

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

Our ref: WA/2020/128350/01-L01
Your ref: 20/02446/F
Date: 16 November 2020

Dear Ms King

Formation of inland waterways marina with ancillary facilities building, car parking, access and associated landscaping including the construction of a new lake - re-submission of 18/00904/F

Glebe Farm, Boddington Road, Claydon, Banbury, OX17 1TD

Thank you for consulting us on the above application on 01 October 2020. Please accept my apologies for the delay in responding.

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 55 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.

Flood risk

Hydraulic modelling undertaken by the applicant has been used to determine the pre and post development flood risk. We have reviewed the model and can confirm it is acceptable as a basis to inform the flood risk assessment. The model indicates that the site would be at risk of flooding during a 1% annual probability flood event with allowances for climate change. The submitted details confirm that no buildings will be located, and no land raising will occur within the area at risk of flooding. Therefore there will be no increased flood risk as a result of this development.

Cont/d..

Condition 1

The development shall be carried out in accordance with the submitted flood risk assessment (ref 1319/2019 Rev B dated 26/07/2019) and the Hydraulic Modelling Report 2420 Rev C August 2020 and following mitigation measures it details:

- There shall be no land raising within the 1% annual probability flood extent with a 35% allowance for climate change as shown in Appendix 14 of the modelling report August 2020

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and to prevent flooding elsewhere by ensuring that storage of flood water is provided.

Biodiversity

Development that encroaches on watercourses and riparian corridors can have a potentially severe impact on their ecological value.

Networks of undeveloped buffer zones might also help wildlife adapt to climate change and will help restore watercourses to a more natural state as required by the river basin management plan.

The proposed development will therefore be acceptable if a planning condition is included requiring a scheme to be agreed to protect and enhance a 10 metre wide ecological buffer zone along the Wormleighton Brook

Condition 2

No development shall take place until a scheme for the provision, protection and management of a 10 metre wide ecological buffer zone alongside the Wormleighton Brook has been submitted to, and approved in writing by, the local planning authority.

Thereafter, the development shall be carried out in accordance with the approved scheme and retained and maintained thereafter throughout the lifetime of the development. Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping.

The scheme shall include:

- plans showing the extent and layout of the ecological buffer zone (measured from the top of the bank)
- details of any proposed planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- details of any proposed footpaths, fencing, lighting, etc.
- confirmation that any headwalls along the brook will be sized appropriately to the

discharge and that the localised impact will be mitigated for.

Reason

Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. This Condition will ensure that the ecological value of the brook and its corridor will be protected during the construction phase and management in perpetuity for the benefit of local wildlife.

This approach is supported by Cherwell Local Plan policies ESD8 and ESD10, and paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

This condition is also supported by legislation set out in the Natural Environment and Rural Communities Act 2006 and Article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.

Informatives

Foul drainage

The foul drainage method associated with this development will require an environmental permit under the Environmental Permitting (England & Wales) Regulations 2016, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that there is no guarantee that a permit will be granted. Additional 'Environmental Permitting Guidance' can be found at: <https://www.gov.uk/environmental-permit-check-if-you-need-one>.

Works affecting main rivers

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption 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 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

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.

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 sincerely

Miss Sarah Green
Sustainable Places - Planning Advisor

Direct dial 0208 474 9253

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

cc SBRice Ltd