



Appeal Decision

Site visit made on 20 February 2025

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th March 2025

Appeal Ref: APP/E2001/W/24/3356373

Building 93, Humber Enterprise Park, Baffin Way, Brough, East Riding of Yorkshire HU15 1YU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to discharge a condition.
- The appeal is made by Wastege Waste Management against the decision of the East Riding of Yorkshire Council.
- The original application reference is 24/00884/PLF; the application to discharge the condition is reference 24/30277/CONDET.
- The development is a change of use from an Air Training Corps Centre to offices.
- The condition is number 3 which states that: The use hereby permitted shall not be first implemented until the mitigation measures detailed within the Flood Risk Assessment (FRA) (contained within the Statement by Christopher Kendall, Town Planning Consultant, received 17 May 2024) have been implemented, namely:
 - External flood protection (stop logs) to be provided at external doors to 0.9 m (i.e. equivalent to a 600mm increase in floor level with 300mm of protection); and
 - The preparation of a Flood Warning and Evacuation Plan which shall be submitted to and approved in writing by the Local Planning Authority before the use is first implemented.
- The reason given for the condition is: This condition is imposed in accordance with policy ENV6 of the East Riding Local Plan and in order to reduce the risk and impact of flooding.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the details provided would be sufficient to ensure safe and managed evacuation of the building during periods of flood risk.

Reasons

3. The change of use from an Air Training Corps Centre to offices was approved subject to conditions. Condition 3 requires that a flood warning and evacuation plan be submitted and approved before the use is implemented. The information submitted advises that it will be a condition of all tenancies that the tenant signs up to the Environment Agency Flood Alert service. This will ensure that people in the building receive warnings a lot quicker than if the landlord received the warning and then notifies his tenants. Tenants will be instructed that in the event of a flood

warning being received, the building is to be evacuated. All staff should proceed northwards along Skillings Lane across the level crossing. The external flood protection will then be installed. External flood protection is an attempt to safeguard the contents of the building and is not an alternative to evacuation.

4. Following comments from the council which included the provision of a Developers flood emergency/Evacuation plan checklist, the details were updated and a Flood Warning and Evacuation Plan notice was produced with the intention that it be displayed in the building and given to each tenant on commencement of the tenancy. This provides some additional information and a means of it being available to future tenants. The council refused to discharge the condition stating that the submission provides insufficient information.
5. It would be more efficient for the tenants to sign up to the alert service. However, with regard to the submitted detail of the escape route, I would expect, at the very least, a plan which indicates the route from the site to Skillings Lane. It should then show directions to a destination which would represent a place of safety that has been assessed and is not at risk of flooding so that those evacuating know which way to exit the property, where Skillings Lane is and when they are outside the likely flood risk zone. Without this, the details fail to satisfy policy ENV6Dv of the East Riding Local Plan Strategy Document – 2016 which requires a safe access/egress route from/to Flood Zone 1.
6. The council's checklist suggests good practice measures with regard to an evacuation plan. The aim of the checklist is to give a helpful indication of the adequacy of an emergency plan. The checklist seeks information such as an indication as to where the flooding is likely to be coming from, including the likely extent, depth and velocities of flooding or the likely routes of flooding. A description of the Environment Agency's flood warnings and the extent of the advance warning likely to be given. Any shelter arrangements at the evacuation destination. Instructions on how to switch off services (water, gas and electricity) prior to evacuation, including their location. Arrangements and responsibilities for advising visitors. Details of proposals for reviews, raising awareness and testing of the evacuation plan are also encouraged to be set out. Given that the Flood Warning and Evacuation Plan is to be relied on by future tenants, I would expect a greater level of detail but most importantly, a clear evacuation route to an assessed safe destination.
7. Whilst the appellant suggests that there was a lack of communication of the council's concerns, the information provided is extremely limited. Without a good knowledge of local geography, flood map extents and street names, the escape plan does not adequately explain what needs to happen in the event of a flood with regard to escape from the building. It similarly does not provide other useful information for future occupiers of the property. It fails to provide sufficient information to ensure safe and managed evacuation of the building during periods of flood risk. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR