

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

Our ref: WA/2023/130558/01-L01
Your ref: 23/00977/OUT
Date: 09 August 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 consulting us on this application. We have reviewed the information submitted with regards to our planning remit, including the following documents:

- Flood Risk Assessment Issue 2 (Glanville, April 2023).

This site is located within Flood Zones 1, 2 and 3 according to the Flood Map for Planning. This is defined as areas having a low, medium and high probability of flooding respectively in accordance with Table 1 'Flood Risk' of the Planning Practice Guidance (PPG).

Environment Agency position

In the absence of an acceptable flood risk assessment (FRA) we **object** to this application and recommend that planning permission is refused.

Reason

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. The submitted FRA states that the proposal site is wholly within Flood Zone 1, however according to the Flood Map for Planning the eastern part of the site is within Flood Zones 2 and 3. The FRA does not therefore adequately assess the flood risks posed by the development.

Overcoming our objection

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above.

If this cannot be achieved, we are likely to maintain our objection. Please re-consult us on any revised FRA submitted.

Further information

In line with paragraph 167 of the National Planning Policy Framework, the FRA should demonstrate that the development is safe and will not increase flood risk elsewhere.

Please refer to the National Planning Policy Guidance for details on how to address the flood risk in relation to this proposal. <https://www.gov.uk/guidance/flood-risk-and-coastal-change> and our own publication on flood risk assessments for planning applications: <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications#get-information-to-complete-an-assessment>.

Our Customers and Engagement teams can provide any relevant flood risk information that we have available. Please contact them using the email address enquiries_THM@environment-agency.gov.uk. Further advice on what to include in an FRA can be found in the planning practice guidance including a checklist: <https://www.gov.uk/guidance/flood-risk-and-coastal-change#para80>.

Making allowances for climate change in development are required to ensure flood risk is considered for the lifetime of the development, and will also help minimise vulnerability and provide resilience to flooding. The Environment Agency guidance 'Flood risk assessments: climate change allowances' [Flood risk assessments: climate change allowances - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances) provides peak river flow and peak rainfall intensity allowances to help planners understand likely impact of climate change on river and surface water flood risk.

Sequential test - advice to LPA

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](#).

Advice to Applicant - Other Consents

As you are aware we also have a regulatory role in issuing legally required consents, permits or licences for various activities. We have not assessed whether consent will be required under our regulatory role and therefore this letter does not indicate that permission will be given by the Environment Agency as a regulatory body.

The applicant should contact 03708 506 506 or consult our website to establish if consent will be required for the works they are proposing. Please see <http://www.environment-agency.gov.uk/business/topics/permitting/default.aspx>

This includes any proposal to undertake work in, over, under, or within 8 metres of the top of the bank of a designated Main River, called a Flood Risk Activity permit.

Final comments

Thank you again for consulting us on this application. Our comments are based on the best available data and the information as presented to us.

If you are minded to approve the application contrary to our objection, please contact us to explain why material considerations outweigh our objection. This will allow us to make further representations. Should our objection be removed, it is likely we will recommend the inclusion of condition(s) on any subsequent approval.

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

Mrs Sarah Warriss-Simmons
Planning Advisor

Direct dial 0203 025 9855

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