69 Carter Lane,
London, EC4V 5EQ
T: 020 7489 0213
E: info@dwdllp.com
W: dwdllp.com

Cobwood Solar Farm Sequential and Exceptions Tests

To:	**Nicola Pettifer, Horsham Council**	**Date:**	**30 April 2024**
From:	**Anna Woodward, DWD Property and Planning**	**Ref:**	**DC/23/2172**

1. Introduction

1.1 The purpose of the following note is to address the request for a Sequential and Exceptions Test requested by Horsham District Council to support the planning application for Cobwood Solar Farm (planning reference: DC/23/2172).

1.2 As background, the GOV.UK's Flood risk from surface water map shows that the site contains areas of Very Low risk (less than 0.1%), Low risk (between 0.1% and 1%), Medium risk (between 1% and 3.3%) and High risk (greater than 3.3%). A copy of the GOV.UK's Flood risk from surface water map is reproduced in Figure 1 below.

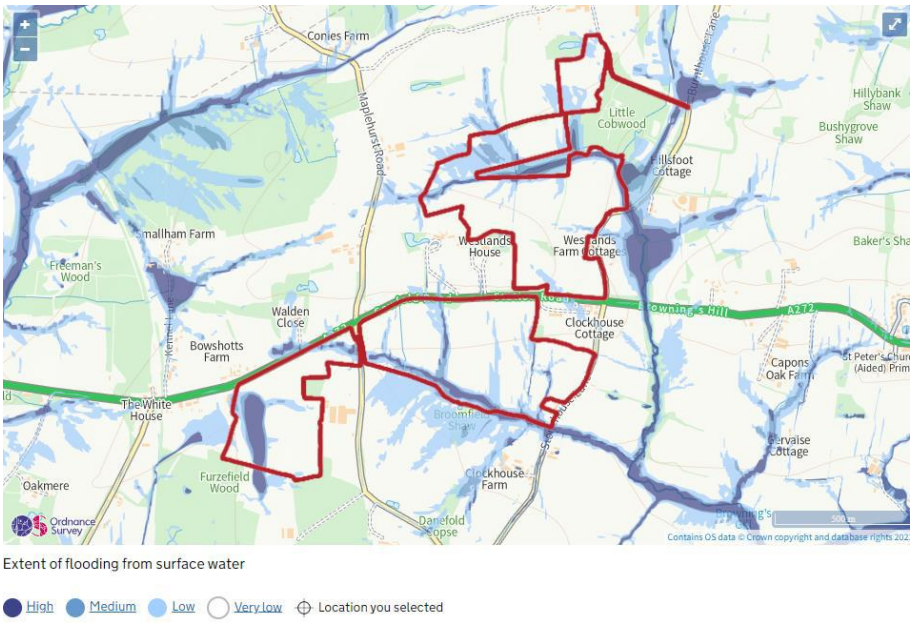

Figure 1: Flood Risk from Surface Water Map

1.3 The area of the site where solar farm infrastructure is proposed is within Flood Zone 1 which has a low probability of flooding from watercourses (<0.1% / 1 in 1000 annual probability). Only the below ground cable route connecting the development site to the point of connection extends into Flood Zone 2 (medium probability defined as land as having between a 1% / 1 in 100 and 0.1% / 1 in 1000 annual probability of river flooding). As the cable route is below ground it has negligible flood risk implications and is compatible in a small area of Flood Zone 2.

1.4 Paragraph 168 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".*

1.5 Paragraph 169 goes on to state that "*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*."

1.6 Annex 3 of the NPPF (Flood risk vulnerability classification) includes solar farms under Essential infrastructure. Table 2 of the National Planning Policy Guidance, Paragraph 079 sets out that Essential infrastructure is compatible in Flood Zones 1 and 2 and in Flood Zone 3a and 3b provided the Exception Test is passed. It also notes that "*In Flood Zone 3a essential infrastructure should be designed and constructed to remain operational and safe in times of flood*."

1.7 The Planning Practice Guidance (NPPG) provides guidance to support the polices in the NPPF. Paragraph 032 of the NPPG states *'The Exception Test should only be applied as set out in Table 2 and only if the Sequential Test has shown that there are no reasonably available, lower-risk sites, suitable for the proposed development, to which the development could be steered.'* As set out in Table 2 solar farms which are classified as Essential infrastructure are compatible in Flood Zones 1 and 2 and the Exception Test is not required.

1.8 The remainder of this note provides an assessment of the proposed Cobwood Solar Farm, against the Sequential Test in accordance with the relevant sections of the NPPF set out above and the principles of the Exception Test (even though it is not required for the development located in Flood Zones 1 and 2).

2. Sequential Test

2.1 The Alternative Site Assessment (ASA) document produced by DWD (dated October 2023) and submitted with the planning application is of direct relevance to the Sequential Test as it sought to identify if there are any potentially more suitable sites for the development.

2.2 The ASA was split into two parts:

1. Previously developed land – to establish whether there are any potential alternative sites located on previously developed land that could be utilised (note: the Proposed Site is not previously developed land); and
2. Lower grade agricultural land – to establish whether there are any potential alternative sites located on lower grade agricultural land that could be utilised (note: the Proposed Site is classed as Grade 3 for the purposes of this assessment).

2.3 The methodology for the ASA was sequenced as follows:

- definition of a search area – which was 2km from the overhead transmission line which the solar farm is connecting into;
- analysis of previously developed land (brownfield land);
- analysis of lower grade agricultural land;
- establishment of a long-list;
- long-list filtering to create a short-list of sites; and
- assessment of the short-list.

2.4 The only stage of this search where sites were added to the long list was through the analysis of previously developed land. However, none of these sites were then added to the shortlist as they weren't large enough for the development.

2.5 As such, there are no other Sites which would be suitable for the development with a lower risk of flooding, within the Search area of 2km from the Overhead Transmission Line, and the Sequential Test is therefore met.

3. Exception Test

3.1 Paragraph 169 of the NPPF 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."

3.1 As set out above due to the site's location in Flood Zone 1 and 2 as classification as Essential infrastructure the Exception Test is not required. Nonetheless the development can still satisfy the principles of the Exception Test.

3.2 Paragraph 170 of the NPPF 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."

3.3 Paragraph 171 goes on to say that "*Both elements of the exception test should be satisfied for development to be allocated or permitted*."

3.4 As noted above, Table 2 of the National Planning Policy Guidance, notes that *"In Flood Zone 3a essential infrastructure should be designed and constructed to remain operational and safe in times of flood."*

3.5 The Site-specific Flood Risk Assessment (FRA) (November 2023) by PFA Consulting submitted with the planning application concludes that the development will be safe for its lifetime taking account of the vulnerability of its users. The site layout has been devised using a sequential approach to locate sensitive equipment in areas of lowest flood risk as much as possible taking into account other material planning considerations and operational requirements. As such, the essential infrastructure will remain operational during the 1000-year surface water flood event (a suitable proxy for the 'design flood').

3.6 It has been found that during an exceedance event, the FRA also concludes that subject to the implementation and maintenance of the drainage arrangements (including swales throughout the Site), as indicated on Plan L517/04 Rev A, in accordance with the procedures set out in Table E of the FRA and the Check Sheet in Appendix 7, runoff from the site will be intercepted by the swales reducing overland flows during extreme rainfall events and the development will not increase flood risk elsewhere. The proposed drainage set out in the drainage strategy that form part of the FRA and are considered more than sufficient for the Proposed Development and will reduce flood risk overall.

3.7 The Proposed Development would provide a number of wider sustainability benefits to the community. In summary, these are:

- a contribution to the need for renewable energy to assist in combating climate change and reducing carbon emissions, and an associated tangible contribution to legally binding targets to reduce carbon emissions and increase renewable energy consumption.
- combating climate change through renewable energy has the benefit of actually reducing flood risk;
- a tangible contribution towards increasing domestic energy security and providing economic benefits arising from construction; and
- a comprehensive landscape scheme and biodiversity enhancements.

3.8 It follows that the Proposed Development complies with both parts of the Exception Test and relevant planning policy.

4. Conclusion

4.1 As set out in this note, the application of the Sequential Test confirms that there isn't an alternative site within the Search area from the point of connection, which is more suitable than the Proposed Site, is subject to no flood risk and is of the required size for this solar farm. Further, the development has been designed to remain safe and operational in times of flood and will reduce flood risk off site in addition to providing a number of wider sustainability benefits to the community, therefore would pass the Exception Test (even though it is not required due to the site's location in Flood Zones 1 and 2).