

Ms Jenny Barker  
Cherwell District Council  
Bodicote House  
White Post Road  
Bodicote  
Banbury  
OX15 4AA

**Our ref:** WA/2015/119522/01-L01  
**Your ref:** 14/02121/OUT  
**Date:** 2 February 2015

Dear Ms Barker

**Outline - development to provide up to 1,700 residential dwellings (class c3), a retirement village (class c2), flexible commercial floorspace (classes a1, a2, a3, a4, a5, b1 and c1), social and community facilities (class d1), land to accommodate one energy centre and land to accommodate one new primary school (up to 2fe) (class d1). Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure and other operations (including demolition of farm buildings on Middleton Stoney Road).**

**Proposed Himley Village, North West Bicester, Middleton Stoney Road, Bicester, Oxfordshire.**

Thank you for consulting the Environment Agency on the above application.

### **Policy Context**

This planning application site is located within land identified as an Eco Town in the Planning Policy Statement 1 (PPS1) Eco Town Supplement. PPS1 sets out the Government's policies in respect of Eco Towns and details a range of criteria against which proposals should be assessed. We have also considered this proposal in line with the National Planning Policy Framework (NPPF).

The Bicester 1 Policy in the Cherwell Local Plan 2006-2031 also sets the standards that planning applications at the North West Bicester Eco Town site should meet at a local level.

### **Environment Agency Position**

In summary we **object** to this planning application as it has not been demonstrated that the development as proposed will not increase flood risk on and off site. This is a requirement of the NPPF (paragraph 103) and policy ET18 of PPS1. We provide detailed reasons for this objection below.

### **Flood Risk**

In the absence of an acceptable Flood Risk Assessment (FRA) we **object** to the grant of planning permission.

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## Reasons

The FRA submitted with this application (Surface Water Drainage Strategy and Flood Risk Assessment, Alan Baxter, December 2014), does not comply with the requirements set out in paragraph 9 of the Technical Guide to the NPPF. The FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to satisfactorily demonstrate that there are viable outfall locations for surface water discharging from the site. The FRA states that culverts under the A4095 and B4030 have been identified as probable points of discharge from the site to nearby watercourses, but states that the capacity, condition and ownership of these culverts is unknown. Prior to determination of this application we recommend further work is completed to confirm that surface water can be drained via these culverts.

We also require further information to be provided on how and where the required 27,000m<sup>3</sup> of surface water attenuation will be provided on the site. We welcome the outline drainage strategy based around a network of swales and a range of other sustainable drainage techniques, including source control measures. However, it is not clear from the plans that sufficient storage is being provided within the indicative layout, especially during early phases of the development.

## Overcoming our objection - advice to LPA/Applicant

Our objection can be overcome by submitting a FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application.

We ask to be re-consulted with the results of the FRA. We will provide you with bespoke comments within 21 days of receiving formal consultation. Our objection will be maintained until an adequate FRA has been submitted.

If your Authority is minded to grant permission against our recommendation, we request that you consult us for further representation.

## **Advice to LPA/Applicant**

### Importance of using SUDS

The surface water drainage strategy and the use of SUDS is not only critical to ensure flood risk is not increased on or off-site. In addition, SUDS are needed to protect water quality and associated biodiversity. This is particularly important to protect the features of special interest for which Wendlebury Meads and Mansmoor Closes SSSI and Otmoor SSSI are notified. The SUDS on site are also needed to contribute to the sites green infrastructure, biodiversity gain and to meet Water Framework Directive (WFD) requirements.

### Maintenance of the surface water drainage scheme

Maintenance of the surface water drainage features on site is critically important to ensure their long term functionality. Without maintenance in perpetuity, drainage features will not be able to provide the required surface water attenuation and restrict surface water runoff to the Greenfield runoff rate. This will increase the risk of flooding on and off site. Following the recent consultation by DEFRA on possible alternatives to the creation of SUDS Approval Bodies (SAB) it is likely that Lead Local Flood Authorities will not be taking on the role of SAB and as such will not be required to adopt SUDS features on future developments. Therefore as suggested in the FRA at

Section 5.1, a management company or trust will be required to take on the future maintenance of the drainage system. We support the preparation of a S106 agreement to include SUDS maintenance as it will be critical to ensure flood risk is not increased to the site and third parties. Policy ET 17.4 of the PPS1 makes clear that planning applications for all Eco-towns should include a strategy for the long term maintenance, management and adoption of the SUDS features.

#### Groundwater flood risk

The Masterplan FRA which informed the site specific FRAs for planning application 14/01384/OUT and 14/01641/OUT identified the potential risk to the Eco Town site from groundwater flooding. The Masterplan FRA recommends further investigation into the potential for shallow groundwater flooding during detailed design. The FRA submitted with this application at Section 7 also recommends that site specific ground investigations be completed to inform detailed design to further inform any risk of groundwater flooding to the site and the need for additional mitigation measures. We also note that a spring and pond are marked on the historic and current maps. These areas may have very shallow groundwater. Oxfordshire County Council is the Lead Local Flood Authority and has responsibility for groundwater flood risk under the Flood and Water Management Act. Oxfordshire County Council should therefore be satisfied with any ground water flood risk issues at this site.

Please be aware that should our objection on flood risk grounds be overcome, we are likely to request the inclusion of planning conditions in order to ensure that the environment is protected and enhanced as required by the NPPF and to ensure the requirements of PPS1 are met. We are likely to request conditions covering the following environmental constraints:

- Site investigation to deal with risks to controlled waters from contaminated land
- Verification report should remediation works be required
- Risks from any piling proposed
- Risks from unidentified contamination
- Pollution prevention
- Green infrastructure and biodiversity/ecology mitigation, enhancement and management
- Water supply and disposal infrastructure including water efficiency

#### **PPS1 Requirements**

We also bring to your Authorities attention that on its own, this planning application does not meet a number of the PPS1 policy requirements. Within the remit of the Environment Agency this includes policy:

#### **ET14 Green infrastructure (GI) and ET 16 Biodiversity**

The application draws heavily on the work done by Hyder for the Masterplan site which informed the site specific strategies for planning application 14/01384/OUT and 14/01641/OUT.

This planning application is generally in keeping with the principles of the Masterplan and we are generally comfortable that the main ecological risks are identified. The detail in terms of design of landscaping and habitat, subsequent management prescriptions, and the mitigation for impacts on protected species can be dealt with at the reserved matters stage.

However, we do note that there is no reference to the concept of delivering a net biodiversity gain or the use of biodiversity offsetting metrics as a way of assessing the impacts on ecology, and therefore demonstrating that ecological objectives are achieved. In determining this application, your Authority must be satisfied that through appropriate planning controls, that this site will contribute to, and ensure the policy requirements of ET14 and ET16 are delivered across the whole North West Bicester site. For example, if this site doesn't deliver a net biodiversity gain, will this prevent the entire North West Bicester site from delivering a net biodiversity gain? Or will other planning applications within the North West Bicester site make up for any shortfall?

In addition, management principles need to be applied to the long-term management of this application site, in conjunction with an ecological monitoring strategy, to inform the success of ecological mitigation and design measures and to inform any required changes in site management.

## **ET17 Water**

### Water supply and foul water conveyance and treatment

The Thames Water Ltd consultation response dated 19 January 2015 states that there is an inability in the existing waste water infrastructure to accommodate the needs of the development which may lead to sewage flooding and adverse impacts to the community and environment. They also state that the receiving sewer in Bicester may not have capacity to accommodate foul flow increases proposed from the development and that there is the potential for overloading of the existing infrastructure. Page 9 of the Environmental Statement non-technical summary (Waterman, December 2014) acknowledges that there is insufficient capacity in the foul network, however suggests that planned upgrades can be delivered or an on-site waste water treatment plant can be provided. There is no further discussion of either option.

The Thames Water Ltd consultation response dated 19 January 2015 also highlights that the existing water supply infrastructure has insufficient capacity to meet the additional demands of the proposed development and that upgrades are needed. However, page 9 of the Environmental Statement non-technical summary (Waterman, December 2014) states that Thames Water Ltd has confirmed that there will be sufficient capacity for the increase in drinking water use.

This planning application refers to the Masterplan Water Cycle Study (WCS) which informed the site specific strategies for planning application 14/01384/OUT and 14/01641/OUT. The Masterplan WCS appraises a number of water resource and waste water disposal options and concludes that there are feasible options available. However, there is no commitment to which option or strategy will be taken forward at this site. Your Authority will need to have confidence at this Outline planning application stage that the options being discussed can be delivered and we recommend that the detailed strategies for water supply and disposal are agreed before development begins. This is to ensure that the water infrastructure that the development relies upon is available in line with the proposed phasing of the development. This is to ensure that waste water from the development can be conveyed and treated, and potable water be supplied, in line with phasing of the development, without increasing the risk of flooding, impacting on water quality and the associated biodiversity and resulting in deterioration under the WFD.

In summary, the timely provision of new water infrastructure, or upgrades to existing water infrastructure is of vital importance in order to protect the environment and meet the requirements of PPS1 Policy ET17 and the NPPF.

### Water efficiency

We are pleased to see the commitment at Section 3.11 of the Sustainability and Energy Statement (Turley, ref PENL2003, dated 17 December 2014) that the detail of residential and non residential properties within the Himley Village application will conform to the design standards discussed in the Masterplan WCS.

This means there will be a water efficiency target to limit average per capita consumption to 105l/p/d in all new homes and non-residential development. Water recycling technologies will also be required to supplement domestic supplies and further reduce the demand of potable water to 80l/p/d in all homes (i.e. at least 25l/p/d potable water will be replaced by non potable).

Section 5 of the Masterplan WCS sets out potential strategies being appraised to deliver the 80l/p/d potable water per capita consumption design standard. This includes property level and neighbourhood rain water recycling, property level and neighbourhood grey water recycling and local reclamation and treatment of wastewater (if an onsite waste water treatment works is provided as part of the waste water disposal strategy for the site).

It is essential that a detailed strategy to achieve the 80l/p/d potable water per capita consumption design standard in homes and non-residential buildings on the Himley Village site is agreed before development on site begins. This is to ensure that the design standard is understood ahead of construction, especially if achieving the required standard relies on the provision of property level or neighbourhood solutions.

### Advice – re-use of grey water

*Although we have no in principle objection to the use of grey water for non-mains drainage activities which have been highlighted in the Masterplan WCS (such as garden and communal area irrigation), we would need more details to ensure there are no risks to surface water and groundwater quality.*

### Water neutrality

Policy ET 17.5 of the PPS1 states that Eco-towns in areas of serious water stress such as Bicester should aspire to water neutrality (achieving development without increasing overall water use across a wider area). Although the 80l/p/d potable water per capita consumption design standard if delivered in homes and non-residential development is considered a high water efficiency standard, it does not constitute water neutrality. A strategy to achieve water neutrality at the Himley Village and the wider North Water Bicester site should be in place before detailed design begins. In particular, we consider that there is a real opportunity for partnership working within Bicester to reduce water consumption across the whole town to meet water neutrality at North West Bicester. The reuse of water from an on-site waste water treatment works if used as part of the waste water disposal strategy for the site could also offer another opportunity to meet water neutrality. If water neutrality is achieved this would be the first development in the Country to meet such high standards in water demand management on such a large scale, putting Himley Village and the North West Bicester Eco Town site at the forefront of high sustainability standards.

### **ET18 Flood risk management**

It has not been demonstrated that this development will not increase flood risk on and off site as detailed above.

## **ET7 – Zero carbon**

We fully support section 3.1.5 of the Sustainability and Energy Statement (Turley, ref PENL2003, dated 17 December 2014) which proposes future proofing of the energy strategy to incorporate advances in technology. This includes the potential connection to waste heat from the Ardley energy from waste facility and the wider energy centres proposed at the North West Bicester site.

### **Advice to applicant – other consent/license requirements**

- Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the Lead Local Flood Authority which in this instance is Oxfordshire County Council. It is best to discuss proposals for any works with them at an early stage.

In accordance with the Planning Practice Guidance (Reference ID: 7-043-20140306), please notify us by email within 2 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 I be of further assistance please do not hesitate to contact me on the number below.

Yours sincerely,

**Miss Lesley Tims**

**Planning Specialist (Major Projects)**

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cc Turley