

WBC response to Ashridge Wokingham Ltd (0354): Sequential test objections

Introduction

1. This note sets out Wokingham Borough Council's (WBC's) response to the written submission from Killian Garvey ([REP 1](#)) dated 21 November 2025, on behalf of Ashridge Wokingham Ltd (0354), relating to the sequential test set out in WBC's Sequential and Exception Test ([EN4](#)).
2. The submissions in REP 1 raise criticisms of soundness on the basis that there has been inadequate consideration of whether there are reasonably available sites at a lower risk of flooding to Loddon Valley Garden Village (LVGV) and that the Sequential Test that has been carried out is therefore deficient.
3. WBC's response is set out below, following an overview of relevant national policy and guidance.

Relevant National Policy and Guidance

4. Paragraphs 165 and 167 of NPPF 2023 set the context for the sequential test. In particular, para. 167 states:

“167. All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:

- a) applying the sequential test and then, if necessary, the exception test as set out below...”

5. Further detail is provided in paragraphs 168 and 169, which state:

“168. **The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source.** Development should not be allocated or permitted if there are **reasonably available sites appropriate for the proposed development** in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

“169. If it is not possible for development to be located in areas with a lower risk of flooding (**taking into account wider sustainable development objectives**), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.”
(emphasis added)”

6. The Planning Practice Guidance (PPG) ‘Flood risk and coastal change’ provides further advice on how to take account of and address the risks associated with flooding in the planning process, including guidance on the application of national policy. This part of the PPG was updated in part on 17 September 2025, after the preparation of EN4 and the publication and submission of the Local Plan Update. The references below are from the PPG at the point when EN4 was prepared, unless stated otherwise.
7. The PPG reiterates that a sequential approach should be employed by applying the Sequential Test and, if needed, the Exception Test. It sets out a process for plan or decision-making which seeks to avoid, control, mitigate, and manage residual risk (PPG, para. 004), as summarised at EN4, para. 1.8.
8. Diagram 1 shows the key steps involved when preparing strategic policies, which is reproduced as Figure 1 in EN4. It is clear from this Diagram that wider sustainability considerations are relevant when undertaking the Sequential Test. The fourth box¹ asks whether “sustainable development can be achieved through new development located entirely within areas with a low risk of flooding?”. If the answer to this question is no, box 5 explains that the Strategic Flood Risk Assessment (SFRA) should be used to “identify **appropriate allocation sites**” (emphasis added).
9. In relation to the question ‘what is the aim of the sequential approach?’ the PPG states:

“The approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding. Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings and property level resilience features. [Even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied]². Application of the sequential approach in the

¹ Para. 4 of the accessible version.

² NB this sentence in square brackets was subsequently deleted in the September 2025 PPG updates.

plan-making and decision-making process will help to ensure that development is steered to the lowest risk areas, where it is compatible with sustainable development objectives to do so, and developers do not waste resources promoting proposals which would fail to satisfy the test. Other forms of flooding need to be treated consistently with river and tidal flooding in mapping probability and assessing vulnerability, so that the sequential approach can be applied across all areas of flood risk.”

Paragraph: 023 Reference ID: 7-023-20220825 (Revision date: 25 08 2022)

10. Paragraph 025 of the PPG explains that the application of the Sequential Test to plan preparation is illustrated in Diagram 2 (reproduced at Figure 2, p. 7 of EN4), which makes reference to ‘available’ sites and ‘appropriate’ development, and is to be read in the context of Diagram 1.
11. Paragraph 028 provided³ the following guidance on “What is a ‘reasonably available’ site”?

“Reasonably available sites’ are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development.

These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered ‘reasonably available’...”

Paragraph: 028 Reference ID: 7-028-20220825 (Revision date: 25 08 2022)

12. Paragraph 031 provides guidance on the exception test, including:

“...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. It would only be appropriate to move onto the Exception Test in these cases where, accounting for wider sustainable development objectives, application of relevant local and national policies would provide a clear reason for refusing development in any alternative locations identified...”

Paragraph: 031 Reference ID: 7-031-20220825 (Revision date: 25 08 2022)

³ The wording of this paragraph was updated on 17 September 2025, and the revised wording is quoted at REP1, para. 25.

13. The correct interpretation of paragraph 168 (then 162)⁴ of the NPPF and its relationship with the PPG guidance on reasonably available sites was considered by the High Court and Court of Appeal in *Mead Realisations Ltd v SSLUHC*.⁵ These judgments held that para. 162 was a broad, open-textured policy leaving a range of evaluative judgement for decision-makers, and that PPG, para. 028 provided further guidance in flexible language that was not prescriptive.

14. In the High Court, Holgate J. held at [97] that:

“97. This is a broad, open-textured policy. There is no additional language indicating how the issue of “appropriateness” should be approached or assessed. There is nothing to suggest that the object is *restricted* to meeting the requirements of the developer or applicant for planning permission, or of his particular proposal on the application site he has selected. On the face of it, **the question of appropriateness is left open as a matter of judgment for the decision-maker.**” (emphasis added)

15. The Court of Appeal expressly endorsed that analysis at [29] and [45]. Furthermore, it explained that the PPG simply provides further guidance that clarifies or elucidates the policy in the NPPF in flexible language that is not prescriptive:

“48. What the PPG guidance did was to clarify—or “elucidate”—the NPPF policy as written. And it did so in flexible language, not in prescriptive terms. It prompts the exercise of evaluative judgment by the decision-maker. Its first paragraph invites the decision-maker to judge what is a “suitable location for the type of development”, and whether or not there is “a reasonable prospect that the site is available to be developed at the point in time envisaged for the development”. The second paragraph is notably open ended. It begins by saying that these locations “could include” sites of various kinds: “a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development”. It adds that “[such] lower-risk sites do not need to be owned by the applicant to be considered ‘reasonably available’”. **These are not “mandatory” requirements. They are not a “binding code”, or a “straitjacket”. They are elucidation, or explanation. Seen in this way, as Mr Flanagan submitted, the guidance in paragraph 7-028 of the PPG is, in fact, “subservient” to the policy in paragraph 162 of the NPPF.**” (emphasis added)

⁴ Although with identical wording.

⁵ [2024] PTSR 1093 and [2025] PTSR 1158 respectively.

WBC's response

16. In the first instance, it is incorrect to state that sites have only been compared on the basis of flood zones without taking other sources of flooding into account (REP1, para. 16).
17. EN4 is clear that all sources of flooding, as informed by the SFRA, have been considered. Paragraph 1.11 expressly states that *“It is important that assessments of flood risk probability and vulnerability are consistently applied across all areas. Other forms of flooding, for example surface water, and groundwater should therefore be treated consistently with river and tidal flooding”*. Furthermore, paragraph 2.2 provides a definition of ‘low risk of flooding’ which includes consideration of all sources.
18. The Sequential Test result tables (Table 1a to 3b) within EN4 section 3 then set out the ‘Risk of flooding from other sources’ for each site, or else confirm that the site is at low risk of flooding from other sources. Risks from all sources of flooding for each site were therefore clearly set out and taken into account when carrying out the Sequential Test.
19. In doing so, it was well understood that it would not be possible to allocate land to meet development needs in areas wholly at a lower risk of flooding. This position was acknowledged by the Environment Agency in the Memorandum of Understanding signed in February 2024, which can be found in the Duty to Cooperate Interim Statement of Compliance ([CD9](#), Appendix E, page 109).
20. The allegation that all sites located within Flood Zone 3 were treated equally is also incorrect (REP1, para. 15).
21. For the avoidance of any doubt, the claim that 61% of LVGV is within Flood Zone 3 is incorrect (cf. REP1, para. 20). The percentages are inclusive of the smaller return period. For example, 35% of the site is in Flood Zone 2, which includes the extent of Flood Zones 3a (32% of the site) and 3b (29% of the site) – i.e. the Flood Zone 3 figures should not be added together cumulatively. The remainder of the site (65%) is in Flood Zone 1, which amounts to approximately 478ha. Given the scale of the LVGV, all residential development can be located within Flood Zone 1 with only a very modest section of employment land within Flood Zone 2. The areas which are subject to greatest flood risk could have been excluded from the allocation boundary, but a holistic approach was adopted, recognising that these areas provided the opportunity to secure biodiversity enhancements and flood management betterment for the wider area (consistent with NPPF, para. 167(c)). Furthermore, it is relevant to note here that under the recent updates to national policy (NPPF 2024, para. 175 and PPG Reference ID: 7-027-20220825), it would not now be necessary to apply the sequential test to

planning applications coming forward on the site where that updated guidance is satisfied through location of development outside areas at risk of flooding.

22. Nevertheless, it is clear from the Tables in 3a and 3b that the Ashridge site is at a lower risk of flooding than LVGV (as a whole) and is therefore a sequentially preferable site in flood risk terms. This was recognised by WBC, and is also set out within the SA Report ([CD3a](#)), which EN4 should be read in conjunction with (EN4, para. 131). CD3a, Appendix IV recognises that Ashridge performs better than LVGV under the ‘Climate change adaptation’ sustainability objective, due to the flood risk constraints of LVGV compared with the more limited risk at Ashridge (CD3a, p. 121). This preference is also reflected in Section 6.5 and para. 6.5.2 of CD3a, which shows that Growth Scenario 5 (including Ashridge in place of LVGV) performs best under this sustainability objective.

23. Despite being sequentially preferable in flood risk terms, the Ashridge site was rejected because it was not considered to be a “reasonably available” site that is “appropriate” for the proposed development “taking into account wider sustainable development objectives”. A summary of the reasons for this decision are provided in the final column of Table 3b (pages 149 – 150). This states:

- *“The site would require significant development to the north of the A329M, which is the accepted northern extent of the settlement of Wokingham, leading to landscape and townscape sensitivities*
- *There is significant uncertainty about the deliverability of the necessary highways linkages onto the A329M. The site is also not well served by sustainable transport services, and there is a lack of certainty that required improvements could be viably achieved.*
- *Uncertainties around availability of all parcels of land, which has the potential to undermine holistically planned development.*
- *These sites have been promoted as a strategic opportunity. Whilst individual sites within the wider area with lesser flood risk may come forward separately, this is not considered appropriate from a placemaking perspective as development north of the A329M would need to be of sufficient scale to function as a new community.”*

24. Ashridge Wokingham Ltd asserts that these reasons do not address what is referred to as a “specific test” imposed by the PPG (REP1, paras. 22 – 26). However, this submission ignores two important considerations:

- a. First, the Court of Appeal in *Mead Realisations* expressly held that para. 162 of the NPPF is a “broad” and “open-textured” policy for the evaluative judgement of decision-makers and that the guidance in PPG, para. 028 is drafted in “flexible language, not in prescriptive terms” and that the paragraphs are “not “mandatory” requirements”, a “binding code” or a “straitjacket”. Therefore, it should not be read as imposing a “specific test”.

- b. Second, in addition to considering whether a site is “*reasonably available*”, consideration should also be given to whether those sites are “*appropriate for the proposed development*” (NPPF, para. 168) and whether their development is compatible with “*wider sustainable development objectives*” (NPPF, para. 169)). The words ‘reasonably available’ should be read in context, and not in isolation from the rest of para. 168, para. 169 and the accompanying PPG.
25. Therefore, the two questions posed at para. 22 of REP1 do not encapsulate all relevant considerations, and the submission fails to acknowledge the holistic approach taken by WBC in applying the sequential approach. In this context, it can be noted that the final column of Table 3b is a summary of the of the overall conclusions on the “wider sustainable development objectives” providing clear reasons for the rejection of this Site. Further detail is provided in the SA, which EN4 needs to be read alongside.⁶
26. Finally, the reliance placed upon reference to sites 5WK018 and 5WK048 not being “demonstrably available” is also misplaced (REP 1, paras. 27 – 28). Site 5WK048 has been confirmed as being unavailable for housing by the landowner ([HO14](#), p. 27) and site 5WK018 is currently in a variety of uses, only part of which has been promoted for development ([HO7b](#)). Neither is “reasonably available”, and the reference to them not being “demonstrably available” in the summary simply reflects alternative language rather than the application of a different test or approach.
27. Accordingly, the Ashridge Site was not overlooked in EN4 on the basis of the alleged failure to consider whether it was a reasonably available site that was sequentially preferable in flood risk terms to LVGV. The submissions in REP1, particularly para. 22, fail to recognise that when carrying out the sequential test it is also necessary to consider whether sequentially preferable sites are “*appropriate for the proposed development*”, and that they may nevertheless be rejected taking into account “*wider sustainable development objectives*”. These wider sustainable development objectives are particularly important in the context of plan-making, since s.39 of the Planning and Compulsory Purchase Act 2004 places an obligation on WBC to exercise its plan-making functions “*with the objective of contributing to the achievement of sustainable development*”. This statutory obligation is also reflected in paragraph 16(a) of the NPPF. Ultimately, the conclusion on these issues was a matter of evaluative judgement for WBC, informed by the SA and other technical studies that comprise part of the evidence base for the plan. Ashridge Wokingham Ltd may disagree with the judgements reached

⁶ See, for example, Appendix IV of CD3a, which provides a comparative analysis of strategic site options, as summarised in Table B, p. 142. Furthermore, recalling that Ashridge does not, in isolation, provide an alternative to LVGV, the appraisal of Growth Scenario 5 is also relevant (CD3a, Section 6, as summarised in Table 6.1, p. 53). In particular, para. 6.15.4 concludes that “[i]t is very difficult to draw upon the appraisal matrix to put forward a case for Ashridge being preferable to Loddon Valley”.

by WBC, but that does not demonstrate that the submitted plan is unsound, or that the omission site which it is promoting should have been preferred overall.

Summary and conclusion

28. WBC is confident that the Sequential Test contained within EN4 accords with national policy and guidance and that its approach is sound in all respects. The Sequential Test has been prepared having regard to the SFRA and more than satisfies the test in the NPPF 2023 at paragraph 3 for evidence to be 'adequate and proportionate'. EN4 was shared with the Environment Agency (EA) prior to finalisation, which is documented at page 61 of the Duty to Cooperate Statement of Compliance (CD8a). The EA raised no objection to the methodology used during this engagement or in response to the Regulation 19 publication. The Statement of Common Ground with the EA (WBC4) confirms that the evidence supporting the plan, which includes EN4, is 'robust and proportionate' (paragraph 5.2), and that there are no flood risk barriers that would prevent the delivery of LVGV (paragraph 5.7).