

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

**Our ref:** WA/2019/127044/01-L01  
**Your ref:** 19/01746/OUT  
**Date:** 3 October 2019

Dear Sir/Madam

**Outline planning permission (with all matters reserved excluding access) for up to 10,200sqm of B1 development (B1a and/or B1b and/or B1c); access and associated landscaping and infrastructure works**

**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 as submitted.

#### **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 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.

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## **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**

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.

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.

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 consult us on any revised FRA submitted and we will respond within 21 days of receiving it.

## **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](mailto: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-riskassessment-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](mailto:Planning_THM@environment-agency.gov.uk)