

Town and Country Planning Act 1999 (As Amended) – Section 77
The Town and Country Planning (Development Management Procedure) (England)
Order 2015

Town and Country Planning (Inquiries Procedure) (England) Rules 2000

Outline application for the proposed erection of up to 99 no. dwellings, green infrastructure, open space, pedestrian and cycle links, recreational facilities and other associated infrastructure and access points on Lodge Road and Tape Lane with required improvements. (All matters reserved except for means of access.)

Land between Lodge Road and Tape Road, Hurst RG10 0EG

Statement of Case
on behalf of the Environment Agency

Planning Inspectorate ref: APP/X0360/W/25/3364304

Local Planning Authority ref: 242067

Environment Agency ref: WA/2024/131683/01

Date: 18th July 2025

1.0 Introduction

- 1.1 This is the statement of case on behalf of The Environment Agency (EA) for the public inquiry due to consider the works related to the application 242067. In this statement, we will comment on whether planning permission should be granted in relation to flood risk and ecology constraints.
- 1.2 The application is an outline application for the proposed erection of up to 99 dwellings and associated infrastructure.

- 1.3 The EA was consulted on the planning application which is now the subject of this planning appeal on the 20th of August 2024. This is because the proposal is in an area/site with constraints which fall within the remit for the EA to provide bespoke advice. The site contains a portion of the Hatchgate Ditches which is designated as a main river.

2.0 The Environment Agency's role

- 2.1 The EA is a non-departmental public body created by the Environment Act 1995. Its principal functions are set down in that act. By virtue of the Schedule 5 to the Town and Country Planning (Development Management Procedure) (England) Order 2010 ('DMPO'), it is a statutory consultee in respect of proposed development (other than minor development) which is to be carried out on land in an area within Flood Zones 2 or 3 as well as on and in close proximity to the River Thames. As stated previously, we intend to make representations to flood risk and ecology.

3.0 Outline of Case

Flood risk

- 3.1 The site contains areas of flood zone 2 (this is defined as land that has between a 1% and 0.1% annual probability of river flooding) however these are restricted to the south west of the Hatchgate ditch. At the time of submission the site was recorded as flood zone 1, however since the publishing of the NAFRA2 data that has changed. However, as there is no detailed modelling available at this site, the extent of the flood risk is not fully understood.
- 3.2 At the planning application stage, we objected to the planning application because we considered the flood risk assessment (FRA) (Flood Risk Assessment and Drainage Strategy, Land East of Lodge Road, Hurst, MacTaggart and Mickel Strategic Land, SLR Consulting Ltd, project no. 432.010035.00001, 19th July 2024, revision P02) which was submitted with

the planning application to be unacceptable. The FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. In particular, the FRA fails to:

- Provide a design flood level for the 1% Annual Exceedance Probability flood extent plus an appropriate allowance for climate change (1%AEP+CC), therefore it is unclear what impact the development may have on flood risk, and whether or not the development would be safe for its lifetime.
- Take the impacts of climate change on fluvial flood risk into account.
- Demonstrate that finished floor levels will be set above the 1% annual exceedance probability (AEP) flood level with an appropriate allowance for climate change.
- Demonstrate that the development would not adversely impact floodplain storage.
- Demonstrate that the requirement for a buffer strip of at least 8m to the main river has been met.
- Consider the impact of the proposed new crossing over the main river.

3.3 Additionally there is a new crossing of the Hatchgate Ditches which is not discussed within the submitted FRA.

3.4 Our initial response explained the need for detailed modelling at this site given the size and scope of the development. This is necessary to provide an accurate assessment of flood risk at the site. Wokingham LPAs Strategic Flood Risk Assessment (SFRA) states on page 44 that “in areas where no modelling is present, this may require development of a detailed hydraulic model”.

3.5 We have received detailed modelling files from the appellant and these are currently under review by our evidence and risk team. Upon completion of this review we will provide a more detailed response.

Ecology and Biodiversity

- 3.6 A portion of the Hatchgate Ditches pass through the western part of the site, including approximately 90 metres of culverted watercourse.
- 3.7 At the planning application stage, we objected to the application as it may prevent the reversal of a substantial loss of watercourse habitat due to the existing culvert and the proposed access road. This objection is supported by paragraphs 187 and 193 of the NPPF which recognise that the planning system should conserve and enhance the environment by minimising impacts on, and providing net gains to, biodiversity.
- 3.8 Our objection may be overcome by removing the culvert and reinstating an open watercourse. Whilst we recognise a crossing will be required this could be done via clearspan bridge to allow the unobstructed flow of water and passage of wildlife. We are currently discussing with the appellant conditions by which this objection could be removed.

Conclusion – summary of Environment Agency case

- 3.9 We objected to this application on flood risk and biodiversity and ecology grounds and recommended that planning permission is refused. In the absence of sufficient information to address these concerns, our objections still stand. We are currently engaging with the appellant to overcome our objections.

4.0 Legislation, Planning Policy and Guidance

- 4.1 The EA may refer to all or some of the following policy and guidance documents. We reserve the right to refer to other evidence and documents or make submissions as necessary in our Proofs of Evidence or at the Inquiry.
- The National Planning Policy Framework (NPPF)
 - Planning Practice Guidance to the National Planning Policy Framework (PPG)
 - Flood Map for Planning
 - Wildlife and Countryside Act 1981
 - Environment Act 1995
 - Wokingham Borough Local Development Framework, January 2010
 - Wokingham Borough Development Plan, February 2024

5. Other Matters

- 5.1 Without prejudice to the case, The EA will seek to agree a schedule of conditions that we would seek to attach to any planning permission that the inspector recommends should be granted.