

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

Our ref: WA/2023/130539/01-L01
Your ref: 23/00853/OUT
Date: 18 July 2023

Dear Sir/Madam

Outline application for up to 170 dwellings (use class C3) with associated open space and vehicular access off Warwick Road, Banbury; all matters reserved except for access

Land east of Warwick Road Drayton, Warwick Road, Banbury

Thank you for consulting us on the above application. Please accept our apologies for the delay in responding.

This site is located on a Secondary A (bedrock) aquifer and is therefore sensitive and vulnerable to pollution risks. The SuDS drainage strategy for this development encourages infiltration and includes a proposed infiltration basin subject to further on-site testing to obtain information on underlying ground conditions and the groundwater regime (section 4.4.7 of the Flood Risk Assessment)

We note that the Phase I desk study (Jubb, Feb 2023) report has also suggested that a Phase II investigation is carried out at the site to investigate contamination and ground conditions, including groundwater monitoring. This is endorsed.

In the event that areas of contamination are subsequently found, infiltration SuDS would not appropriate because of the risk of pollution this presents from mobilising any existing contaminants on the site, and drainage options will need to be reviewed.

We therefore expect the Phase II report (or a standalone SuDS appraisal report) to comment on the appropriateness of the proposed surface water drainage strategy once all data are collected and assessed. The data set will need to include long-term groundwater quality and elevation baseline monitoring. Data loggers should be installed to provide frequent data to determine the groundwater dynamics at this site. We would need to see the data range covering the times of the year when groundwater is at the maximum elevation, with some consideration for higher groundwater elevations as a

result of climate change. There must be a minimum of 1m unsaturated thickness beneath any infiltration component in accordance with SuDS guidance (the SuDS manual (C697), 2007). (Please refer to section 3. Potential for infiltration, and section 8).

All redundant boreholes will need to be decommissioned according to best practice methods and reported as such.

Environment Agency position

The proposed development will be acceptable if the following conditions are included on the planning permission's decision notice. Without these conditions we would object to the proposal due to its adverse impact on the environment.

As you are aware, the discharge and enforcement of planning conditions rests with your authority. You must therefore be satisfied that the proposed conditions meet the requirements of the 6 tests in paragraph 56 of the National Planning Policy Framework.

Please notify us immediately if you are unable to apply our suggested conditions to allow further consideration and advice.

Condition 1

No development shall take place until a surface water drainage scheme for the site has been submitted to, and approved in writing, by the local planning authority, designed based on the results of the following elements:

- Sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development
- A groundwater quality and quantity baseline assessment

The scheme shall also include details of how the surface water drainage design shall be maintained and managed after completion.

The scheme shall be implemented in accordance with the approved details before the development is completed and maintained thereafter for the lifetime of the development.

Reason

To ensure that the development does not contribute to unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

Condition 2

No development shall take place until a scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

Reason

To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 174 of the National Planning Policy Framework.

Note - The submitted planning application indicates that boreholes will need to be installed at the development site to *investigate groundwater resources/carry out*

soakage tests. If these boreholes are not decommissioned correctly, they can provide preferential pathways for contaminant movement which poses a risk to groundwater quality. Groundwater is particularly sensitive in this location because the proposed development site is on a secondary A aquifer.

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