



WOKINGHAM BOROUGH COUNCIL

TOWN & COUNTRY PLANNING ACT 1990

TOWN & COUNTRY PLANNING

(INQUIRIES PROCEDURE) (ENGLAND) RULES 2000 (As Amended)

Proof of Evidence addendum (Flood Risk and Planning)

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APPELLANT:	Mactaggart and Mickel Strategic Land
APPEAL SITE:	Land Between Lodge Road And Tape Lane Hurst, Wokingham , RG10 0EG
PROPOSAL:	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.)
LPA REFERENCE:	242067
PINS REFERENCE:	APP/X0360/W/25/3364304

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1.0 INTRODUCTION AND PROCEDURAL MATTERS

- 1.1 The Environment Agency objected to the application on several grounds including insufficient information within the Flood Risk Assessment, impact on watercourses and main rivers and impact on ecology. This objection is set out at CD9.1 and therefore is not repeated verbatim here.
- 1.2 After the determination of the application, the Flood Map for Planning was amended on 25th March 2025, and this showed the site had high and medium areas of flood risk, with the main access road having to cross Flood Zone 3.¹
- 1.3 The Appellant has produced three amended Flood Risk Assessments, which have been provided to the Council at various stages. These are dated 15th April, 5th June and 11th July 2025. The latter two were accompanied by site-specific flood modelling that was submitted to the Environment Agency. The Council understands that the EA raised concerns with the June modelling and a revised model and Flood Risk Assessment was submitted on 11th July.
- 1.4 At the time of writing, the 11th July flood modelling relied upon by the Appellant has not been signed off by the Environment Agency, and the Council's position is necessarily caveated as a result. The appeal was submitted without first resolving this fundamental matter, which directly informs the Sequential Test, overall flood risk strategy and layout of developable parameters on the site. There remains an outstanding and unresolved objection from a statutory consultee (Environment Agency).
- 1.5 As a result of either the Flood Map for Planning or the July 11th flood modelling under review, the development is required to pass the Sequential Test. This is set out further in the document.

2.0 EXISTING AND FUTURE FLOOD RISK

¹ Included in the LPA SoC.

- 2.1 The July Flood Risk Assessment (FRA)² shows approximately 1,750 sqm of the southern block of housing in the parameter plan being in Flood Zone 2 (see Fig 1 below). This area extends approximately 30m into the southern block at its furthest point. Even with the amended parameter plan tabled at the CMC, sizable areas of the housing development would still be within Flood Zone 2.
- 2.2 The position of the link road connecting the south block to the main access road is also depicted as passing through an area of Flood Zone 2. Part of the main access would also have to pass through Flood Zone 2 and the point where the Veteran Trees are located.

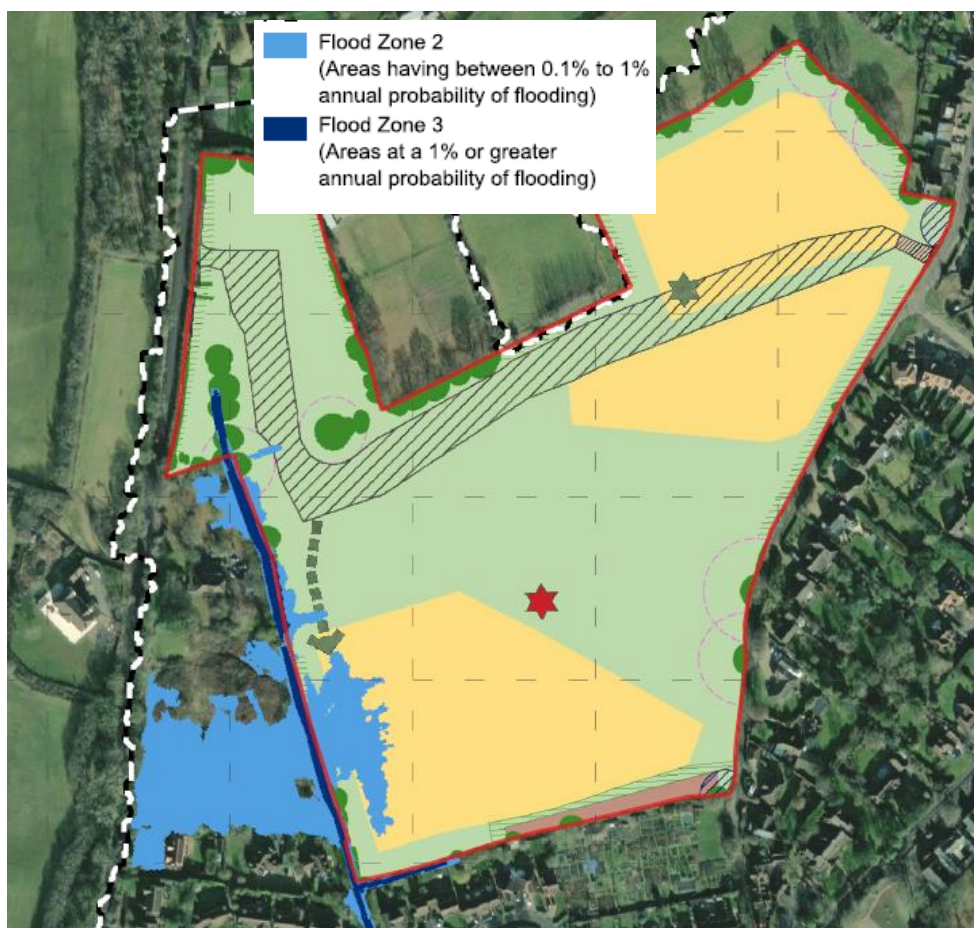


Fig.1 Site Specific Fluvial Flooding Model – Flood Zones 2 and 3.

² CD 9.15

- 2.3 When climate change is factored into the fluvial flood model, it shows flood water encroaching further into the southern developable area for a 1% AEP scenario, Flood Zone 3 (see below).



Fig 2. 1% AEP + 46% Climate Change Event Peak Modelled Fluvial Flood Extents

- 2.4 For 0.1% AEP + 46% Climate Change Event Peak Modelled Fluvial Flood modelling, further encroachment of flood water into the developable areas is depicted (see Fig 3 below).



Fig 3. 0.1% AEP + 46% Climate Change Event Peak Modelled Fluvial Flood Extents

- 2.5 Developable areas of the Parameter Plan would be located in Flood Zone 2 and 3 when taking into account climate change. The drainage infrastructure connecting to Hatchgate Ditch would also be within Flood Zone 3.
- 2.6 Considering surface water flooding, the July FRA identifies multiple parts of the developable parameters being within areas with a high risk of surface water flooding (see Fig 4 below). This includes several notable areas of the northern block of housing. Multiple parts of the main access road pass through areas with a high risk of surface water flooding. Open amenity spaces, the southern block of housing and access points onto Tape Lane are also at risk from medium and low surface water flooding.

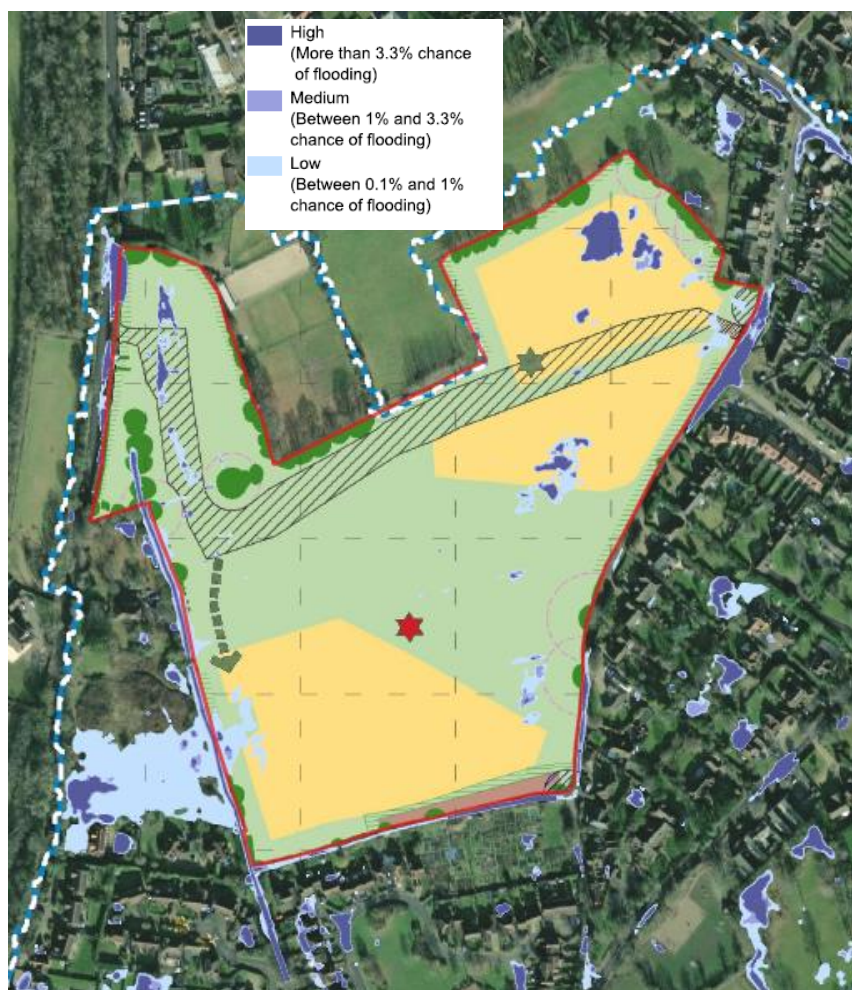


Fig.4 Site Specific Surface Water Flooding Model – Flood Zones 2 and 3.

- 2.7 Although outside of the site, the access points onto Tape Lane and Lodge Road would also be onto areas with a high and medium risk of Surface Water flooding. The new footpath link to the north of the main access along Lodge Road would be within an area of high risk of surface water flooding. There are also multiple areas of Tape Lane having a high risk of surface water flooding.
- 2.8 Subject to the Environment Agency response, the updated flood modelling and the March 2025 Flood Map for Planning provides a picture of flood risk on and around the site that more closely reflects local objections on flooding than previous modelling available at the time of the application. Flooding in and around the site was illustrated in Parish Council's response which showed how the site and surrounding area had flooded in recent years. Photographs from 2023 and 2024 showed flooding on the site for several months. Some of those

photographs are set out below and this part of their response is included at Appendix 1.



Fig 5. 2017 Flooding



Fig 6. 2021 Flooding



Fig 7. 2022 Flooding



Fig 8. 2023 Flooding



Fig 9. 2024 Flooding

- 2.9 The FRA also highlights there is potential for high groundwater and refers to the WBC Strategic Flood Risk Assessment, which identifies the site has the highest susceptibility to groundwater flooding, greater than 75%. Appendix E of the SFRA³ identifies *'this impacts the village of Hurst. The ROFSW suggests than any surface water emerging from the areas detailed above is likely to flow north along the route of the River Loddon, or along Davis Street/Lodge Road in Hurst.'*
- 2.10 Given the multiple sources of flooding and developable parameters within areas of flood risk, the Sequential Test is required in accordance with the NPPF and PPG.
- 2.11 Whilst a document for the Local Plan Update, the Sequential and Exception Test Proposed Submission Plan (Regulation 19)⁴ shows that had the site been assessed as part of the Local Plan Update, it would not have been considered to be at a low risk of flooding when assessed against the criteria set out.

3.0 THE SEQUENTIAL APPROACH AND SEQUENTIAL TEST

- 3.1 The NPPF, PPG and Core Strategy policy CP9 all require that a sequential approach be taken to steer development to areas with the lowest risk of flooding from all sources. The PPG explains that the Sequential Test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings and property level resilience features. It also confirms that regardless of any mitigation proposed, the Sequential Test still needs to be satisfied.

'Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings and property level resilience features.'

³ Appendix 6.

⁴ CD 9.16 para 22

Even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied.’⁵

- 3.2 The sequential approach applies both to the selection of sites and to the layout of development within it. Paragraph 175 of the NPPF confirms that the Sequential Test should be used in areas at known risk of flooding unless the built development lies entirely outside areas at risk from any source of flooding, now or in the future. This incentivises layouts to avoid flood risk areas. As set out, developable parts of the site lie within the highest areas of flood risk.
- 3.3 All forms of flooding, both existing and future risk must be considered as part of the Sequential approach and Test. Para 173 of the NPPF states that, *‘the sequential test should be used in areas known to be at risk now or in the future from any form of flooding’*.
- 3.4 NPPF Para 174 states that with regard to the Sequential Test, *‘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.’*
- 3.5 CS Policy CP9 reinforces this approach by requiring a risk-based, sequential approach to development. The policy requires consideration of all sources of flooding.
- 3.6 The updated Flood Map for Planning, released in March 2025, confirmed that parts of the appeal site fall within Flood Zones 2 and 3, with the main access road crossing directly over Flood Zone 3. The Sequential Test was a requirement at this point. Despite this, the Appellant’s Statement of Case incorrectly claimed that the site was located in Flood Zone 1.
- 3.7 The Appellant then undertook site-specific flood modelling and an amended FRA, dated 5th June 2025, was provided to the Council on 8th July. This was

⁵ 023 Reference ID: 7-023-20220825

the FRA underpinning the Appellant's case at the time of the CMC on 1st July. It showed that the areas of development fixed by the parameter plan were within Flood Zones 2 and also within areas of high and medium risk of surface water flooding. It also showed the southern block of housing within Flood Zone 3 when adjusted for climate change. Despite the developable parameters being located in areas of flood risk, no alternative sites were considered and the FRA concluded that Sequential Test was passed. The relevant section stated:

'The proposed development areas on the site are located predominantly in Flood Zone 1 where all development will be focused and therefore at very low risk of flooding from fluvial or tidal sources. There are some areas of isolated surface water flood risk areas, however, as these are minimal and isolated, the site in its entirety is considered at low risk of flooding. The assessment of flood risk in Section 4.0 confirms that all other potential sources of flooding are low or can be reduced to a low / very low risk through mitigation installed implemented within the development scheme. On this basis, the sequential test is deemed to have been passed.' (Appendix 2).

- 3.8 This is obviously not a valid application of the Sequential Test, and it cannot be 'passed' if not properly carried out. The Appellant has not assessed or compared any alternative sites.
- 3.9 The Sequential Test carried out relies on an aggregating flood risk across the entire site to produce an average level of risk, implying that development within higher-risk areas is acceptable if offset by lower-risk areas elsewhere. This is not a correct sequential approach to justify a parameter plan that is already fixed, and is contrary to the NPPF and PPG, which aims to direct development to areas with the lowest risk of flooding. As set out in NPPF para 175, the Sequential Test is only avoided if no built development is located on areas of flood risk. It is not an exercise in averaging out risk once the parameters have been fixed.

- 3.10 Mitigation measures are not relevant at this stage of the Sequential Test. The purpose of the test is to steer development to areas of lowest flood risk, thereby avoiding reliance on flood defences, warning systems, or property-level resilience. This is a core principle of national flood risk policy, and is clearly set out in the PPG, referenced above at paragraph 3.1. The PPG⁶ explicitly confirms that mitigation measures cannot be used to justify development in higher-risk areas that fail the Sequential Test. This is reinforced by the Inspector in appeal decision APP/A2335/W/24/3345416⁷, who noted that *‘proposing works that would potentially mitigate the risk of flooding, confuses the Sequential and Exception Test as set out in the Framework and expanded upon in the PPG.*
- 3.11 The suggestion in the June Sequential Test that *‘there are some areas of isolated surface water flood risk areas, however, as these are minimal and isolated,* downplays the significance and location of surface flooding across site. The June FRA [and the current July version] showed that significant and essential components of the development are located in High and Medium Risk areas of surface water flooding. This includes the main access road, secondary roads, open amenity space and areas of housing. Whilst located outside of the site, the new proposed footpath northward along Lodge Road would also be in areas with a high risk of surface water flooding.
- 3.12 At the CMC, the Appellant proposed that flood risk areas could be ‘notched out’ from the developable areas fixed in the Parameter Plan. However, the June FRA, unavailable to the Council at the time, demonstrated that such an approach significantly underrepresents the extent of flooding on-site. The developable areas in the parameter plan do not avoid flood risk, it embeds development within multiple areas of Flood Risk. Avoiding these areas would not be feasible and require a fundamentally different scheme altogether. (see section 2 above).

⁶ 023 Reference ID: 7-023-20220825

⁷ Appendix 4 para 55

3.13 A further amended FRA was submitted on 11 July 2025 and this is the latest version. Whilst it deleted the previous Sequential Test analysis from the June document, it repeated the same conclusion that the Sequential Test was carried out and passed. It states, *‘despite the overall calculated development at low risk of flooding, we have carried out a Sequential Test to satisfy PPG Guidance the NPPF’*. This repeats the error of justifying an already fixed layout based on an averaged site wide risk, rather than identifying that the actual location of developable parameters fell within multiple areas with medium and high flood risk. As noted above, this is contrary to both NPPF and PPG. A properly conducted Sequential Test has not been undertaken and accordingly, it cannot be considered to have been passed.

3.14 The Appellant’s Planning Proof of Evidence states that flood risk issues, including the Sequential Test, would be addressed in a Supplemental Proof. The planning witnesses position stated via email on 1st July⁸ laid out a different claim from the previous FRAs by concluding that the Sequential Test is not required at all:

‘I appreciate you will need to liaise with the EA on this, but what our modelling does demonstrates (aside the point we have already made on the change to the parameter plan) is that the site is not subject to flooding risk, such that it would engage the need for a Sequential Test (NPPF 175).’

3.15 That position is at odds with the Appellant’s own FRA, which confirms that essential components of the development fall within multiple areas of fluvial and surface water flood risk, even before factoring in climate change.

3.16 The PPG emphasises the Sequential Approach and Sequential Test are fundamental to the site selection process and layout of development to *‘steer new development to areas with the lowest risk of flooding’*⁹. This process is

⁸ Appendix 3

⁹ 024 Reference ID: 7-024-20220825

intended to be undertaken at the earliest possible stage, before a site is selected or a layout fixed.

- 3.17 While a Sequential Test may not have been required at the original application stage, it became necessary prior to the submission of the appeal due to the March 2025 flood map update. A properly applied Sequential Test at that stage would have demonstrated whether the appeal had merit and would likely have identified the need for a materially different layout or site altogether. Instead, the appeal has proceeded on the basis of a scheme that has not been shaped by flood risk constraints.
- 3.18 Despite multiple iterations of the FRA, no valid or policy-compliant Sequential Test has been carried out either at the time the appeal was lodged or in the intervening FRAs in June and July. As a result, the appeal rests on a misapplication of flood risk policy and a failure to properly carry out the Sequential Test process, contrary to the requirements of the NPPF and PPG.
- 3.19 In summary, the site and the parameters of the development are selected and fixed. The development proposed does not avoid areas of flood risk and no proper Sequential Test has been carried out to demonstrate that there are no reasonably available alternative sites in areas of lower risk. This conflicts with the purpose of the Sequential Approach and the Sequential Test, which is to steer development to areas with the lowest risk of flooding.
- 3.20 The Sequential Approach to flood risk has not been followed and the Sequential Test has not been passed. Areas at risk of flooding are considered assets of particular importance at footnote 7 of the NPPF and *'provides a strong reason for refusing the development proposed'*, as set out in Para 11d(i). The failure to comply with national policy on flood risk provides a strong reason for refusal which disappplies the tilted balance under 11(d)ii. This is the case for this appeal.
- 3.21 The failure to apply the Sequential Approach and carry out a proper Sequential Test also places the proposal in conflict with MDD Local Plan Policy CC09, which requires development to be directed to areas at lowest risk.

3.22 Considering the case made by the Appellant, it is not necessary to go into the requirements of the Sequential Test and alternative sites in any further significant details as set out in PPG024 Reference ID: 7-024-20220825 and clarified in the Mead Realisations Ltd v Secretary of State for Levelling Up (2022).

3.23 In addition to the Sequential Test, para 181 of the NPPF refers to a sequential approach and states:

‘When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

3.24 My understanding of Para 181 is that it only becomes necessary to consider the location of ‘vulnerable development’ within a site at risk of flooding if the sequential and (if applicable) exception tests have been passed. As stated above a valid Sequential Test has not been carried out here let alone passed.

3.25 In any case, the Parameter Plan fixes the most vulnerable aspects of the development within areas of high and medium risk of flooding, it does not avoid these areas. The Appellant has not made any argument that there are ‘overriding reasons’ justifying the current layout despite the risk of flooding. The development conflicts with Criterion A and the NPPF para 181 is clear; development should only be allowed if the criterion are met. The clear inference is therefore that the development should be refused

- 3.26 Given that the Sequential Test has not been passed, there is no requirement to consider the appeal proposal under the Exception Test.

4.0 CONCLUSION:

- 4.1 Significant and essential parts of the developable parameters including both housing blocks, access roads, and supporting infrastructure are located within areas of high and medium flood risk. The Sequential Test is required. For the avoidance of doubt the Sequential Test is still required when considered against the Flood Map of Planning published on 25th March 2025.
- 4.2 The Appellant's case fails to properly apply the Sequential Approach and conduct a valid Sequential Test, contrary to the requirements of the NPPF, PPG and MDD LP policy CC09. It has not been demonstrated at any stage in the preceding months that there are no reasonably available alternative sites in areas of lower risk. The Statement of Case incorrectly claimed the site was in Flood Zone 1, the FRAs misapplied the Sequential Test and the position now appears to be that a Sequential Test is not required at all.
- 4.3 The appeal has proceeded with a scheme and parameter plan that has not been shaped by up-to-date flood risk constraints and fixes development (including the most vulnerable uses) within areas of higher Flood Risk. The revised flood modelling was submitted late in the process, at the time of writing, it has not been signed off by the Environment Agency, resulting in an unresolved objection from a statutory consultee. The Council has had to base this response on unconfirmed modelling and without knowing the full position of the Environment Agency on a matter of such significance.
- 4.4 In light of issues set out above, the Sequential Test cannot be considered passed, and the proposal should be refused in accordance with NPPF paragraph 174, which states '*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*'. This has not been demonstrated. In accordance with paragraph 11(d)(i) of the NPPF, the failure

to comply with policies relating flood risk provides a strong reason for refusing the development. Furthermore, the 'tilted balance' under NPPF paragraph 11(d)ii is disengaged.

4.5 NPPF para 181 also strongly indicates that the development should not be allowed as the most vulnerable development is not located in areas with the lowest risk of flooding.

4.6 The PPG is clear; the Sequential Test must be applied even where a development can be made safe through mitigation. It confirms that avoidance, not adaptation, is the primary objective of national flood policy and mitigation measures cannot substitute for failure to pass the Sequential Test:

*'Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings and property level resilience features. Even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied.'*¹⁰

4.7 This principle is echoed in a recent appeal decision APP/A2335/W/24/3345416¹¹. The Inspector emphasised the national significance of applying the Sequential Test properly, stating:

'The appellant has submitted that if I determine that a Sequential Test is required and Footnote 7 engaged, this forms a material consideration and one factor in the planning balance. It is further argued that no harm results from this policy failure, since there is no risk of flooding to the development due to the design, layout and mitigation measures proposed and a betterment would be provided should the development proceed. The parties could not point me to an appeal decision where

¹⁰ 023 Reference ID: 7-023-20220825

¹¹ Appendix 4 para 98 - 99

Footnote 7 had been engaged and yet permission had been granted. Such an approach would be unprecedented and would undermine national flood risk policy.'

- 4.8 The appeal decision APP/A2335/W/23/3326187¹² also reinforces the approach that the failure to pass the Sequential Test provides a strong reason for refusal:

'Critically, however, there is a failure to satisfy the sequential test. This means that the tilted balance in paragraph 11 d) of the Framework, engaged by the lack of a 5 year housing land supply, is disengaged by footnote 7 and 11 d) i. of the Framework. The failure to satisfy the sequential test is also considered to be a clear reason for refusing the development, both by the conflict with Policies DM33 of LP2 and SP8 of LP1, and the Framework and PPG.'

This matter is of overriding substantial weight, given that there could be other sites that are sequentially preferable to develop that would avoid flood risk. The Framework is clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. This is sufficient to outweigh the totality of matters weighing in favour of this proposal.'

- 4.9 For the reasons set out above, the failure to carry out a proper Sequential Test and apply the Sequential Approach represents a strong and policy-backed reason for refusal. It disapplies the tilted balance and fundamentally undermines the Government's flood risk strategy, which seeks to avoid flood risk in the first instance, not mitigate it through reliance on flood defences, warnings, or property-level resilience. This is particularly significant in the context of a changing climate.

- 4.10 This position is based on the Appellant's flood modelling which has not been signed off by the EA at this stage and is therefore caveated to that effect. The

¹² Appendix 5 para 97 -98

EA will also respond on fluvial flooding, which the Council will have to take into consideration once submitted.