

Hilary Quixley
Wiltshire Council
Development Control
County Hall
Bythesea Road
Trowbridge
BA14 8JN

Our Reference: PA-0001397/01
Your Reference: PL/2026/00353

17 April 2026

Dear Hilary,

Retrospective change of use of approximately 13m² of land within the red line boundary to allow the continued siting and use of a small oak-clad shepherd's hut for residential accommodation by family and friends and for short-term holiday letting

2 PEAR TREE COTTAGE MALMESBURY WILTSHIRE SN16 9ES

Environment Agency position

In the first instance, we **object** to the proposed development as it falls within a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. The application is therefore contrary to the NPPF and PPG. We recommend that planning permission is refused on this basis.

If it can be demonstrated that the development is appropriate to the Flood Zone in which the site is located, we also **object** to this application because it fails the second part of the flood risk exception test. We therefore also recommend that planning permission is refused on this basis.

Reason 1 – Proposed development incompatible with Flood Zone

NPPF Annex 3 classifies development types according to their vulnerability to flood risk. PPG Table 2 provides guidance on which developments are incompatible with certain Flood Zones. This site lies within Flood Zone 3b functional floodplain, which is land defined by your Strategic Flood Risk Assessment as land where water has to flow or be stored in times of flood.

The proposed development is classed as more vulnerable in accordance with Annex 3 of the NPPF. Table 2 of the PPG makes it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted.

The site, and the location of the Shepherd's hut is within Flood Zone 3, as shown in Figure 12 of the submitted FRA. In accordance with the Wiltshire Council Level 1 Strategic Flood Risk Assessment (published November 2024), where there is no detailed modelling available, Flood Zone 3 should be used as a conservative proxy

to define the functional floodplain. Therefore, we consider that this development falls within the functional floodplain.

Table 2 of the Planning Practice Guidance to the National Planning Policy Framework makes it clear that this type of development is not compatible with this Flood Zone and should not therefore be permitted. We have provided comments below on the Flood Risk Assessment in order to provide as much clarity as we can to inform your decision-making process and to advise the applicant on other technical matters. Only upon successfully demonstrating the site is outside of Flood Zone 3b would the proposed development potentially be compatible at this site.

Reason 2 – Exception test failed

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 (ref 243226-F01, dated 27th February 2026) fails to:

- Demonstrate that the development will be safe for its lifetime
- Consider whether flood risk will be increased elsewhere
- address the opportunities presented by this development for reducing flood risk
- take the impacts of climate change into account
- Different climate change allowances have been used to assess future flood risk than those advised in '[Flood risk assessments: climate change allowances](#)', without adequate justification. The proposed development is identified as more vulnerable and is within Flood Zone 3b. Therefore, the 'Higher Central' allowance (i.e. 1% AEP plus 41% allowance for climate change) should be used.
 - Flood risk mitigation measures to address flood risk for the lifetime of the development included in the design are inadequate because they will not make the development resilient to the flood levels for the 1% AEP plus a 41% allowance for climate change event. Consequently, the development proposes inadequate:
 - flood storage compensation
 - raised finished floor levels
 - safe access and egress routes

Flood risk information

There is currently no detailed modelling available in this location. To better understand potential risks, we recommend that the applicant undertakes detailed flood modelling to inform their site-specific Flood Risk Assessment (FRA). Given the scale and nature of this proposal, we would accept basic flood modelling to assess flood risk on this site in this instance. It will be necessary to determine the likely level of flooding at this site to calculate the volume of compensatory flood storage required and determine appropriate finished floor levels. Undertaking some flow analysis and basic modelling may be appropriate to establish this level.

We note that the Risk of Flooding from Rivers and Sea (RoFRS) has been utilised to estimate a design flood level for this site. This is not an appropriate estimation method because the RoFRS dataset is not intended to inform site-specific flood risk assessments. Conservative flood levels for the 3.3% AEP and the design flood level could be agreed using information available on the Flood Map for Planning alongside a site-specific topographical survey. Based on these agreed levels, the flood risk mitigation for this development should then be designed accordingly.

Finished Floor Levels (FFLs)

FFLs should be set above the 1% AEP flood level with an appropriate allowance for climate change to reduce the risk of flooding to property and future occupants. We recommend that finished floor levels are raised at least 600mm above this level in accordance with [Flood risk assessment: flood zones 1, 2, 3 and 3b - GOV.UK](#). This will reduce the risk of flooding to people and property. Where this is not practical, we recommend incorporating flood resilience and resistance measures up the 1% AEP plus appropriate allowance for climate change flood level.

Floodplain storage and impedance of flows

We note from section 5.5 of the submitted FRA that the shepherd's hut will be elevated on raised legs and that "there will be no displacement". This implies that the increase in built footprint that this development brings will be mitigated through the use of voids/stilts.

Voids are not an appropriate form of mitigation in accordance with paragraph 049 of the Planning Practice Guidance which states stilts and voids 'should not normally be relied upon for compensating for any loss of floodplain storage'. This is because voids do not allow water to freely flow through them, they have limited capacity, it is difficult to stop them being used for storing belongings or other materials, and voids can get silted up and/or blocked.

Any increase in built footprint or raising of ground levels should be compensated up to the 1% AEP plus an appropriate allowance for climate change flood level (the design flood level). This is necessary to prevent the proposed development reducing

floodplain storage and displacing flood waters, thereby increasing flood risk elsewhere.

Level for level floodplain compensation is the preferred method of mitigation and must be considered within the FRA. Level for level floodplain compensation is the matching of floodplain storage volumes lost with new floodplain storage volume gained through the reduction of ground levels. Please note for this to be achievable it requires land on the edge of the floodplain and above the 1% annual exceedance probability (AEP) flood level with an appropriate allowance for climate change to be available. A comparison of ground levels (from a topographical survey) with estimated floodplain levels will show if land is available above the 1% AEP flood level with an appropriate allowance for climate change to be used as compensation.

We recommend that level for level floodplain storage calculations are provided in a table that sets out the volume of floodplain storage lost (cut) and the volume of floodplain storage gained (fill) for each of the slices. Typically, the thickness of a slice should be 100mm or 200mm, dependent on-site specific considerations. This may vary in the case of large, very flat sites, where 0.05 metres could be used; or in very steep sites with a high range of flood water levels. Slice thickness should be set to provide 10 to 15 slices in these cases. It will need to be demonstrated that there would be no net loss in storage volume for any slice.

A location plan that corresponds with the table should also be submitted showing where the compensation will be located on site. The location of the changes in floodplain storage should be clearly identified, demonstrating the scheme would be hydraulically connected for each slice. It is not acceptable to propose works several kilometres away or separated from the site by a significant structure such as a weir, bridge or other obstruction.

Excavation of the proposed floodplain compensation scheme should be completed prior to the construction of development to ensure floodplain capacity is maintained.

If this cannot be achieved, then the applicant may need to amend the development to ensure that there will be no increase in flood risk elsewhere (for example by reducing built footprint or amount of land raising proposed).

Overcoming our objections

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:

- Demonstrate that the site and/or development lies outside of the functional floodplain (Flood Zone 3b)
- Calculate an appropriate allowance for climate change using those advised in ['Flood risk assessments: climate change allowances'](#). Using this allowance,

calculate a flood level for the 1% AEP plus an appropriate allowance for climate change flood event.

- Demonstrate that any loss of floodplain storage within the 1% AEP plus an appropriate allowance for climate change can be directly compensated for to prevent an increase in flood risk elsewhere
- 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

Advice to LPA/Applicant

Flood warning and emergency response

Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. We therefore do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out this type of role /responsibility during a flood.

Planning practice guidance (PPG) states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to '[Flood risk emergency plans for new development](#)' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 181 (inc. footnote 63) of the NPPF and the guiding principles of the PPG.

This does not mean we consider that the access is safe, or the proposal is acceptable in this regard. We remind you to consult with your emergency planners and the emergency services to confirm the adequacy of the evacuations.

Flood risk issues that are not within our direct remit

The following issues are not within our direct remit or expertise but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application, we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.

- Adequacy of rescue or evacuation arrangements
- Details and adequacy of an emergency plan

- Details and adequacy of flood proofing and other building level resistance and resilience measures

We can provide the following information on the characteristics of flooding at this site to help with your decision:

The submitted FRA recommends that a Flood Warning and Evacuation Plan (FWEP) is implemented at the site (section 5.6). However, there is no identification of a safe route of access and escape from the site. The Flood Map for Planning shows the A439 to fall within Flood Zones 2 and 3 adjacent to the site. Due to the lack of detailed modelling in this location, flood hazard information is unavailable. The applicant should assess other flood characteristics (time of onset, rate of rise, depth and duration of flooding etc) and how these will be addressed by the FWEP. The FWEP should be assessed by relevant experts prior to planning permission being granted.

Note to LPA

If you are minded to approve the application contrary to our objection, we request you contact us prior to a decision being made to allow us to make further representations.

If you have any queries regarding our response, please get in touch

Yours sincerely,

Lindsay Grant
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