

Ms Bernadette Owens
Cherwell District Council
Bodicote House White Post Road
Bodicote
Banbury
OX15 4AA

Our ref: WA/2020/128310/01-L01
Your ref: 20/02469/SCOP
Date: 07 October 2020

Dear Ms Owens

Scoping opinion - Environmental Impact Assessment (EIA) of the allocated Gavray Drive site in Bicester (202 dwellings)

Land on the north east side of, Gavray Drive, Bicester

Thank you for consulting us on the above EIA scoping opinion request, which we received on 16 September 2020.

Environment Agency position

We have reviewed the submitted scoping report. The following comments, made in respect of flood risk and biodiversity will ensure that the environmental statement addresses the key environmental issues for this proposal.

In terms of cumulative impact, we advise that the ongoing work relating to East West Rail should be included in the analysis as the line is close to the proposed development site and has had, and will have, an impact on the Langford Brook ecology and its floodplain.

Flood risk

The scoping report confirms that a Flood Risk Assessment (FRA) in accordance with the requirements of the National Planning Policy Framework will be prepared and submitted to support the development. The Environment Agency model of the Langford Brook was produced in 2010. While this is the most up to date information available in this area, it will not be representative of the current potential flood risk at the site. We advise that it will be necessary for the model to be updated to make improvements to the hydrology and to ensure it meets the latest standards and considers the future risk of flooding as a result of climate change. Climate change should be assessed using the Thames higher central and upper end allowances and designed to ensure there are no off site impacts for the higher central allowance.

Further guidance is available at ['Flood risk assessments: climate change allowances'](#).

Upon request, we are able to supply hydraulic modelling guidelines which we will expect to be followed. Please note that we require up to 4 weeks to review a hydraulic model

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and this will need to be factored in to the project timeframe. If further revisions to the model are required to make it fit for purpose, additional time should be planned for this work and our subsequent review.

The most sustainable way to develop a site at risk of flooding is to avoid developing within the floodplain by a sequential approach to the site layout. This will allow the floodplain to function in a natural way without the need to engineer solutions. The areas at risk of flooding can be set aside for green infrastructure and biodiversity gain.

If this is not possible due to other essential requirements, any loss of floodplain storage within a 1% annual probability extent with the appropriate allowance for climate change (35%) must be directly compensated for. This is necessary to prevent the development reducing flood plain storage and displacing flood waters, thereby increasing flood risk elsewhere.

Level for level flood plain compensation is the preferred method of mitigation. This method is the matching of volumes lost to the flood plain with new flood plain volume through the reduction of ground levels. For this to be achievable it requires land to be available to the applicant on the edge of the flood plain and above the 1% plus climate change flood level. Comparing the flood level with a topographical survey will show the availability of suitable land.

Please contact our Customers and Engagement Team to obtain relevant flooding information for this site. This information is provided in the form of flood map products. The product supplied depends on the type and size of the development being undertaken.

Your request can be sent by email to enquiries_THM@environment-agency.gov.uk or write in to:

Customers & Engagement
Red Kite House
Howbery Park
Crowmarsh Gifford
Oxon
OX10 8BD

When requesting modelled flood levels and modelled flood extents please provide them with the full site address, site plan, and explain that you require the information for a FRA for a development.

Flood risk sequential test

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 provides advice on how to apply the test and evidence must be included within the FRA.

Exception test

In accordance with the National Planning Policy Framework, it may be necessary to apply the exception test. Our comments on the proposals will relate to the part of the exception test that demonstrates the development is safe. The planning authority must

decide whether or not the proposal provides wider sustainability benefits to the community that outweigh flood risk if this test is applicable.

Biodiversity

The site is within the urban context of Bicester which has been found to have a deficit of open spaces for its residents, and this site was identified in 'The Value of Green Space in Bicester to Local People' (NERC, University of Oxford, eci)¹ report in June 2019 as being a valuable 'larger area' of natural green space. The Langford Brook floodplain provides continuous undeveloped corridor through Bicester, and has rightly been recognised for its importance in the Cherwell Local Plan and through the mitigation proposals being developed by East West Rail nearby. The site also contains a large part of the Gavray Drive Local Wildlife Site which has been designated for its valuable habitats in both a site and local context. This reach of the Langford Brook floodplain is largely undisturbed by people as the site is privately owned. The impact on wildlife from the increase in human and pet disturbance should not be underestimated.

It should be noted that conservation and Local Plan legislation has changed since this site previously underwent EIA and therefore the conclusions drawn may not be relevant. Specifically, the NPPF 2019 update has as requirement for net biodiversity gain, and by the time a planning application is submitted, it is likely that the Environment Bill 2019 will have passed through the final stages of Parliament which will mean that all developments will be required to provide a biodiversity net gain of 10%. We expect any proposals for this site to provide a minimum 10% net gain increase and this be shown by the use of a Biodiversity Calculator approved by the planning authority. For the Langford brook and its corridor, the Defra River Metric should be used.

We note in section 1.8 that different consultants are going to assess the Water Resources and Ecology chapters of the EIA. We recommend that the ecologists also review the water resources chapter as this will be relevant to any ecological considerations, especially due to the areas of floodplain on the site. It is important that any changes to the hydrological regime and the potential impact this may have on biodiversity is not overlooked.

The implications of the removal of any features will need to be considered as part of the biodiversity calculations and opportunities for enhancements along the Langford Brook should be explored including the feasibility of re-naturalising the banks, reducing overshading, narrowing the channel where it is overwide and dressing the channel bed with gravels to replace the lost natural bed substrate. A river corridor survey should be carried out to a distance of at least 8 metres from the top of the bank along both sides of the channel.

The proposals will need to include an ecological buffer along the brook which is managed for biodiversity only. This should be a minimum 10m in width and be free from all built environment which includes formal surfaced footpaths and lighting. It should also be free from non-native species.

In reference to section 5.8 of the scoping report, we would have serious concerns if the proposals would result in a change to the flow regime in the Brook, or impact on the functionality of the floodplain. We would not accept a scheme that would result in a deterioration of either the water quality or ecology of the brook. The ecology section should reference the River Basin Management Plan and the Water Framework Directive status of the Langford Brook waterbody and demonstrate that there will be no deterioration of the waterbody.

Section 5.9 of the report identifies that Otters are not to be included as an important ecological feature. This is incorrect as Otters are known to be present along the Langford Brook and other nearby watercourses.

The constraints and opportunities plan included in Appendix 2 should be updated to ensure it is informed by a biodiversity calculator to identify which habitats are to be retained, removed and created.

Closing comments

During the production of the ES, should the applicant wish us to review any technical documents or want further advice in relation to the comments we have made on this scoping report, we may do this as part of our charged for planning advice service.

Further engagement will provide you with certainty of our position on the forthcoming planning application and 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 standard terms 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 directly.

Yours sincerely

Miss Sarah Green
Sustainable Places - Planning Advisor

Direct dial 0208 474 9253

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

¹ Smith A. Tools for Planning and Evaluating Urban Green Infrastructure Bicester and Beyond. A NERC Green Infrastructure Innovation Project. February 2016 to April 2018.
www.eci.ox.ac.uk/research/ecosystems/bio-clim-adaptation/bicester-green-infrastructure.html.