

UPDATE TO FLOOD RISK ASSESSMENT

Section 78 Appeal: Site of West Green Recycling, West Green Way, Monk Bretton, Barnsley, S71 5SN

Appeal ref: APP/R4408/W/25/3369666

On behalf of Eric Lidster (West Green Recycling Ltd)

Against the refusals of planning permission for development described as:

Installation of aggregate wash plant, erection of store, erection of enclosure for external pipework, laying of concrete slab and construction of boundary treatment (retrospective); and cladding to exterior of structure for filter presses for treatment and management of non-hazardous waste.

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1 INTRODUCTION

1.1.1 In accordance with the Site-specific flood risk assessment: Checklist¹ a flood risk assessment must set out the following (which is addressed as set out below):

1. Describe the development site (the “appeal site”)
This is addressed in the original FRA as updated below.
2. Provide a general summary of the development proposals
This is addressed below as well as the FRA.
3. Apply the sequential test if needed
This is updated below in line with recent PPG guidance below.
4. Describe how flood risk at the appeal site is likely to be affected by climate change is addressed
This is addressed in the original FRA and updated below.
5. Describe the *risk of flooding to and from the proposed development* (“appeal proposal”)
This is addressed in the original FRA and updated below.
6. Include details of surface water management unless these are addressed separately in a drainage strategy
This is addressed in the submitted Drainage Plan / strategy.
7. Provide a summary of the numbers of future occupants and users of the development
This is addressed below.
8. If required apply the exception test
This is updated below in line with recent PPG guidance below.
9. Describe any residual risk; and
This is addressed in the original FRA and updated below.
10. Provide the credentials of the author of the flood risk
This is addressed in the original FRA and below respectively.

¹ PPG, Paragraph: 80 Reference ID: 7-080-20220825, updated 17 September 2025

- 1.1.2 For the planning application the subject of this Appeal, it was agreed with the LPA that the original FRA, which had previously been prepared to support the location of the Sub Station in the position of the current Store as shown on the Proposed Site Plan ref: 010 Rev D could be submitted and relied upon for this application provided that the Planning Statement clarified the situation (i.e. that Store was being substituted for the Sub Station).
- 1.1.3 This update to the Flood Risk Assessment dated November 2022 (the “original FRA”) has been prepared in the context of revised NPPF , paragraph 175, and the Environment Agency’s (the “EA”) updated flood risk map for planning in line with the relevant aspects of the checklist.
- 1.1.4 This update is to be read in conjunction with the original FRA such that it and the original FRA together with this FRA Update constitute an up to date Flood Risk Assessment for the appeal scheme.

2 APPEAL SITE

- 2.1.1 The appeal site is shown on the Location Plan and Proposed Site Plan ref: 010 Rev D submitted with the planning application and relevant aspects are described in the original FRA and other parts of this FRA Update.

3 DEVELOPMENT PROPOSALS

- 3.1.1 The appeal proposal is for the following development:

Installation of aggregate wash plant, erection of store, erection of enclosure for external pipework, laying of concrete slab, and construction of boundary treatment (retrospective); and cladding to exterior of structure for filter presses for treatment and management of non-hazardous waste.

- 3.1.2 The appeal proposal is shown on the Proposed Site Plan ref: 010 Rev D submitted with the planning application ².

² Copy attached at Appendix C together with photographs of the site

- 3.1.3 The current number of occupants and users of the development permanently at the site are approximately 8 staff associated to the development. This is not anticipated to change in the future.

4 CONTEXT

- 4.1.1 As stated by the Local Authority within its Appeal Hearing Statement (the "Statement")³:

Since the application was determined, a store that had been constructed on the eastern side of the site was sited in flood zone 3, as indicated in the submitted flood risk assessment.

Reflecting the advice of the Environment Agency, the application confirmed that the store had been constructed at or above the specified AOD height (41.6m above Ordnance Datum (AOD)).

However, since the application was determined, the Environment Agency has issued revised flood mapping in April 2025, which now indicates that a more significant part of the site is within flood zone 2 and 3 ...

More recently in August 2025, the Environment Agency has issued a further revision to the flood maps. This introduces a new layer called 'Flood Zones plus climate change' which shows how the combined extent of Flood Zones 2 and 3 could increase with climate change over the next century.

Informal discussion with the Environment Agency has confirmed that in the circumstances, the Flood Risk Assessment submitted with the planning application is now out of date and that there may [be] unresolved built development and additional flood risk issues that may benefit from further assessment due to the potential of unacceptable flood risk to others.

This position is supported by revised comments from the Council's Drainage engineer on the appeal (copy attached at Appendix 7). If this further assessment (a revised FRA based on up to date flood risk maps for planning) demonstrated that the equipment has been sited within Flood Zone 2 or 3 then the appellant would be expected to follow the sequential approach and if there is sequentially preferable space within the appeal site to move the equipment to that,

³ Local Authority Appeal Hearing Statement, Page 15, Paragraphs 5.25 to 5.27

Flood Zone 1 land. It is understood that if the sequential test was passed because there was not sequentially preferable land available, the appellant would be expected to undertake the exception test. In circumstances where the Council was determining an application without an up to date FRA, it is expected that the application would be refused on the basis of the lack of information relating to flood risk, reflecting the NPPF policy at paragraph 181.

- 4.1.2 The Local Authority states that *a more significant* area of land within the appeal site is now located within FRZ 2 and 3 and that the appeal proposal is at greater risk of increasing the flood risk to others.
- 4.1.3 The area of land within the appeal site to which the revised flood data applies is identified at Appendices 6a, 6bi and 6bii of the Statement.
- 4.1.4 As a separate matter, the Local Authority is concerned to ensure that if the plant and machinery (as components of the appeal proposal) are, based on the most up to date flood data, located within FRZ 2 and 3, they should be relocated – within the area of the appeal site – to land that is designated FRZ 1, or if such land is not available, subject to the exception test.
- 4.1.5 According to the Local Authority’s drainage engineer:

The existing site drainage and land drainage on site is acceptable as previously agreed, providing there are no changes to drainage plan and details (Appendix 7 of the Statement).

5 ENVIRONMENT AGENCY’S POSITION

- 5.1.1 According to the third party representation from the Environment Agency (the “EA”)⁴ which addresses the subject of the appeal proposal (fully described within the representation), and which has been placed on file with PINs:

⁴ File reference: EA APPEAL COMMS.pdf – Letter addressed to PINs dated 8 September 2025.

We consider it necessary to inform the Planning Inspector that data for the Flood Maps for Planning (FMiP) was updated in March 2025.

*The Environment Agency has undertaken a fresh desktop study of the development site in relation to these changes. Our conclusion is that there are **marginal*** increases in Flood Zone 3, including the climate change uplift scenarios.*

We maintain that the proposed finished floor level for the built development of the substation area is sufficiently conservative. This aspect provides us with a satisfactory level of confidence that the proposal will be suitable for the lifetime of the development.

In accordance with planning policy, we underline that the current proposal – and its categorised vulnerability classification as a less vulnerable development - will be acceptable subject to the recommended planning condition below.

- 5.1.2 The EA does not state that a ‘more significant’ area of the appeal site is now included within FRZ2 and FRZ3; it states that there are ‘marginal’ increases in the area of FRZ3.
- 5.1.3 The EA raises no objection to the appeal proposal, in the context of the updated flood data, on grounds that it is *at greater risk of increasing the flood risk to others*, contrary to the Local Authority’s suggestion in its Appeal Hearing Statement (the “Statement”).
- 5.1.4 Additionally, the EA does not request the submission of an up to date FRA; it is content to rely upon the FRA submitted with the appeal⁵ as indicated by the condition it suggests ought to be attached to the planning permission.
- 5.1.5 The Statement (para 5.27) states informal discussion with the EA has confirmed that in the circumstances the FRA submitted with the planning application is now out of date, however, the Appellant takes the view that limited weight must be applied to such a discussion; and

* Author’s emphasis.

⁵ Appeal document reference: CD.25.008.FRA.pdf.

that the greater weight has to be placed on what the statutory consultee has stated in their written representations.

5.1.6 The Local Authority in its Appeal Statement also suggests that the new position on flood risk is supported by revised comments from the Council's Drainage engineer on the appeal (copy attached at Appendix 7). However, the Drainage engineer relevant comment in Appendix 7 is that: *However, we would agree with EA considerations as stated in their response*^o. It is unclear to the Appellant that the Council's Drainage engineer was supporting the Council's new position, as opposed to concurring with the EA's assessment and position in its letter of 8 September 2025, particularly when considering the contents of the communication attached at Appendix 7, the Drainage Engineer is referring to what the EA "stated in their response".

5.1.7 Otherwise the EA raises no objection to the appeal proposal and concludes that *it will be acceptable* provided the grant of planning permission is made conditional upon the appeal proposal being carried out:

in accordance with the submitted flood risk assessment (ref RLC/1137/FRA01/Roy Lobley Consulting/24/11/2022) and the following mitigation measures it details:

The substation shall be set at a level no lower than 41.6 metres above Ordnance Datum (AOD)

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

5.1.8 As noted above, the Local Authority's case is contrary to the advice of the EA – the expert advisor on the subject.

5.1.9 The change in EA flood map data for planning purposes, as relied upon by the Local Authority did not justify its change in stance on the flood risk issues, having regard to the clear advice it received from the EA on 8 September 2025.

^o Author's emphasis

6 APPELLANT'S RESPONSE – LEVELS AOD WITHIN THE APPEAL SITE

- 6.1.1 Planning permission was granted for the substation under application reference: 2024/0329⁶. The decision to grant planning permission was not conditional upon the levels of the structure being set *no lower than 41.6m* AOD.
- 6.1.2 However, the substation has been constructed on land (a concrete slab) that is set at an AOD of between 42.098m and 42.102m⁷. The base of the substation sits a further 50mm above the concrete slab (such that the substation sits at a minimum level of 42.65m AOD).
- 6.1.3 Further still, according to the *Focussed map of site* attached at Appendix 6a of the Local Authority's Statement of Case, the substation (identified with the title "ESS") is clearly located within FRZ 1. According to the *EA Flood Zones and Climate Change Layers* data attached at Appendix 6bi of the Local Authority's Statement of Case, the substation (again identified with the title "ESS") is located outside of the area identified as Flood Zone plus Climate Change.
- 6.1.4 When examining the EA's representation, it is clear the location of the Sub Station has been misidentified. There exists a store in the position of the building identified by the EA as the Sub Station. The Proposed Site Plan⁸ refers to this.
- 6.1.5 By overlaying the Proposed Site Plan onto Appendix 6bi of the Statement⁹, and with reference to the appeal proposal the following can be said:
- the Substation is located within FRZ 1
 - the Filter Press is located with FRZ 1

⁶ Approved site layout showing the position of the substation granted permission under application reference: 2024/0329 attached at **Appendix A**

⁷ Appeal documents drawing number S10557 dated May 2023 (Topographical Survey) read together with drawing reference: Amended Proposed Site Plan – Rev D – October 2024.pdf; and with Drawing No. 2965 dated 03.04.2023 (**included at Appendix A**) confirms this position.

⁸ Drawing reference: Amended Proposed Site Plan – Rev D – October 2024.pdf submitted with the appeal

⁹ Local Authority's Appendix 6bi combined with drawing reference: Amended Proposed Site Plan – Rev D – October 2024 attached at **Appendix B**.

- the proposed Store is located within FRZ 2; and
- the Storage Tanks (with one exception) are located within FRZ 1

6.1.6 With reference to the Wash Plant and drawing number B02_C10088_00_01 of the appeal submission, only those components numbered 7 (conveyor belt), 8 (conveyor belt), 16 (conveyor belt) and 17 (conveyor belt) are located within the area of FRZ 2/Flood Zone plus Climate Change. The components so identified project from the main body of the Wash Plant and are elevated above the ground level. They are not designed to be 'accessed' in the manner of a building.

6.1.7 Regardless, as evidenced within the Topographical Survey:

- Levels within the area of the Store (misidentified within the Topographical Survey and referred to as the Sub Station) are set between 42.090m AOD and 42.105m AOD, and the Store itself has a finished floor level of 42.259m AOD;
- Levels within the area of the Wash Plant range from between 42.053m AOD and 42.132m AOD
- Levels within the area of the Filter Press range from between 42.061m AOD and 42.117m AOD
- Levels within the area of the Storage Tanks range from between 42.067m AOD to 42.103m AOD

6.1.8 Within the remainder of the appeal site levels are set consistently at or above 42.00m AOD¹⁰. Levels rise along the line of the access road from 43.00m+ AOD to a high point of 47.445m AOD before falling to 42.705m AOD in the vicinity of the junction of the wider site with West Green Way.

6.1.9 The Appellant would stress that the levels recorded on the topographical survey are the most accurate. Those levels recorded/held by the EA to inform the extent of flood risk zones in so

¹⁰ Photographs showing the general layout within the appeal site – indicating a 'level yard' **Appendix C**

far as they relate to the appeal site do not currently account for the data recorded as part of the topographical survey.

- 6.1.10 Thus all levels within the appeal site are above 41.6 AOD, which is the minimum threshold set by the EA so as to enable it to extend its support for the Sub Station, as essential infrastructure, albeit the EA “*underline that the current proposal [is] a less vulnerable development*”.

7 NEED FOR SEQUENTIAL TEST

- 7.1.1 As per Paragraph 175 of the National Planning Policy Framework (the “NPPF”):

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 and flood risk)

According to the latest Planning Practice Guidance (“PPG”)¹¹ published on 17 September 2025 (after the Council’s Appeal Statement) in so far as it relates to Flood risk and coastal change:

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”.

- 7.1.2 In so far as the revised flood data affects the flood zone designation of the appeal site and the appeal proposal, it only does so in relation to:

¹¹ PPG, Paragraph 027 Reference ID: 7-027-20220825, updated 17.09.2025

- the Store (where land on which the Store sits now falls into FRZ 2 rather than FRZ 3);
- in the area of the Wash Plant where land beneath conveyor belts falls within the Flood Risk plus Climate Change Zone and FRZ2 levels; and
- in the area of one of the Storage Tanks serving the Filter Press where the position of the storage tank overlaps with land designated as FRZ2/Flood Risk plus Climate Change

7.1.3 However, as noted above, levels within the appeal site are above 41.60m AOD, the minimum threshold required by the EA so as to enable it to extend its support for (essential infrastructure in the form of) the substation, albeit the EA acknowledges the current appeal proposal vulnerability classification is as a less vulnerable development.

7.1.4 The Local Authority's Drainage Team confirms in the Local Authority's Committee Report (p16) regarding the store (mistakenly referred to as the Sub Station by the EA) that *reflecting the advice of the Environment Agency, the applicant has confirmed that the store which has been constructed on the part of the site at risk of flooding has been constructed at or above the specified AOD height* and concludes the proposal complies with Local Plan Policy CC3.

7.1.5 Given the design and layout of the appeal proposal and the appeal site, users would remain safe from current and future surface water flood risk for the lifetime of the development. As the EA had already concluded in its letter of 8 September 2025 before the publication of the revised PPG was published, the proportionate conclusion is that the sequential text need not be applied in this instance, which is now also supported by and in line with paragraph 175 of the NPPF

7.1.6 As to whether the appeal proposal would increase the risk of flooding elsewhere, the Local Authority's drainage engineer considers, based on the evidence and Drainage Plan submitted with the planning application, as set out in the Council's Appeal Statement that *the existing site drainage and land drainage on site is acceptable as previously agreed, providing there are no changes to drainage plan and details* (Appendix 7 of the Statement).

7.1.7 The Appellant confirms that the drainage plan and details remain unchanged.

7.1.8 As per the most up to date PPG, there is no requirement to undertake a Sequential Test.

8 EXCEPTION TEST

8.1.1 According to the PPG¹²:

The Exception Test requires two additional elements to be satisfied (as set out in Paragraph 154 of the National Planning Policy Framework) before allowing development to be allocated or permitted in situations where suitable sites at lower risk of flooding are not available following application of the sequential test.

It should be demonstrated that:

- *development that has to be in a flood risk area will provide wider sustainability benefits to the community that outweigh flood risk; and*
- *the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.*

The Exception Test is not a tool to justify development in flood risk areas when the Sequential Test has already shown that there are reasonably available, lower risk sites, appropriate for the proposed development.

8.1.2 As there is no requirement to undertake the Sequential Test, the requirement to undertake the Exception Test does not apply.

¹² PPG, Paragraph: 031 Reference ID: 7-031-20220825

9 CREDENTIALS

- 9.1.1** The original FRA was produced by Roy Lobley Consulting. Rob Lobley is a highly respected, experienced engineer and manager, having worked for over 35 years in land drainage, flood defence and flood risk management for both the public and private sectors. He began his career with an Internal Drainage Board, before moving to the newly formed National Rivers Authority and then the Environment Agency. After working for various multidisciplinary consultancies, he founded Roy Lobley Consulting in 2016.
- 9.1.2** This FRA Update was produced by Susan Crowley, who is a Town Planner qualified to MRTPI standards with over 35 years' experience in the planning profession including; at a senior level, as a Major Projects Officer within Sheffield City Council; in higher education, at Sheffield Hallam University as Course Leader for the RTPI accredited MSc in Urban Planning; and working with consultancies in the private sector before founding her own planning consultancy in 2010.

APPENDIX A – APPLICATION REFERENCE: 2024/0329

CROWLEY
ASSOCIATES

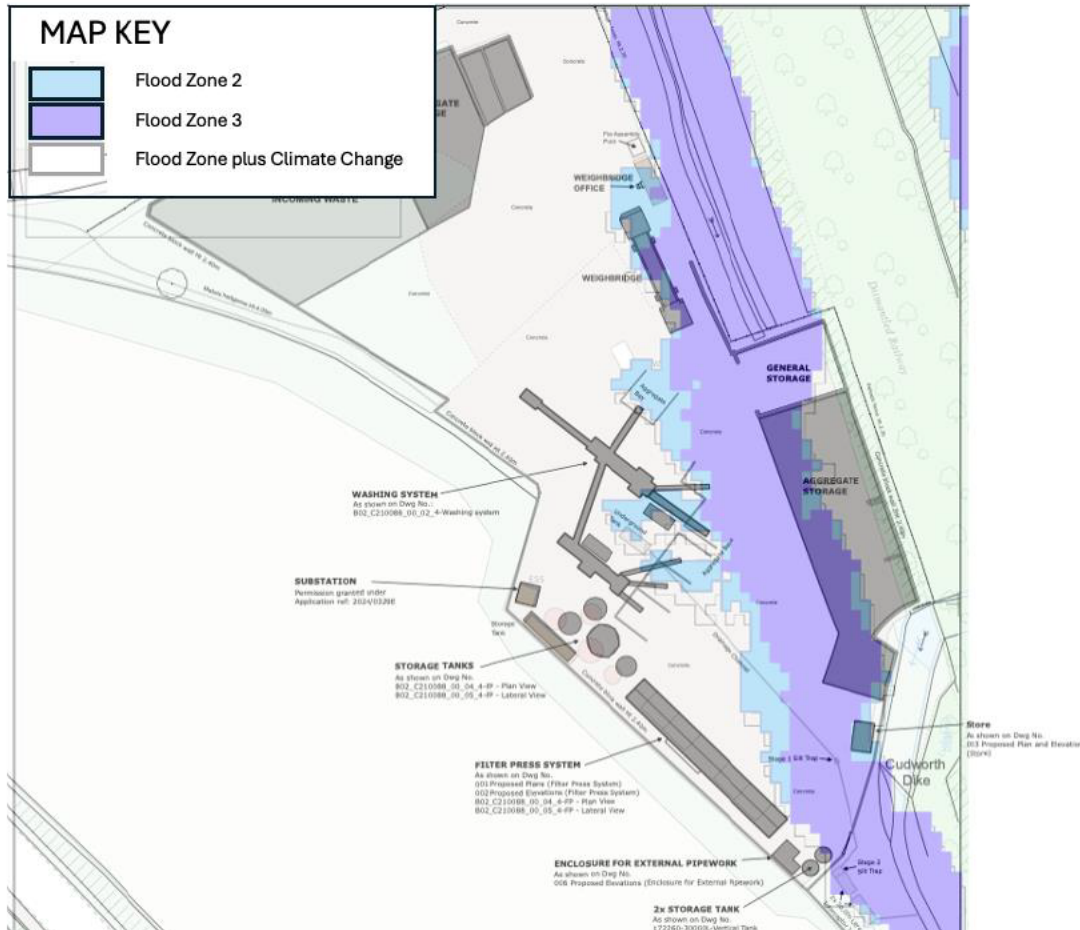
West Green Recycling
Dwg No. 010
Proposed Site Plan
1:500 @ A1
September 2023



APPENDIX B – FLOOD MAPS OVERLAID

Appendix B

Proposed Site Plan overlaid onto EA Flood Zones and Climate Change Layers



Appendix 6bi of the Local Authority's Statement of Case overlaid onto Proposed Site Plan (drawing reference: Amended Proposed Site Plan -Rev D – October 2024.pdf).

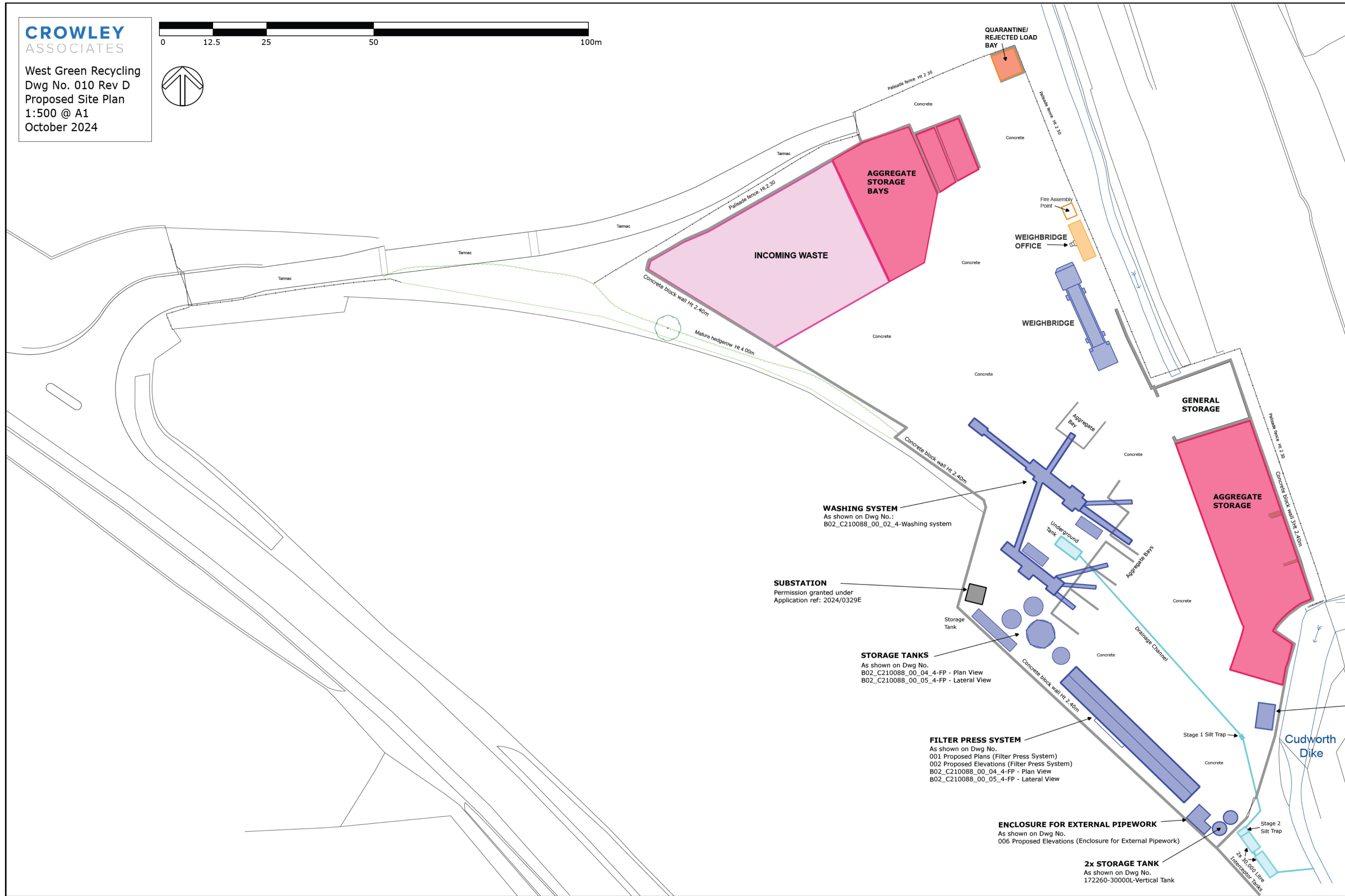
Having undertaken the exercise, it is evident that:

- the Substation is located within FRZ 1
- the Filter Press is located with FRZ 1
- the proposed store is located within FRZ 2; and
- the Storage Tanks (with one exception) are located within FRZ 1

With reference to the Wash Plant and using drawing number B02_C10088_00_01 of the appeal submission, only components numbered 7 (conveyor belt), 8 (conveyor belt), 16 (conveyor belt) and 17 (conveyor belt) are located within the area of Flood Zone plus Climate Change/FRZ 2) – these components are elevated above the ground level and are not capable of being 'accessed' in the manner of a building.

NB: Overlay exercise required the flood data layer to be made 'transparent', hence the change in the colour of the layers when compared to the image in Appendix 6bi.

APPENDIX C - PHOTOGRAPHS OF SITE



Store
As shown on Dwg No. 003 Proposed Plan and Elevations (Store)



Photo 2 – Area 2



Height of enclosure in Area 2 equates to 1.2m

Interlocking concrete blocks.











Photo 3 – Area 3



Photo 4 – Area 4



Height of enclosure in Area 4 equates to 2.4m

In situ cast concrete.

Photo 4 – Area 4



Photo 6 – Area 5



In situ cast concrete.

Height of enclosure in
Area 4 equates to
3.3m

Photo 6 – Area 5



