



**Town and Country Planning Act 1999 (As Amended) Section 77 and Town and Country Planning (Inquiries Procedure) (England) Rules 2000**

Application: For the 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).

Site: Land Between Lodge Road and Tape Road, Hurst RG10 0EG

Appellant: Mactaggart and Mickel Strategic Land

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**Proof of Evidence by Joanna Marchant  
on behalf of the Environment Agency**

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PINs Reference: APP/X0360/W/25/3364304

LPA Reference: 242067

Environment Agency Reference: WA/2024/131683/01-L01

Date: 25/07/2025

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## **Appendices**

- Appendix EA01: Current Flood Map for Planning of the site
- Appendix EA02: Environment Agency previous response-2022
- Appendix EA03: Environment Agency planning response to this proposal
- Appendix EA04A: Hydraulic modelling review
- Appendix EA04B: Flood hydrology review

## **1 Personal Details and Scope of Evidence**

- 1.1 My name is Joanna Marchant. I have 23 years of experience working within the Environment Agency. I have Bachelor of Science (Hons) degree in Agriculture, Forestry and Rural Economy from Edinburgh University and a PhD from the Environmental and Water Resource Engineering Department of Imperial College, London.
- 1.2 I am a Flood and Coastal Risk Advisor working within the Flood and Coastal Risk Management directorate in the Thames Area of the Environment Agency and have held this role for 8 years. Part of my role consists of reviewing flood risk assessments relating to development proposals with a view to advising Local Planning Authorities on fluvial flooding.
- 1.3 Please note, I am not a flood risk modeller and did not carry out the model reviews. These were carried out by our Digital, Data and Evidence (DDE) Department (formally Evidence and Risk).
- 1.4 The evidence which I have prepared and provide in this Proof of Evidence for this appeal (Ref. APP/X0360/W/25/3364304) is true and has been prepared, and is given, in accordance with the guidance of the Environment Agency. I confirm that the opinions expressed are my true and professional opinions.
- 1.5 I will be dealing with the flood risk issues associated with the development. I was appointed as the Environment Agency flood risk officer to provide flood risk technical advice relating to this site on 21/05/2025 which was shortly after Wokingham Borough Council notified the Environment Agency of this appeal.

## **2 Environment Agency's Planning and Flood Risk Role**

- 2.1 The Environment Agency is a non-departmental public body created by the Environment Act 1995<sup>i</sup>. 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. The Environment Agency also comments in planning proposals involving carrying out works/operations or developments within 20 metres of the top of a Main River as notified by the Environment Agency.

- 2.2 My comments in this Proof of Evidence relate to flood risk matters which is within the Environment Agency's remit.

### **3 Site Description and Constraints**

- 3.1 The appeal site is at Land Between Lodge Road and Tape Road, Hurst. The nearest postcode is RG10 0EG.

- 3.2 This main river (Hatchgate Ditches) runs along part of the Western boundary of the appeal site.

- 3.3 In the Flood Map for Planning (Appendix EA01) the site is predominantly in Flood Zone 1 with small areas of the site within Flood Zones 2 and 3. The National Planning Policy Framework (NPPF) and associated Flood risk and coastal change Planning Policy Guidance (PPG) defines: Flood Zone 1 as having a low probability of flooding; Flood Zone 2 as having a medium probability of flooding; and Flood Zone 3 as having a high probability of flooding.

### **4 Background to Environment Agency Involvement**

- 4.1 The Environment Agency objected to the initial consultation on this planning application on 30/09/2022 (LPA planning reference – 220458). The submitted FRA did 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. Detailed modelling of the site was not carried out to inform the FRA. Please see our previous planning response in Appendix EA02).

- 4.1 We were consulted on the current application (Planning reference LPA Reference: 242067) which is the subject of this appeal in August 2024, it is for

“up to 99 dwellings”. We objected to this application due to the Flood Risk Assessment being inadequate. Just as previously, the submitted FRA did 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. See our planning response in Appendix EA03. We provided details regarding how the applicant can overcome our objection. Please see section 6 for further details.

- 4.2 We understand the planning application for this proposal was refused. Reasons 5, 6 and 7 are refusal reasons within our remit and the Environment Agency support Wokingham Borough Council's refusal reasons and decision to refuse the planning application. The applicant appealed against the LPA's decision to refuse this planning application.
- 4.3 Prior to being notified to this appeal, we had been engaging with the appellant in an attempt to resolve our flood risk concerns. The applicant had submitted a model for review but due to a change in internal prioritisation we were unable to complete this model review before receiving the appeal notification.
- 4.4 We were notified of this appeal - APP/X0360/W/25/3364304 by Wokingham Borough Council on 21 May 2025. As a result of the post appeal notification engagement, the appellant has submitted additional evidence, but this has not overcome our objection. The appellant has provided a flood risk assessment which references detailed modelling that had been carried out to support their case.
- 4.5 The modelling was sent to be reviewed. All the files needed for this review were provided by 06/06/2025. The review was completed on 26/06/2025 and was found to be unsuitable for its intended use. The model review spreadsheets were sent to the appellant detailing the issues that needed to be addressed. These are included in Appendices EA04A and EA04B.

- 4.6 Updated modelling was provided by the appellant and sent for review on 11/07/25. At the time of writing this review is not complete.
- 4.7 I have highlighted below in sections 6,8,9 on what has not been resolved and where our objections remain.

## **5 Relevant Policies and Guidance**

- 5.1 I set out below the National and Local Planning policy and guidance which are relevant to the proposed development and provide the context for the Environment Agency's stance on this proposal.

Please see below – in particular, Section 6 and Section 8 – for more detail on the information addressed here.

### **5.2 National Planning Policy Framework (NPPF)**

With a particular focus on paragraph 178 part b.

*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:*

...

*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.*

A flood risk assessment (FRA) has been provided (as we have highlighted above), but this does not demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere. (This requirement is also in the Wokingham local plan of 2014 Policy CC09, point 4 i and ii).

There is a main river (Hatchgate Ditches) along part of the Western boundary of the site, and the Flood Map for Planning shows the site as containing small areas of Flood Zone 2 and Flood Zone 3 (see Appendix EA01). This, along with the scale of the proposed development, highlights the risk associated with the site.

We require detailed modelling that is fit for purpose to gain an accurate picture of the flood risk associated with the site, in order to assess that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere. Although detailed modelling has been provided, this has been reviewed by the Environment Agency to be not fit for purpose. Therefore it has not been demonstrated that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere.

### 5.3 Flood Risk and Coastal Change Planning Practice Guidance (PPG)

With a particular focus on paragraphs 20 and 21.

Paragraph 20 of the PPG

*“The objectives of a site-specific flood risk assessment are to establish:*

- *whether a proposed development is likely to be affected by current or future flooding from any source;*
- *whether it will increase flood risk elsewhere;*
- *whether the measures proposed to deal with these effects and risks are appropriate;*
- ~~*the evidence for the local planning authority to apply (if necessary) the Sequential Test, and;*~~
- *whether the development will be safe and pass the Exception Test, if applicable.”*

*Emphasis is not on bullet point 4 of paragraph 20 as the Sequential Test is carried out by the LPA.*

Paragraph 21 of the PPG

***“What level of detail is needed in a site-specific flood risk assessment?***

*The information provided in the flood risk assessment needs to be credible and fit for purpose. Site-specific flood risk assessments need to be proportionate to the anticipated degree of flood risk and make optimum use of information already available, including information in a Strategic Flood Risk Assessment for the area, and the Environment Agency’s Flood Map and surface water flood risk information on Check the long term flood risk for an area in England. Flood risk assessments need to include the information set out in the flood risk assessment checklist.”*

The FRA that the appellant has provided is supported by detailed modelling which has been determined by the Environment Agency to be not fit for purpose. Therefore, the FRA is not fit for purpose, and it has not been

established: whether the proposed development is likely to be affected by current or future flooding from any source; whether it will increase flood risk elsewhere; whether the measures proposed to deal with these effects and risks are appropriate; whether the development will be safe and pass the Exception Test.

## **6 Key Issues for the Environment Agency**

- 6.1 There is a main river (Hatchgate Ditches) along part of the Western boundary of the site. There is no detailed modelling available for this watercourse. For a major development of this size, we require detailed modelling of the watercourse to be provided to gain an accurate assessment of flood risk. While detailed modelling has now been provided, this has been reviewed and determined to be not fit for purpose.
- 6.2 This detailed fluvial modelling is used to support the Flood Risk Assessment (FRA). The FRA includes the below information, but each is unsuitable as the modelling they rely on is not fit for purpose. Therefore, the FRA does not meet the following requirements (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):
- Provide a design flood level for the 1% Annual Exceedance Probability flood extent plus an appropriate allowance for climate change (1%AEP+CC), to provide a clear picture of what impact the development may have on flood risk, and whether or not the development would be safe for its lifetime.
  - 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.

## **7 The Appellant's Case**

- 7.1 The following is to be noted from the Appellant's Statement of Case prepared by Planning Potential Limited and dated April 2025.
- 7.2 The appellant has commissioned a hydraulic model of the watercourse, named Hatchgate Ditches which runs to the west of the site and is designated as a Main River. The appellant goes on to acknowledge that modelling work carried out is subject to a review to determine its suitability. It is then noted in section 8.13 and 8.14 that the Appellant states; *'Once this [the modelling found to be suitable for use] has occurred, the points identified by the EA can be addressed... Following the full review and subject to the relevant information being suitable, the EA will remove their objection prior to the Inquiry. Accordingly, we consider the matter is likely to be resolved prior to the Inquiry and no further evidence on flooding will be required.'*
- 7.3 It is unclear from the Appellant's Statement of Case what their position is in the case that the modelling is found unsuitable for use and the objection is maintained.
- 7.4 At the point of writing the modelling submitted for review on 06/06/25 has been found unsuitable for use and the review of the updated modelling submitted on 11/07/2025 is ongoing.

## **8 The Environment Agency's Case**

- 8.1 The submitted flood risk assessment is supported by detailed fluvial modelling which has been reviewed by the Environment Agency and found unsuitable for its intended use.
- 8.2 The Environment Agency has provided the comments from their review, highlighting the issues that need to be addressed in the form of review spreadsheets. Two spreadsheets were provided: one for the hydraulic model review (Appendix EA04A) and one for the flood hydrology review (Appendix EA04B).
- 8.3 The reviews include colour coding for the comments as follows: red comments are actions required which will have an impact on the results that

may have a significant impact on the outcome of the study; and amber comments are actions required which will have a potential impact on the results that may change the outcome of the study.

8.4 The hydraulic model review had 5 red comments and 14 amber comments, and the hydrology review had 15 red comments and 13 amber comments.

8.5 The Environment Agency holds that these comments should be addressed, and the modelling resubmitted for review; the modelling must be fit for purpose to gain an accurate picture of flood risk.

8.6 Please note that, as highlighted in Section 1.3, I am not a flood risk modeller and the reviews are carried out by the DDE Department of the Environment Agency. Please also note that the review of the updated modelling submitted on 11/07/2025 is ongoing. I am therefore unable to provide further comments regarding this review of the flood risk model.

## **9. Conclusion**

9.1 For a Major development of this size we would expect detailed modelling of the watercourse to be provided in order to gain an accurate assessment of flood risk at the site.

9.2 Whilst a FRA has been provided, the modelling it is based on has been found unsuitable for its purpose.

9.3 Without appropriate modelling in support of this application, the impacts of the development on flood risk have not been properly assessed. It has not been demonstrated that people and property will be 'safe' from flooding without increasing flood risk elsewhere.

9.4 The Environment Agency therefore maintains that the appeal should be refused on flood risk grounds.

## **10. Conditions**

10.1 As things stand, we are of the opinion that the concerns set out above cannot be addressed by the imposition of planning conditions. The flood risk information we seek should ideally be submitted before a decision is made.

However if the Inspector is minded to allow the appeal , without predjuce we would wish to see the following addressed via any suitable planning mechanism:

- Modelling should be provided that is found to be suitable for use by the Environment Agency. This modelling shall be used to support the FRA.
- There shall be no development within the 1 in 100 + CC Flood Extent.
- Finished floor levels shall be set above the 1 in 100 + CC Flood Level.

10.2 We are happy to assist in the wording of this planning condition when required.

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<sup>i</sup> An Act by Parliament which It established the Environment Agency as the body responsible for regulation of air quality, water resources, and waste management amongst others in England.