

Advice Note – undertaking Sequential and Exception Tests for Planning Applications in Swale

Planning Policy, Swale Borough Council (SBC), July 2026

1. Updates to this Advice Note

- 1.1. Please note that it is likely that this advice note will be periodically updated to reflect updates to mapping, the SFRA, the NPPF and PPG changes. Please check that you are always using the most up to date version of this note, which will be available on our website <https://swale.gov.uk/planning-and-regeneration/local-plans/local-plan-review-evidence/flood-risk#h2>

2. Introduction – the aim of this advice note

- 2.1. The [NPPF](#), [PPG](#) and [Environment Agency](#) guidance (including the section ‘Check if your development needs to satisfy the sequential and exception tests’) set out the requirements for undertaking the sequential and exceptions tests for planning applications and this policy/guidance should be followed. This note does not duplicate that guidance, but sets out any specific requirements for sequential and exception tests undertaken for applications in Swale Borough.
- 2.2. This note should be read in conjunction with the above reference policy/guidance and the [Swale Strategic Flood Risk Assessment](#), 2026 (SFRA), in particular, Appendix L of the Swale SFRA – the Sequential Test Dataset Guidance Document.

3. Guidance for undertaking the Sequential Tests in SBC

- 3.1. As well as following the policy and guidance set out in the NPPF/PPG and EA guidance, sequential tests (ST) in Swale should:
- i. Be carried out in the early stages of site assessment, ideally alongside an initial Flood Risk Assessment (FRA), to avoid unnecessary work at later stages.
 - ii. Use a Search Area and methodology agreed in writing by SBC before any Sequential Test work is undertaken. Please see **Section 7** below about the appropriate search area.
 - iii. Search for potential reasonably available sites in (as relevant):
 - a. Bearing Fruits, the [Adopted Local Plan for Swale](#);
 - b. Sites coming forward through the Regulation 19 Local Plan;
 - c. The Council’s [Housing Employment Land Availability Assessment \(HEELA\)](#);
 - d. Sites available on the open market – eg advertised through land/estate agents eg Right Move, OnTheMarket, Zoopla, George Webb Finn etc;
 - e. Neighbourhood Plans (NHP) (please note that made NHPs in SBC currently haven’t undertaken STs, so sites within them may not be sequentially preferable);
 - f. The Brownfield Land Register (please note that these sites are not necessarily sequentially preferable);
 - g. Extant Planning Permissions eg from the [The Housing Land Position Statement](#) and [Planning Public Access](#) (a web portal of planning applications across the borough);
 - h. The [Employment Land Review](#);
 - i. By contacting the Economic Development Team who are aware of local opportunities - economicdevelopment@swale.gov.uk.

- iv. Evidence of scrutiny of the above sources and correspondence with agents and the economic development team should be included in the sequential test.
- v. Use the SFRA's [Site Screening Spreadsheet](#) (Appendix K), and updates, where relevant. This document summarises flood risk for sites within the HEELA/SHLAA and provides evidence for the completion of the Sequential Test.
- vi. An initial assessment of potential reasonably available sites should be set out in a table/s with the following for each potential alternative site:
 - a. full site name and address (including settlement name);
 - b. site size and development capacity;
 - c. current site use;
 - d. relevant references (eg planning application number, HEELA reference, Brownfield Land number);
 - e. map/s showing site extent and location and flood zones (with climate change);
 - f. site photos where available;
 - g. whether sites are within Built Up Area Boundaries and what settlement tier they are within, as set out in the [Adopted Local Plan](#);
 - h. % area of flood risk from all available sources, with climate change (see Appendix L of the SFRA for details on this). Please note that future flood risk should be set out in a separate column, remembering that the lifetime of residential development is a minimum 100 years and for non-residential development is a minimum 75 years;
 - i. Commentary and applicant's conclusion as to whether the sites are, or are not, reasonably available;
 - j. Commentary on whether 'accounting for wider sustainable development objectives, application of relevant local and national policies would provide a clear reason for refusing development in any alternative locations identified' (paragraph 31 of the PPG);
 - k. Please note, for comparative purposes, the application site should head the table.

4.2 Sequential Test documents should be dated, with revision dates and numbers as appropriate.

4. What is a reasonably available site?

4.1. As Paragraph 28 of the PPG sets out that sites should be considered 'reasonably available' if:

- their location is suitable for the type of development proposed;
- they are able to meet the same development needs as the development proposed;
- they have a reasonable prospect of being developed at the same time as the proposal;
- and noting that alternative, lower-risk sites could comprise a series of two or more smaller sites and do not need to be owned by the applicant to be considered 'reasonably available'.

5. Is viability a consideration?

5.1. Viability is not directly discussed in the NPPF or PPG with regard to sequential testing. Sites at risk of flooding are likely to be of lower initial land value (and therefore potentially more viable) than sites with no flood risk, although the financial implications of bringing them forward (and potentially contributing to eg land raising/flood resilient measures/flood

defence infrastructure) may be significant. As such, comparative viability may not be a valid reason for sites to be 'unreasonable' in a Sequential Test. Having said this, it would be unreasonable for the LPA to ask for sites which are clearly neither deliverable or developable to be considered reasonable alternatives. As such, the viability, or not, of alternative sites would need to be fully set out and discussed in any Sequential Test.

6. When can you move to the Exception Test?

- 6.1.** It should be noted that paragraph 31 of the PPG sets out it is only 'appropriate to move onto the Exception Test in ...cases where, 'accounting for wider sustainable development objectives, application of relevant local and national policies would provide a clear reason for refusing development in any alternative locations identified.' This should be demonstrated within the sequential test, where necessary.
- 6.2.** **Section 9** below, sets out further requirements for exception tests.

7. The Search Area for Sequential Tests in Swale

7.1. Paragraph 27 of the PPG sets out that:

- 'for individual planning applications subject to the sequential test, the area to which the test needs to be applied will be governed by local circumstances relating to the catchment area for the type of development proposed and the needs it is proposing to address. The catchment area should always be appropriate to the nature and scale of the proposal and the settlement it is proposed for. For some developments this may be clear, for example, the catchment area for a school. For a non-major housing development, it would not usually be appropriate for the area of search to extend beyond the specific area of a town or city in which the proposal is located, or beyond an individual village and its immediate neighbouring settlements.
- a pragmatic approach needs to be taken where proposals involve comparatively small extensions to existing premises (relative to their existing size), where it may be impractical to accommodate the additional space in an alternative location. Equally, where there are large areas in Flood Zones 2 and 3 (e.g. coastal towns and settlements on major rivers) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives.
- the sequential test should be applied proportionately, focusing on realistic alternatives in areas of lower flood risk that could meet the same development need.
- for infrastructure proposals of regional or national importance the area of search may reasonably extend beyond the local planning authority boundary. It may also, in some cases, be relevant to consider whether large scale development could be split across a number of alternative sites at lower risk of flooding, but only where those alternative sites would be capable of accommodating the development in a way which would still serve its intended market(s) as effectively.'

- 7.2.** The starting point for Sequential Tests in Swale will be the whole borough, however, the following section of this document explains the exceptions to this approach and the reasons for this.

- 7.3. Within Swale, there are several higher tier settlements which have been identified to be at risk of flooding. In order to maximise the use of brownfield land, encourage regeneration in the most sustainable urban areas and to reduce pressure on greenfield sites, Swale Borough Council have confirmed that, for the purposes of sequential testing for planning applications, reasonable alternative sites only need to be sought within certain settlement boundaries. This approach aligns with the PPG paragraph 27 guidance outlined above.
- 7.4. **For sequential tests for planning applications within Sittingbourne, Faversham, Sheerness, Queenborough and Rushenden the search areas can be limited to the land within the built up area boundaries of those settlements** (ie for sequential tests in Sittingbourne, the search area can be limited to other land within the built up area boundary of Sittingbourne, similarly within Faversham, the search area can be limited to other land within the built up area of Faversham and for Sheerness, Queenborough and Rushenden the search area can be limited to land within the built up area of Sheerness, Queenborough and Rushenden, taken as a whole).
- 7.5. These areas have been selected for this alternative approach because they are either:
- Tier 1 or 2 settlements, or
 - Tier 3 settlements,
 - which have a joint boundary with a Tier 2 settlement, and/or
 - include Regeneration Areas (as set out in the Swale Borough Council Adopted Local Plan and shown on Swale Borough Council's [interactive maps](#)) where the objective is for development to come forward.
- 7.6 For these locations (Sittingbourne, Faversham, Sheerness, Queenborough and Rushenden) the Environment Agency's Medway Estuary and Swale Flood and Coastal Risk Management (MEAS) Strategy policy is Hold the Line. Whilst it is acknowledged that funding for flood defences across the MEASS area is not guaranteed, protection of these higher tier settlements is an agreed objective.
- 7.7 The search areas are shown in
- 7.8 Figure .

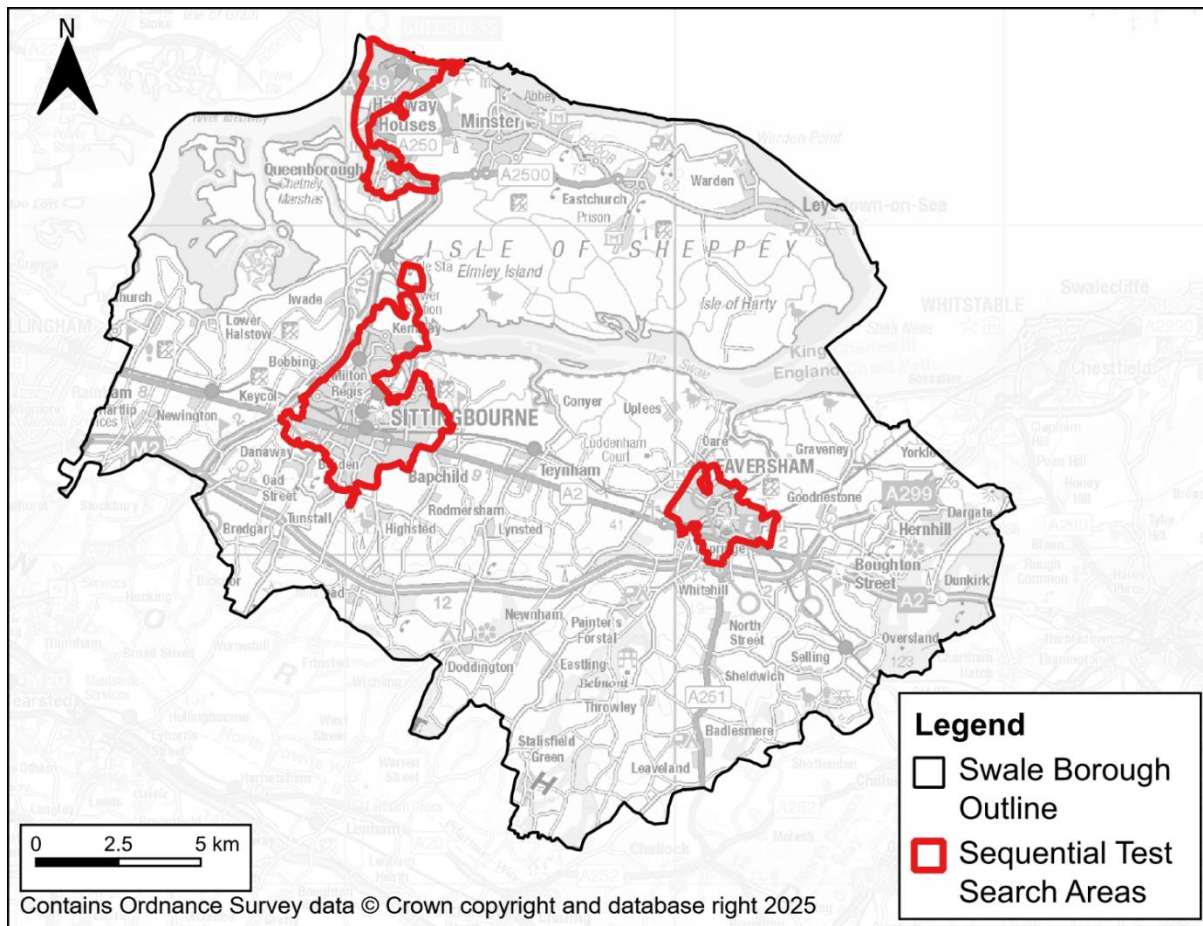


Figure 1: Sequential Test Search Areas

- 7.9 Outside of these specified settlements, and for strategic major development, as well as for the purposes of the Local Plan's own Sequential Test, the search area will be the entire Swale Borough administrative area, unless the need for a particular development type in a particular location/catchment is fully justified (eg a school, commercial scheme with a relationship to existing commercial development, a development that requires a coastal location) and agreed with Swale Borough Council in writing before the Sequential Test is commenced. Equally, if the boundary of any planning application site extends outside the built-up area boundary of the settlement in which it is located, the search area will revert to the whole of the borough, unless agreed with SBC in writing before the ST is commenced.
- 7.10 To reflect paragraph 27 of the PPG, the search area for applications for non-major housing development will be the town in which the proposal is located. The search area for applications for non-major housing development within Tier 4 and 5 villages will extend to their immediate neighbouring settlements, as agreed with SBC.
- 7.11 This approach has been noted by the Environment Agency.

8 Guidance for undertaking the Exception Test in Swale

- 8.6** In circumstances where the ST has been performed and it is not possible for development to be located in areas with a lower risk of flooding, the exception test may need to be applied.
- 8.7** Whether or not it is required depends on criteria set out in the PPG (Table 2, paragraph 79, [Flood Risk and Coastal Change](#)).
- 8.8** As set out in paragraph 178 of the NPPF, 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.
- 8.9** Paragraph 004 of the PPG sets out that it is for planning authorities to apply the sequential and exception tests – to ensure that flood risk is minimised and appropriately addressed. Where the sequential and exception test has been applied and not met, development should not be allowed.
- 8.10** With regard to the part a) of the exception test, the PPG explains (paragraph 36) that local planning authorities need to set their own criteria for this assessment, having regard to the objectives of the Plan's Sustainability Appraisal framework. As such, the Swale [Sustainability Appraisal](#) topics/objectives are starting points for this justification and should be addressed briefly in turn:
1. Accessibility - Improve accessibility to essential services and facilities across the borough
 2. Air Quality - Improve air quality, reduce air pollution and reduce exposure to air pollution
 3. Biodiversity - Maintain, create and enhance the extent and quality of biodiversity habitats and networks within and surrounding the borough, and protect species and species diversity
 4. Climate Change Adaptation - Increase resilience to the potential effects of climate change, including flood risk
 5. Climate Change Mitigation - Mitigate climate change by increasing decarbonisation, with a focus on industry, transport and the built environment, increasing efficiency and reducing energy use
 6. Communities and Health - Promote and protect health, wellbeing, and safety by ensuring access to healthcare, reducing health inequalities, improving road safety, enhancing green infrastructure, and creating safe and sustainable communities

7. Economy & Employment - Support a productive, diverse and resilient economy that provides opportunities for all
8. Historic Environment - Protect, conserve and enhance the historic environment, heritage assets and their setting within the borough
9. Homes - Support the delivery of a range of housing to meet identified needs, with a focus on improving affordability for those most in need
10. Landscape - Protect and enhance the character and quality of the landscape, including green infrastructure corridors
11. Soils and Natural Resources - Protect soil and mineral resources, and manage waste effectively
12. Transport - Promote sustainable transport use and reduce the need to travel
13. Water - Protect and enhance water quality and resources, ensuring sustainable water management to support current and future needs while reducing pollution risks

- 8.11 As paragraph 36 of the PPG sets out: 'Identified sustainability benefits need to be balanced against any associated flood risks, informed by the site-specific flood risk assessment. The impacts of flood risk on social, economic and environmental factors should be considered. Where wider sustainability benefits are absent or where they are outweighed by flood risk, the exception test has not been satisfied and planning permission should be refused.'
- 8.12 With regard the part b) of the exception test, and to satisfy paragraph 178 of the NPPF, this should be supported by a scheme's site-specific **Flood Risk Assessment**. Due to the significant risks of flooding in parts of Swale a **Flood Risk Emergency Plans** will also be required. These documents should clearly set out:
- i. An analysis of all forms of flood risk now and in the future (minimum 75 years for commercial development, 100 years for residential);
 - ii. The impact of the proposed scheme on flood risk and how it will seek to reduce flood risk overall¹ (including, eg green infrastructure, sustainable drainage systems, contributions to flood risk management infrastructure);
 - iii. An analysis of a development's potential future users and their likely vulnerability;
 - iv. An analysis of safe access and egress;
 - v. Proposed evacuation route/s (mapped);
 - vi. Details of safe evacuation on site;
 - vii. Details of flood resilient and resistant building techniques/materials and details and calculations relating to the structural stability of buildings during a flood;
 - viii. Flood warning procedures and hazard prevention;
 - ix. Evacuation procedures (what these are and when they apply);
 - x. Safe refuge procedures (what these are and when they apply);
 - xi. How the development will prepare prior to a flood event [Personal flood plan - GOV.UK](#) and [Business flood plan checklists - GOV.UK](#);
 - xii. Advice and information for the site owner/residents, including whether insurance can be gained or not.

¹ See Para 037 of the PPG

- 8.13 The ADEPT guidance should be referred to in the **Flood Risk Assessment** and **Flood Risk Emergency Plans**: [ADEPT & EA Flood risk emergency plans for new development September 2019....pdf](#)
- 8.14 As well as informing the exception test, the **Flood Risk Emergency Plan** should be reviewed every 5 years and building owners and users should be made aware of its location and contents. The contents of an agreed **Flood Risk Emergency Plan** and its review and availability should be a condition of any planning permission.
- 8.15 The **Flood Risk Assessment** and **Flood Risk Emergency Plan** should be agreed by the Environment Agency, the Emergency Planning team and the Kent and Medway Resilience Forum as necessary.

9 When the Exception Test is not needed

- 9.1 There will be some circumstances where flood risk is a significant planning issue, but the exception test is not needed – see Table 2 of [Flood risk and coastal change - GOV.UK](#). In these cases it must be remembered that paragraph 170 of the NPPF continues to apply ie, that *‘inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.’*
- 9.2 As such, it is likely that the elements needed to satisfy the second bullet point of the exception test will still need to be demonstrated and required as appropriate.

10 Neighbourhood Plans in Swale

- 10.1 Please note, that allocated sites in the made Faversham Neighbourhood Plan have not been subject to the sequential test through the Neighbourhood Plan process. Therefore, at this stage, and as significant time has passed since they were allocated through the Faversham Creek Neighbourhood Plan, they will be required to carry out a sequential test at the Planning Application stage.
- 10.2 This applies equally to other relevant neighbourhood plan allocations.