworth	5.83	Zone 1, Surface water flooding risk stretches across north of site.	There is a pending planning application (Site ref: 24/00831/OUT) for up to 100 dwellings.	The site is subject to a planning application and therefore is not available. The site also has surface water flooding risk and is not sequentially preferable. On this basis the site is discounted.
6	SHLAA (2022)/LPR139	Land off Ambion Rise, Market Bosworth	9.61	Zone 1, Surface water flooding risk stretches across southwest of site.	SHLAA confirms the site is available. It is a proposed allocation for 180 dwellings in the regulation 18 version of the Local Plan (consultation – July- Aug 2024). It reflects an extension to the south and south-east of an existing mixed-use allocation (see Policy BD2) in the Made Market Bosworth Neighbourhood Development Plan.	The site also has surface water flooding risk and is not sequentially preferable. The SHLAA concludes that the site is developable in time frame of 11-15 years. Site access is reliant on the Land south of Station Road site (ref: 24/00560/HYB) being built out. On this basis the site is discounted.
7	SHLAA (2022)/AS393	Land South of Station Road, Market Bosworth	7.73	Zone 1, Surface water flooding risk stretches across centre of site.	No. The site is a mixed use allocation in the Site Allocations and Development	The site is not available as it benefits from planning permission, subject to conditions and a S106 agreement. The site also has surface water flooding risk and is not sequentially preferable.

					Management Policies DPD (2016) and Market Bosworth Neighbourhood Plan. Planning permission approved subject to a conditions and S106 agreement (site ref: 24/00560/HYB) for 135 dwellings. (18 Feb 2025 - committee date)	On this basis the site is discounted .
8	SHLAA (2022)/AS1050	Land North of Station Road, Market Bosworth	4.16	Zone 1, Surface water flooding risk in the south site.	The site is available.	AS1050 is part of the application site and therefore is not an alternative site.
9	SHLAA (2022)/AS392	Land North of Station Road, Market Bosworth	4.15	Zone 1, Surface water flooding risk in eastern area of site.	The site is available.	AS392 is part of the application site and therefore is not an alternative site.

Sequential Test Sites Assessed

SHELAA 2022 Overview Map - Settlement: Market Bosworth

