

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

**Our ref:** WA/2020/127698/01-L01  
**Your ref:** 20/00574/F  
**Date:** 27 March 2020

Dear Matthew Chadwick

**Installation of a standalone solar PV array, associated infrastructure, grid connection, access and landscaping**

**Land North Of Hill Farm, Hill Farm Lane, Duns Tew, OX25 6JJ**

Thank you for consulting us on the above application, on 10 March 2020.

We have reviewed the following documents:

- Flood Risk Assessment 2640/FRA, produced by Halfren Water, dated November 2019, Version D1.

**Environment Agency position**

In the absence of an acceptable Flood Risk Assessment (FRA) we object to this application and recommend that planning permission is refused.

**Reasons**

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**

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

Specifically, the applicant has not determined an accurate climate change flood level for the site. Based on current Environment Agency climate change guidance, a detailed assessment of climate change should be undertaken for the site. This will take the form of an updated hydraulic model. This will be based on the scale, vulnerability and flood

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zones attributed to the site and development. The applicant should use relevant guidance to determine what would be a suitable [climate change allowance](#) for the site.

At present, based on best available flood data (JFlow), only a relatively small number of the total panels are to be located within flood zone 3. It is understood that the applicant plans to raise these above the estimated flood level to avoid an impact on floodplain dynamics. However, the flood level information in this locations is coarse, and further assessment should be made to increase the accuracy of the flood level. An updated climate change flood level for the site may mean that a greater number of the panels are situated within the 1% Annual Exceedance Probability (AEP) plus an appropriate allowance for climate change flood extent, and the height that these panels need to be raised to avoid the floodplain may also be affected. The climate change assessment should inform these decisions.

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 Environmental permit**

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

### **Flood model review**

Should you wish us to review your flood modelling we can do this as part of our charged for planning advice service.

Further engagement will provide you with certainty of our position as to what our response to your planning application will be. It should also result in a better quality and more environmentally sensitive development.

As part of our charged for service we will provide a dedicated project manager to act as a single point of contact to help resolve any problems. We currently charge £100 per hour, plus VAT. We will provide you with an estimated cost for any further discussions or review of documents. The terms and conditions of our charged for service are available [here](#).

If you would like more information on our planning advice service, including a cost

estimate, please contact me.

**Advice to Local Planning Authority**

If you are minded to approve the application contrary to our objection, please contact us to explain why material considerations outweigh our objection. This will allow us to make further representations.

Should our objection be removed, we will recommend the inclusion of flood risk and biodiversity/ecological conditions on any subsequent approval.

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.

We are reliant on the accuracy and completeness of the reports in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

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

**Kirsty Macpherson**  
**Planning Specialist**

Direct dial 02030256243

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