

Planning Objection Based on Flood Risk Assessment Inadequacies

Reference: PL/2026/02717

Site: Home Farm, Warminster

Proposed Development: 135 Residential Dwellings and Associated Infrastructure

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1. Executive Summary & Synopsis

1.1 Objective and Purpose

This report serves as a formal, legally grounded technical objection and an independent audit of the Flood Risk Assessment (FRA), Ground Investigation and Sequential Test data submitted for Planning Application **PL/2026/02717** at Home Farm, Warminster. Its primary purpose is to place the Local Planning Authority (LPA) — Wiltshire Council —, the Environment Agency (EA), and Wessex Water in full receipt of the critical hydrological and physical facts governing this site and the wider catchment. This document establishes a definitive administrative and statutory record. If the LPA elects to approve this application despite these facts, this report will serve as primary evidence in a **Judicial Review** application and subsequent civil actions.

1.2 Document Scope and Summary of Contents

This expanded technical report systematically examines:

- The unique macro-topography, geology, and complex natural drainage paths of Warminster, establishing how the town's historical urbanisation has corrupted a highly sensitive river corridor.
- The site-specific micro-hydrology of Home Farm, identifying its active role as a natural greenfield "hydrological sponge" buffering an already collapsing local drainage infrastructure.
- The severe engineering flaws within the developer's drainage proposals, driven by erratic, scientifically contradictory infiltration data and the unviable placement of a retention basin in a pressurised high-groundwater zone.
- The cascading impacts of infrastructure failures down-catchment, directly linking upstream changes to severe road and foul-sewage inundation in Warminster and increased risk in **Bishopstrow**.
- A dedicated analysis of historic and modern National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) breaches spanning from 2013 to the current 2025/2026

frameworks.

- A critique of systemic institutional failures, exploring the collapse of inter-agency cooperation, data suppression, and the structural reliance on regulatory silos.
- The total structural collapse of Wiltshire Council's planning evidence base, explicitly detailing the Planning Inspector's recent rejection of the Local Plan due to out-of-date Strategic Flood Risk Assessments (SFRA) and Habitats Regulations Assessments (HRA).
- A rigorous review of UK common law and statutory principles regarding negligence, malfeasance, private nuisance, and the disengagement thresholds of the NPPF "tilted balance."

1.3 Definitive Conclusion & Request for Total Refusal

The developer's submitted FRA operates as a targeted administrative tool designed to bypass planning controls, rather than a genuine scientific evaluation of flood mechanics. The proposed development fails the statutory **Sequential and Exception Tests** mandated by national policy. Bypassing these thresholds without a town-wide Level 2 Strategic Flood Risk Assessment (SFRA) **(Para 171)** violates the **precautionary principle**, fails to provide the necessary information to assess if the drainage strategy could work, misses key details, and uses words like will be agreed, when the study is finished, in the upcoming addendum, (which is not present), and guarantees severe, **irreversible** property and environmental damage should it be approved. **The Local Planning Authority must refuse this application under the precautionary principle.**

2. Catchment Baseline: Geology, Topography, and Valley Adjustments

Catchment Hydrological System Flow

- **Seven Steep Chalk Hills:** Generate high-velocity, volatile surface runoff towards the urban basin.
- **Low-Lying Urban Catchment Boundary:** Intercepts flows via roads, roofs, and artificial channels.
- **Chalk Aquifer Infiltration (Dry Periods):** Maintains vulnerable river baseflow (Wylfe, Were, Cannimore).
- **Sustained Groundwater Surge (Wet Periods):** Saturation forces groundwater to rise and pool for months.
- **Paved Impermeable Surfaces:** Strip hydraulic friction, converting rain into rapid flash peak flows.
- **Infrastructure & SSSI Impact:** Flows overload old combined sewers and wash pollution into the SAC.
- **Downstream Propagation:** Accelerated flood waves move down-catchment to inundate Bishopstrow.

2.1 Macro Topography and High-Velocity Flash Runoff

Warminster is uniquely situated at the headwaters of the **Wylfe Valley river stream**, making its hydrology exceptionally volatile. The town is surrounded by an amphitheater of **seven steep chalk hills**. Under natural greenfield conditions, these slopes accelerate surface water toward the basin. When this fast-flowing surface water hits the modern urban boundary, it is intercepted by a high density of non-permeable paved roads, roofs, and artificial channels. This configuration strips the landscape of hydraulic friction and transforms ordinary precipitation into frequent, high-velocity flash floods across the town centre.

2.2 Geology and the Chalk Aquifer Complex

The baseline geology of the Warminster basin consists of highly permeable chalk formations. This structure establishes a dual-phase hydrological challenge:

- **Summer/Dry Periods:** The local watercourses — the rivers **Wylfe, Were, and Cannimore** — are fed almost entirely by groundwater baseflow emerging from the chalk aquifer. This leaves the system vulnerable to over-abstraction, which alters water temperatures and degrades protected habitats.
- **Winter/Prolonged Wet Periods:** Rainfall infiltrates the chalk, continuously recharging the subterranean aquifer. When rain falls for extended periods, the groundwater table rises to the surface. This removes the land's natural sponge-like absorption capacity and generates extensive, multi-month groundwater flooding that cannot be drained by standard gravity assets.

2.3 Historical Urbanisation and Valley Alterations

For decades, the wet river corridors of Warminster have been systematically altered to facilitate urban growth. Natural marshes and floodplains have been eliminated through extensive **ground raising**, while natural open watercourses have been enclosed via **river culverting**.

Replacing wide, rough, natural floodplains with smooth, narrow concrete channels has significantly increased surface runoff speeds. These accelerated peak discharges are forced directly into an old Victorian drainage infrastructure built long ago.

2.4 The Downstream Link: Propagation to Bishopstrow

The hydrological systems of Warminster and the downstream village of **Bishopstrow** form a single, continuous system.

System Dynamics and Fluvial Propagation Linkages

- **Step 1:** Urban ground raising occurs across the natural flood corridors of Warminster.
- **Step 2:** Widespread hard standing, paving, and channel engineering erase natural flood storage.
- **Step 3:** The localised storm runoff profile experiences an amplified, accelerated peak wave.
- **Step 4:** This unmitigated volume shifts downstream, generating severe inundation at Boreham rd due to the embankment blocking the floodplain, and then flooding Bishopstrow.

Every upstream modification that eliminates flood storage or accelerates river velocities in Warminster directly magnifies the flood wave hitting Boreham then Bishopstrow. By allowing developers to breach flood management rules upstream, risk management authorities have created a cumulative hazard. Peak flows bypass natural storage zones, moving downstream to submerge historical properties and agricultural land in Bishopstrow.

3. Site-Specific Hydrology: Home Farm Baseline & Asset Deficits

3.1 The Fluvial Misclassification (Flood Zone 1)

The Home Farm site is currently classified as **Flood Zone 1** on the Environment Agency's national maps due to its elevated, sloping topography. This designation is highly misleading. It focuses exclusively on fluvial overtopping from primary riverbanks while completely failing to map localised topographically driven pooling, surface water pathways, and extreme groundwater interactions.

3.2 Dual-Lane Site Runoff Paths and Asset Throttling

Under greenfield conditions, the sloping topography of Home Farm sheds surface water via two distinct, highly constrained pathways:

- **Discharge Lane 1 (Home Farm Lane):** Runoff migrating down Home Farm Lane reaches a single, isolated road drain located directly outside the site entrance. This asset possesses minimal hydraulic capacity. During intense downpours, it is routinely overwhelmed, causing extensive pooling on the highway. Remedying this road drain is structurally restricted. Its discharge rate is directly throttled by the high water level of the receiving river during floods,

and its shallow flow profile prevents rapid drainage during flash events.

- **Discharge Lane 2 (Grange Lane Footpath):** A considerable volume of surface water flows off-site along the Grange Lane footpath, accumulating directly outside the entrance to **Boreham Grange**. Grange Lane is an unadopted thoroughfare completely devoid of road drainage. The water collected here is forced to pool, slowly migrating around the corner before backing out into the lower boundaries of Home Farm.

3.3 The "Giant Greenfield Sponge" Function

The majority of the Home Farm site functions as a vital **natural hydrological sponge** for south-east Warminster and especially Bishopstrow. The upper slopes absorb and slowly regulate water accumulation. While the lower portion of the site experiences localised pooling during severe weather, this water is entirely contained within the greenfield boundary.

By acting as a natural retention basin, the site actively buffers and protects the old, ineffective, low-lying urban drainage system along Boreham Road. This existing system has zero flat-slope tolerance, sits in direct proximity to the river, and is constantly impeded by high groundwater.

3.4 Proximity to the River Wylfe and High Groundwater Risk

The lower southern portion of Home Farm is designated as a **very high-risk zone for groundwater flooding**. This vulnerability is driven by its close proximity to the River Wylfe. The local water table fluctuates in direct alignment with river levels, creating a pressurised subterranean system where the groundwater sits permanently at or close to the surface during winter months (See page 18 FRA Fig 5-4). This section concludes that groundwater flooding on site will remain low due to suitable measures but doesn't state what and doesn't define any impacts to neighbours of removing flood storage or pushing all discharge to a high risk area already mapped as an area where ground water may emerge at significant rates and has the capacity to flow overland.

St Georges school which is on the same map left of Grange Lane has a spring that runs every ten years or so during Extreme high ground water events as in 2013, 2023, 2024. It is also in the red band of **very high risk** and the ground water does flow exactly as described in the caption of fig 5-4. if water can be pushed out of a raised terrace less than 400m west of the site, what proof is there this is not effecting site flooding and proposed infiltration capacity?

4. Engineering Failures of the Proposed Development

4.1 Subterranean Displacements and Pipe Buoyancy Failure

The proposed development replaces more than half of this natural greenfield sponge with a high density of houses, paved roads, and paths. Ground investigation testing confirms very slow on-site infiltration rates, meaning standard Sustainable Drainage Systems (SuDS) are unviable.

The installation of deep concrete foundations will physically displace substantial volumes of shallow groundwater storage, while intercepting surface water and routing it via gravity pipes directly into the high-risk southern portion of the site. This introduces two structural failure risks:

- **Hydrostatic Pressure on Infrastructure:** The underground drainage pipes will be submerged within a highly pressurised groundwater zone, facing severe, continuous upward hydrostatic forces.
- **Buoyancy and Cracking:** Standard plastic attenuation and drainage pipes are highly susceptible to shifting, cracking, and buoyancy failures under these conditions. The developer has failed to demonstrate that these assets are engineered to withstand 100 years of continuous subterranean pressure. Any pipe compromise will allow groundwater to infiltrate the system, immediately exhausting its capacity.

4.2 Retention Basin Inversion and Saturated Ground Placement

The developer proposes a central surface water retention basin situated within the southern, highly flood-prone lowlands. This design represents a critical engineering failure:

Hydrological Inversion Sequence of the Lowland Basin

- **Phase 1:** The winter groundwater table rises systematically within the southern portion of the site.
- **Phase 2:** Rising groundwater fills the proposed retention basin from below, completely saturating the asset.
- **Phase 3:** The system is left with zero remaining capacity to accommodate sudden storm event volumes.
- **Phase 4:** Immediate exceedance flooding occurs, forcing surface water and groundwater onto nearby properties.

4.3 Infiltration Data Inconsistencies and Scientific Contradictions

A critical review of the submitted Ground Investigation report reveals fundamental data inconsistencies that invalidate the entire drainage design. The report records infiltration rates between the proposed basin locations that vary erratically from 0 to 1200 hours.

An infiltration rate of 0 indicates completely impermeable, saturated conditions where soakaways are impossible. Conversely, a value of 1200 hours represents either a profound mathematical error or an unviable drainage system. Designing a major residential drainage network on data with this degree of variance is highly dangerous and violates basic civil engineering standards. It shows the report is a targeted tool to secure planning permission, rather than an objective safety assessment. The infiltration plan also fails to assess the impact it will have on ground conditions for neighbouring properties, and fails to prove that infiltrated water will not impact the bore hole in Bishopstrow Hotel.

4.4 Sewer Surcharging and Habitats Directive (SAC) Infringements

The development proposes to connect its foul sewage directly into the public network along Boreham Road. This network consists of antiquated Victorian Combined Sewers that are already operating far beyond their hydraulic limits: ***(See Sewage flooding on Boreham and Woddcock rd report for pictures and 8 years worth of corespondance on ther issue).***

Cascading Impacts of the Proposed Foul Sewage Connection

- **Connection Phase:** 135 new residential foul connections feed into the old Boreham Road combined sewer.
- **Surcharge Phase:** The additional hydraulic load causes the sewer to surcharge onto public roads.
- **Overflow Phase:** Untreated foul waste escapes, bypassing localised processing capacities.
- **Ecological Impact:** High nutrient loads drain directly into the River Wylfe SAC, causing severe ecological degradation.

5. Case Study of Failures in the wider catchment area: The Spurt Mead Development 13/06782/OUT:

The Spurt Mead development stands as a clear example of the dangers of allowing speculative planning approvals based on flawed data, ground manipulation, and inadequate infrastructure especially after EA advice required an SFRA 2 for safe site selection.

(See Evidence of defficient flood maps and Spurt Mead impacts pdf for outline details of SFRA flood maps currently available, EA flood maps, and relevant report data from the Spurt Mead application all available online at the council planning website, council SFRA Arcgis and associated EA flood maps.)

5.1 Flawed Modelling and Flood Map Challenges

During the planning phase for Spurt Mead, the Environment Agency (EA) accepted a formal **Flood Map Challenge** submitted by the developer. This challenge utilised "donor catchments" and assumed highly permeable ground conditions to argue that the site should be reclassified from Flood Zones 2 and 3 down to Flood Zone 1. This model assumed the ground would always act as an open sponge, completely ignoring seasonal groundwater table surges, and local urban barriers. This is a similar theory to Home Farm expecting constant drainage under all condition without any wide scale study of flow dynamics of ground water across the valley system. Many sites have used deep piles to enable development which will be effecting ground water flow and storage in key pinch points along the valley. Rivers have gauged catchments to provide accurate risk assessment but this level of confidence and accuracy does not apply to ground water flooding yet, and until it does the evidence for the effects of this volume and concentration of infiltration in such a high groundwater area, are untried and un tested so the risk to third parties is very high.

5.2 Micro-Scale Technical Failures

Structural Progression of Infrastructure Failures at Spurt Mead

- **Step 1:** The Spurt Mead infill secures approval based on a temporary permit to store building material, this raises the site, filling in the water meadow, and requires a culverted access point over the remaining ditch , now required to drain the floodplain.
- **Step 2:** The developer uses the infill level as a natural zone 1 which it is not, due to the flood map challenge the EA and council accept this classification of made ground to allow planning approval.
- **Step 3:** An EA site inspection prior to development explicitly notes previous works have increased flood risk to all adjacent properties due to the original site raising.
- **Step 4:** The EA admits that current policy requires like for like volume replacement when building in floodplains and this type of development would be refused today, yet they used the excuse

this was a legacy alteration and now the site is Zone 1 they can do nothing. Instead they advise the site is raised further to protect new residents, again without equivalent flood storage added to that lost, against NPPF policy.

- **Step 5:** Secondary ground raising takes place during construction, destroying vital lowland flood storage, and essential river access, raising land within 8m of the river without an EA Flood Risk Activity Permit (FRAP) despite advice in the planning permission that a FRAP was required in addition to planning permission.
- **Step 6:** A new access culvert is downscaled at Reserver Matters from a 11m³/s design agreed in the FRA, to a restrictive 0.6 cubic metres per second capacity, **slowing flow**.
- **Step 7:** The localised network experiences severe, recurrent highway flooding and foul water surcharges 2021/22/23/24 especially Boreham rd.(see flood photos reports).

5.3 Subsequent Hydrological Adjustments & Real-World Impacts

Subsequent advanced hydrological modelling (**by the EA**), recognised these errors and retroactively adjusted the official Flood Maps back to its original extents. This adjustment placed **half of the now-approved Spurt Mead site BACK under water** on official mapping. Despite this, neither the EA nor Wiltshire Council have taken retroactive mitigation steps.

The consequences of these actions are now a matter of historical record:

- **2021 & 2022:** Severe foul sewer flooding regularly filled the highway to curb height causing a toxin health hazard.(see **Boreham rd sewage flooding photos**).
- **2023 & 2024:** Significant road flooding occurred as the local floodplain reached maximum capacity, completely overwhelming the downscaled 0.6 m³/s culvert pushing tons of water from the ditch into the highway for days. (See **Boreham rd floods 2023 & 2024 reports**).
- **Pedestrian Crossing Drainage Failure:** New highway drains installed for a pedestrian crossing back-charged water onto the road from the ditch rather than drain it away. Because the adjacent drainage ditch was full, and water slowed due to the culvert, the water that escaped the ditch became trapped on the road at the local low point (Boreham roundabout), resulting in depths of 4–6 inches of mixed surface water and raw sewage flowing down the road from Park Cottages to Grange Lane.
- Not only does raw sewage bubble up through the drains in Boreham rd but as there are 4 sewage overflow valves above this site discharging into the river, when floods occur, these valves open, filling the river with raw sewage, which fills the floodplain and ends up on the road, as a toxic health hazard, which everyone treats as clean water and walks, drives through spreading the sewage across the wider area and into homes.
- Despite the very extensive significant floods on Boreham rd from 2021-2024, none of these floods, or the ones from 2013 and before, have been recorded by the EA on their historic flood

maps or in the Wiltshire Council SFRA 1. If these floods don't get recorded and the SFRA 1 is not updated as required in the NPPF, to be a sound base for the Sustainability Appraisal (**SA**) which is part of the Strategic housing land allocation (**SHLAA**) site selection process, then we end up in the same situation as the Local Plan did, trying to allocate sites with unsound and out of date information which is a breach of the NPPF and is why the Local Plan would have been classed unsound if it hadn't been withdrawn which was highlighted by the Planning Inspector at examination.

6. Systemic Institutional Failures: The Breakdown of Data, Cooperation, and Trust

The ongoing threat to Home Farm is accelerated by a structural breakdown in cooperation and technical oversight between the responsible Risk Management Authorities (RMAs). A siloed approach to data collection has effectively concealed the true extent of local flood hazards, making objective planning decisions impossible. Despite regular meetings by the Southern Operational Flood Working Group, that includes all flood risk authorities and managers, the flood data is not being added to the SFRA 1 and as such makes management ineffective as knowing which areas need funding or improvements is unknown.

6.1 Regulatory Silos and the EA's Review Deficit

The Environment Agency (EA) functions as a statutory consultee in the planning process, but its operational focus is restricted. The EA primarily checks whether a developer's submission aligns with its own macro-level models, rather than checking the reality of ground-level risks.

- **The Sequential Test Advisory Failure:** The EA does not proactively advise the Council when a comprehensive Sequential Test is required. This deficit is particularly severe for speculative applications—like Home Farm—that emerge outside the formal, strategically managed local plan allocation process.
- **Bypassing the SFRA Level 2 Directive:** Despite explicit 2013 directive evidence confirming that a town-wide Level 2 SFRA was mandatory to safely evaluate sites in Warminster, to apply the sequential test, the EA has consistently failed to object to applications lacking this baseline data.
- By remaining silent on individual applications, the EA allows developers to use out-of-date Level 1 maps to secure planning approvals to the detriment of the community and in breach of their role as statutory adviser in the planning process, where they are meant to use sound data and an expert opinion to guide development to the least flood affected area. This is impossible if the models used are not adjusted with historic flood data to ensure accuracy, which they have shown to be the case, hence the need for a SFRA 2 and SWMP to fill this data void, and update the models accordingly.

6.2 Active Data Suppression and Incomplete Mapping

A profound disconnect exists between the flood data possessed by authorities and the maps they present to the public.

- **The Ignored Evidence Loop:** The community and local flood wardens, have repeatedly supplied the EA, Wiltshire Council, Warminster town council and statutory undertakers with clear photographic evidence, precise depth logs, and written testimonies of surface water and groundwater flooding.
- **The Blank SFRA Maps:** None of these verified historical outlines, extents, or causes have been integrated into Wiltshire Council's SFRA mapping or the EA's updated national records. By maintaining artificially "blank" maps, the authorities give a false impression of site safety, allowing developers to claim their sites are in a low-risk "Flood Zone 1" and without accurate feedback, models are simply a best guess and could be wildly inaccurate.

6.3 Wessex Water and the lack of Sewer Flood Logs

The suppression of infrastructure data is highlighted by the handling of foul water flooding.

- **Fines vs. Recording Deficits:** Wessex Water has paid financial penalties for raw sewage spills and pollution incidents. Yet, Wiltshire Council's SFRA lists **zero recorded sewer flooding incidents** across Warminster.
- **Burying Risk to Enable Growth:** Failing to register routine highway sewer surcharges—such as the regular flooding on Boreham Road—allows water authorities to declare that the existing network has "adequate capacity" to absorb 135 new residential connections. This misrepresentation conceals an over-capacity system to streamline housing approvals. Wessex Water has admitted there is hydraulic failure at Boreham rd due to surface water entering and overwhelming the system, and have also stated they need to upgrade this area but this will not be until 2030-35. The sewage network that links to Boreham rd is so often overwhelmed that it discharges overflow around 75 times a year which does not map with the number of extreme storm events. So they are adding to a broken system, and plan to fill the road and river with sewage from now till 2035 when upgrades might be finished, as they claimed in the response to the developer that they have capacity in the system, how?(see **Sewage flooding on Boreham and Woodcock rd pdf** for flood images and communication with Wessex water between 2018 and 2026 highlighting capacity issues).

6.4 The Breakdown of Public Trust and Administrative Competence

When public bodies operate in a disconnected network—where each agency conceals local risks, ignores community evidence, and overlooks clear policy breaches—the validity of the entire administrative process is compromised.

- **Unsound Foundations for Decision Making:** Under Section 14 of the Flood and Water Management Act 2010, the Lead Local Flood Authority has a **statutory duty** to coordinate flood risk management as **LLFA** (Lead Local Flood Authority). Wiltshire Council cannot prove its data is robust enough to support safe planning decisions as the Local Flood Risk Management Strategy (**LFRMS**) created by Wiltshire Council states: “1200 houses are at risk of Surface water flooding in Warminster”.
- Despite many floods due to surface water and other sources, no significant historic floods have been entered onto the SFRA 1, the base document used in Sequential Tests. Approving a high-density development on flawed data is an arbitrary exercise of administrative power, exposing the planning authority to significant legal vulnerability as on the one hand you claim the town is third highest at risk for surface water flooding and in the SFRA 1 and Local Plan policy you show no flooding outlines at all. This contradiction within Wiltshire Councils own documentation shows how deficient their knowledge of the area is, which must be rectified before making planning decisions not after. Mitigation is not the solution to building in high risk areas, **Avoidance is**.

7. Assessment of Developer's Technical Submissions

Even when executing this assessment with maximum administrative caution—attributing major discrepancies to innocent typographical or formatting errors—the raw baseline data compiled within the developer's reports directly contradicts and invalidates their own engineering conclusions and is not sufficiently detailed for a full planning application.

7.1 The Infiltration Basin Data Conflict

The developer concludes that the entire site's surface water can be safely disposed of via localised infiltration assets. However, the field data within the Wilson Associates Ground Investigation Report (Report No. 5596) disproves this:

- **Zone 1 Baseline Reality:** Section 6.13 through Section 6.21 of the GI report that the cohesive clay and structured putty chalk across the developable plateau yield *"negligible infiltration rates"* and this area is *"considered unsuitable for the adoption of a conventional SuDS-type soakaway drainage system."*
- **Lowland Saturated Realities:** For the southern lowlands where the primary attenuation basin is proposed, **Trial Pit SA7** could not be hydro-tested at all because natural groundwater was encountered at 1.7m below ground level. **Trial Pit SA8** returned a *"negligible"* drainage coefficient, and **Trial Pit SA6** completely filled with water to the ground surface overnight.
- **The Analytical Mismatch:** If these errors are treated as clerical typing slips, the unresolved physical reality remains: the developer's drainage calculations assume high-capacity, dry soil absorption, whereas their field notes describe a waterlogged, impermeable, or groundwater-choked environment and these are snapshots, not a longterm assessment, making even these findings less than acceptable for safe site selection.

7.2 The Irrationality of a 1,200-Hour Half-Drain Time of Basin A the 0 Drain Time of Basin B

The FRA presents deep structural contradictions within its core SuDS performance tables:

- **The 1,200-Hour Metric:** Table 8-3 lists the calculated "Half-Drain Time" for Basin A as **1,200 hours** (50 days), yet the adjacent column marks the asset as fully compliant with the mandatory 24-hour drainage rule. A basin requiring 50 days to clear half its volume will remain permanently full, rendering it completely useless for subsequent rainfall events.
- **The Basin B "0" Paradox:** Table 8-3 lists the infiltration rate for Basin B as **0**, which mathematically means absolute impermeability or a black hole? Because no water can escape into the soil, the modelling software records a half-drain time of 0 hours (presumably). It appears

the developer has used this software anomaly to mark the basin as compliant. In physical reality, a rate of 0 means the basin has zero drainage capability and will overflow immediately during its first operational storm or has no bottom. Yet the answer for does this meet the 24 hour half drain time was yes, how?

7.3 Sequential test

A) The Misapplication of the Strict Sequential Test Trigger

The National Planning Policy Framework (**NPPF**) sets out a rigid framework for the management of flood risk, dictating under **Paragraph 175** that a site-specific risk assessment can only exempt a development from the Sequential Test if “no built infrastructure—explicitly including access or escape routes, land raising, or other potentially vulnerable elements—is located in an area at risk of flooding from *any source*”. Crucially, this national standard prohibits a developer from relying on proposed engineering or active mitigation measures to bypass the test at the application stage.

A critical conflict exists between the core application documents on this exact point. In the submitted Flood Risk Assessment and Drainage Strategy prepared by Ardent Consulting Engineers, the developer states in Paragraphs 1.4 and 10.4 that because the residential housing plateau is located within the fluvial Flood Zone 1, “it is not anticipated that a sequential test is required”.

The Sequential test was done, i assume to avoid outright rejection as happened at Westbury Rd, Warminster last year. Unfortunately the quality of the Sequential test is not what i would have anticipated.

**

B) Tactical Density Manipulation and the Artificial Exclusion of Safer Sites**

Paragraphs 129 and 130 of the NPPF require that planning decisions support schemes that make an efficient, optimal use of land, ensuring that developments are designed to reflect the prevailing character and capacity of the area while avoiding artificially low densities that waste land supply.

The developer’s Sequential Test Report systematically manipulates these optimisation rules to create a false baseline for their site search. In Section 4.9 of the DPP Planning report, the developer establishes a rigid search criterion by claiming the density of their proposed type of development is an ultra-low **12 to 14 dwellings per hectare**. They achieve this figure by taking the 135 houses and averaging them across the entire 10.5-hectare site application boundary, which artificially dilutes the calculation by including 6 hectares of unbuildable, waterlogged public open space. The developer then uses this distorted density range to instantly dismiss 39 alternative, lower-risk sites across Wiltshire, claiming those sites are “too dense” or “incompatible” with their character.

This baseline is entirely contradicted by the developer’s own Indicative Masterplan and

Accommodation Schedule. Table 1 of the planning submission confirms that the actual built residential zone is tightly consolidated onto a developable area of just 4.5 hectares, yielding a true net density of 30 dwellings per hectare.

By presenting a false, diluted density figure to the council, the developer has fabricated a unique "type of development shield " designed to block out genuinely available, safer alternative sites that could easily accommodate 135 homes at a standard 30 dwellings per hectare. This intentional distortion directly undermines the integrity of the Sequential Test process and breaches the land optimisation mandates set out in Paragraphs 129 and 130 of the NPPF. To say another site that sits close to a play area, or one without the need for a huge retention pond would not be equivalent to this site is to totally misunderstand the premise. Availability can be based on multiple sites, and sites not in the developers ownership as it is a best land use policy not a profit maximisation tool. In addition sites were screen out due to heritage considerations but these are not applied to this site, why?

There is no evidence submitted of how the sequential test dealt with the Main Modification to policy 31 covering Warminster requiring, a SFRA 2 and SWMP for sites coming forward outside the West Urban Extension (WUE), as the EA advice stated that without it, there could be no sequential test ,as the data in the SFRA 1 was insufficiently detailed, due to the complex nature of the catchment as a whole, urban sprawl, multiple flood sources interacting and old ineffective flood infrastructure causing cumulative impacts across the town.

This issue is neither referenced or dealt with in any way despite significant flooding recorded right around the site where access and egress are required and flow routes for sewage are planned.

If the site had passed the Sequential test it would still be building in, and adjusting flood prone land, altering the groundwater flow dynamics and outcomes for flooding. The Exception test is the second part of the NPPF and PPG guidance that requires documented proof of how these adjustments will be done, without shifting the flooding onto surrounding properties. Nothing in any of the documentation covers this vital part of the NPPF flood risk management process, and without it the only assumption that can be reached is that flooding to others will be increased due to the displaced ground water, and huge concentration of water infiltration, in a zone marked as the highest ground water flood risk area.

7.4 Subterranean French Drain Effects in Utility Trenches

The application treats water management purely as an "at-surface" issue, completely failing to address the underground engineering changes:

- **The Subterranean Pathway:** Deep utility trenches backfilled with highly porous gravel will cut through the site's natural, impermeable clay capping.
- **Accidental French Drains:** Because the land features a steep 1:30 slope, rising winter groundwater (proven by GI Section 5.3 to rise to within 0.88m of the surface) will break into these porous trenches. The gravel backfill will act as an accidental subterranean drainage network, routing unmanaged water underground to wash out road sub-bases and flood home foundations near the site entrance.
- **The Prevention Deficit:** Preventing this requires detailed engineering specifications for **clay puddle dams** or **polyurethane anti-seepage clay bulkheads** spaced every 10 metres along all utility runs. No such structural controls are present on the submitted drawings nor any details of the pipes used and their ability to prevent infiltration for their life 100 years, or where exceedance flows will go and their impact.

7.5 Bishopstrow Hotel Borehole and Aquifer Protection Risks

The development sits directly upon a designated **Principal Aquifer** (West Melbury Marly Chalk), and the adjacent Bishopstrow Hotel and Spa operates a primary water borehole asset within this exact subterranean network yet no report mentions this or mitigates for it.

- **The Contamination Route:** The main access road will carry over 300 vehicle movements per day, generating a "Medium Pollution Hazard" load of heavy metals and hydrocarbons. Because the site's clay layers prevent proper soil filtration, any overflow or malfunction of the flawed basin means untreated road runoff will seep directly into the shallow water table feeding the commercial borehole.
- **Recharge Blockage:** Covering the upper greenfield plateau with houses and asphalt blocks the natural, clean rainfall recharge that maintains the aquifer's baseflow, directly threatening the long-term viability of the neighbouring commercial borehole and the report states nothing about this issue or how it will be handled despite infrastructure being within the excepted impact zone of the bore hole.

8. Analysis of Policy Breaches: Historic (2013-19) vs. Current Frameworks

The systematic failure to manage flood risk across Warminster represents direct, trackable breaches of national planning policy rules. These are separated into the historic failures that created the Spurt Mead legacy and the current active failures taking place within the Home Farm determination.

8.1 Historic Breaches (Under 2013–2019 NPPF and PPG Frameworks) For Spurt Mead.

The decisions that permitted the Spurt Mead development directly violated the core tenets of the planning frameworks in place at that time:

- **Breach of the Sequential Test (Historic NPPF Paragraphs 157-158):** The 2013-2019 frameworks explicitly directed that development must be steered away from areas at highest risk of flooding. Accepting a "donor catchment" challenge to override Zones 2 and 3 site, without executing a comprehensive sequential search breached this directive.
- **Breach of the Exception Test Rules (Historic NPPF Paragraph 160):** Policy mandated that where development is permitted in high-risk zones, it must remain safe throughout its lifetime *without increasing flood risk elsewhere*, and must provide *compensatory storage* for any lost floodplain. Allowing secondary ground raising and downscaling a critical drainage culvert from 11 m³/s to 0.6 m³/s directly violated this requirement, worsening risk for adjacent properties.
- **Breach of Baseline Evidence Requirements (Historic PPG Flood Risk Guidance):** The PPG during this era required that the Sequential Test be informed by a robust and up-to-date Strategic Flood Risk Assessment (SFRA). Proceeding with ad-hoc site approvals after the 2015 main modification to the core strategy explicitly directed that a town-wide Level 2 SFRA was mandatory, constituted a direct procedural breach of national guidance. In Addition guidance in the SFRA sites that achieved a successful flood map challenge were required to prove they now passed the sequential test, but it didn't.

8.2 Current and Active Breaches (Under Updated 2025/2026 NPPF and PPG Frameworks)

The current processing of the Home Farm application continues this pattern of non-compliance, directly breaching the strengthened, climate-resilient provisions of the modern planning system:

Relevant paragraphs: **NPPF :170,171,172,174,175, PPG, 23,27**

- **Breach of the Strict 'All Sources' Sequential Test (Modern PPG / NPPF Chapter 14):** The updated policy framework reinforces that the sequential, risk-based approach must be

consistently applied across *all sources* of flood risk—including surface water and groundwater—and explicitly states that site-specific FRAs cannot rely on active mitigation measures to bypass the test. Classifying Home Farm as a safe "Zone 1" site while ignoring its "very high-risk" groundwater profile and surface bottlenecks represents a clear, active policy breach. **(Para, 174 & 175)** Was used by the planning inspector for Westbury road to refuse planning permission as they planned to build in an area of flood risk, (PL/2021/09013), APP/Y3940/W/24/3338217). Para: 90 & 91.

- **Housing Supply Subordination (Modern PPG Guidance 25):** The updated regulations explicitly state that planning authorities *are not allowed* to use a lack of housing land supply as a relevant consideration to bypass or weaken flood risk tests. Relying on speculative allocations to meet housing targets while baseline drainage and sewer capacities are compromised directly breaches this modern restriction. **Paragraph 27 (Reference ID: 7-027) and Paragraph 23 (Reference ID: 7-023)**
- **Breach of Mandatory Space for Water and SuDS Rules (Modern NPPF / National SuDS Standards):** Modern policy mandates that drainage must be integrated at the start of the design process, making "space for water" a rigid design requirement. Proposing a retention basin that is scientifically contradicted by the site's infiltration data, and which will fill from below with rising groundwater, breaches modern standards for reliable, climate-resilient sustainable drainage systems and must increase ground water flow affecting neighbouring sites which are already at the highest risk level, in an area covered by both river and ground water flood alerts. **(Para 181&182)**

9. The Planning Policy Framework and Strategic Evidence Collapse

9.1 Structural Collapse of Wiltshire Council's Local Plan

The planning evidence framework put forward by Wiltshire Council has recently suffered a major systemic failure. **Wiltshire Council was forced to formally withdraw its Local Plan to prevent it from being officially declared legally unsound by the Planning Inspector.**

The Planning Inspector's formal response confirmed that:

- Wiltshire Council's housing land supply calculations were invalid because site selection was not based on robust, objective environmental assessment criteria.
- The foundational **Sustainability Appraisal (SA)** failed to provide defensible, transparent, or robust reasoning for why certain development sites were selected while less vulnerable sites were refused.
- The supporting **Strategic Flood Risk Assessment (SFRA)** and **Habitats Regulations Assessment (HRA)** were out of date and legally non-compliant.

9.2 Bypassing the Core Strategy 2013 SFRA Level 2 Directive

This structural collapse directly impacts the Home Farm application. The developer's FRA relies entirely on the same flawed, out-of-date SFRA 1 data that was rejected by the Planning Inspector. In 2013, formal planning advice by the EA, explicitly stated that a town-wide, Level 2 SFRA was mandatory for Warminster to safely manage its complex surface, groundwater and sewer flood risks. This was done for Trowbridge, Salisbury, Chippenham and other flood affected areas complying with NPPF and PPG policy guidance so why not in Warminster?

Wiltshire Council failed to produce this document. Proceeding to allocate sites in the absence of this study represents a major systemic failure. They also failed to define, assess and protect the floodplain, or flood storage needed to combat current and future flood risks. Home farm is one of the only sites in the east able to help mitigate already severe flooding in Bishopstrow. (**NPPF :Para 171, PPG: 009 Reference ID: 7-009-20220825.**)

9.3 Disengagement of the NPPF "Tilted Balance"

Under current NPPF rules, a presumption in favour of sustainable development (the "tilted balance") can apply if an LPA cannot demonstrate an adequate housing land supply. However, the framework explicitly disengages the tilted balance if clear national policies protect areas at risk of flooding or sensitive ecological designations (such as the River Wylfe SAC).

Because this application violates strict national flood risk policies and threatens a designated SAC, by joining to a failing sewage system already overflowing into the river and not due for upgrade till 2035, the tilted balance is legally disengaged. The application must be assessed under a straight planning balance, where the unmitigated risk of flooding carries overriding weight. **NPPF : 11b (ii) and d (i,ii).**

10. Legal Analysis: Liability, Precedent, and Common Law Tort

This section establishes the legal framework governing decisions that increase flood risk or harm protected habitats when based on inadequate baseline data. These principles are being actively monitored for potential future claims.

10.1 Actionable Planning Illegality and Habitat Damage

Under UK public law, a planning authority commits a reversible error if it grants permission based on insufficient or corrupted environmental data.

- **The Precautionary Principle:** Upheld in *Waddenzee (C-127/02)*, this principle dictates that under the Habitats Regulations (protecting the River Wylfe SAC), development can only proceed if the competent authority has established beyond reasonable scientific doubt that no adverse effects will occur.
- **Insufficient Data as Grounds to Quash:** In *High Court quashes permission on flood risk grounds (Southwark, 2025)*, planning permissions are routinely quashed via Judicial Review where planning officers fail to properly apply national flood risk policies. Granting permission for Home Farm based on contradictory infiltration figures, significant documented floods that are not defined on the sfra used to assess the area, after having the Local Plan withdrawn under the same deficiencies represents a clear public law error.

10.2 The "Adapted Land" Principle in Private Nuisance

In civil law, the principle governing a landowner's liability for altering natural drainage pathways is well-established:

- **The Principle:** In *Sedleigh-Denfield v O'Callaghan AC 780* and *Leakey v National Trust QB 485*, the courts established that if a landowner alters or "adapts" their land via artificial works (such as paving, installing retention ponds, or ground raising), they assume a non-delegable duty of care.
- **Liability for Accelerated Runoff:** While a lower landowner must accept natural surface water flowing from higher ground, they are not required to accept water that has been artificially collected, accelerated, or concentrated by upstream development. If the Home Farm retention basin surcharges or pipes fail due to groundwater pressure or the increase in sewage recharge on Boreham rd continues, the developer faces direct liability from downstream landowners in private nuisance for any resulting property damage or interference with their use of their property.

10.3 Corporate and Individual Liabilities of Risk Authorities

A local authority does not enjoy blanket immunity if its operational actions or negligent approvals cause foreseeable physical damage to private property.

- **Actionable Negligence:** While a statutory body is generally not liable for a mere failure to act, it faces liability in negligence if it takes positive steps that actively worsen an existing hazard. For example, installing conflicting highway drains that back-charge a public road — (as occurred at the Spurt Mead pedestrian crossing) — constitutes an actionable operational failure.
- **Misfeasance in a Public Office:** If a public authority knowingly misleads the planning process, deliberately ignores statutory duties, or relies on data known to be false to approve a development, its actions may meet the legal threshold for misfeasance in a public office. This tort carries significant financial penalties and applies directly to the individuals and organisations involved.

11. Strategic Conclusion and Actionable Recommendations

The catastrophic failures recorded at the Spurt Mead development occurred because risk management authorities operated under a culture of siloed disengagement. Every authority could see that the filling of the floodplain with and embankment, and the unauthorised raising of the riverbank were environmentally dangerous and increased flooding to others. Yet, rather than intervening, each agency hid behind the administrative shield of "that is not my job." This corporate refusal to cooperate left an illegally raised riverbank unprosecuted and allowed clear flood risk conditions to be breached, creating a legacy of infrastructure damage and flooding.

To break this cycle, the baseline minimum for flood risk management must be permanently changed:

- **Mandatory Operational Cooperation:** Flood risk authorities must cooperate actively and transparently, ending the siloed practice of hiding behind narrow jurisdictional rules.
- **Proactive Advisory Duties:** If the Environment Agency is statutorily required to advise the council on flood safety, its interventions must be effective. The EA must actively flag unevidenced site assumptions and explicitly advocate for the town-wide Level 2 SFRA and SWMP they stated are needed for safe planning determinations in Warminster.
- **Enforcement of Spatial Accountability:** If Wiltshire Council continues to ignore baseline guidance or overlooks missing strategic assessments, it must be formally reminded of its legal liabilities and procedural non-compliance at every available opportunity. Proceeding without sound information makes the situation worse and transfers an unquantified hazard and financial burden directly onto local residents.

11.1 Required Actions Prior to Determination

To prevent a repeat of past planning mistakes, the following actions must be completed before any residential development is approved at Home Farm:

1. **Commission a Town-Wide Level 2 SFRA:** A comprehensive study must be conducted to assess the combined risks of groundwater infiltration and flow dynamics and its effects on flood infrastructure and other flooding sources, surface water runoff, sewer capacity across Warminster and Bishopstrow, and how they all interact with the river and its flood infrastructure to effect flooding, with a comprehensive study of the remaining capacity of the floodplain, if it has sufficient capacity now and for future generations and what other flood storage areas might be needed going forward.
2. **Validate Existing Hydrological Models:** Official flood maps must be updated using verified local data and historical records from the community and flood wardens.
3. **Perform a Cumulative Impact Assessment:** A detailed study must be undertaken to evaluate the downstream effects of upstream urbanisation on the sensitive ecosystems and properties in Boreham and Bishopstrow.
4. **Enforce the Monitoring Mandate:** Halt any planning determination until the above assessments and modelling have been done, and verify that there is capacity in the floodplain system for new connections, without risking downstream properties. The developer must then resubmit the FRA based on the report findings along with the missing data of the final 6-month winter groundwater monitoring addendum required by Section 5.3 of their own Ground Investigation report, then complete and pass a sequential test, that doesn't exclude other sites by skewing the density data to a lower figure than the actual 30 it is, followed by the exception test to show that the works being done in the flood zone will be safe for the life of the site, and will not increase flood risk to others.

11.2 Final request for Refusal

The Home Farm application relies on incomplete flood risk and environmental data repeatedly, using standardised tests to understand a highly complex and very dynamic hydrological system on the brink of collapse as defined in all official advice from the EA and evidenced in Wiltshire Councils own LFRMS. They use adjusted data to achieve the goal of building, without at any point adequately understanding the risks across the area, or the impact their plans will have on other neighbouring resident and the wider community.

The County Councils actions up to date have been to gamble that the lack of flood risk information covering Warminster will prevent them from being held accountable when things go wrong. Spurt Mead flooding surrounding properties shows the consequences are significant, which is why the councils had to provide grant money to properties effected on Boreham rd floods during 2024, and fixing the causes of the flooding will cost potentially millions to resolve, if they can be.

It is abundantly clear that council decisions that go against flood risk advice are how this situation was created, so to repeat the same actions a few hundred meters down the road without having corrected past mistakes is knowingly increasing the flood risk to the community at large and is a legal time bomb.

All the details above show how each organisation EA, County Council, Town Council, Flood Risk Specialists have all done their best to weaken and avoid the flood risk policies put in place to protect everyone, and these actions fail to satisfy national planning policy protections, legal requirements and sound business practices, as flood damage causes 40% of small businesses to go bankrupt, the potential negative impact of ignoring the issue is clearly significant.

To protect the local community, prevent further infrastructure strain, avoid legal action and preserve the River Wylde SSSI/SAC catchment,

Wiltshire Council should uphold the precautionary principle and refuse planning application PL/2026/02717.

Please refer to additional flood photos and information supplied in the documents listed below that i am forced to provide to Wiltshire Council again, as despite the clear evidence in the previous documents dated 2016, and the emails i have sent the council over the years, none of these flood outlines are on the 2024 SFRA 1. If these remain unrecorded there will be further action taken.

PL/2026/02717 Boreham rd Sewage flooding pdf.

PL/2026/02717 BOREHAM RD FLOODS 2023 pdf.

PL/2026/02717 Boreham rd floods 2024 pdf.

PL/2026/02717 home farm floods pdf.

Flood maps of Warminster lack of detail pdf.

Spurt Mead site pollution and CEMP failure pdf.

Sewage flooding on Boreham and Woodcock rd pdf.

Objection to Home Farm development 2016 pdf.