

Drainage Statement of Common Ground (DSoCG)

Between:

Oxfordshire County Council (Local Lead Flood Authority) respect of drainage matters (OCC)

and

Great Lakes UK Limited (the Appellant)

Planning appeal ref. APP/C3105/W/20/3259189 -
land to the east of M40 and south of A4095,
Chesterton, Bicester

PINS Ref: APP/C3105/W/20/3259189
LPA Ref: 19/02550/F

15 February 2021

1. Introduction

- 1.1 This Statement of Common Ground has been prepared in accordance with the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 (as amended), in relation to the Appellant's appeal under Section 78 of the Town and Country Planning Act 1990 ("the Appeal"), further to the Council's refusal to grant planning permission in respect of application 19/02550F which is described below in further detail.
- 1.2 A planning application for the development proposal at land to the east of M40 and south of A4095 in Chesterton, Bicester ("the Site") was submitted to Cherwell District Council (CDC) in November 2019 for development proposals comprising:

"Redevelopment of part of golf course to provide new leisure resort (sui generis) incorporating waterpark, family entertainment centre, hotel, conferencing facilities and restaurants with associated access, parking and landscaping. ("the Proposed Development")"
- 1.3 Planning permission was refused at planning committee in March 2020. The decision notice in relation to the refusal of planning permission lists six reasons for refusal.
- 1.4 This Drainage Statement of Common Ground (DSoCG) should be read in conjunction with other Statements of Common Ground prepared in relation to the Appeal, which include full details of the Site, the surrounding area, the Proposed Development, the planning history, and the policy context.
- 1.5 Evidence has been submitted by the Appellant (represented by Mr Bettridge) and OCC (represented by Mr Bennett) regarding drainage matters at the Site.
- 1.6 The purpose of this Drainage Statement of Common Ground (DSoCG) is to confirm agreed matters between the Appellant and OCC, in relation to drainage matters.

2. Cherwell District Council - Reason for Refusal

- 2.1 The DSoCG relates to the following reason for refusal:

Reason 5 – The submitted drainage information is inadequate due to contradictions in the calculations and methodology, lack of robust justification for the use of tanking and buried attenuation in place of preferred SuDS and surface management, and therefore fails to provide sufficient and coherent information to demonstrate that the proposal is acceptable in terms of flood risk and drainage. The proposal is therefore contrary to Policies ESD 6 and ESD 7 of the Cherwell Local plan 2011 – 2031 Part 1 and Government guidance contained within the national Planning Policy Framework.

- 2.2 The Appellant's consultants have engaged with the LLFA, which is the statutory consultee on flooding and drainage matters in the planning process, to address the reasons for refusal with the planning authority in order to resolve outstanding issues. Discussions have taken place between the LLFA and the Appellant's consultants up to and during the inquiry. Details of the outcome of discussions between these two parties are set down below.

3. Matters Agreed

3.1 Flood Maps

The Appellant and OCC agree that the current flood maps for rivers and sea, and surface water show that the Site is not affected by flooding. The maps also show that the villages of Little Chesterton and Wendlebury are currently shown to be at high risk from surface water flooding. The maps show that the villages could be affected by flooding for a 1 in 30 year event. Additionally, parts of Wendlebury are shown to be located within Flood Zone 3.

It is agreed that an effective Surface Water Drainage Strategy using SuDS and controlling the discharge to Qbar will help reduce the risk of flooding downstream to the villages of Little Chesterton and Wendlebury.

3.2 Infiltration

The Appellant and OCC agree that utilising infiltration (in contrast to the methods the Appellant is proposing) is unlikely to be feasible on the Site due to the shallow groundwater which has been identified by the UAV survey and therefore there is no objection to what is proposed in this respect. It is agreed that further testing will be required to inform the detailed design of the development and it is agreed that this can be dealt with by condition.

3.3 Outfall Level

OCC previously raised concern over the proposed outfall level in relation to existing site drainage system, in that he believed it was too low to work.

The Appellant has confirmed that the depth of the outfall has been measured on site and the hydraulic modelling has been updated to reflect the revised level.

The Appellant and OCC agree that the updated hydraulic modelling demonstrates that the proposed surface water drainage can drain by gravity to the existing culvert, which in turn drains to the existing pond on the golf course and then onto the wider land drainage network.

3.4 Outfall Conditions

The Appellant and OCC agree that the outfall conditions can be further verified and dealt with by condition.

3.5 Detailed Design

The Appellant and OCC agree that approval of the detailed design of the surface water drainage system can be dealt with by condition.

OCC agrees that the surface water drainage design would need to be approved by the Lead Local Flood Authority (LLFA) prior to commencement of the development.

3.6 QBar

The Appellant and OCC agree that restricting the discharge from the site to QBar is an acceptable way of controlling flows from the site and mitigating the risk of flooding downstream.

In line with local and national guidance, events up to the 1 in 1 year event must also be restricted to the equivalent rate. This must be demonstrated through detailed design.

3.7 Biodiversity

OCC considers that the proposed storage tank does not provide the same biodiversity benefits that a surface feature would provide, such as the existing ponds.

However, the Appellant and OCC agree that the issue of biodiversity are being dealt with by others as part of the appeal process.

3.8 Rainwater Harvesting


The Appellant and OCC agree that a suitable rainwater harvesting system can provide benefits to the development to reduce water demand and reduce the volume of runoff from the site, including removing the first 5mm of rainfall.

The Appellant has confirmed that this will be designed to extract rainwater for harvesting into a surface tank for reuse. As such it will not affect the storage requirements of the development.

3.9 Underground Storage Tank and Rainwater Harvesting

The Appellant and OCC agree that sufficient information has been provided to confirm that in principle a tank for the storage of surface water can be installed as part of this surface water drainage strategy. Given the groundwater profile within this site, the details of any such tank must be submitted for the approval of the local planning authority in advance of the commencement of development along with details of its installation, management and maintenance. It is agreed that this can be secured by condition. The local planning authority would consult with the local lead flood authority when discharging any such condition.

This Statement of Common Ground is agreed between the following: -

Signed  Dated 15/02/2021
RICHARD BENNETT

On behalf of Oxfordshire County Council
and

Signed  Dated: 15/02/2021

Richard Bettridge
Director of Motion on behalf of Great Lakes UK Limited
(the Appellant)