

Rachel Tibbetts

From: George Smith
Sent: 29 March 2021 10:55
To: DC Support
Subject: 21/00517/F

From: Tony Brummell <Tony.Brummell@Cherwell-DC.gov.uk>
Sent: 12 March 2021 08:05
To: Nathanael Stock <Nathanael.Stock@Cherwell-DC.gov.uk>; George Smith <George.Smith@Cherwell-DC.gov.uk>; Amy Sedman <Amy.Sedman@cherwell-dc.gov.uk>
Cc: Chris Woodcock <chrisawoodcock@btinternet.com>
Subject: Watercourse at Horton Grounds Farm

The boundary between Horton Grounds Farm and the land on which Wroxton MX takes place is a watercourse which is a minor tributary of the Sor Brook. The watercourse is unnamed and is an Ordinary Watercourse. It is in the Thames catchment.

The watercourse rises within the land of Horton Grounds Farm as an issue of springs and flows eastwards at a generally steep gradient through a steep sided valley. About 300m downstream from its source it begins to form the boundary between the Farm and Wroxton MX and continues to do that for a further 300m or so.

Works requiring a number of consents have taken place on the watercourse to support the MX operation:

- The introduction of at least one weir
- A minor diversion of the watercourse
- The widening of the watercourse to create small pools to impound flows
- Pumping operations to abstract water from the created pools

I visited the site on 10 March accompanied by the owners of Horton Grange Farm to inspect the watercourse and the works that had taken place on it. My purpose was to identify whether any breaches of land drainage and associated legislation had occurred. No consent applications have been made.

If a Land Drainage consent is applied for, I consider firstly whether a consent is needed and secondly whether a consent can be issued.

It was clear to me in this case that consents are needed and there have been breaches of section of 23 of the Land Drainage Act 1991 in that works have proceeded without consent.

When considering whether a Land Drainage consent may be issued I assess the flood risk and ecological implications of the proposal. In this case it is possible that an Environmental Permit is also needed for the water abstraction. Whilst land drainage consents are within the remit of the Local Authority, Environmental Permits are issued by the Environment Agency.

1. Flood Risk

I consider that the flood risk implications of what has been done are minimal. Therefore, on flood risk grounds alone I would be minded to issue a consent under section 23 of the Land Drainage Act.

2. Ecology

I am not an ecologist but I can see there could be potentially adverse ecological impacts from what has been done. I would defer consideration of this to the Environment Agency. Such consideration would generally be based on the findings of an Ecological Survey.

3. Abstraction

An abstraction licence, issued by the Environment Agency, is required if abstraction takes place above a de-minimis quantity of 20m³ per day. I cannot comment on whether that threshold is exceeded.

Land Drainage and Environmental Permits are entirely independent of Planning Consents. Neither depends on any of the others but where relevant all are needed.

Assuming that a Planning Application is needed for the MX operation, an Environmental Impact Assessment should be requested to support it. If that Assessment specifically includes the impacts on flood risk and ecology in the riparian corridor, it would inform whether a Land Drainage Consent and Environmental Permit could be issued.

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