

Rother District Local Plan 2025 - 2042

Flood Risk Sequential and Exception Tests

September 2026

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1. Introduction

- 1.1. Rother District Council is preparing a new Local Plan. The plan, if adopted, will set the strategic planning and development framework for the district over the 17-year period of 2025-2042. The Local Plan includes strategic and non-strategic planning policies covering a range of thematic policy topic areas, together with site allocation policies which set out land use principles and development requirements for specific sites.
- 1.2. The National Planning Policy Framework (NPPF) set out the Government's planning policies for England. It requires that a sequential, risk-based approach is used when considering the location of new development. This helps to ensure that the Local Plan takes account of all sources of flood risk - considering the current and future impacts of climate change - in order to avoid, where possible, flood risk to people and property as well as to manage any residual risks.
- 1.3. The use of the flood risk Sequential and Exception Tests for determining the location of new development is required both at the plan-making stage and in the consideration of individual planning applications.

Purpose of this report

- 1.4. This report sets out how the Council has complied with the national planning policy requirements for flood risk during the preparation of the new Local Plan. In particular, it provides details of the approach and findings of the flood risk Sequential and Exception Tests. These have been used in the process of selecting sites that are proposed to be included as site allocations in the new plan, as set out in the Rother Local Plan 2025-2042 – Regulation 19 (Pre-submission) document.
- 1.5. This report forms part of the Local Plan evidence base. It is supported by, and should be read together with, the Level 1 and Level 2 Strategic Flood Risk Assessment (SFRA) reports which have been prepared independently by JBA Consulting.

2. Policy context

National Planning Policy Framework

- 1.6. The NPPF¹ stipulates that inappropriate development in areas of flood risk should be avoided by directing development away from areas at highest risk of flooding, whether existing or in the future, and to ensure that development is made safe for its lifetime without increasing flood risk elsewhere.
- 1.7. NPPF Paragraph 171 conveys that that strategic policies in Local Plans should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.
- 1.8. For the plan-making process, NPPF Paragraph 174 provides that Local Plans should apply a sequential, risk-based approach to the location of new development, taking account of the impacts of climate change, so as to avoid, where possible, risk to people and properties. This requires that the Sequential Test is used and, where necessary, a further Exception Test to ensure that the location of development is appropriate.

The Sequential and Exception Tests

- 1.9. As set out in NPPF Paragraph 174, the aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding from any source. It goes on to state that 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 (SFRA) is the key tool used to inform considerations in this respect.
- 1.10. NPPF Paragraph 175 states that 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).
- 1.11. NPPF Paragraph 177 provides that, following the application of the Sequential Test, 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

¹ NPPF (December 2024). Whilst an updated NPPF was published by the Government in August 2026, the new Rother Local Plan is being assessed against the provisions of the 'legacy' planning system, under the transitional arrangements to the new planning system, and therefore the NPPF December 2024 is relevant.

Vulnerability Classification set out in Annex 3 of the NPPF (which has been duplicated below).

- 1.12. NPPF Paragraph 178 states 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.
- 1.13. NPPF Paragraph 179 makes clear that both elements of the Exception Test (as noted in (a) and (b) above) should be satisfied for development to be allocated or permitted.
- 1.14. The following tables are provided to assist with the interpretation and implementation of the NPPF, and are also including in the Government's national Planning Practice Guidance:
- 'Flood Zone' definitions
 - Circumstances when the Exception Test will be required.
 - Classifications of flood risk vulnerability by development type.

NPPG Table 1 - Flood Zones²

Flood Zone	Definition
Zone 1 Low Probability	Land having a less than 0.1% annual probability of river or sea flooding. (Shown as 'clear' on the Flood Map for Planning – all land outside Zones 2, 3a and 3b)
Zone 2 Medium Probability	Land having between a 1% and 0.1% annual probability of river flooding; or land having between a 0.5% and 0.1% annual probability of sea flooding. (Land shown in light blue on the Flood Map)
Zone 3a High Probability	Land having a 1% or greater annual probability of river flooding; or Land having a 0.5% or greater annual probability of sea. (Land shown in dark blue on the Flood Map)

² PPG, 'Table 1'. Paragraph: 078 Reference ID: 7-078-20220825. Revision date: 25 08 2022

Zone 3b The Functional Floodplain ³	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 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).
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NPPG Table 2 - Flood risk vulnerability and flood zone incompatibility⁴

Flood Zones	Flood Risk Vulnerability Classification				
	Essential infrastructure	Highly vulnerable	More vulnerable	Less vulnerable	Water compatible
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	Exception Test required	✓	✓	✓
Zone 3a †	Exception Test required †	X	Exception Test required	✓	✓
Zone 3b *	Exception Test required *	X	X	X	✓ *
Key: ✓ Exception test is not required X Development should not be permitted					

³ The PPG makes clear that 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.

⁴ PPG. Paragraph: 079 Reference ID: 7-079-20220825. Revision date: 25 08 2022

NPPF Appendix 3 - Flood Risk Vulnerability Classification⁵

Essential Infrastructure • Essential transport infrastructure (including mass evacuation routes) which has to cross the area at risk. • Essential utility infrastructure which has to be located in a flood risk area for operational reasons, including infrastructure for electricity supply including generation, storage and distribution systems; and water treatment works that need to remain operational in times of flood. • Wind turbines • Solar farms
Highly Vulnerable • Police and ambulance stations; fire stations and command centres; telecommunications installations required to be operational during flooding. • Emergency dispersal points. • Basement dwellings. • Caravans, mobile homes and park homes intended for permanent residential use. • Installations requiring hazardous substances consent. (Where there is a demonstrable need to locate such installations for bulk storage of materials with port or other similar facilities, or such installations with energy infrastructure or carbon capture and storage installations, that require coastal or water-side locations, or need to be located in other high flood risk areas, in these instances the facilities should be classified as ‘Essential Infrastructure’.)
More Vulnerable • Hospitals • Residential institutions such as residential care homes, children’s homes, social services homes, prisons and hostels. • Buildings used for dwelling houses, student halls of residence, drinking establishments, nightclubs and hotels. • Non-residential uses for health services, nurseries and educational establishments. • Landfill⁶ and sites used for waste management facilities for hazardous waste. • Sites used for holiday or short-let caravans and camping, subject to a specific warning and evacuation plan.
Less Vulnerable • Police, ambulance and fire stations which are not required to be operational during flooding. • Buildings used for shops; financial, professional and other services; restaurants, cafes and hot food takeaways; offices; general industry, storage and distribution; non-residential institutions not included in the ‘more vulnerable’ class; and assembly and leisure. • Land and buildings used for agriculture and forestry. • Waste treatment (except landfill and hazardous waste facilities).

⁵ Appendix 3, NPPF (December 2024).

⁶ Landfill is as defined in Schedule 10 of the Environmental Permitting (England and Wales) Regulations 2010.

- Minerals working and processing (except for sand and gravel working).
- Water treatment works which do not need to remain operational during times of flood.
- Sewage treatment works, if adequate measures to control pollution and manage sewage during flooding events are in place.
- Car parks.

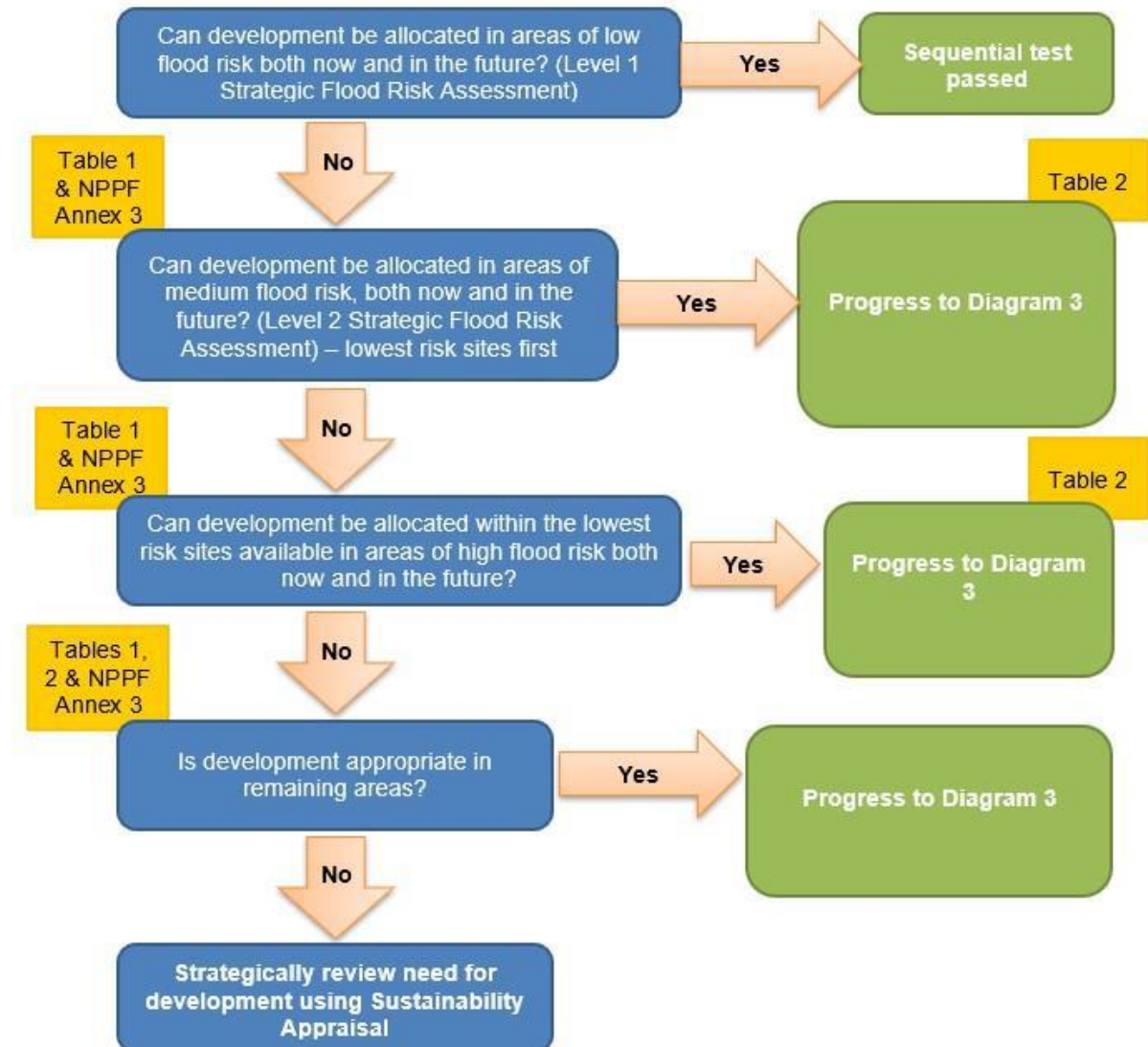
Water-Compatible Development

- Flood control infrastructure.
- Water transmission infrastructure and pumping stations.
- Sewage transmission infrastructure and pumping stations.
- Sand and gravel working.
- Docks, marinas and wharves.
- Navigation facilities.
- Ministry of Defence installations.
- Ship building, repairing and dismantling, dockside fish processing and refrigeration and compatible activities requiring a waterside location.
- Water-based recreation (excluding sleeping accommodation).
- Lifeguard and coastguard stations.
- Amenity open space, nature conservation and biodiversity, outdoor sports and recreation and essential facilities such as changing rooms.
- Essential ancillary sleeping or residential accommodation for staff required by uses in this category, subject to a specific warning and evacuation plan.

- 1.15. The national Planning Practice Guidance provides diagrams to illustrate how the Sequential and Exception Tests should be applied during the plan-making process. They have been duplicated below for information.

Application of the Sequential Test for Plan-Making (as extracted from the PPG)⁷

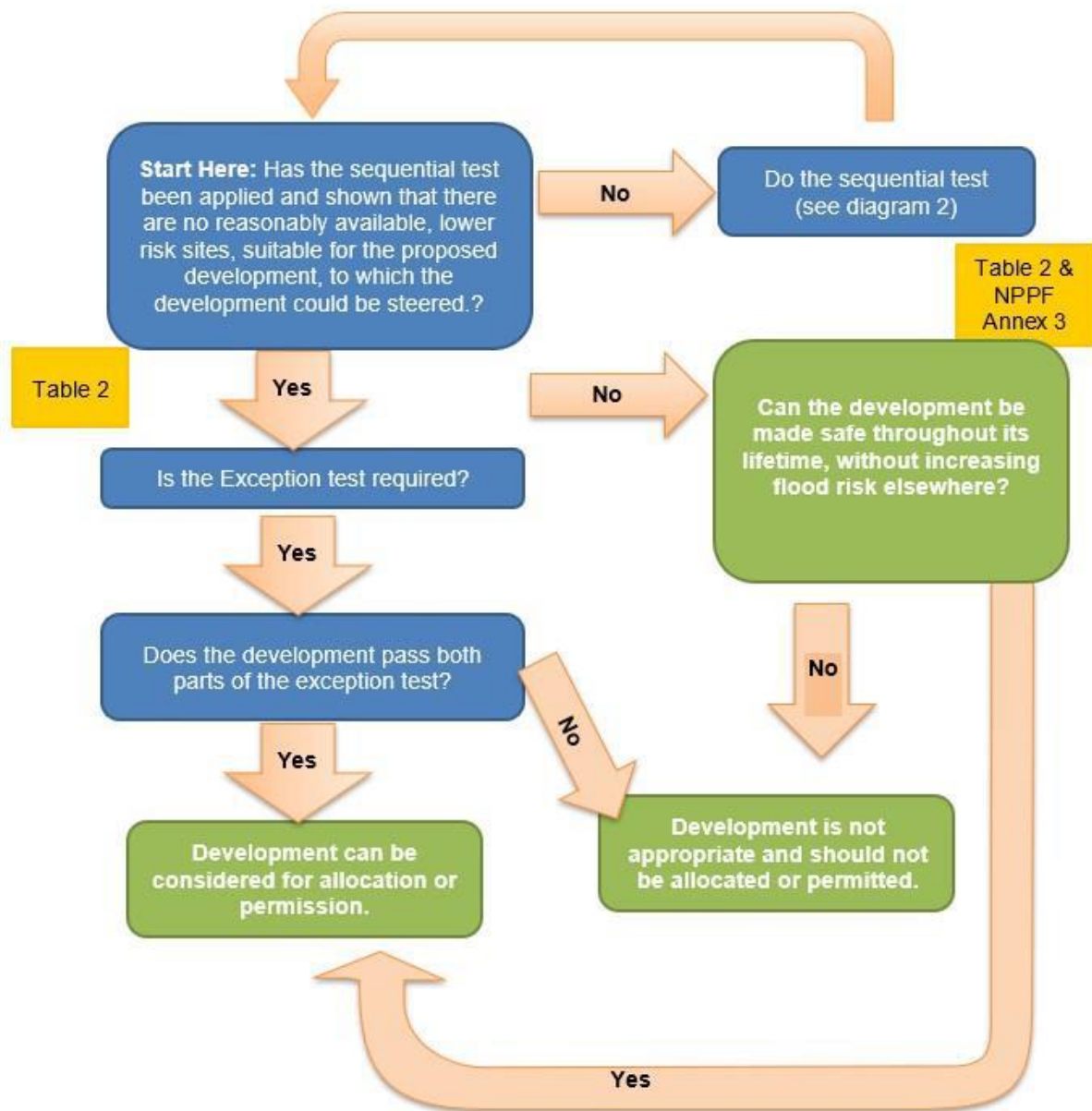
[See Appendix A for an accessible version of this table]



⁷ PPG. Paragraph: 026 Reference ID: 7-026-20220825. Revision date: 25 08 2022

Application of the Exception Test for Plan-Making (as extracted from the PPG)⁸

[See Appendix A for an accessible version of this table]



⁸ PPG. Paragraph: 033 Reference ID: 7-033-20220825. Revision date: 25 08 2022

3. Applying the Sequential Test

Rother context

- 3.1. The Local Plan must set a positive strategy for meeting Rother's current and future development needs over the plan period. The Government has made clear that Local Plans should play a key role in boosting housing supply and delivery. This includes the identification of broad locations and specific sites which are suitable for new housing development. In terms of flood risk management housing is a key matter as it is a driver of growth and a focus of the local plan, but also a 'more vulnerable' land use in terms of the flood risk classification.
- 3.2. As a starting point for the preparation of the Local Plan, the NPPF stipulates that the national 'standard method' should be used to assess the minimum amount of housing required in an area. This produces a 'Local Housing Need' (LHN) figure. The standard method takes existing housing stock estimates and applies an upward adjustment based on the affordability characteristics of the area. The LHN figure for Rother has been adjusted several times during the preparation of the Local Plan⁹, as follows:

Plan preparation stage	Consultation start date	LHN figure – annual net new homes
Regulation 18	April 2024	733
Regulation 18	January 2026	912
Regulation 19	October 2026	895

- 3.3. At the Regulation 19 stage of the plan process, the Government's LHN for Rother district is 895 net new homes per year, or 15,215 over the 17-year plan period. To put this figure into context, the adopted Rother Core Strategy Local Plan (2014) sets out a housing target of 335 net new homes per year - the standard method figure is roughly 3-times higher.
- 3.4. Rother is a highly environmentally constrained district. Some 83% of its land area is within the High Weald National Landscape, which has the highest status of protection in relation to landscape and scenic beauty. The Council has a statutory duty to seek to further the purposes of this protected landscape, which effectively limits the scope for significant new development within this area. A further 7% of the district contains nationally and internationally protected habitat sites. In addition, the partly low-lying and coastal nature of the district, along with its network of ridges and valleys, make it vulnerable to flooding, as set out in the Level 1 Strategic Flood Risk Assessment. The predominant flood risk comes from the sea, rivers and watercourses, although parts of the district also have surface water and other types of flood risk.

⁹ This is owing to both changes to the inputs into the method (i.e., housing stock estimates and affordability characteristics) and a revised methodology introduced through the NPPF December 2024.

- 3.5. In summary, there are significant challenges to accommodating growth and new development in Rother. There is an imperative to locate development away from the National Landscape, or at a minimum seek to ensure it is carefully managed, to avoid adverse impacts. As well, it is vital to maintain the integrity of protected habitats and species. These factors, together with flood risk management, present significant land-use constraints. However, the Council has endeavoured to seek to meet the Government's LHN figure through the consideration of the spatial strategy and identification of site allocations, as discussed in further detail below.
- 3.6. It is important to note that the LHN is a starting point for considering housing needs. Through the plan process, the Council must assess the extent to which the LHN and can be met within the district. This assessment is ultimately used to set a housing 'target' for Rother which is included in the Local Plan. It is not always the case that the LHN can be met in full, depending on the specific circumstances in a local authority area (including constraints associated with flood risk).

The spatial strategy and its relationship to site allocations

- 3.7. From the early stage of the plan process, the Council has considered a wide range of options for the development strategy (or spatial strategy) for the district. The spatial strategy sets out the overall amount and distribution of new development for the district over the plan period. Further details of the options considered for the spatial strategy are set out in the Sustainability Appraisal Report (September 2026) and Development Strategy Background Paper.
- 3.8. The Rother Local Plan 2025-2042 - Regulation 19 (Pre-submission) version establishes the proposed approach to the spatial strategy. In line with the NPPF, the Council has sought to steer development away from areas at greatest risk of flooding. Flood risk has been a key consideration of the Sustainability Appraisal which has been used to inform the preparation of the plan, as discussed below.
- 3.9. One of the main influences on the spatial strategy is the identification of land that can be developed. The spatial strategy must be deliverable, and it is therefore vital that there are clearly identified areas or sites that have a reasonable prospect of coming forward for new development, particularly for housing. Site allocations ultimately give effect to the spatial strategy. In the absence of site allocations to support the spatial strategy, it is unlikely to be deliverable.

Housing and Economic Land Availability Assessment

- 3.10. As such, the Council has prepared a Housing and Economic Land Availability Assessment (HELAA). The purpose of the HELAA is to provide information on the potential supply of land that is 'suitable, available and achievable' for housing and economic development over the plan period. The HELAA was initially published in 2024 in support of the first Regulation 18 consultation on the draft Local Plan, and it has been subject to review and updating throughout the plan process. Further information is available in the HELAA (2026) and the HELAA and Site Selection Background Paper, which are part of the Local Plan evidence base.

- 3.11. The HELAA helps to demonstrate how the Council has ‘left no stone unturned’ in its search for land in broad areas and specific sites to accommodate identified development needs. This includes the assessment of sites submitted by the public through a ‘Call for Sites’ process (which has remained open from the start of the plan process in 2020) as well as sites identified by Council officers through a comprehensive desktop review of various data sources – this includes the Council’s planning records, Brownfield Land Register, Rother Settlement Study, the extant Local Plan (looking at undelivered sites) and ‘made’ or emerging Neighbourhood Plans. Officers have conducted site visits following the desktop reviews. Over 900 sites have been considered through the HELAA for potential inclusion as site allocations in the Local Plan, as well as to inform the overall spatial strategy.
- 3.12. As part of the initial assessment of sites and broad locations, consideration was given to environmental constraints that might impact on the suitability of a site for future development. Flood risk was considered as one such constraint. Specifically, sites were screened against the following ‘water constraints’, drawing on the Level 1 SFRA (2021) where relevant:
- Flood Zones 2 and 3
 - Surface Water Flood Risk
 - Groundwater Flood Risk
 - Source Protection Zones
 - Pevensey Levels Hydrological Catchment
 - Fairlight and Pett Drainage Area¹⁰
- 3.13. The approach to the initial assessment of sites and broad locations for flood risk and drainage was as follows:
- In accordance with the Sequential Test and paragraphs 170-172 of the NPPF, sites falling entirely or largely within the functional floodplain (Zone 3b) will be considered unsuitable.
 - Sites in Flood Zone 3a or at high risk of flooding from other sources (including surface water flooding or groundwater flooding) will be assessed but will need to be subject to the Sequential and Exception Tests, informed by the Rother SFRA.¹¹
 - Where part of the site falls within zone 3b, this part of the site will be excluded from the calculation of the developable area.
 - Sites within the Fairlight and Pett Level Drainage Area and Pevensey Levels Hydrological Catchment Area will be identified.
- 3.14. The HELAA assessment led to a number of sites being discounted as unsuitable, unavailable and/or unachievable for various planning reasons. Sites that were assessed

¹⁰ As defined in the Development and Site Allocations Local Plan 2019 (Figure 11).

¹¹ It is noted that sites that were assessed as being unsuitable for other planning reasons were discounted and therefore not subject to the Sequential and Exception Tests.

as potentially suitable, available and achievable were included in the draft Local Plan (2026) as proposed site allocations.

- 3.15. The representations received during the Regulation 18 consultation on the draft Local Plan (2026) together with updated evidence (including the updated SFRA 2026 and associated site-screening), informed the Council's decision on which sites needed further assessment on flood risk.
- 3.16. Given the identified housing needs, significant environmental constraints in the district (including the National Landscape and protected habitats sites), and the fact that some of the more sustainable settlements contain land outside Flood Zone 1, it was accepted by the Council that its evidence signalled that development to meet identified needs could not be located entirely within Flood Zone 1 and other areas of low flood risk. Therefore, consideration was given to sites in areas of higher flood risk.

Strategic Flood Risk Assessment

Level 1 SFRA

- 3.17. The Level 1 SFRA was first published in 2021. It was subsequently updated and published in 2026 to take account of changes in national planning policy and guidance, together with new baseline information on flood risk, including Environment Agency flood maps. Throughout the plan process, Council officers have used the Level 1 SFRA to inform the preparation of the Local Plan, particularly the development strategy and site allocation policies.
- 3.18. As part of the Level 1 SFRA (2026), a total of 158 potential site allocations were provided by the Council to JBA Consultants. These potential site allocations, which were also largely included in the Regulation 18 Local Plan in early 2026, were screened using an 'overlap analysis' tool on digital mapping. This analysed various flood risk datasets against the site allocations layer and calculated the percentage cover for each flood risk dataset against each site. This was used to provide a summary of flood risk from all sources to each site.
- 3.19. The results of the screening exercise provide a quick and efficient way of identifying sites likely to require a Level 2 assessment. It further assisted the Council with Sequential Test decision-making so that flood risk could be taken into account when considering site allocation options.

Level 2 SFRA

- 3.20. The site screening was used to inform whether each of the 158 sites tested required inclusion in the Level 2 SFRA. Each site was assigned a 'least preferable', 'less preferable' or 'most preferable' rating based on its relative level of flood risk, as set out below.
 - **Least preferable sites** - Were identified where more than 20% of the site was at risk from fluvial, tidal or surface water sources. Where the size of the indicative built area was available, the percentage of the undeveloped area was compared against the percentage of the site at risk of future fluvial, tidal and

surface water flooding. If the percentage of the site at risk exceeded the undeveloped proportion, the site was classified as 'least preferable'. The sites taken forward were selected from this assessment. 'Least preferable' sites had significant obstacles or challenges for development which would need consideration if taken forward. They may need the Exception Test to demonstrate that the site can be safely developed, from a flood risk perspective.

- **Less preferable sites** - Were identified to have between 0% and 20% of the site at risk from either fluvial, tidal or surface water sources. Where the size of the indicative built area was available, the percentage of the undeveloped area was compared against the percentage of the site at risk of future fluvial, tidal and surface water flooding. If the percentage of the site at risk did not exceed the undeveloped proportion of the site, but was greater than 0%, the site was classified as 'less preferable'. 'Less preferable' sites were flagged for further consideration by planners and developers, but it is likely to be possible to address the flood risk constraints at planning application stage through a sequential approach to development placement within the site. Safe access and escape should be considered and investigated for all allocations prior to any development.
- **Most preferable sites** - Were identified to have 0% of the allocation at risk of either fluvial, tidal, or surface water sources. However, it is noted that 'most preferable' sites may still require an FRA and drainage strategy, depending on the size and location of the site. Safe access and escape should be considered and investigated for all allocations prior to any development.

3.21. Of the 158 sites screened, the results were as follows:

- Least preferable sites - 28 (18% of sites screened)
- Less preferable sites - 94 (59% of sites screened)
- Most preferable sites - 36 (23% of sites screened))

3.22. Of the 28 'least preferable sites', 19 were taken forward for a Level 2 SFRA. Nine of the least preferable sites were determined by the Council, as advised by JBA, not to need a Level 2 SFRA for reasons including:

- The potential development could be accommodated outside of the identified area of flood risk / the flood risk area could be accommodated on the undeveloped portion of the site¹²;
- A site-specific Flood Risk Assessment had previously been undertaken for the site and demonstrated to be acceptable in terms of flood risk management; or
- The sites screened were not site allocations but 'area-based' policies or designations, and could therefore be excluded (e.g. Bexhill Urban Area, Bexhill Cultural Area, Harbour Road Employment Area, etc).

¹² This decision was informed by discussions with JBA.

3.23. A Level 2 SFRA was therefore carried out for the remaining 19 sites. The following points summarise the results of the Level 2 assessment for the 19 sites assessed. For full details see the Level 2 SFRA

- **Fluvial flooding** - Two sites assessed in Rye were identified as being at high risk of fluvial flooding.
- **Tidal flooding** – Six sites in Camber and Rye were identified as being at risk high risk of tidal flooding.
- **Flood Warning Areas (FWAs)** – Nine sites in Bexhill, Camber, Rye Harbour and Rye were found to be located within existing EA FWAs. For proposed development within existing EA FWAs, developers should consult the EA to ensure that adequate flood warning procedures and evacuation processes are in place and that Risk Management Authorities (RMAs) are not put under any additional burden.
- **Surface water flooding** - Five sites in Bexhill, Peasmarsh and Rye were identified to be at high risk of surface water flooding.
- **Access and escape routes** – Seven sites in Bexhill, Rye Harbour, Peasmarsh and Rye were found to have potential access and escape route issues as a result of fluvial, tidal or surface water flooding of the surrounding roads.
- **Climate change** - Nine sites in Bexhill, Camber, Rye Harbour and Rye were found to be most at risk from increased flood risk due to climate change.
- **Groundwater flooding** - Groundwater flood risk is mostly negligible throughout Rother District, with areas of high risk focused to the east of the study area. Seven sites in Camber, Rye Harbour and Rye were identified to be at high to moderate risk, where groundwater levels are within 0.5m of the ground surface.
- **Reservoir flooding** - Seven sites in Bexhill, Rye Harbour and Rye shown to be at risk of reservoir flooding, albeit that the risk of flooding from reservoirs is very low.
- **Sustainable Drainage Systems (SuDS)** - A strategic assessment was conducted of SuDS options using regional datasets. A detailed site-specific assessment of suitable SuDS techniques would need to be undertaken at site-specific level to understand which SuDS option would be best.

3.24. Importantly, the Level 2 SFRA made site-specific recommendations for the proposed site allocation policies for the affected sites, in order to ensure flood risk could be appropriately addressed in any future planning application and decision. These recommendations were incorporated into the Regulation 19 Pre-submission version of the Local Plan.

4. Applying the Exception Test

- 4.1. The Council has applied the Sequential Test during the preparation of the Local Plan, particularly for the spatial strategy as well as the selection of site allocations, which will help give effect to the strategy. The Sequential Test has been informed by the Local Plan evidence base including the HELAA, SFRA Level 1 and Level 2 and Sustainability Appraisal. Given the scale of housing, employment and other needs and existing land-use constraints throughout the district, the Council considers that development to meet identified needs cannot be entirely located in areas of low flood risk. It should be noted that some of the district's more sustainable settlements are located within areas at risk of flooding, such as Rye, Bexhill, Camber and Rye Harbour. The Council considers that there are wider sustainability benefits to providing additional housing within these settlements.
- 4.2. Furthermore, while there are reasonably available, lower risk sites suitable for development, these are insufficient to meet Rother's identified needs in full. Therefore, this has necessitated that the Council give consideration to suitable and available sites in areas of higher flood risk, looking first to lower risk sites within them.
- 4.3. As detailed above, a SFRA Level 2 site screening exercise has been carried out to inform considerations for the allocation of sites in areas of higher flood risk, which has resulted in the identification of 19 sites requiring further scoping. Of these 19 sites, the SFRA Level 2 has recommended that 6 sites may or must be subject to the Exception Test. Appendix B of this report should be referred to for further information.
- 4.4. As set out in NPPF Paragraphs 178 and 179, to pass the Exception Test it should be demonstrated that both of the following must be satisfied:
 - 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.
- 4.5. The SFRA Level 2 scoping exercise (as set out in Appendix B) has identified measures that would enable development to pass the **Exception Test (b)**, where relevant. These measures have been incorporated into the relevant site allocation policies of the Regulation 19 Pre-submission version of the Local Plan.
- 4.6. In terms of **Exception Test (a)**, the Council considers the allocation of the sites for the proposed land uses will provide wider sustainability benefits to the community that outweigh flood risk. In particular, the sites will help to meet development needs in the district; this is particularly for housing for which there is an acute need locally, and which the Government has directed the Council to seek to meet identified needs. Furthermore, the sites are located in what the Council considers to be sustainable locations in terms of the district's settlement hierarchy. These sites have been appraised individually and cumulatively through the Sustainability Appraisal process, and overall are considered to score positively, on balance, when considered against the full complement of sustainability objectives.

- 4.7. In light of the above, all of the sites requiring the Exception Test have passed the test. They are therefore allocated in the Regulation 19 Pre-submission version of the Rother Local Plan.
- 4.8. There is one site that is located in Flood Zone 1, but has been removed from the plan following the Level 2 SFRA, which concludes that: “the site is unlikely to be developable due to the depth and extent of predicted future surface water flooding along with lack of provision of safe access and escape. As the flood risk is from surface water, warnings are not available and therefore there would be limited time to evacuate the site ahead of a flood event”. Therefore, the has been deleted and is not included in the Regulation 19 Pre-submission version of the Rother Local Plan.

5. Sustainability Appraisal

Background

- 5.1. A Sustainability Appraisal (SA) is a process that is legally required to be carried out during the preparation of a Local Plan. Its role is to promote sustainable development by assessing the extent to which the emerging plan, when considered against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives. The Council's approach to the Sustainability Appraisal incorporates the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 - also known as the 'Strategic Environmental Assessment (SEA) Regulations. The SA is undertaken as an iterative process throughout the preparation of plan.

The Sustainability Appraisal Framework

- 5.2. The SA Framework is embedded in the SA. It is the tool that is used to assess the emerging plan policies against environmental, economic and social objectives. The SA Framework was developed through consultation with the relevant statutory environmental bodies (Environment Agency, Historic England and Natural England).
- 5.3. In line with national Planning Practice Guidance, the Level 1 Strategic Flood Risk Assessment (2021)¹³ was used to inform the scope of the SA and the SA Framework. Drawing on the SFRA findings, it was determined that one of the key objectives of Rother's SA Framework should be climate change adaptation, including flood risk management. This was reflected in SA Objective 5, as set out below.

SA Objective 5	Appraisal questions
Manage and reduce the risk of flooding (fluvial, tidal and surface water), now and in the future, and increase resilience to the wider effects of climate change.	• Reduce the risk of flooding from rivers, watercourses and the coast to people and property? • Reduce the risk of surface water flooding? • Ensure that development does not increase flood risk to others? • Prevent inappropriate development in the flood plain? • Improve and extend green infrastructure networks? • Increase the resilience of the built and natural environment to the effects of climate change?

¹³ It is noted that the Level 1 SFRA has since been updated but the Council considers that findings do not necessitate a change to the SA Framework and objectives regarding climate change and flood risk management.

Key findings of the Sustainability Appraisal

- 5.4. This section summarises some of the key findings of the SA with respect to SA Objective 5 on flood risk, and in relation to the spatial strategy and site allocations. The SA Reports should be referred to for further information, as follows: Interim SA Reports (April 2024) and (January 2026) respectively, and final Regulation 19 SA Report (September 2026).

Draft Local Plan (2024) – Regulation 18

- 5.5. The Interim SA Report (2024) appraised the first Regulation 18 draft Local Plan 2020-2040 (2024). This plan included a proposed spatial strategy and a range of thematic topic-area policies. The SA concluded that the plan would likely have positive effects on Objective 5, as the overall approach for the strategy and supporting policies was to steer development away from those areas at greatest risk of flooding, in line with the sequential approach.
- 5.6. Whilst the draft Local Plan (2024) did not include site allocation policy proposals it provided an indication of the sites that could be considered for allocation, as informed by the initial HELAA (2024). The appraisal acknowledged that, at the site level, the effects on Objective 5 varied depending on site specific circumstances. Accordingly, the SA acknowledged that further flood risk assessments and considerations would need to be undertaken in order to understand the nature of effects on a site basis, as work on the plan progressed.

Draft Local Plan (2026) – Regulation 18

- 5.7. The Interim SA Report (2026) appraised the second Regulation 18 draft Local Plan 2025-2042 (2026). This plan included proposals for a slightly revised spatial strategy, area-based policies and site allocation policies. At this stage of the SA process, a 'bespoke' appraisal template was developed for the assessment of the site allocations – this allowed for a more granular assessment of sites than was carried out for the Interim SA (2024). For the SA Objective 5 on flood risk, the assessment was informed by the updated SFRA and the latest Environment Agency flood maps. For the spatial strategy and site allocation proposals (as well as 'rejected' sites not taken forward in the plan) the SA considered flood risk from various sources based on GIS data and mapping.
- 5.8. The SA concluded that the proposed spatial strategy would result in the introduction of new development in locations at different levels of risk of flooding from various sources. However, it also acknowledged that flood risk would largely be dealt with through site specific considerations, both through the plan preparation (particularly site allocations) and the development management process. The SA of the site allocation proposals resulted in a mix of negative, neutral and positive scores on SA Objective 5, owing to individual site circumstances. The SA therefore recommended that sites include mitigation measures, where appropriate, to address identified flood risks; and these recommendations were subsequently incorporated into the policy proposals.

Pre-submission Local Plan – Regulation 19

- 5.9. The final SA Report (September 2026) appraised the Regulation 19 Pre-submission Rother Local Plan 2025-2042 (2026). This plan sets out the consolidated plan, building on previous Regulation 18 documents. It includes a spatial strategy, a range of thematic topic-area policies, area-based policies and site allocations.
- 5.10. The SA Framework continued to be used to assess the Local Plan and the policy proposals, and the 'bespoke' template developed for the second Regulation 18 SA (2026) also continued to be used for the assessment of site allocations at the Regulation 19 stage.
- 5.11. As with the Regulation 18 SA report (2024) The Regulation 19 SA concluded that the proposed spatial strategy would result in the introduction of new development in locations at different levels of risk of flooding from various sources. It also acknowledged that flood risk would largely be dealt with through site specific considerations, particularly site allocations and the development management process. The SA of the site allocation proposals resulted in a mix of negative, neutral and positive scores on SA Objective 5, owing to individual site circumstances. Greater certainty over scoring on flood risk was attributed to the inclusion of further site-specific requirements (added to the policy supporting text of relevant site allocations), which was recommended by the Level 2 SFRA.
- 5.12. The Regulation 19 SA also considered cumulative effects of the plan. It recognised that flood risk management and flood risk incidents may be impacted by development occurring outside of the district's administrative boundaries, in accordance with the Local Plans of other neighbouring authorities.
- 5.13. In light of the above, a neutral score for Objective 5 on flood was scored for the Local Plan.

Appendix A: Sequential & Exception Tests (Accessible)

Application of the Sequential Test for Plan-Making (Diagram)

1. Can development be allocated in areas of low flood risk both now and in the future? (Level 1 Strategic Flood Risk Assessment).

If Yes: Sequential test passed

If No:

2. Can development be allocated in areas of medium flood risk, both now and in the future? (Level 2 Strategic Flood Risk Assessment) – lowest risk sites first. (Table 1 and NPPF Annex 3).

If Yes: Progress to Diagram 3 (Table 2)

If No:

3. Can development be allocated within the lowest risk sites available in areas of high flood risk both now and in the future? (Table 1 and NPPF Annex 3). **If Yes:** Progress to Diagram 3 (Table 2)

If No:

4. Is development appropriate in remaining areas? (Tables 1, 2 and NPPF Annex 3). **If Yes:** Progress to Diagram 3

If No:

5. Strategically review need for development using Sustainability Appraisal

Application of the Exception Test for Plan-Making (Diagram)

1. **Start Here:** Has the sequential test been applied and shown that there are no reasonably available, lower risk sites, suitable for the proposed development, to which the development could be steered?

If No: Do the sequential test (see diagram 2)

If Yes:

2. Is the Exception test required (Table 2)?

If Yes:

Does the development pass both parts of the exception test?

If Yes: Development can be considered for allocation or permission.

If No: Development is not appropriate and should not be considered.

Appendix B: Level 2 SFRA Site Screening

This is available in the accompanying Excel spreadsheet, which is provided as a separate document.