

Cherwell District Council
Planning & Development Services
Bodicote House White Post Road
Bodicote
Banbury
OX15 4AA

Our ref: WA/2023/130558/02-L01
Your ref: 23/00977/OUT
Date: 29 November 2023

Dear Sir/Madam

Outline planning application (except for access) for residential development of up to 60 dwellings (use class C3) including a community facility, new vehicular and pedestrian access off Claydon Road, public open space and associated landscaping, earthworks, parking, engineering works and infrastructure

OS Parcel 9195 north of, Claydon Road, Cropredy

Thank you for re-consulting us on the above application following the submission of additional details. We have reviewed the submitted Flood Risk Assessment reference 016_8210439_SM_Flood_Risk_Assessment, Issue 5, dated 16 August 2023.

The majority of the site is within Flood Zone 1 as shown on our Flood Map for Planning, but a small section falls within Flood Zones 2 and 3. The submitted flood risk assessment has now considered this risk alongside a consideration of increased flood risk due to climate change.

We do not have any detailed flood risk modelling in this location. Typically, for the scale and nature of a development like this, we would request the applicant undertakes their own detailed modelling to identify the risk of flooding to the site and set design standards.

In this case however, we feel it would be disproportionate to request modelling from the applicant as its clear from the illustrative plans that housing can be located a significant distance from the area at risk, there is a gradual rise in ground levels of several metres from the Oxford canal towards Claydon Road and the applicant has adopted a precautionary approach to identifying the design flood level (101.5 m AOD).

Using this level, the applicant has plotted the expected extent of flooding against topographical site levels and this shows that a small area of land alongside the canal would be at risk of flooding both now and in the future due to climate change. Providing this area is retained as open space and there is no raising of land levels or positioning

of any structures that would divert flow within this zone, we are satisfied that the development as proposed would not increase the risk of flooding.

We can therefore advise that the submitted information satisfactorily addresses our earlier concerns. Subject to the condition below, we therefore withdraw our previous objection.

Condition

No development approved by this planning permission shall commence until such a time as a scheme to protect land at risk of flooding as shown in the approved Flood Risk Assessment reference 016_8210439_SM_Flood_Risk_Assessment, Issue 5, dated 16 August 2023, has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- Details of hard and soft landscaping schemes
- Details of existing and proposed ground levels

The scheme shall demonstrate that flood risk will not increase and shall be fully implemented and subsequently maintained as approved for the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and prevent flooding elsewhere.

Sequential test - advice to local planning authority

What is the sequential test and does it apply to this application?

In accordance with the National Planning Policy Framework (paragraph 162), development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding. The sequential test establishes if this is the case.

Development is in a flood risk area if it is in Flood Zone 2 or 3, or it is within Flood Zone 1 and your strategic flood risk assessment shows it to be at future flood risk or at risk from other sources of flooding such as surface water or groundwater.

The only developments exempt from the sequential test in flood risk areas are:

- Householder developments such as residential extensions, conservatories or loft conversions
- Small non-residential extensions with a footprint of less than 250sqm
- Changes of use (except changes of use to a caravan, camping or chalet site, or to a mobile home or park home site)
- Applications for development on sites allocated in the development plan through the sequential test and:
 - the proposed development is consistent with the use for which the site was allocated; and
 - there have been no significant changes to the known level of flood risk to the site, now or in the future, which would have affected the outcome of the test

Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures such as flood defences, flood warnings and property level resilience.

Who undertakes the sequential test?

It is for you, as the local planning authority, to determine an appropriate area of search and to decide whether the sequential test has been passed, with reference to the information you hold on land availability. You may also ask the applicant to identify any other 'reasonably available' sites which are on the open market and to check on the current status of identified sites to determine if they can be considered 'reasonably available'. Further guidance on the area of search can be found in paragraphs 027-030 of the planning practice guidance here.

What is our role in the sequential test?

We can advise on the relative flood risk between the proposed site and any alternative sites identified - although your strategic flood risk assessment should allow you to do this yourself in most cases. We won't advise on whether alternative sites are reasonably available or whether they would be suitable for the proposed development. We also won't advise on whether there are sustainable development objectives that mean steering the development to any alternative sites would be inappropriate. Further guidance on how to apply the sequential test to site specific applications can be found in the planning practice guidance here.

Exception test - advice to Local planning authority

In accordance with the National Planning Policy Framework (paragraph 164 & 165), the proposed development is appropriate provided that the site meets the requirements of the exception test. Our comments on the proposals relate to the part of the exception test that demonstrates the development is safe. The local planning authority must decide whether or not the proposal provides wider sustainability benefits to the community that outweigh flood risk.

Closing comments

In accordance with the planning practice guidance (determining a planning application, paragraph 019), please notify us by email within two weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours faithfully

Miss Sarah Green
Sustainable Places - Planning Advisor

Direct dial 0208 474 9253

Direct e-mail planning_THM@environment-agency.gov.uk