

Objection to Barratt Homes Application PL/2026/00195 – Land West of Westbury Road, Warminster

Executive Summary

This objection is submitted on behalf of local residents to oppose the proposed development of up to 205 houses. Based on repeated flooding, non-compliance with UK Sewerage Sector Guidance, downstream flood risk, and failure to apply the NPPF sequential test, the proposal is **unsuitable, unsafe, and unsustainable**

1. Flood Risk – Development in Flood Zones

- The proposed site is located in **Flood Zones 1, 2, and 3**, with vulnerable infrastructure (sewage storage tank and pumping station) partially located within Zones 2/3.
- Historical evidence and photographs 2023–2026 shows **repeated, prolonged flooding** of the site, with events lasting up to three months each year. Photographs and drone imagery demonstrate that flooding exceeds Environment Agency (EA) Flood Zone 2 boundaries.
- Barratt's commissioned hydraulic modelling relies on **20-year-old FEH data and theoretical ReFH2 models**, lacking direct measurement and ignoring local topography and silted culverts. This makes their conclusions **unreliable**.
- The site is at **significant future flood risk**, particularly with climate change projections, making the development unsafe over its lifetime.

Regulatory References:

- NPPF Paragraphs **170, 172–175, 181**: Development must avoid areas of highest flood risk, apply the sequential test, and not increase the flood risk elsewhere.
- Appeal Decision **APP/Y3940/W/24/3338217**: Previously refused due to unacceptable flood risk (paragraph 79).

Conclusion: Housing and vulnerable infrastructure at this location **cannot be considered safe**, and development should be refused on flood risk grounds.

2. Sewage Infrastructure Non-Compliance

- Proposed **pumping station and sewage storage tank** do not comply with **Water UK Sewerage Sector Guidance (SSG) DCG v2.1, May 2021**:
 - Must be 15–20m from any habitable building; the proposed site fails this.

- Must have a dedicated access road for maintenance; the proposed short spur is insufficient and likely obstructed by parked vehicles.
- Must not be located in areas prone to flooding (1:30 year risk); the proposed location partially falls in Flood Zones 2/3, with observed flooding 8–9 years out of 10.
- The lack of compliant siting **triggers the NPPF sequential test**. Barratt's assertion that only housing counts for this test is legally incorrect under **Section 55 TCPA 1990**.

Conclusion: Sewage infrastructure is **non-compliant, vulnerable, and incorrectly sited**, making the development unsafe and contrary to guidance.

3. Sequential Test Required but Not Performed

- Vulnerable elements in Flood Zones 2/3 trigger the **sequential risk-based test** under NPPF 172–175.
- Barratt's claim that the test is not required relies on **flawed hydraulic modelling** and misinterpretation of NPPF guidance.
- The previous application was rejected primarily due to the **failure to perform a sequential test**, along with other technical concerns.

Conclusion: Sequential test **must be applied**, and no evidence shows that lower-risk sites have been considered.

4. Downstream Surface Water Runoff Risk

- 205 houses with roads, driveways, and hardstanding will produce **10,000–30,000 m³ of surface water runoff annually**, potentially 30–40% higher with climate change.
- Existing culvert under the railway is fixed and silted, **unable to handle additional flow**, placing properties in Arn View, Broadwood Close, Portway Lane, The Woodlands, and Hollybush Road at increased flood risk.
- Photographs and flood maps confirm water flows beyond the development site, exacerbating local and downstream flood hazards.

Regulatory Reference:

- NPPF Paragraph **181**: Surface water drainage must not increase flood risk elsewhere.

Conclusion: The proposal **significantly increases flood risk to surrounding properties**, breaching planning guidance and triggering the requirement for the sequential test.

Regulatory Compliance Table – Pumping Station & Sewage Tank

Requirement (SSG DCG v2.1)	Status in Proposed Plan	Notes
15–20m from nearest house	X Not compliant	Closest house within 15m
Dedicated maintenance access road	X Not compliant	Short spur, obstructed by vehicles
Not located in flood-prone area	X Not compliant	Partially in Flood Zones 2/3
Adequate storage (32,800L	TBD	To be verified
Safe vehicle and tanker access	X Not compliant	Insufficient space and flood risk

Overall Conclusion

1. The development **sits in a flood-prone area**, with historical evidence confirming annual, prolonged flooding.
2. Sewage infrastructure **violates UK guidance** and is improperly sited in flood zones, triggering sequential test requirements.
3. The **sequential test has not been applied**, and Barratt’s arguments to circumvent it are legally flawed.
4. Downstream runoff will **increase flood risk for existing properties**, breaching NPPF regulations.

Recommendation: Refusal of planning permission is strongly warranted to protect human safety, comply with statutory guidance, and prevent significant environmental harm.

Background

In Chris Marsh’s Resubmission Covering Letter of 9 January he stated that Barratt’s previous application, PL/2021/09013, was uncontested. This is incorrect. Objections were raised and sustained at multiple levels, including:

- Warminster Residents
- Warminster Town Council
- Upton Scudamore Parish Council
- Wiltshire Council Strategic Planning Committee
- Andrew Murrison, MP for South West Wiltshire

The Planning Inquiry led to the **refusal of the Barratt appeal**, which hinged not only on the omission of the sequential test but also on multiple technical concerns, including flood risk, nutrient neutrality, and inconsistencies in the submitted masterplan and drainage strategy.

The Planning Inspector's decision (APP/Y3940/W/24/3338217) confirmed:

"The proposed development would be located in the countryside, outside the town of Warminster, and would be at an unacceptable risk of flooding. It would, therefore, conflict with WCS Core Policy 1, Core Policy 2, Core Policy 31, and Core Policy 67."

1. Flood Risk – Nature and Extent

1.1 Site Flooding History

- Photographs taken between 2023 and 2026 demonstrate **annual, prolonged flooding**, sometimes lasting over three months.
- Flooding occurs in both winter and periods of heavy rainfall, confirming that **flood risk is persistent and worsening**.

1.2 Hydraulic Modelling Issues

- Barratt employed Chris Whitlow & Associates to produce a hydraulic modelling report in December 2025 in an attempt to circumvent the requirement for a sequential test.
- Modelling relied on **theoretical ReFH2 methods, outdated FEH data (2005/06)**, and **limited survey points**, failing to reflect real-world flooding.
- Cross-section surveys focused on irrelevant areas (west side of railway embankment), **ignoring the main catchment and culvert**.
- These flaws render the modelling **unreliable and biased toward minimising perceived flood risk**.

1.3 Environment Agency Data

- The **Environment Agency Flood Map** remains the most credible source, corroborated by photographic evidence.
- Observed flooding often **exceeds Flood Zone 2 boundaries**, threatening proposed housing even within Flood Zone 1.
- Future flood risk is likely to worsen due to **climate change**, invalidating claims that the development would be safe "for its lifetime."

The Environment Agency Flood Map is the current accepted method by which flooding is assessed within the area of proposed development site.

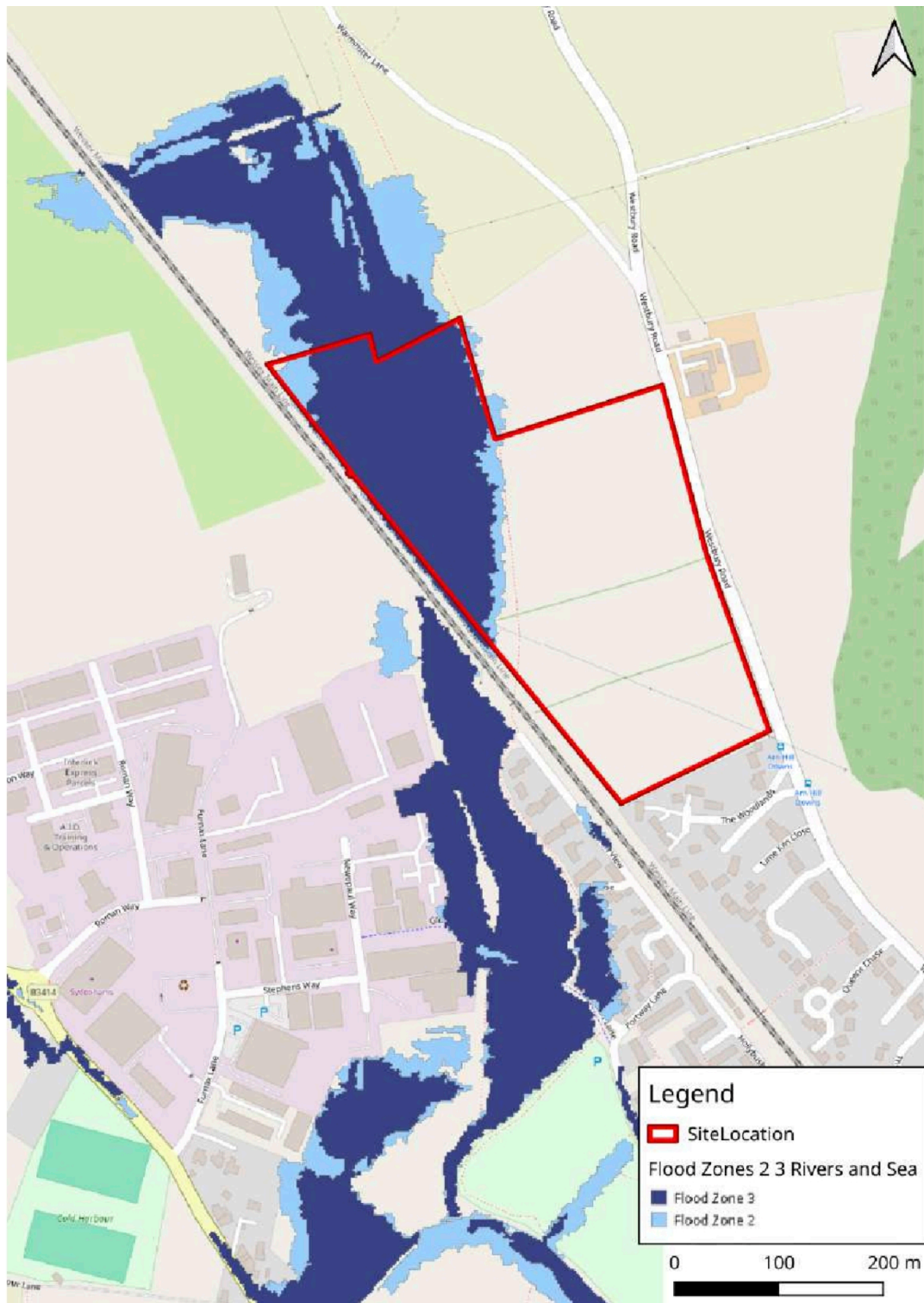


Figure 1: Location of current Environment Agency fluvial flood zones relative to proposed development site

1.2. Hydraulic modelling problems

Proposed draft changes were made to the NPPF on 8 October 2025, stating that the sequential test was not required if a site-specific flood-risk assessment showed that proposed developments, including access roads and required land raising, were located away from areas at risk of flooding. Consultation over the changes remain open until 10th March 2026, **so currently the draft has no statutory force. No changes are yet enacted**, and the final Framework may differ in important respects.

- For this reason Pegasus Group try to circumvent their previous failure by commissioning a new flood assessment concluding that the Environment Agency overestimates the flood risk.
- To achieve this Barratt employed Chris Whitlow & Associates in December 2025 who produced a paper entitled **Westbury Road, Warminster Hydraulic Modelling Report Final** shown within Appendix L.

- Within their document, subsection 1.2 **Existing Environment Agency Detailed Hydraulic Models** they note:

The Environment Agency publishes a GIS shapefile showing the location of their detailed hydraulic models and a map showing this is shown in Figure 4. The model extent is indicated by the white line. They claim that a GIS shapefile has not been performed for the area covered by the proposed development site, thereby rendering it unfit to properly assess flood risk as it does not contain detailed channel survey or culvert geometry nor peak levels or flows.

- They suggest their new modelled map should be used instead.
- Their argument ignores the fact that GIS shapefile modelling is not usually performed for sites free of housing. The proposed development site has always been free of housing.
- The authors describe their new methodology but their model did not apply any direct measurements of their own, instead they rely on the **Revitalised Rainfall Runoff model version 2 (ReFH2)**.
- Whilst this model is also used by the Environment Agency, whose flood map the authors are trying to discredit, the ReFH2 methodology suffers from well recognised problems.
 - It is unsuitable for continuous (long-term) simulation having significant limitations as soil moisture content does not properly degrade between rainfall events, leading to an over-prediction of soil moisture and, consequently, unrealistically high runoff, especially towards the end of long, continuous simulations.
 - The model often produces a total runoff volume exceeding the total input rainfall depth. Although algorithms are used to mitigate this, the problem remains a risk in certain specific, non-standard applications.
 - Calibrating ReFH2 parameters such as the maximum soil moisture capacity (C_{max}) and the Unit Hydrograph Time to Peak (T_p) using observed data is difficult because different combinations of parameters will often yield the same quality of fit making it hard to identify the true, physically based parameter values.

- If the model is applied over event durations longer than the recommended duration, it is prone to over-estimating direct runoff because the soil moisture loss model does not reflect the base flow generated within the extended event.
 - While improved from ReFH1, the current ReFH2 model still performs poorly in catchments with high permeability, as it struggles to accurately represent the complex relationship between groundwater and surface runoff.
 - In ungauged catchments, which are estimated from catchment descriptors the model may not accurately represent the specific, pre-event conditions, potentially leading to inaccurate peak flow predictions.
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- The author's new modelling uses no measured data or direct measurements of their own, so must be considered theoretical and therefore contrived to show the proposed development in better light to comply with the changes **proposed** to the NPPF in October 2025.
 - In Section 2 **New Survey data**, the authors employ 20 cross sections lying between the Arn view side of the railway embankment (the west side and opposite side to the proposed development).
 - These are irrelevant for the calculation of water flow across the proposed development site on the north side of the railway embankment as they are based on the wrong side of the culvert.
 - The authors noted that the culvert under the railway embankment was silted. They were told that this problem would be addressed. Recent inspection of the culvert shows that the problem of silting persists indicating that it was either not addressed or it is prone to silting, thereby increasing the risk of flooding.
 - In subsection 3.1 **Catchment Delineation**, the authors indicate that they used data from the **Flood Estimation Handbook (FEH)**.
 - There are significant limitations to the use of The Flood Estimation Handbook data.
 - It was published in 1999, with its latest dataset taken in 2005/2006 so it twenty years out of date.
 - The FEH data is known to be generalised, not specific to certain areas.
 - The last data set from 2005/2006 is therefore **20 years out of date and inaccurate**.
 - The FEH data creates high levels of uncertainty with **poor reliability for small catchment areas**.
 - The proposed development site **is a small catchment so is prone to high levels of uncertainty**.
 - The authors used incorrect hydrological data estimation positions for their paper. Only one hydrological estimation point was relevant, point ND01, shown on map figure 13 on the next page. This is the only point at which the un-named stream runs (referred to in their paper as Portway stream).

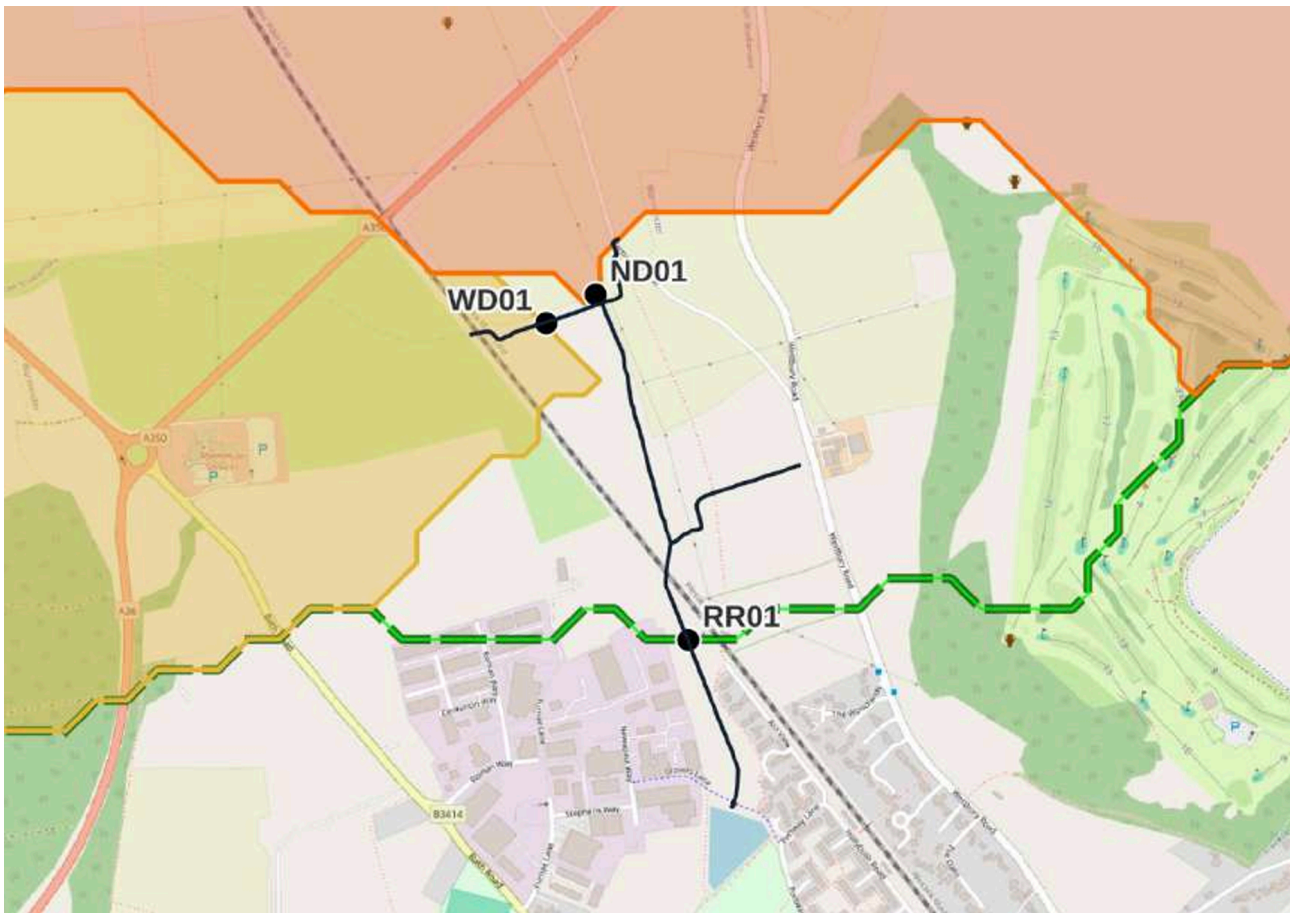


Figure 13: Location of the three hydrological estimation points

- The above limitations and inaccuracies render all subsequent data, tables, results, calculations and conclusions inaccurate. They rely on 20 year outdated estimations (not direct measurement) using the inaccurate modelling of the **Revitalised Rainfall Runoff model version 2 (ReFH2)**, with its inherent unreliability.
- When the methodology of any paper or publication is unsound or faulty, the results and conclusions will be unreliable.
- This paper is therefore unreliable leaving the Environment Agency Flood maps as the most reliable source of information to assess flood risk for the proposed development site.

Soil Sampling study problems and inaccuracies

Barratt employed contractors in January 2021, to assess the ground covered by the proposed development site by drilling a series of 31 bore holes to evaluate the soil and state of water logging.

- The Clarkebond report E05548-CLK-00-XX-RP-G-0001 produced on 8 March 2021, attempted to prove that the proposed development site was located on ground substantially free of groundwater. Their data showed that of the 31 bore holes examined, only three were found to be wet stating: *Groundwater was only encountered in TP1, TP2 and TP18 during the intrusive*

works, at depths of 1.50m, 1.20m and 1.80m bgl respectively. These three pits are located in the lower lying north west of the site., in other words, within the area known to flood repeatedly.

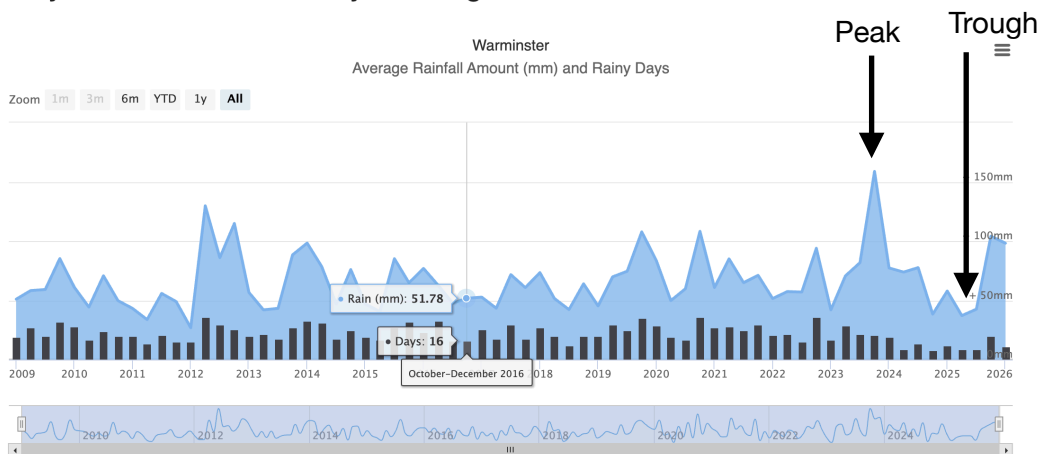
- Yet, all houses in The Woodlands, adjacent to the proposed development site are classified by the Environment Agency as being within a groundwater flood alert area.
- The Clarkebond survey was undertaken by bore hole drilling with samples taken during early to mid January 2021.
- Rainfall patterns for Warminster show this was a period of unusually dry weather for the town and surrounding areas. No rain fell between 27 December to early 19 January 2021, after which period it started to rain.
- Because of the unusually dry seasonal weather the water table would have been much lower at the time of sampling.
- Had sampling taken place during wet months, and more importantly, if accepted best practice had been followed, measurements should have been made periodically throughout the year to eliminate seasonal bias or periods of unusually dry weather.
- Had best practice methodology been adopted, the picture would have been very different, with the likelihood that most samples would have showed the presence of water consistent with the fact that the Environmental Agency classifies this area as being at risk from groundwater flooding.
- The Clarkebond report E05548-CLK-00-XX-RP-G-0001 data is therefore inaccurate and out of date as subsequent years have seen significantly heavier rainfall as well as a very dry year in 2025.
- Michael Holm of the Environment Agency stated that in Wiltshire, the winter of 2024 was the wettest on record for 150 years with 200% of long-term average rainfall recorded in March, with river levels and groundwater levels remaining high. (Source: South Operational Flood Working Group Hybrid meeting, Wednesday 17 April 2024 at Warminster Civic Centre).

Changing Rainfall Patterns Require Extra Flood Precautions

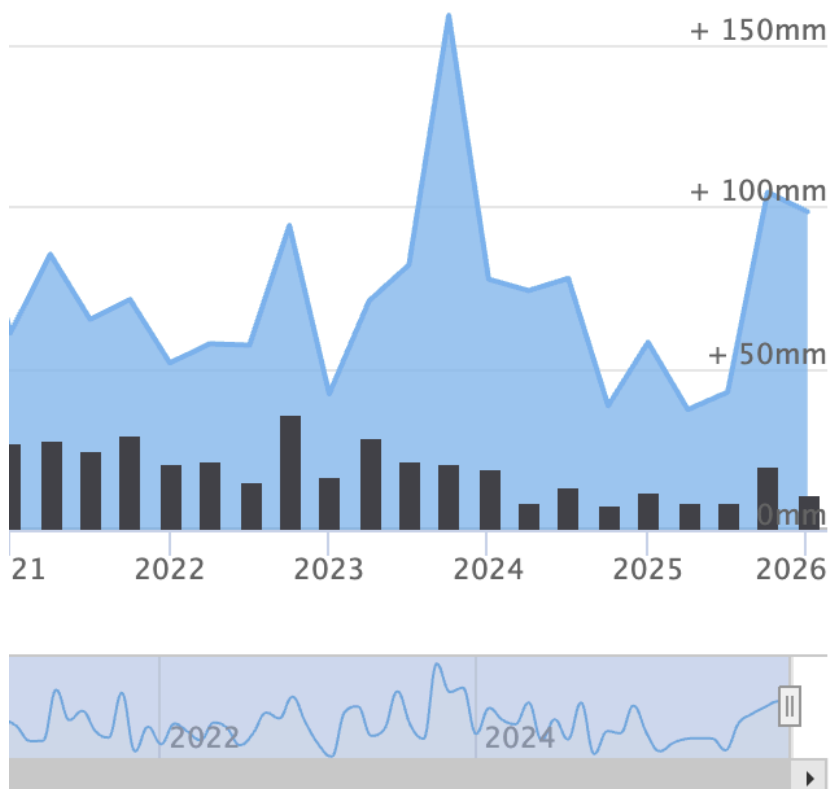
- Rainfall Patterns have changed dramatically over the years with Warminster rainfall records showing greater unpredictability stemming from climate change.
- Peak to trough differences between high and low average quarterly rainfall are more extreme and can be seen clearly in the Yearly Rainfall and Rain Day Averages graph on the next page.
- Rainfall patterns noted by the Met Office throughout January and February 2026 at the time of writing show that there have been 41 consecutive days of rain in the South West of England, with the predicted trend lasting for the next 10 days. This is the cause of severe flooding noticed in Wiltshire and Somerset.
- It is too early for this data to be reflected in the graphs on the next page.
- This pattern of rainfall makes the soil sampling study irrelevant and supports the contention illustrated within the photographs that the risk of flooding will become worse, exceeding the Environment Agency Flood Map predictions.

Quarterly Rainfall pattern for Warminster 2009 - 2026.

Yearly Rainfall and Rain Days Averages



Quarterly Rainfall Pattern for Warminster showing changes from 2021 - 2026



Source data. World Weather Online (<https://www.worldweatheronline.com/warminster-weather-averages/wiltshire/gb.aspx>)

The graphs demonstrates the peak to trough rainfall pattern has become more extreme.

The two photographs below are drone aerial pictures of the proposed development site taken on 27 January 2026, by Andy Walczak of 6 The Woodlands. They differ from the Environment Agency Flood Map because observed flooding exceeds flood zone 2 boundaries.

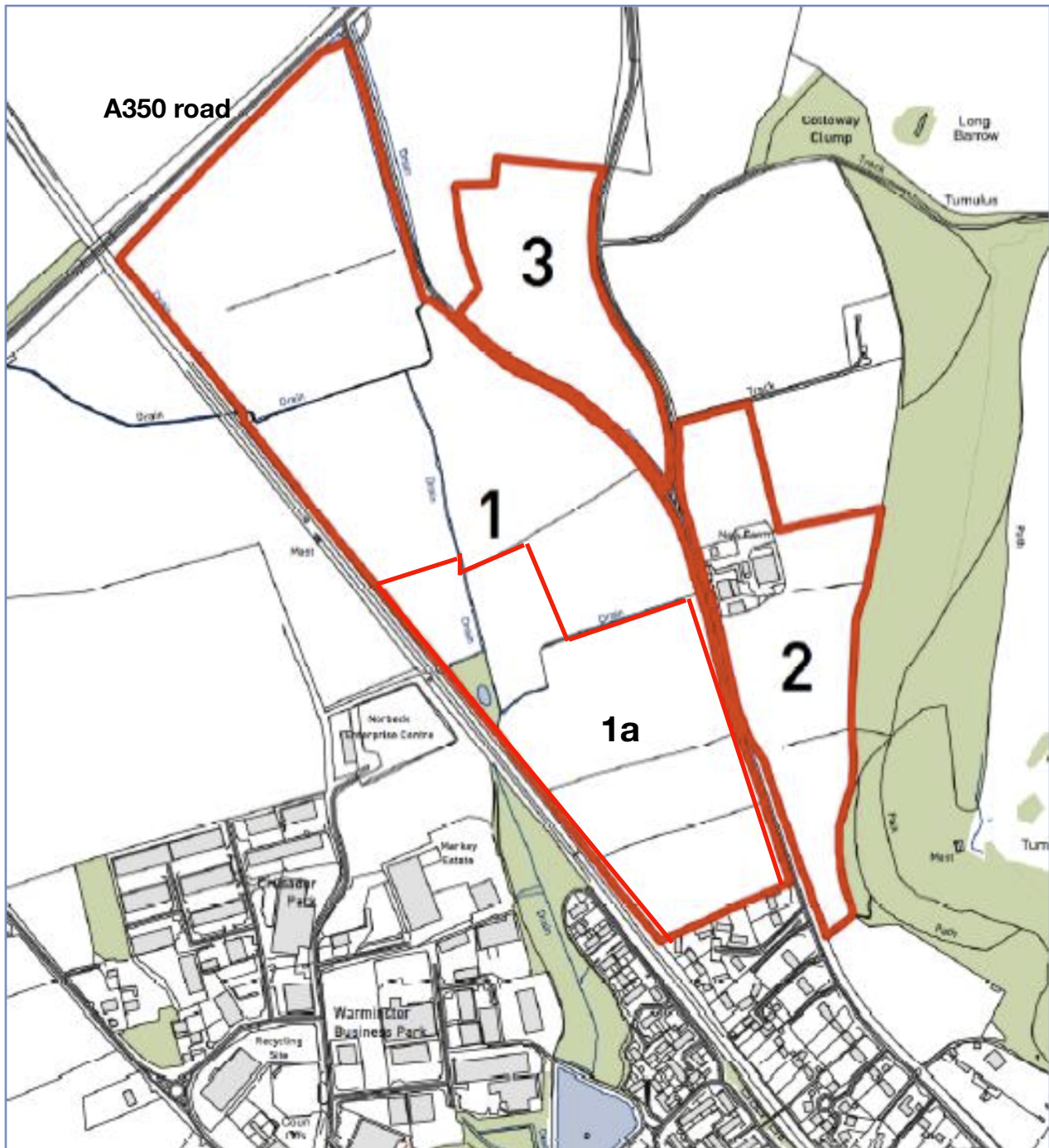
Photograph 1. Shows that extensive flooding well exceeding the EA flood Map Flood zone 2 boundary encroaching into Flood zone 1, the area for the proposed development for “up to 205 houses”.



Photograph 2 below shows an extended view demonstrating that flooding across the area is extensive, well beyond the proposed development area towards the A350, running across land purchased by Barratt for future development shown by plots 1,2 and 3 shown on the map on the following page.



The map below shows land purchased by Barratt for future development demarcated in red, with the current proposed development site being at the lower part as 1a. Photographs on previous pages clearly show that flooding extends throughout area 1 to the A350.



[Source: Site Location extract, at Appendix EHP04]

Note that all areas 1,2 and 3 are outside Warminster town planning boundaries.

Photograph 3. Taken by John Tulloch from Arn Hill on 17 December 2023.



Photograph 4, below was taken from Arn hill on 5 January 2024,



Photograph 5, below was taken from Arn Hill on 9 February 2024.



Photograph 6, below was taken from Arn Hill on 25 November 2024, demonstrating the same pattern of flooding reported in the EA Flood Map. It was prolonged, lasting over three months.



Photograph 7, below taken from Arn Hill on 9 February 2026 demonstrates the persistence of flooding from the January 2026 photographs 1 and 2



All photographs demonstrate the recurrent, prolonged annual pattern of flooding consistent with the Environment Agency Flood Map demonstrating that the flooding to the proposed development site is worsening.

Photograph 9, below shows the depth of flooding.



Despite standing in shallower water, the water level in other areas nearly overflowed into my wife's boots demonstrated by a waterline seen close to the top of her Wellington Boots. Had she strayed into other areas she would have required fishing waders to prevent water overflowing into her boots.

Conclusion

- The above photographs show flooding over consecutive years between 2023 to 2026, revealing that the EA map underestimates the extent of flooding within the proposed development area.
- Warminster residents know that flooding to the area is getting worse and is more extensive and prolonged than previously experienced. Each year seems to represent the peak of flooding. When climate change is built into the equation this pattern will only become worse.
- Warminster resident's observations are supported by the Warminster rainfall graphs.
- Because of the topography of the proposed development site, flooding occurs eight years out of ten, making the 1:100 risk estimation irrelevant. Periods of non flooding are the exception; flooding is the rule.
- Although the development plans indicate housing is confined to Flood zone 1 as it stands today, this is likely to change in the future as Flood zones 2 and 3 encroach onto Flood zone 1 and any buildings contained therein.

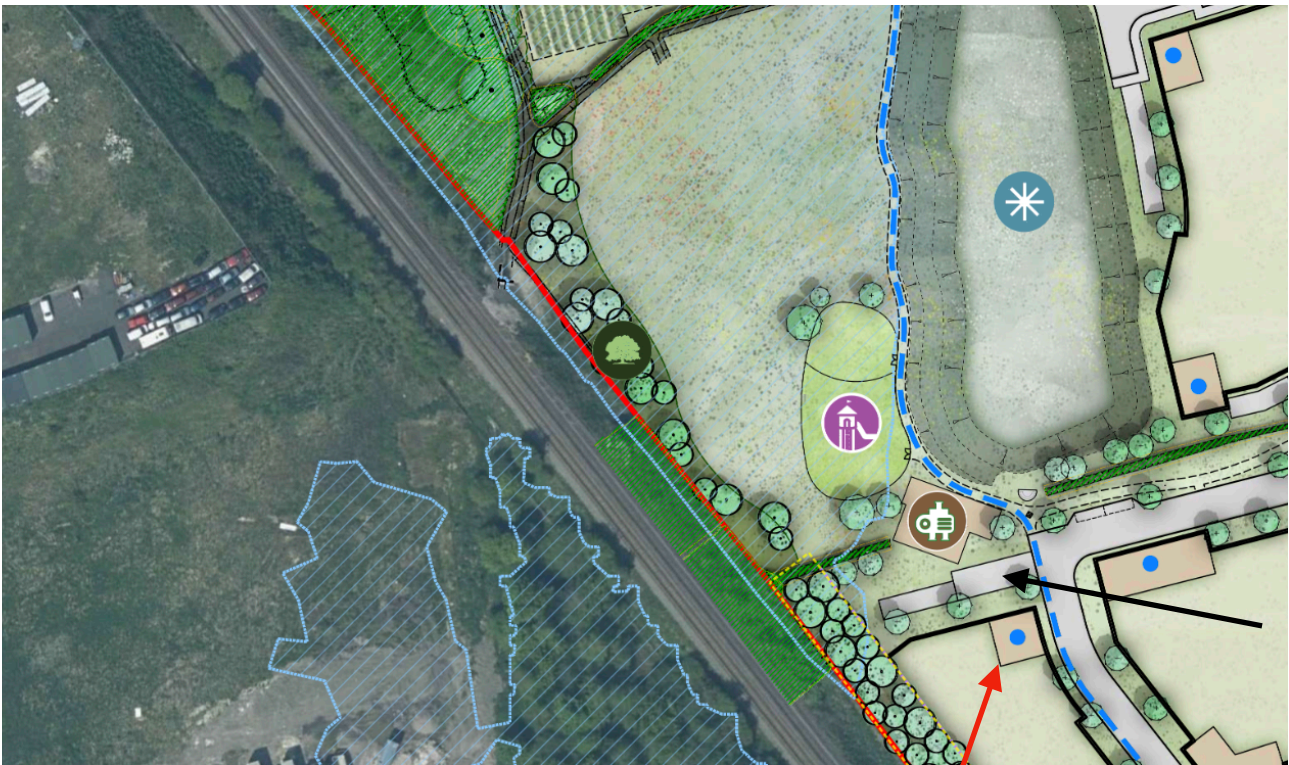
- Weather data graphs show a gradual but significant, worsening of peak to trough rainfall variation over the last few years indicating that periods of rainfall are longer and rainfall events are heavier.
- This contention is supported by the recent prolonged period of rainfall in the South West of England lasting for 41 consecutive days with heavy rain creating large areas of flooding across Wiltshire and Somerset.
- The development is in breach of the NPPF, **Paragraph 170**, which states:
Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

2. Sewage Infrastructure Non-Compliance

- The siting and building of Pumping Stations must comply with Water UK Sewerage Sector Guidance (SSG), specifically the Design and Construction Guidance (DCG), **Design and Construction Guidance for foul and surface water sewers offered for adoption under the Code for adoption agreements for water and sewerage companies operating wholly or mainly in England *Approved Version 2.1 25 May 2021.***
- These regulations state:
 1. They must be located a minimum of **15–20 metres away** from any habitable building (houses, schools, offices) to mitigate noise and odour.
 2. They must be a minimum of 5 metres away from trees, fences, or hedges.
 3. Vent pipes must be located at least 15m from any habitable building.
 4. Pumping stations must not be located in areas prone to flooding (1:30 year flood risk). Pumping stations should be located so that they are accessible and visible to the sewerage company at all times for use.
 5. The pumping station should not be situated within a public or private highway, in locations which may be used for car parking, in places where maintenance work may obstruct rights of way or where there is a risk of harm from moving vehicles to operatives carrying out maintenance activities.
 6. A safe and reasonable vehicular access should be provided to the pumping station at all hours for the purposes of repair and maintenance. Access should be directly from the public highway or by the provision of a dedicated access road. Vehicles should not be permitted to park in front of the vehicle access point to the pumping station. Long reversing routes are not acceptable. Shared access with domestic driveways is not suitable.
 7. Provision should be made for access by a tanker to empty the wet well and any storage in the event of failure.
 8. The site of the pumping station and any access road should be suitably surfaced to ensure reasonable access for vehicles and plant, and to facilitate the various maintenance operations.
 9. On-site tanker parking should be hardstanding and surrounded by a 125 mm kerb up stand. Where HGV access is required, the hardstanding should be 200 mm thick reinforced concrete on 500 mm type 1 granular sub-base. For smaller vehicles, permeable hardstanding should be provided.
 10. For foul pumping stations serving less than 500 dwellings, as a minimum, the storage should equate to 160 litres per dwelling, and for commercial or industrial developments one hour of peak design flow rate. This would be 32,800 litre storage minimum.

11. Parts of a sewage pumping station can be hazardous zones, in accordance with the Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR). A risk assessment, taking into account any guidance from the sewerage company, should be carried out in accordance with these Regulations. This should be discussed with the sewerage company at an early stage.

Below: is an expanded section of the Indicative Masterplan showing the position of the nearest house. Its garden would extend towards the treeline towards the embankment shown to the left of the house. The black arrow shows the position of the proposed access road. It is very short.



- The pumping station needs to be positioned at the lowest point in order for the Storage tank to collect free draining waste water from up to 205 houses built up hill from the unit.
- The regulations state that such a storage and pumping unit should be positioned at least 15 - 20 meters from the nearest house.
- The position of the Pumping Station indicates it is not compliant with these regulations.
- The regulations also stipulate that the Pumping Station requires its own access road, enabling repair vehicles to enter any time within a 24 hour period, unimpeded by parked vehicles.
- The plan shows a very short spur, not an access road. There is no provision for an access road for sole use of Sewerage Company vehicles, free from the impediment of parked cars so the proposed development does not comply with regulations.
- The short spur indicated on the plan does not comply with these regulations as they would be blocked easily by parked cars and the very short spur of a road could take more than one sewerage Company vehicle.

- A separate access road needs to be built for use only by sewerage vehicles to gain access to a pumping station. By the proposed design, this could only be placed within Flood zones 2 and 3, which would be prohibited by the regulations.
- The Pumping Stations must not be located in areas prone to flooding (1:30 year flood risk). The current flood zone 3 borders closely with Flood zone 1 and the photographs shown earlier reveal that the area floods extensively over prolonged periods most years because of its topographic position.
- The risk of flooding is 80% or more each year as it floods 8 -9 years out of 10, exceeding the specified 1:30 or (3.3%) Flood Risk.

Conclusion

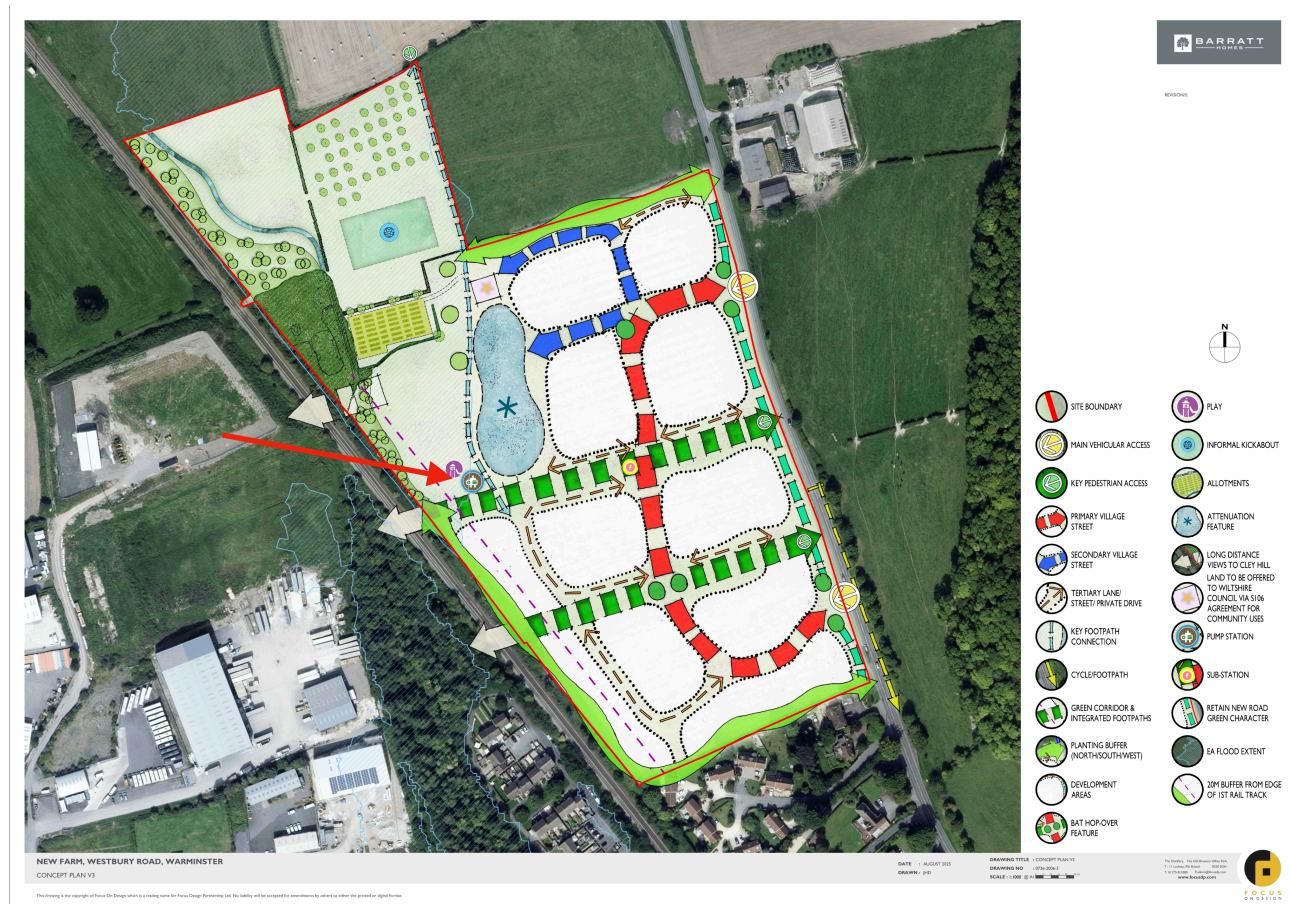
This planning proposal fails because of:

- The position of the Pumping Station has no proper access road enabling repair vehicles to enter any time within a 24 hour period, unimpeded by parked vehicles.
- It breaches the UK Sewerage Sector Guidance (SSG), specifically the Design and Construction Guidance (DCG), for the siting of the Pumping Station in Flood zones 2/3.
- If properly built within the regulations, the only space for an access road would be through Flood zones 2 and 3, which would be prohibited by the above mentioned regulations.
- The placement of vulnerable elements in flood zones 2/3 trigger the need for a sequential test which has not been performed and which the developers are avoiding as it would show many other areas around Warminster more suitable for development.

3. Sequential Test Required but Not Performed

- Vulnerable elements in Flood Zones 2/3 trigger the **sequential test (NPPF paragraphs 172–175)**.
- Barratt claims the sequential test is unnecessary, arguing that housing is “more vulnerable” and lies in Flood Zone 1.
- **Section 55 TCPA 1990** defines permanent underground structures (pumping stations, storage tanks) as “development.” Therefore, **NPPF flood-risk regulations apply**.
- Previous Planning Inspector decisions confirmed **refusal on flood-risk grounds**, and Barratt’s arguments fail to address these legally binding findings.

The position of the sewage Storage Tank and Pumping Station put forward by Chris Marsh of Pegasus in the submitted plans are partially located within Flood zone 2. The position of the Pumping Station is marked by the tip of the red arrow.



When this map is expanded the pumping station logo (indicated by the red arrow) is seen straddling the thin blue line of the Environment Agency flood zone 2 boundary. The Attenuation pond feature alongside borders Flood zone 2.



- The red arrow shows the position of the Pumping Station
- The yellow arrows indicate the faint blue line, the demarcation between Flood zone 1 to the right of the line in the plan and Flood zone 2, which borders closely with Flood zone 3 at this point (see the Environment Agency Flood Map on page 4 to evaluate the proximity of Flood zones 2 and 3 at this point).
- There is insufficient space within the current design the Pumping Station and access road to meet the compliance standards of the UK Sewerage Sector Guidance (SSG), specifically the Design and Construction Guidance (DCG).
- To achieve compliance the space required for the access road, pumping Station, and Sewage Storage Tank can only be placed within Flood zone 2 and 3, closely bordering flood zone 1.
- By the compliance standards this would disqualify the Pumping Station as it is then placed in an area of repeated, prolonged flooding.

- Placing any vulnerable element in Flood zones 2/3 trigger the requirement for the sequential test in paragraph 172, which states:

All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by applying the sequential test and then, if necessary, the exception test as set out below....

- The previous application was rejected at the Planning Inquiry for reasons stated in paragraph 79 of the Appeal Decision APP/Y3940/W/24/3338217, namely:

The proposed development would be located in the countryside, outside the town of Warminster and would be at an unacceptable risk of flooding. It would, therefore, conflict with WCS Core Policy 1 (Settlement Strategy), Core Policy 2 (Delivery Strategy) Core Policy 31 (Spatial Strategy: Warminster Community Area) and Core Policy 67.

For the same reasons the proposal breaches the NPPF Paragraph 173, which states:

A sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding...

NPPF Paragraph 174 is also breached. It states:

Within this context 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. The strategic flood risk assessment will provide the basis for applying this test.

NPPF Paragraph 175, is breached. It states:

- *The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that 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 (having regard to potential changes in flood risk).*

Chris Marsh attempts to circumvent the need for a sequential test arguing that there is no requirement to perform the sequential test as Barratt employed Agents to remodel the flooding risk. In his Planning Statement, subsection 7.52 he states:

Additional flood modelling has been undertaken by the applicant, as reflected in the supporting Flood Risk Assessment, and in refining the EA Flood Map this has demonstrated that the extent of areas at higher risk of flooding is in actuality less than shown on the EA map, receding further westward. As a site-specific, bespoke exercise, the modelled extent should be given precedence, consistent with the approach adopted by the LLFA in respect of the previous application.

- For reasons explained in section 2, the remodelled flood plan has unreliable methodology and methodology, using estimated data 20 years out of date. Both factors make any conclusions suspect, leaving the Environment Agency Flood Map as the best guide.
- In subsection 7.55 Chris Marsh states:
The exceptions to a requirement for a sequential test are therefore explicitly exclusive to 'built development' as per s.55 of the TCPA and the literal meaning of the words. The proposed residential development is classified as 'More Vulnerable' and is in Flood Zone 1; the proposed residential development is suitable in this zone and the NPPF Sequential and Exception Tests are not required, applying the same tests as those employed by the earlier Inspector.
 - However, **Section 55 of the Town and Country Planning Act (TCPA) 1990** defines "development" as *the carrying out of building, engineering, mining, or other operations in, on, over, or under land, or the making of any material change in the use of any buildings or other land.*
 - The Act recognises that *structures with a degree of permanence in a planning context are generally considered buildings.*
 - Section 55 TCPA classifies the construction of a permanent underground sewage storage tank and associated Pumping Station as *an under-land building.*
 - The NPPF regulations on Planning and Flood risks would therefore class the placement of the underground Sewage Storage Tank and Pumping Station as vulnerable buildings which should not be placed in flood zones 2 or 3.
 - For this reason, the sequential test is triggered refuting Chris Marsh's statement in paragraph 7.59: *The above demonstrates that, having due regard to Paragraph 175 of the Framework and the accompanying PPG, no built development would intrude into areas at risk of flooding.*
 - By the same reasoning, his statement put forward in paragraph 7.60 also fails. He states: *In applying paragraph 175 a proportionate approach should be taken. Where a site specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied.*
 - Flood risk is increased elsewhere as shown in Section 4.

Conclusion:

- The Pumping Station straddles flood zone 1 into flood zone 2/3.
- **Section 55 of the Town and Country Planning Act (TCPA) 1990** defines a Pumping Station as development and an *an under-land building*, thereby triggering the requirement for the sequential test. The sequential test is not optional, it is legally obligatory and cannot be side-stepped

4. Surface Water Runoff risks Downstream Flooding

- IH124 methodology indicates that 205 houses with roads, driveways, and hardstanding will produce **10,000–30,000 m³ of surface water runoff annually**.
- Climate change increases surface water runoff by a further 30–40%.
- The culvert under the railway is fixed and silted, currently **unable to handle additional flow**, placing properties in Arn View, Broadwood Close, Portway Lane, The Woodlands, and Hollybush Road at increased flood risk.
- EA Flood Maps show surface water runoff would exacerbate downstream flooding.

Background:

- Most rainfall falling onto an arable field is absorbed by the ground, assuming it is not already waterlogged.
- 205 houses and the supporting road and pavement infrastructure including driveways and hardstanding areas in gardens such as patios prevents normal rainwater absorption causing significant surface water runoff load by-passing normal mitigation methods.
- Surface water runoff occurs during periods of rain which have become more prolonged. The South West of England has suffered a rainfall for covering 41 consecutive days.
- Based on typical UK IH124 modelling, 205 new build houses can be expected to create between 10,000 to 30,000 cubic metres of surface water runoff annually depending on subsoil type.
- Surface water draining down the contours and gradients of the proposed development indicate that large areas of surface water runoff will bypass the attenuation pond acting as Sustainable Drainage Systems (SuDS) (See Barratt's Existing Elevation and Gradient Plan on next page).
- Climate change estimates will increase surface water runoff by a further 30 %- 40 %.
- Urban Creep, representing the transformation of permeable, soft-landscaped areas (such as gardens, lawns, and gravel driveways) into impermeable, hard-surfaced areas (such as paved patios, concrete driveways, and building extensions), increases surface water runoff by a further 10%.
- The current flood risk to the proposed development site is significant meaning that additional runoff flowing through the culvert would put houses on Arn View, Broadwood Close, Portway Lane, and Hollybush Road at higher risk of flooding.
- Surface water causes a rise in the underlying water table which extends along the bottom of the field thereby causing surface water flooding to the houses in The Woodlands, including the Woodlands' Sewage Treatment Plant (STP) currently serving 11 houses.
- The adverse effect on public health from flooding to the Woodlands STP are significant.
- The Environment Agency Map shows that Flood Zone 3 extends to housing estates to the west side of the railway embankment putting housing on Arn View and Broadwood Close and Portway Lane at greater risk from excess groundwater and flood water running through the culvert.

Barratt's Existing Elevation and Gradient Plan for the Proposed Development Site

Drawing 502-P104: Existing Elevations



Below: The Environment Agency Flood Map showing the effects of flooding to the areas to the east of the culvert under the railway embankment.

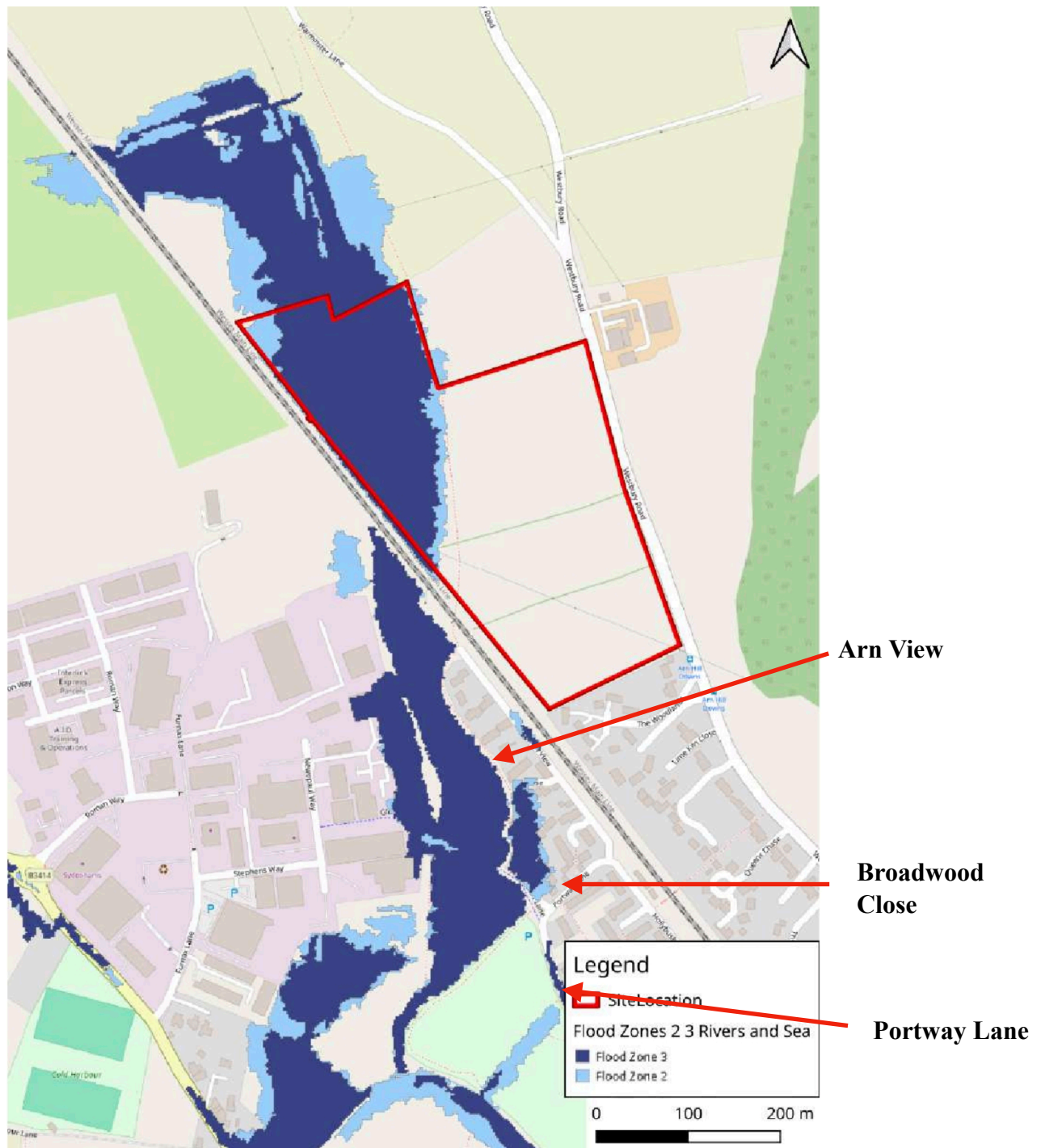
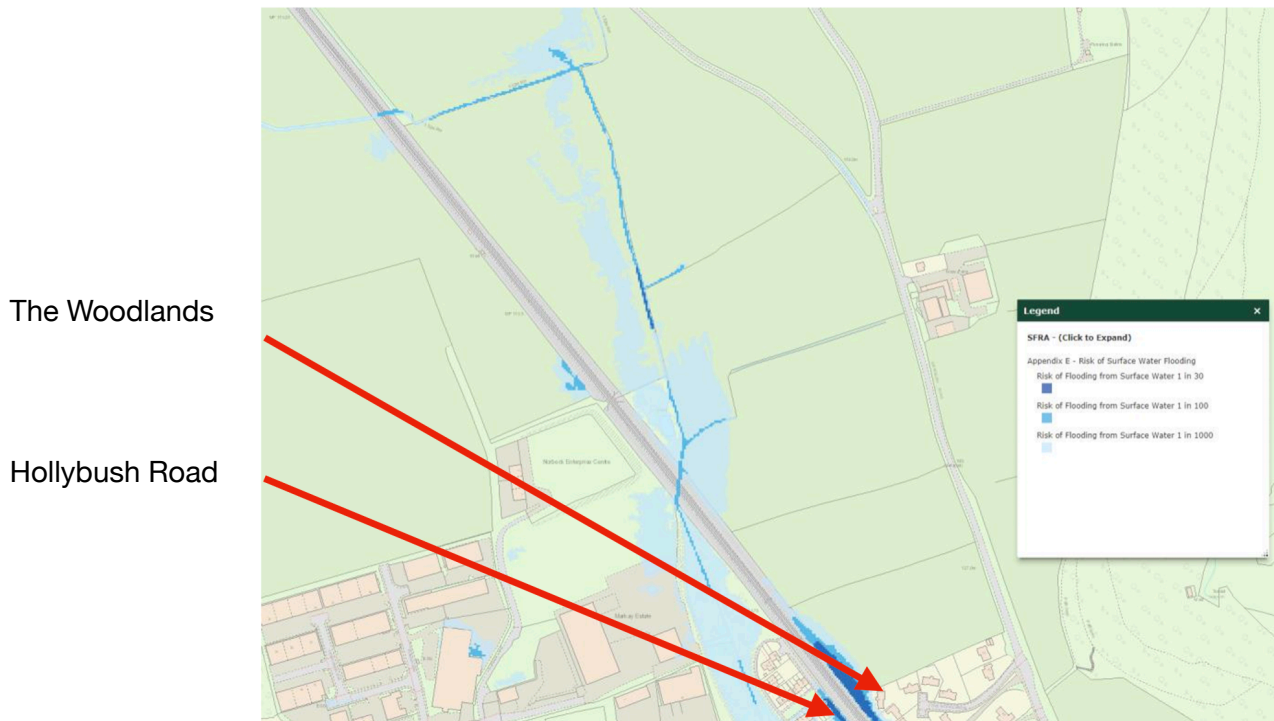


Figure 1: Location of current Environment Agency fluvial flood zones relative to proposed development site

The Flood Map below shows surface water flooding to the west side of the culvert affecting Hollybush Road with that on the east side affecting The Woodlands, lying adjacent to the proposed development site. Surface water run off would compound this problem.

Appendix E: Surface Water Flooding 1:30, 1:100, & 1:1,000



Conclusions

- Much of the surface water runoff would bypass the attenuation pond, the only SUDs defence.
- The considerable surface water run off from the proposed development site would exacerbate the flooding already shown in the photographs in section 2.
- The diameter of the culvert under the railway embankment is fixed and is already unable to deal with flooding as it currently stands.
- Worsening, heavier bouts of rainfall in Warminster have increased the Yearly Rainfall and Rain Day Averages shown in section 2.
- The increased frequency of named storms create heavy rainfall across Britain, increasing flooding across the South West of England. It would exacerbate surface water runoff from the proposed 205 houses and its associated impermeable road and hardstanding infrastructure.
- EA Flood Maps and surface water maps show that flooding to the the proposed development would result in flooding to housing on the west side of the embankment, namely houses in Arn View, Broadwood Close, Portway Lane whilst increasing the risk of surface flooding to houses and the Sewage Treatment Plant in The Woodlands creating serious public health implications.
- These effects breach the NPPF paragraph 175, triggering the requirement for a sequential test.

Misrepresentation and Flawed Modelling by Barratt

- Chris Marsh's statements to the Wiltshire County Planning Committee, claiming the site is "sustainable" and "free from technical or environmental objections," are **misleading and contradicted by observed evidence**.
- Barratt's hydraulic modelling is **based on outdated estimated data, selective cross-sections, and unverified assumptions**, that fail to account for the **true frequency, duration, and extent of flooding**.
- Attempts to re-interpret NPPF guidance and previous Planning Inspector rulings are **legally tenuous and cannot be relied upon**.

Cumulative Weight of Evidence

- The proposed development is located in the **countryside, outside the town's settlement boundary**, with repeated flooding and vulnerable infrastructure sited in flood-prone areas.
- It **fails sequential and exception tests**, violates DCG guidance, and would increase flood risk downstream.
- Observed and documented evidence consistently contradicts Barratt's modelling and data assertions.
- Previous Planning Inspectors, Town Council assessments, and local knowledge **all demonstrate that this site is unsuitable for development**.

Final Conclusions

The combination of **factual flooding evidence, regulatory non-compliance, legally required but unperformed tests, and downstream risk** leads to a clear and unavoidable conclusion: the proposed development is **unsafe, unsustainable, and contrary to national and local planning policy (NPPF)**.

Approval of PL/2026/00195 would **put future residents at significant risk, endanger existing properties, and ignore established planning guidance**, including the NPPF, WCS Core Policies, and Water UK DCG guidance.

Recommendation: PL/2026/00195 should be **refused in its entirety**. There is **no credible mitigation or redesign** that can overcome the fundamental issues identified, and no argument presented by Barratt or their agents can justify approval.