KRYPTONSTRUCTURE
CIVIL & STRUCTURAL ENGINEERS

Sequential & Exception Test

For The Project At

Land Of Bretton Street, Dewsbury

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Land off Bretton Street, Dewsbury

Project	Sequential and Exception Tests
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Status	Final
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Date	May 2025

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EXECUTIVE SUMMARY

The development proposals should be considered by the Local Planning Authority (LPA) to satisfy the Sequential and Exception Tests as set out in the National Planning Policy Framework (NPPF). The development should not therefore be precluded on the grounds of flood risk and is compliant with the requirements of the NPPF.

1.0 INTRODUCTION

1.1 Background

This Sequential and Exception Test report has been prepared by Krypton Structure Ltd at the request of Jade3 Architecture Ltd to support a planning application for the construction of an industrial unit ("the Proposed Development") on land off Bretton Street, Dewsbury ("the Site"). A separate Flood Risk Assessment (ref: KRS.0456.010.R.001.A, May 2025) has been undertake in support of the Proposed Development.

This Sequential and Exception Test report has been carried out in accordance with guidance contained in the National Planning Policy Framework (NPPF)[1] and associated Planning Practice Guidance on flood risk and coastal change (PPGf.

It is recognised that developments which are designed without regard to flood risk may endanger lives, damage property, cause disruption to the wider community, damage the environment, be difficult to insure and require additional expense on remedial works. The development design should be such that future users will not have difficulty obtaining insurance or mortgage finance, or in selling all or part of the development, as a result of flood risk issues.

1.2 National Planning Policy Framework (NPPF)

One of the key aims of the NPPF is to ensure that flood risk is taken into account at all stages of the planning process; to avoid inappropriate development in areas at risk of flooding and to direct development away from areas of highest risk using the sequential risk-based approach of which the Sequential and Exception Tests are central to.

The NPPF advises that where new development is exceptionally necessary in areas of higher risk, this should be safe, without increasing flood risk elsewhere, and where possible, reduce flood risk overall.

The Sequential Test is designed to demonstrate that there are no 'reasonably available' sites in areas with a lower probability of flooding that would be appropriate for this type of development or land use. The Sequential Test will analyse the probability of flooding on alternative sites identified and form an opinion as to the suitability of the proposed use on each of the sites given the associated flood risk to each site.

The Exception Test is designed to demonstrate that the proposed development provides wider sustainability benefits to the community that outweigh flood risk and the development will be safe for its lifetime.

[1] Ministry of Housing, Communities and Local Government (2024) National Planning Policy Framework. https://assets.publishing.service.gov.uk/media/675abd214cbda57cacd3476e/NPPF-December-2024.pdf

[2] Communities and Local Government (2022) Planning Practice Guidance - Flood Risk and Coastal Change: https://www.gov.uk/guidance/flood-risk-and-coastal-change

2.0 LOCATION & DEVELOPMENT DESCRIPTION

2.1 Site Location

The Site is located on land off Bretton Street, Dewsbury (see Figure 1). The National Grid Reference (NGR) of the Site is 425006, 420227.

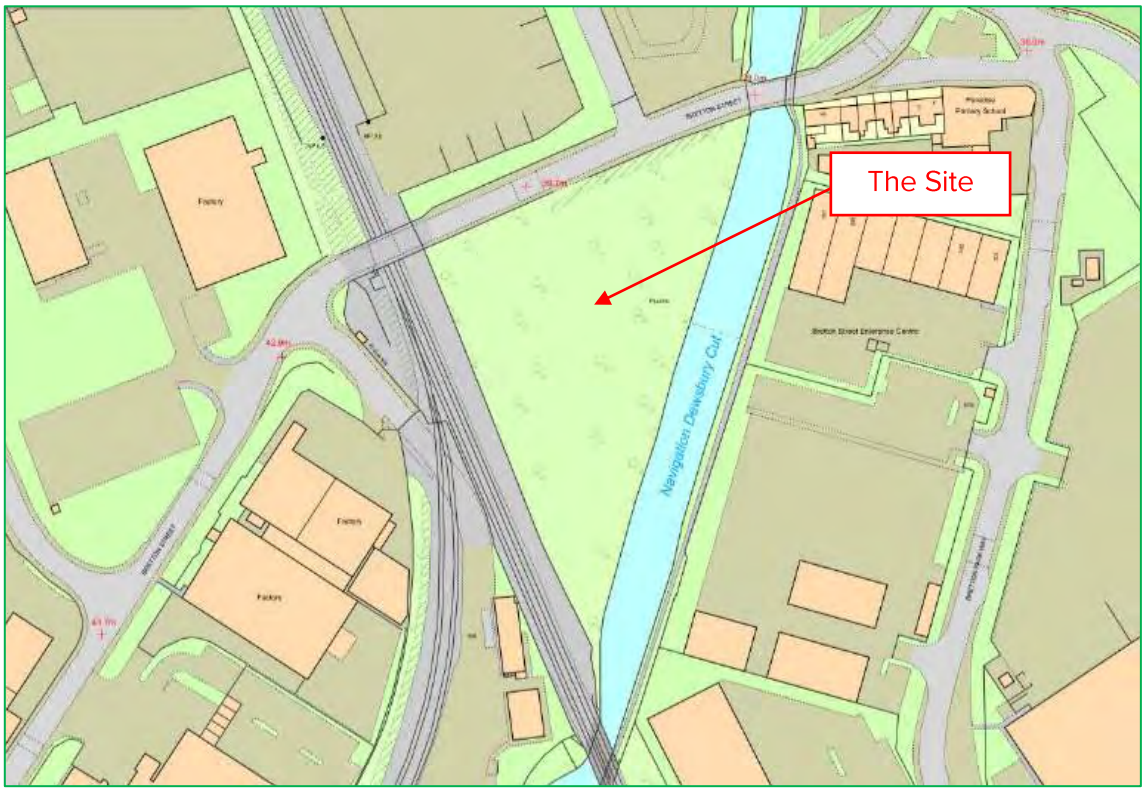

Figure 1 - Site Location

2.2 Existing Development

The existing Site consists of circa 2 acres of vacant land (see Appendix 1).

2.3 Proposed Development

The Proposed Development is for the construction of an industrial unit (see Appendix 1). Further details with regard to the Proposed Development can be found in the accompanying information submitted with the planning application.

2.4 Environment Agency Flood Zones

A review of the Environment Agency's Flood Zones indicates that the majority of the Site is located within Flood Zone 2 and therefore has a 'medium probability' of flooding, with between a 1 in 100 and 1 in 1000 annual probability of river flooding (1% - 0.1%) in any year, as shown in Figure 2. A small proportion of the Site to the north and on the western boundary is located within Flood Zone 1 and therefore has a 'low probability' of flooding with less than a 1 in 1000 annual probability of river flooding in any year (<0.1%).

A very small proportion of the Site on the eastern boundary is located within Flood Zone 3 and therefore has a 'high probability' of flooding with a 1 in 100 or greater annual probability of river flooding (>1%) in any year. Flood Zone 3 is located on the very edge of the Site.

The Flood Zones are the current best information on the extent of the extremes of flooding from rivers or the sea that would occur without the presence of flood defences, because these can be breached, overtopped and may not be in existence for the lifetime of the development. They show the worst case scenario. The Environment Agency Flood Zones and acceptable development types are explained in Table 2. Table 2 shows that some development types are generally acceptable in Flood Zones 1, 2 and 3.

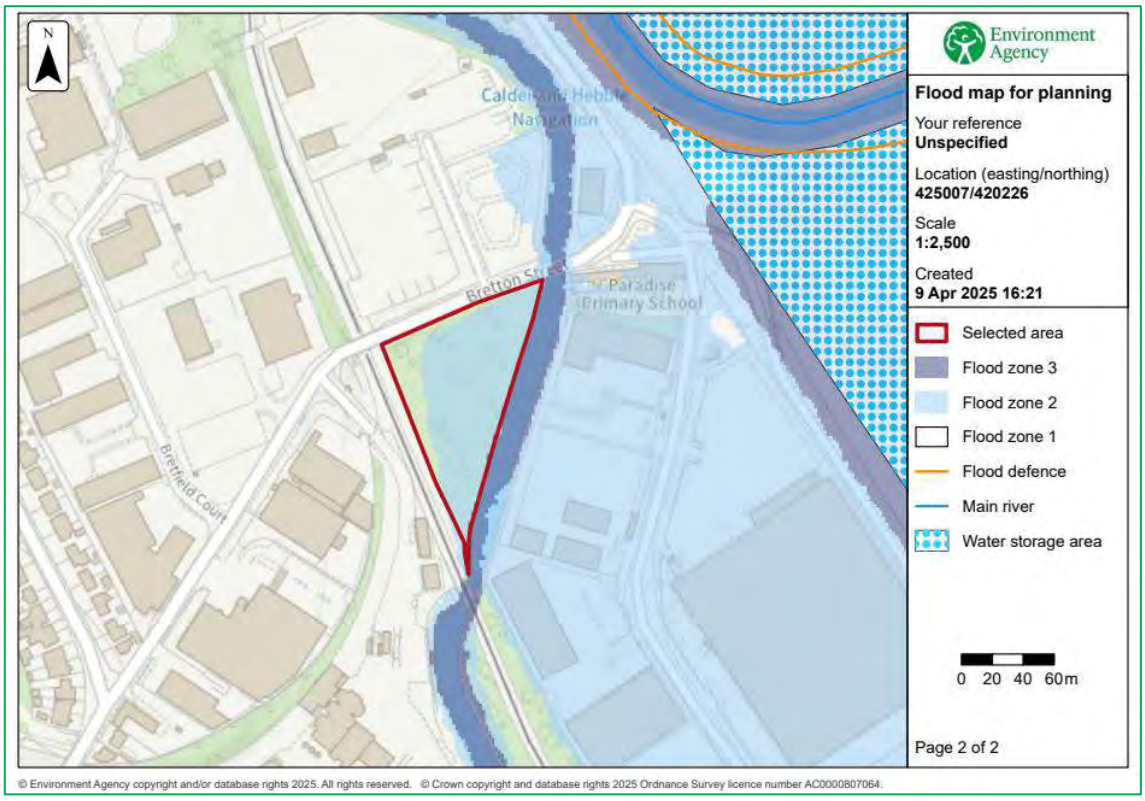

Figure 2 - Environment Agency Flood Zones

Table 1 - Environment Agency Flood Zones and Appropriate Land Use

Flood Zone	Probability	Explanation	Appropriate Land Use
Zone 1	Low	Less than 1 in 1000 annual probability of river or sea flooding in any year (<0.1%)	All development types generally acceptable
Zone 2	Medium	Between a 1 in 100 and 1 in 1000 annual probability of river flooding (1% - 0.1%) or between a 1 in 200 and 1 in 1000 annual probability of sea flooding (0.5% 0.1%) in any year	Most development type are generally acceptable
Zone 3a	High	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	Some development types not acceptable
Zone 3b	'Functional Floodplain'	This zone comprises land where water from rivers or the sea has to flow or be stored in times of flood. The identification of functional floodplain should take	Some development types not acceptable

		account of local circumstances and not be defined solely on rigid probability parameters. Functional floodplain will normally comprise: • land having a 3.3% or greater annual probability of flooding, with any existing flood risk management infrastructure operating effectively; or • land that is designed to flood (such as a flood attenuation scheme), even if it would only flood in more extreme events (such as 0.1% annual probability of flooding). Local planning authorities should identify in their Strategic Flood Risk Assessments areas of functional floodplain and its boundaries accordingly, in agreement with the Environment Agency. (Not separately distinguished from Zone 3a on the Flood Map)	

2.5 Vulnerability Classification

In the PPG appropriate uses have been identified for the Flood Zones. Applying the Flood Risk Vulnerability Classification in the PPG, the proposed use is classified as 'less vulnerable'. Table 3 of this report and the PPG state that 'less vulnerable' uses are appropriate within Flood Zones 1, 2 and 3 after the completion of a satisfactory FRA.

Table 2 - Flood Risk Vulnerability and Flood Zone 'Compatibility'

Flood Risk Vulnerability Classification	Essential Infrastructure	Water Compatible	Highly Vulnerable	More Vulnerable	Less Vulnerable
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	✓	Exception test required	✓	✓
Zone 3a	Exception test required	✓	×	Exception test required	✓
Zone 3b 'Functional Floodplain'	Exception test required	✓	×	×	×

Key: *✓: Development is appropriate, ×: Development should not be permitted.*

3.0 THE SEQUENTIAL TEST

3.1 Introduction

Paragraphs 172 to 174 of the NPPF deals with the Sequential Test and state that:

"All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:

a) applying the sequential test and then, if necessary, the exception test as set out below;

b) safeguarding land from development that is required, or likely to be required, for current or future flood management;

c) using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management); and

d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.

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, by following the steps set out below.

Within this context 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.

Specifically paragraph 175 of the NPPF states:

"The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)."

Paragraph 34 of the PPG states:

"It is for local planning authorities, taking advice from the Environment Agency as appropriate, to consider the extent to which Sequential Test considerations have been satisfied, taking into account the particular circumstances in any given case."

Paragraph 33 of the PPG is clear that when applying the Sequential Test for individual applications *"...a pragmatic approach on the availability of alternatives should be taken."* A pragmatic approach has been taken within this Sequential Test.

The NPPF sets out the Government's National policies on land use and flood risk. A sequential risk-based approach to determining the suitability of land for development in flood risk areas is central to the NPPF and should be applied at all levels of the planning process. Local planning authorities should apply the sequential approach as part of the identification of land for development in areas at risk of flooding.

The sequential approach is a simple decision-making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas at higher risk. LPAs should make the most appropriate use of land to minimise flood risk, substituting land uses so that the most vulnerable development is located in the lowest risk areas. They should also make the most of opportunities to reduce flood risk, e.g. creating flood storage and flood pathways when looking at large scale developments.

The aim should be to keep all development out of medium and high flood risk areas (Flood Zones 2 and 3 and other areas affected by other sources of flooding) where possible. However, 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 at the lowest probability of flooding from all sources as indicated by the SFRA.

The test also requires demonstration of the 'reasonable availability' of sites and those sites in areas with a lower probability of flooding 'would be appropriate to the type of development or land use proposed' which would clearly include the suitability of land with a lower flood risk in terms of planning balance as well as availability.

The Sequential Test therefore seeks the allocation of land for development in flood areas of least risk where practicable (i.e. steer towards Flood Zone 1 preferentially). It would appear that developers should also have regard to the Sequential Test when evaluating sites where LDDs have not been subject to SFRA and/or the Sequential Test and where it is necessary to demonstrate that there are no alternative sites with a lower probability of flooding for the given end use.

The Mead/Redrow Judgement[3] provides useful guidance with regards to the Sequential Test and confirms that a failure to satisfy the Sequential Test does not preclude granting planning permission; it is only one consideration in the overall planning balance.

3.2 Local Plan Site Allocation

The Site is identified as an Employment Site Allocation as Site ES4: Land south of, Tilcon Coal Yard, Bretton Street, Dewsbury within the Kirklees Council Local Plan[4]. The allocation is for employment uses.

3.3 Application of the Sequential Test

Paragraph 180 of the NPPF states:

"Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered

[3] https://assets.publishing.service.gov.uk/media/66012fd165ca2fc1fa7da734/9_Mead_Realisations_Limited_v_Secretary_of_State_for_Levelling_Up__Housing_and_Communities__2024__EWHC_279__Admin_.pdf
[4] https://www.kirklees.gov.uk/beta/planning-policy/pdf/local-plan-allocations-and-designations.pdf

when the test was applied at the plan-making stage, or if more recent information about existing or potential flood risk should be taken into account.

Paragraph 27 of the PPG states:

The Sequential Test should be applied to 'Major' and 'Non-major development' proposed in areas at risk of flooding, but it will not be required where:

- *The site has been allocated for development and subject to the test at the plan making stage (provided the proposed development is consistent with the use for which the site was allocated and provided there have been no significant changes to the known level of flood risk to the site, now or in the future which would have affected the outcome of the test)."*

The Governments guidance document: Flood risk assessment: the sequential test for applicants[5] states:

"Development is also exempt from the sequential test if it is a development on a site allocated in the development plan through the sequential test and:

- *the proposal is consistent with site's allocated use*
- *here have been no significant changes to the known level of flood risk to the site, now or in the future, which would have affected the outcome of the test*
- *You may not need a sequential test if development can be laid out so that only elements such as public open space, biodiversity and amenity areas are in areas at risk of any source of current or future flooding."*

Section 4.3 of the Calder Catchment SFRA[6] under Local Plan Sequential & Exception Test states:

"Kirklees Council, as the LPA, should seek to avoid inappropriate development in areas at risk of flooding by directing development away from areas at highest risk and ensuring that all development does not increase risk and where possible can help reduce risk from flooding to existing communities and development. At a strategic level, this should be carried out as part of the allocation of sites for development during the Local Plan, by applying the risk-based approach to the allocation of development to avoid flood risk to people and property and manage any residual risk, taking account of the impacts of climate change. This should be done by:

1. *Applying the Sequential Test and if the Sequential Test is passed, applying the Exception Test;*
2. *Safeguarding land from development that is required for current and future flood management; and*
3. *Using opportunities offered by new development to reduce the causes and impacts of flooding."*

Section 4.5.1 of the Calder Catchment SFRA under Demonstrating the Sequential Test for Planning Applications goes onto states

"The Sequential Test can also be considered adequately demonstrated if both of the following criteria are met:

[5] https://www.gov.uk/guidance/flood-risk-assessment-flood-zones-1-2-3-and-3b
[6] Calder Catchment Strategic Flood Risk Assessment – Volume II (Kirklees Council) Final Report July 2016

- *The Sequential Test has already been carried out for the site (for the same development type) at the strategic level (Local Plan); and*
- *The development vulnerability is appropriate to the Flood Zone (see table 3 of the PPG). If both these criteria are met, reference should be provided for the site allocation and Local Plan document in question and the vulnerability of the development should be clearly stated"*

Paragraph 12.17 of the Kirklees Council Local Plan states:

"Local Plan allocations were subject to a flood risk sequential test during the plan preparation process so proposals in accordance with the allocated land use would not require a further sequential test during the plan period."

The Proposed Development is for the construction of an industrial unit and the Proposed Development meets the requirements set out in the Local Plan and therefore, should be deemed to have already passed the Sequential Test.

Policy LP27 flood risk of the Kirklees Council Local Plan states that:

"Proposals for development which require a Sequential Test in accordance with national planning guidance will need to demonstrate that development has been directed to areas at the lowest probability of flooding, following a sequential risk based approach."

It can be confirmed that the national planning guidance has been followed and the sequential approach has also been applied within the Site by locating the most vulnerable elements of the development in the lowest risk areas. The industrial unit will be constructed to the west of the Site where ground levels are higher and flood free during the 1 in 100 (+23%) year event.

Since the publication of Planning Policy Guidance Note 25: Development and flood risk in July 2001 it has been a requirement that planning applications for residential uses located within Flood Zone 2 must pass the Sequential and Exception Tests (see para. 30 of PPG25). This was later re-iterated within Planning Policy Statement 25: Development and flood risk published in December 2006 and the NPPF published in March 2012.

A number of planning permissions located within Flood Zone 2 have been granted within close proximity to the site for residential developments since 2001, when the requirements for planning application within flood risk areas to pass the Sequential Test was published.

This Site was granted planning permission in 2004 (ref: 2004/94817), for a similar development to this planning application and was therefore deemed to have passed the Sequential and Exception Tests. Therefore, the Proposed Development has been shown to have passed the Sequential Test. Incidentally, the level of identified need means that it is not a simple case of development on this site or on an alternative site.

The LPA continues to assess potential sites, in addition to the subject site. Whilst flood risk is a significant material planning consideration and the LPA will continue to seek to minimise flood risk and identify development sites at the lowest risk of flooding - suitable, available and viable sites is scarce. Those sites that meet the criteria, subject to gaining planning permission, need to be brought forward to help meet the identified need.

The Proposed Development complies with the requirement of the Local Plan and other relevant policies. The proposals provide a much needed employment development in a sustainable location.

In summary, it is clear that the site has already been subject to the Sequential Test as part of the allocation via the Local Plan at the plan making stage and the site has been allocated for

development as a result of the Sequential Test. There has been no significant changes to the known level of flood risk to the site which would affect the outcome of the Sequential Test.

3.4 Summary

The Proposed Development complies with the requirement of the Local Plan and other relevant policies. The proposals provide a much needed employment development in a sustainable location. It is clear that the Site has already been subject to the Sequential Test as part of the allocation via the Calder Catchment SFRA at the plan making stage.

In summary, the development proposals should therefore be considered by the LPA to satisfy the Sequential Test as set out in the NPPF and a sequential risk based approach has been adopted for the Proposed Development.

4.0 THE EXCEPTION TEST

4.1 Introduction

Applications for 'less vulnerable' uses located within Flood Zones 1, 2 and 3 are not subject to the Exception Test as confirmed within Table 2 of this report and Table 3 of the PPG. Therefore, the Exception Test will not need to be undertaken as part of this planning application.

4.2 Summary

The development proposals should therefore be considered by the LPA to satisfy the Exception Test as set out in the NPPF.

5.0 SUMMARY AND CONCLUSIONS

5.1 Introduction

This report presents a Sequential and Exception Test in accordance with the NPPF for the Proposed Development on land off Bretton Street, Dewsbury.

5.2 Sequential Test

It is clear that the Site has already been subject to the Sequential Test as part of the allocation via the Calder Catchment SFRA at the plan making stage and the site has been allocated for development as a result of the Sequential Test.

In conclusion, the development proposals should be considered by the LPA to satisfy the Sequential Test as set out in the NPPF and a sequential risk based approach has been adopted for the Proposed Development.

5.3 Exception Test

The development proposals should be considered by the LPA to satisfy the Exception Test as set out in the NPPF.

5.4 Conclusion

The development proposals should therefore be considered by the LPA to satisfy the Sequential and Exception Tests as set out in the NPPF. The development should not therefore be precluded on the grounds of flood risk and is compliant with the requirements of the NPPF.

APPENDICES

APPENDIX 1 - Existing and Proposed Site Layout

North 1:1250

Jade3 Architecture Ltd

Jade3 Architecture Ltd, Studio 114, Westbourne Road, Huddersfield HD1 4LF
Cellphone . 07535 740097 www.jade3architecture.co.uk

bretton Street
dewsbury

Project No.
2024
Enquiry 51

Project Title
existing location red lines
small scale

Drawn By

Reviewed By
MC

Scale
1:1250 @A1 size

Date
7/1/2025

Drawn No.
100

Reviewed Title

Revision

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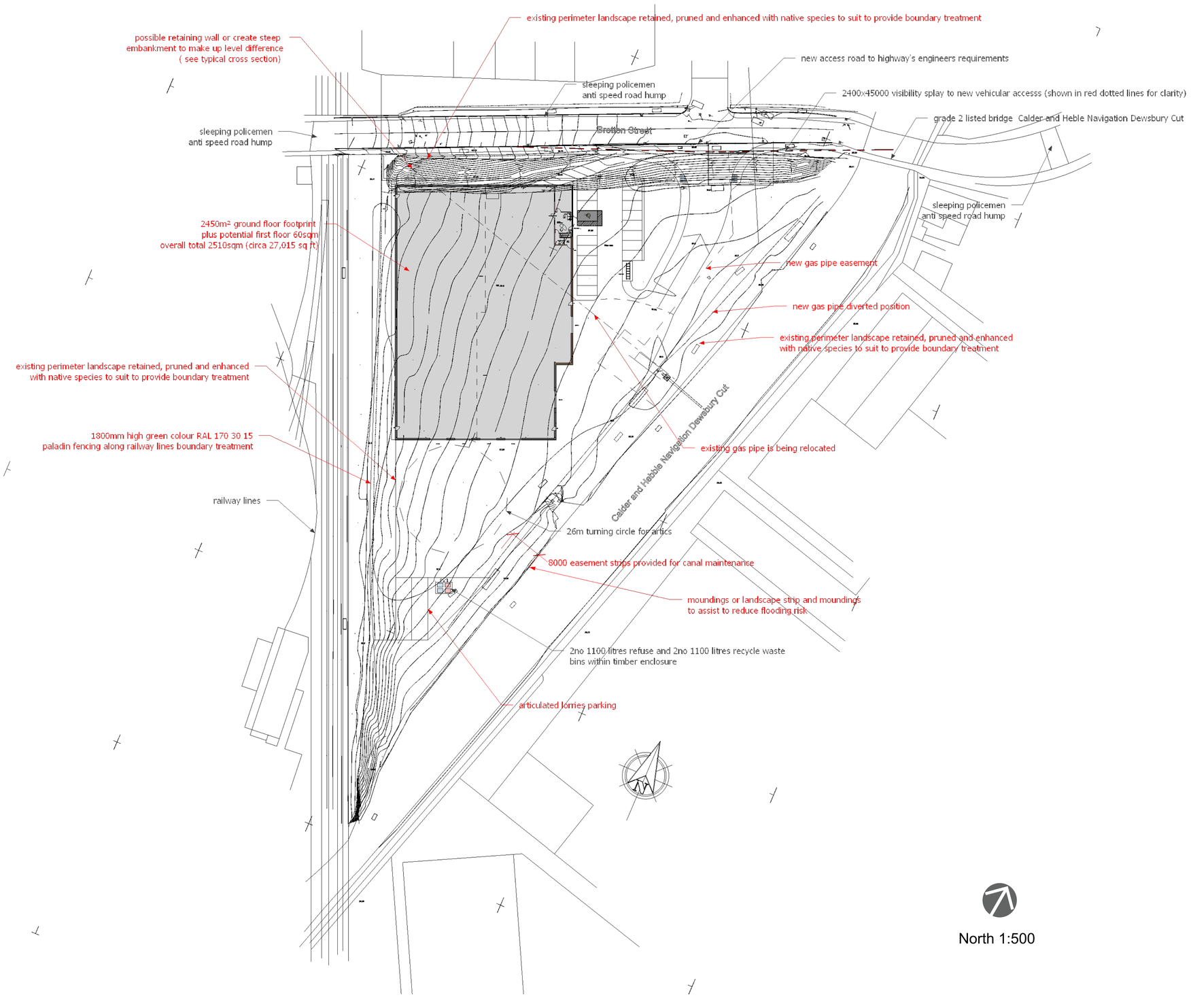

North 1:500

revisions
A 28.3-2025
site access entrance radii updated to highways requirements

B 14-5-2025
site levels added and notes on boundary treatment added

Jade3 Architecture Ltd

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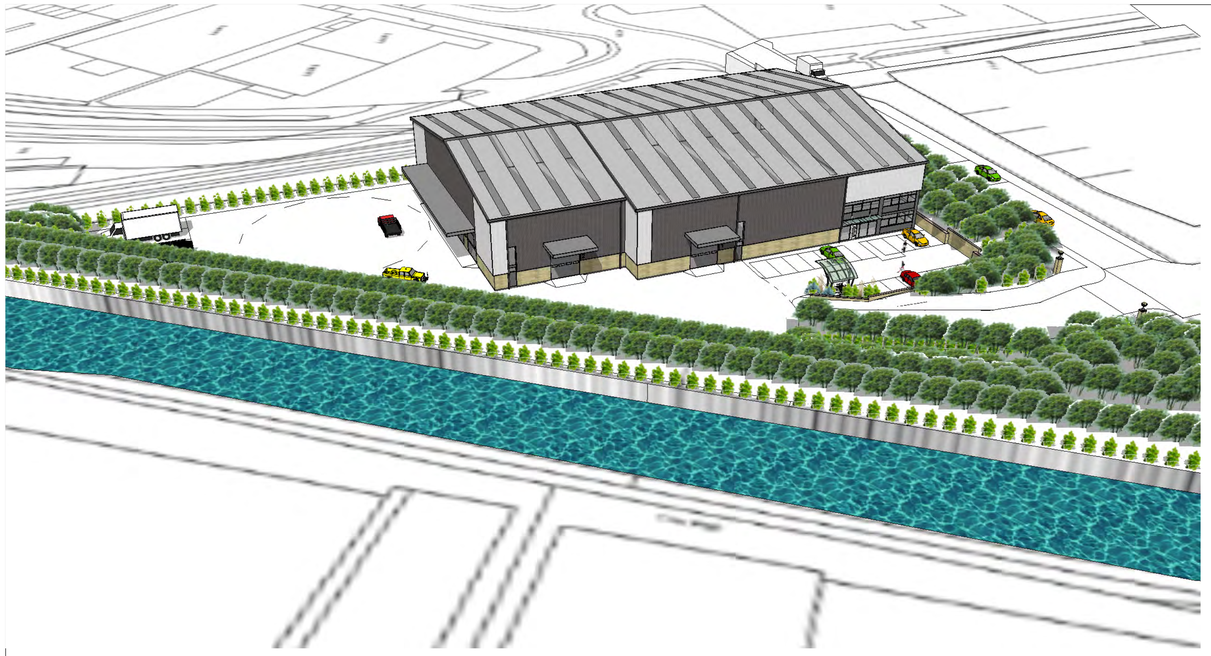
bretton Street
dewsbury

Project No.	Project Title		
2024 Enquiry 51	**proposed site location**		
Drawn By	Reviewed By	Scale	Date
	MC	**1:500 @A1 size**	**7/1/2025**
Drawn No.	Reviewed Title		Revision
102			A



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bretton Street
dewsbury

Project No.
2024
Enquiry 51

Project Title
proposed aerial views 2

Drawn By

Reviewed By
MC

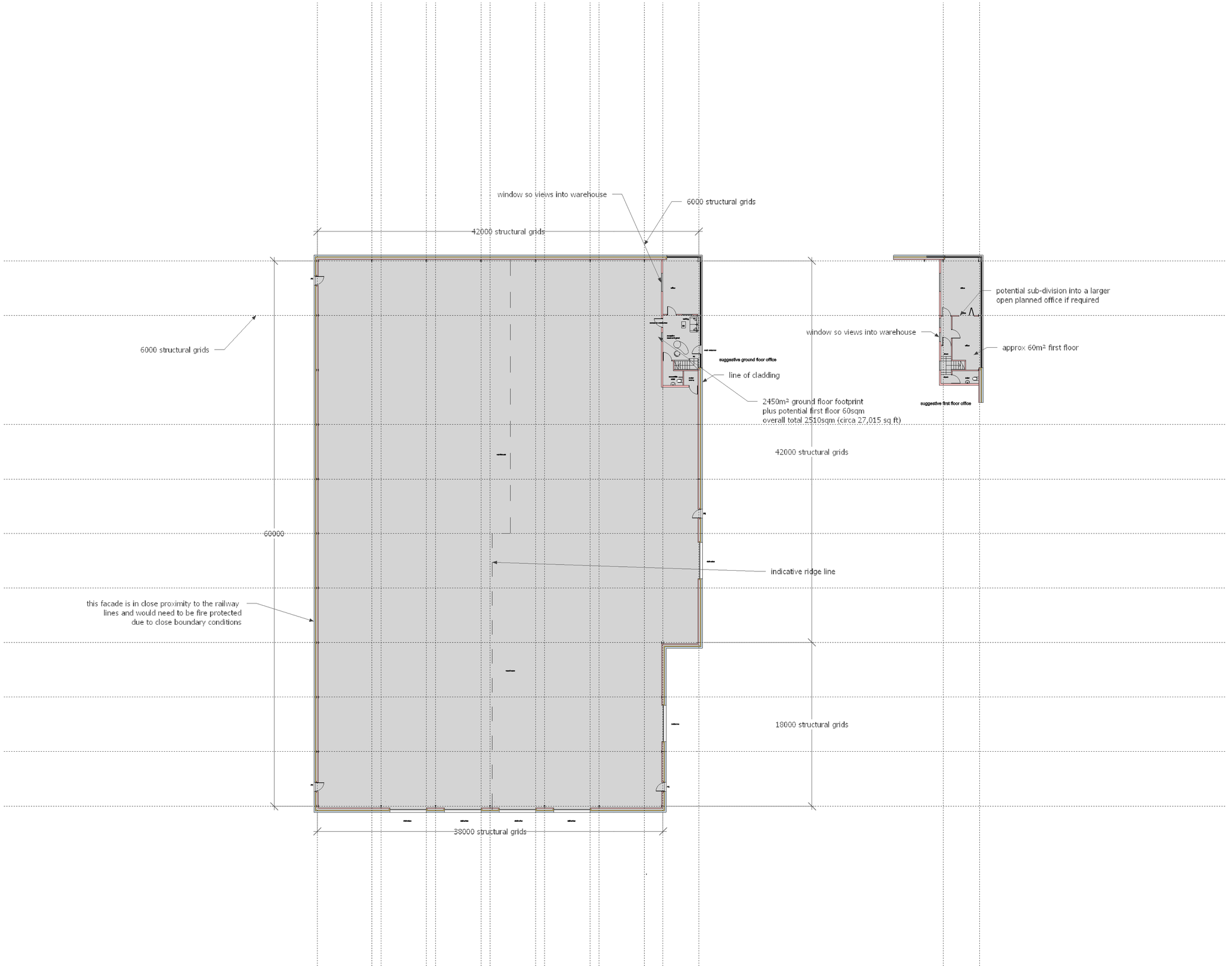
Scale
n/a@A1 size

Date
7/1/2025

Drawn No.
107

Reviewed Title

Revision



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bretton Street
dewsbury

Project No.
2024
Enquiry 51

Project Title
proposed ground and first

Drawn By

Reviewed By
MC

Scale
1:200 @A1 size

Date
7/1/2025

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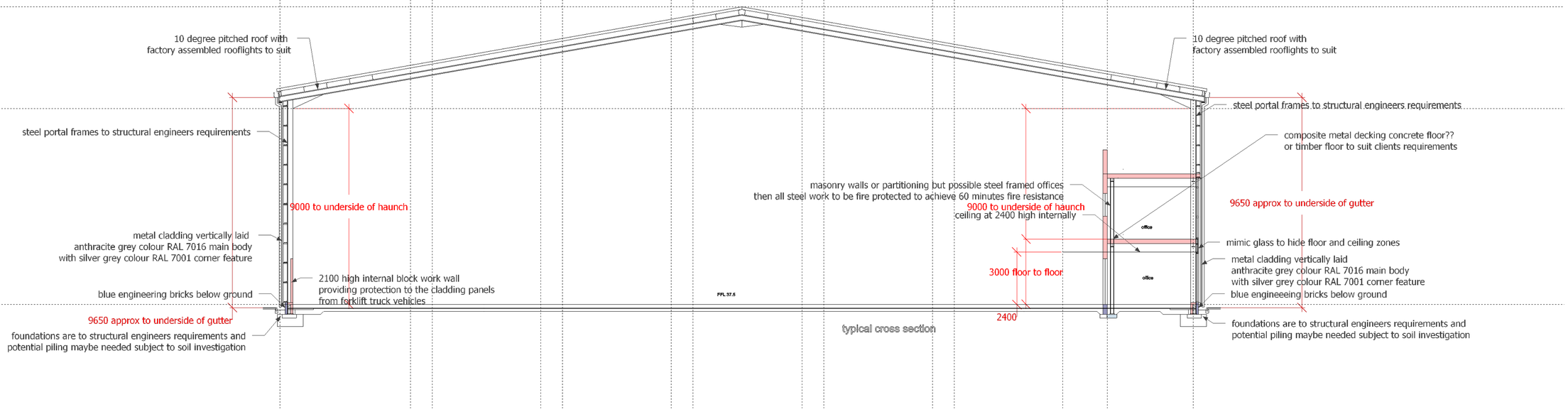
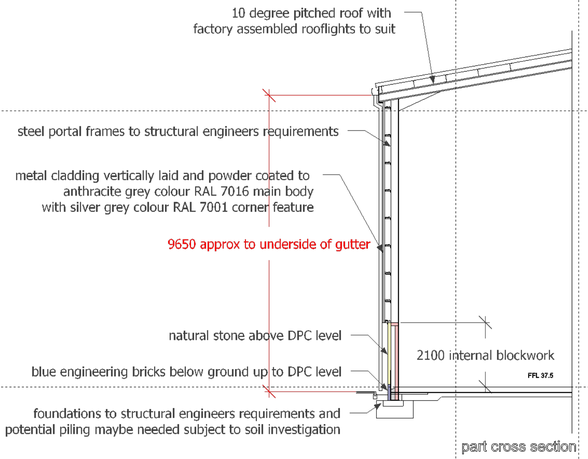
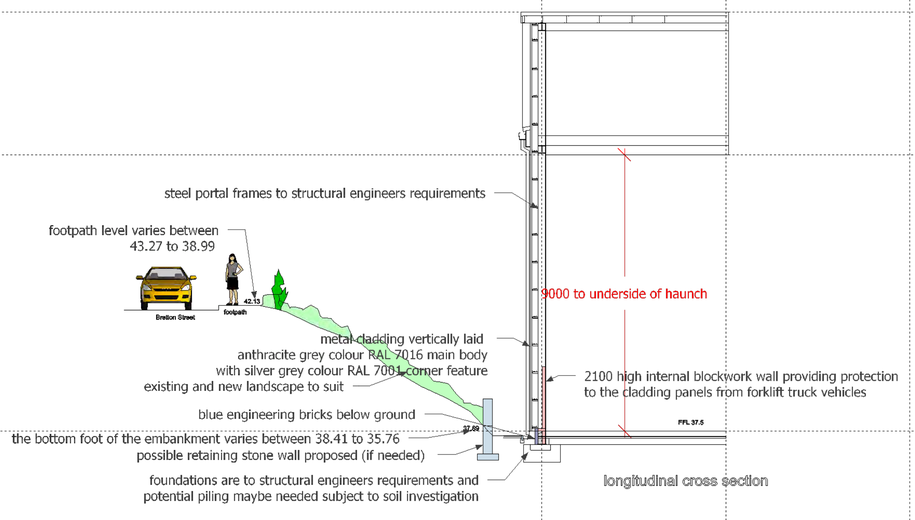


typical cross section



part cross section



longitudinal cross section

revisions
A 14-5-2025
Additional section of Bretton street added to longitudinal cross section

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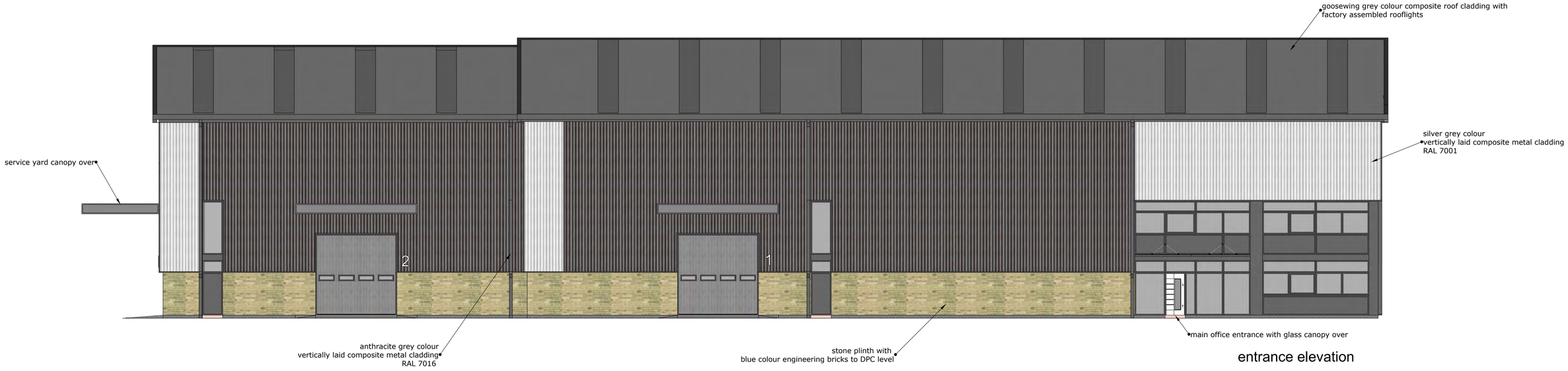
dewsbury

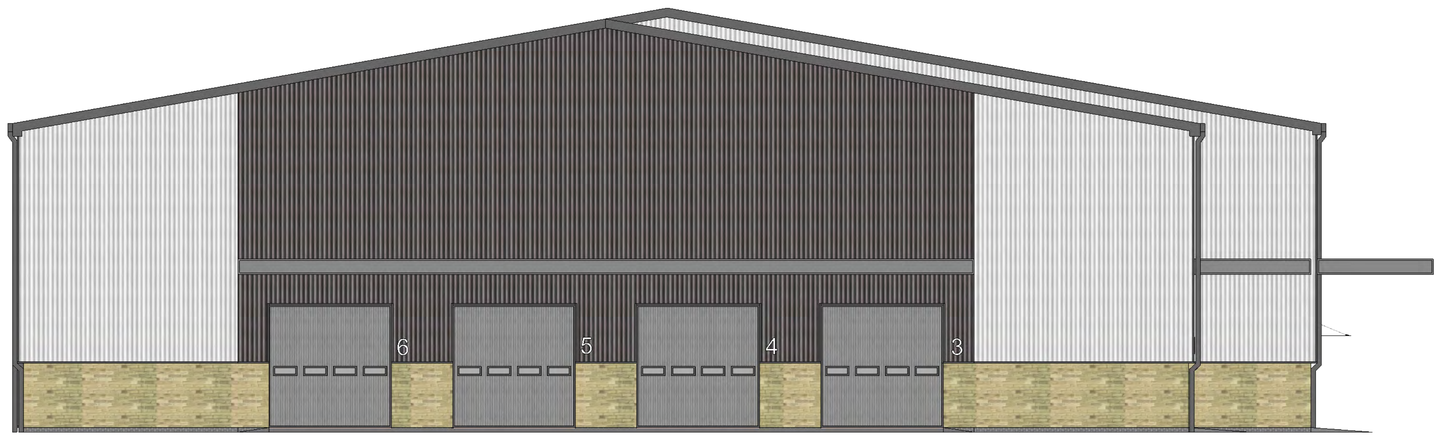
Project No.	Project Title
2024 Enquiry 51	**proposed sections**

Drawn By	Reviewed By	Scale	Date
	MC	**1:100 @A1 size**	**7/1/2025**

Drawn No.	Reviewed Title	Revision
104		**A**



entrance elevation



service yard elevation

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Project No.
2024
Enquiry 51

Project Title
proposed entrance and service yard elevations

Drawn By

Reviewed By
MC

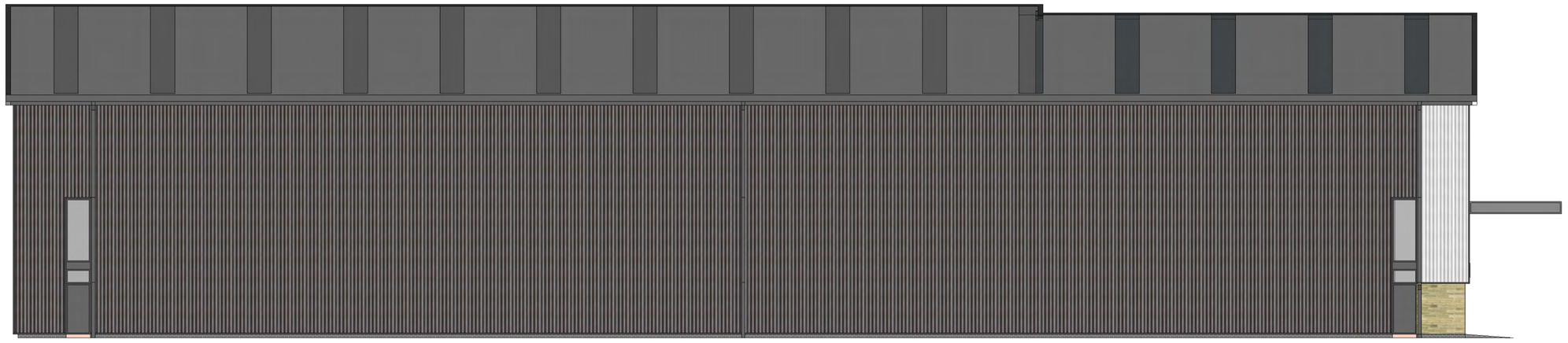
Scale
1:100@A1 size

Date
7/1/2025

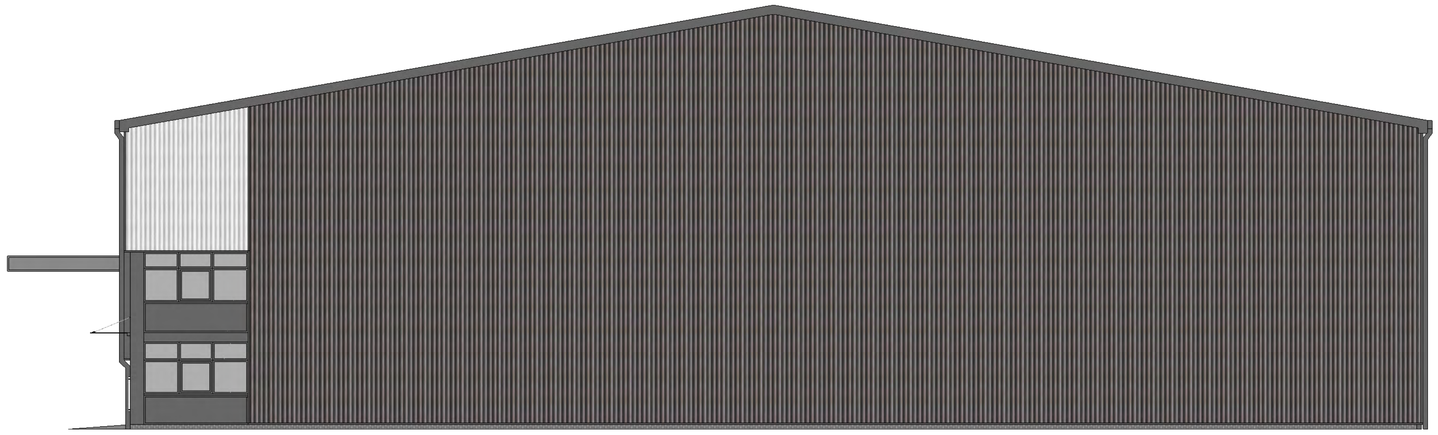
Drawn No.
108

Reviewed Title

Revision



Railway lines elevation



bretton street elevation

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bretton Street
dewsbury

Project No.	Project Title
2024 Enquiry 51	**proposed railway lines and bretton street elevations**

Drawn By	Reviewed By	Scale	Date
	MC	**1:100@A1 size**	**7/1/2025**

Drawn No.	Reviewed Title	Revision
109		