

Wokingham Borough Council
Development Control
PO Box 157
Wokingham
Berkshire
RG40 1WR

Our ref: WA/2024/131796/01-L01
Your ref: 242063
Date: 14 January 2025

Dear Sir/Madam

Full Application For The Material Change Of Use Of Land From Agricultural To Provide An Enlarged Caravan Site And Alterations To Provide 4 Additional Pitches (Total Of 6 Pitches) With Associated Hardstanding And Ancillary Day Rooms

Wind In The Willows, Islandstone Lane, Hurst, Wokingham RG10 0RJ

Thank you for consulting us on this application on 11 November 2024. Thank you for allowing us an extension of time in which to provide this response. We have reviewed the information submitted with the application in line with our planning remit, including the following documents:

- Flood Risk Assessment – Flood Risk Assessment for Additional 5 Mobile Homes on Land Adjacent to Cartref Farm, Wokingham Road, Hurst, RG10 0RJ. Site is now known as Wind in the Willows – Ref: 16698 (May 2024).
- Site Plan – Drawing No. 16698-102 (May 2024) Revision D, Prepared by Prior Associates
- Site Location Plan – 16698 Sheet 05 (May 2024) Prepared by Prior Associates
- Site Layout as Existing – Job No 2023-29 Drawing No. 500 (27-03-2023) Revision A, Prepared by Martin Peacock Architectural Services Limited
- Existing Topographical Survey - Drawing No. 2024-1617-001-Survey Plan, Rev 000000
- Prior Associates – Resilient Construction Document, Prepared by Prior Associates
- Planning, Design and Access Statement, Prepared by Sam Peacock, ET Planning.

This site is located within Flood Zone 2 according to the Flood Map for Planning. This is defined as areas having a medium probability of flooding in accordance with Table 1 'Flood Risk' of the Planning Practice Guidance (PPG). The proposed development is classed as 'highly vulnerable' in terms of flood risk, in accordance with Annex 3: Flood

risk vulnerability classification of the NPPF. The site is adjacent to a designated Main River.

Environment Agency Position

In the absence of an acceptable flood risk assessment (FRA) we **object** to this application and recommend that planning permission is refused.

Reasons

This application lies within Flood Zone 2, which is land defined by the planning practice guidance (PPG) as having a medium probability of flooding. As shown in table 2 of the PPG, development classified as Highly Vulnerable under Annex 3 of the National Planning Policy Framework (NPPF) is only appropriate in these areas if the exception test is passed alongside the sequential test.

The NPPF (paragraph 179) makes it clear that both elements of the exception test must be passed for development to be permitted. Part 2 of the test requires the applicant to demonstrate, via a site-specific flood risk assessment, that the development will be safe, without increasing flood risk elsewhere. Where possible, the development should reduce flood risk overall.

In this instance the developer's flood risk assessment fails to:

- assess the impact of climate change using appropriate climate change allowances. The proposed development is identified as Highly Vulnerable and is within Flood Zone 2. Therefore, the Central allowance (1% AEP plus 14% allowance for climate change) should be applied.
- demonstrate the development will be safe for its lifetime. The proposed finished floor levels of the development are based on an estimation of flood depths with an estimated allowance for climate change rather than data drawn from detailed modelling.
- demonstrate the flood modelling used within the FRA is appropriate. The EA do not currently hold detailed modelling for the main rivers adjacent to the site. The modelling supplied in the form of a Product 4 was from the nearby Loddon (Lower) 2009 model that impacts the site in the most severe cases. It would be appropriate for the applicant to carry out detailed modelling to determine a flood level for the site considering that the level is uncertain due to the lack of modelling.
- demonstrate the development will not increase flood risk elsewhere. Paragraph 5.2.2 of the FRA suggests that the topsoil will be replaced by stone, and it is unclear if ground levels will be raised which could cause an increase in flood risk adjacent to the site. The applicant also proposes voids below the mobile homes which is an unacceptable method of floodplain compensation. As the flood level is uncertain, there could be an unacceptable loss of floodplain storage caused by the new development that should be compensated for via a level for level compensation strategy.
- demonstrate that a safe access and egress route can be provided from the proposed development during a Design Flood Event (1% Annual Exceedance Probability plus appropriate Climate Change Allowance).
- address the opportunities presented by this development for reducing flood risk.

Overcoming our objection

To overcome our objection, the applicant should submit a revised FRA which addresses

the points highlighted above. If this cannot be achieved, we are likely to maintain our objection. Please re-consult us on any revised FRA submitted.

Specifically, the FRA will need to:

- calculate an appropriate allowance for climate change using those advised in '[Flood risk assessments: climate change allowances](#)'
- demonstrate that finished floor levels are set above the 1% AEP plus climate change flood level to reduce the risk of flooding to people and property.
- There is no detailed modelling available for the main rivers adjacent to the site. It may be appropriate to undertake some flow analysis and modelling to establish the flood level at this site. The level of flooding at this site will be required to determine appropriate finished floor levels and to calculate the volume of compensatory flood storage if required. More guidance on detailed modelling can be found here: [Using modelling for flood risk assessments - GOV.UK](#)
- demonstrate that the development will not cause an increase in flood risk elsewhere. As stated above, the applicant has not quantified how much land will be raised and if there is to be land raising within the 1% plus CC extent. If there is to be land raised within the 1% plus an allowance for climate change, this will need to be compensated via a level for level compensation strategy as voids are not an accepted method of compensation.
- demonstrate that there is a safe access and escape route to and from the site during a flood event. Paragraph 5.6.2 of the FRA indicates flood water could be between 50mm – 100mm and in paragraph 5.6.3 the level assessed with climate change could be between 150mm – 200mm deep. However, without an accurate Design Flood Level it is not possible to assess the Flood Hazard Rating.
- address the opportunities presented by this development for reducing flood risk. This is in relation to the Exception Test criteria as at present, we are not satisfied that this has been passed. Paragraph 7.1 of the FRA has proposed that the replacement of topsoil with whole stone fill will increase the storage capacity on the site and provide a small reduction in flood risk. However, this statement has not been quantified in any way. Due to the fact that it is unclear whether the proposed development will be safe for its lifetime, and that we are not satisfied with the proposed reduction of flood risk, we consider the Exception Test criteria not to have been met.

Advice to applicant – Environmental Permitting

The applicant will require a Flood Risk Activity Permit (FRAP) to undertake the proposed works as the main river runs adjacent to the site. The applicant would need to demonstrate that the proposed works will not adversely impact on flood risk or the watercourse.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

Advice to applicant – foul drainage

Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply. Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development. Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

Further advice is available at:

[Septic tanks and treatment plants: permits and general binding rules](#)

Advice to LPA – Sequential Test

What is the sequential test and does it apply to this application?

In accordance with the National Planning Policy Framework (paragraph 173), development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding. The sequential test establishes if this is the case.

Development is in a flood risk area if it is in Flood Zone 2 or 3, or it is within Flood Zone 1 and your strategic flood risk assessment shows it to be at future flood risk or at risk from other sources of flooding such as surface water or groundwater.

The only developments exempt from the sequential test in flood risk areas are:

- Householder developments such as residential extensions, conservatories or loft conversions
- Small non-residential extensions with a footprint of less than 250sqm
- Changes of use (except changes of use to a caravan, camping or chalet site, or to a mobile home or park home site)
- Applications for development on sites allocated in the development plan through the sequential test and:
- the proposed development is consistent with the use for which the site was allocated; and
- 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
- Developments where 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.

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

Who undertakes the sequential test?

It is for you, as the local planning authority, to determine an appropriate area of search and to decide whether the sequential test has been passed, with reference to the information you hold on land availability. You may also ask the applicant to identify any other 'reasonably available' sites which are on the open market and to check on the current status of identified sites to determine if they can be considered 'reasonably available'. Further guidance on the area of search can be found in paragraphs 027-030 of the planning practice guidance [here](#).

What is our role in the sequential test?

We can advise on the relative flood risk between the proposed site and any alternative sites identified - although your strategic flood risk assessment should allow you to do this yourself in most cases. We won't advise on whether alternative sites are reasonably available or whether they would be suitable for the proposed development. We also won't advise on whether there are sustainable development objectives that mean steering the development to any alternative sites would be inappropriate. Further guidance on how to apply the sequential test to site specific applications can be found in the planning practice guidance [here](#).

Advice to LPA – Exception Test

The exception test should only be applied as set out in flood risk table 2 of the Planning Practice Guidance (PPG) following application of the sequential test. The exception test should not be used to justify the grant of planning permission in flood risk areas when the sequential test has shown that there are reasonably available, lower risk sites, appropriate for the proposed development.

In those circumstances, planning permission should be refused, unless you consider that sustainable development objectives make steering development to these lower risk sites inappropriate as outlined in PPG.

Our role in the exception test

The exception test is in two parts, described in the NPPF (paragraph 178). In order for the test to be passed it must be demonstrated that

1. The development would provide wider sustainability benefits to the community that outweigh flood risk; and
2. 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.

Paragraph 179 of the NPPF makes clear that both parts need to be met for the test to be satisfied. It is for the applicant to demonstrate this.

We provide advice on the second part of the test, but it is for you, as the local planning authority, to consider the first part of the test, accounting for the findings of the flood risk assessment and our flood risk advice, and to determine whether the test, overall, has been satisfied. Development that does not satisfy both parts of the exception test should be refused.

Where the flood risk assessment shows the development will be safe throughout its lifetime without increasing flood risk elsewhere

Even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, there will always be some remaining risk that the development will be affected either directly or indirectly by flooding. You will need to weigh these risks against any wider sustainability benefits to the community.

Advice to Applicant - Other Consents

As you are aware we also have a regulatory role in issuing legally required consents, permits or licences for various activities. We have not assessed whether consent will be required under our regulatory role and therefore this letter does not indicate that permission will be given by the Environment Agency as a regulatory body.

The applicant should contact 03708 506 506 or consult our website to establish if consent will be required for the works they are proposing. Please see <http://www.environment-agency.gov.uk/business/topics/permitting/default.aspx>

Final comments

Thank you again for consulting us on this application. Our comments are based on the best available data and the information as presented to us.

If you are minded to approve the application contrary to our objection, please contact us to explain why material considerations outweigh our objection. This will allow us to

make further representations. Should our objection be removed, it is likely we will recommend the inclusion of condition(s) on any subsequent approval.

In accordance with the planning practice guidance (determining a planning application, paragraph 019), please notify us by email within two weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours faithfully

Sarah Warriss-Simmons
Planning Advisor

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Direct e-mail Planning_THM@environment-agency.gov.uk