

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

Our ref: WA/2019/127046/01-L01
Your ref: 19/01740/HYBRID
Date: 23 September 2019

Dear Sir/Madam

Outline planning permission (all matters reserved except for access) for up to 23,400sq.m of B1 development (Use Classes B1a and/or B1b and/or B1c); highway works (including provision of a new roundabout at the junction between Vendee Drive and Wendlebury Road); creation of a wetland and landscaped areas; and associated infrastructure works. - Full planning permission for a health and racquets club, associated access and car parking, outdoor tennis courts, air dome, outdoor swimming pool, spa garden and terrace, and associated landscaping

Land Adj To Promised Land Farm, Wendlebury Road, Chesterton

Thank you for consulting us on the above application, on 9 September 2019.

We note that this is an outline planning application, with all matters reserved except for access. An indicative site layout plan has been submitted as part of this outline submission, and this has shown encroachment into Flood Zone 3b. We note that Core Policy Bicester 10: Bicester Gateway states that there shall be no built development in Flood Zone 3b. Whilst we acknowledge that the site layout plans provided as part of this application are indicative, we need confirmation within the Flood Risk Assessment that there will be no built development within the existing Flood Zone 3b extent.

Environment Agency position

We have **two objections** to the application.

Objection 1

We **object** to the proposed development as it falls within a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. The application is therefore contrary to the National Planning Policy Framework and its associated planning practice guidance. We recommend that planning permission is refused on this basis.

Reason 1

The PPG classifies development types according to their vulnerability to flood risk and provides guidance on which developments are appropriate within each Flood Zone. This site lies within Flood Zone 3b functional floodplain, which is land defined by your Strategic Flood Risk Assessment as having a high probability of flooding.

The development is classed as less vulnerable in accordance with table 2 of the Flood

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Zones and flood risk tables of the PPG. Tables 1 and 3 make it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted.

Overcoming our objection 1

We will be in a position to remove our objection to this development when the applicant submits an indicative layout showing all built development outside of Flood Zone 3b.

Objection 2

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

Reason 2

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- consider how a range of flooding events (including extreme events) will affect people and property
- take the impacts of climate change into account

Overcoming our objection 2

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

The applicant has failed to carry out a detailed assessment of climate change allowances for this site. We would expect modelling of the relevant climate change scenarios to be carried out for a site of this scale. In addition, the product 4 data the EA previously provided focused on Flood Points to the south of the site. We feel that it would be beneficial if the applicant used model data from the northern upstream end of the site. This should not be unduly onerous, given the applicant will need to request our full detailed flood modelling to carry out the climate change assessment.

There is no detail in the FRA in respect of how much compensation is necessary for the loss of floodplain storage and how this can be incorporated into the site. We expect flood compensation to be provided on a level for level basis up to the 1 in 100 plus 35% flood level. This detail is something we are unable to condition as we need to know that level for level compensation is achievable before outline permission is granted.

Advice to Applicant

We do not prepare or provide FRAs. However, our Customers and Engagement teams can provide any relevant flood risk information that we have available. Please contact enquiries_THM@environment-agency.gov.uk.

Your local planning authority should have undertaken a Strategic Flood Risk Assessment (SFRA) which will also include local flood risk information to inform your FRA. Please contact your local planning authority to determine what information is available. Further advice on what to include in an FRA can be found at <https://www.gov.uk/guidance/flood-risk-and-coastal-change#site-specific-flood-risk-assessment-all>

Advice to Local Planning Authority

In accordance with the National Planning Policy Framework (paragraph 158), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

It is for the local planning authority to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk. Our flood risk standing advice reminds you of this and provides advice on how to apply the test.

Final comments

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

Mr Samuel Pocock
Planning Advisor

Direct dial 0208 474 5075

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