

**From:** Tony Brummell  
**Sent:** 07 April 2021 14:10  
**To:** [cllr.woodcock@hornton.org.uk](mailto:cllr.woodcock@hornton.org.uk)  
**Cc:** Nathanael Stock ; George Smith  
**Subject:** RE: Watercourse at Hornton Grounds Farm

Dear Councillor Woodcock

A retrospective Planning Application has been received which will be considered by our Committee, the target date for which is 20 May.

You will have seen my comments on land drainage and flood risk which are in summary:

- What has been done is not materially contributing to flood risk
- What has been done may have ecological impacts
- An Environmental Permit may be needed (depending on the daily quantities) for the abstraction of water from the stream

The “works on the watercourse” are a matter for Cherwell as Land Drainage Authority. The Environmental Permit is a matter for the Environment Agency. However, whilst I can consider flood risk I am not qualified to consider ecological impacts. I would therefore consult the Environment Agency on this aspect and take their advice before issuing a Land Drainage consent or not.

I should say also that a Planning Consent, a Land Drainage Consent and an Environmental Permit are three entirely separate matters. None are dependent on any of the others.

We will advise the site operator to apply for the Land Drainage Consent and Environmental Permit and have these run in parallel with the Planning Application. Although I have been able to visit the site and give an opinion on flood risk the Environment Agency will not do so unless they receive an application. We do not yet have any named contacts at the Agency for this application or related matters.

The Environment Agency is a statutory consultee on this Planning Application. Whilst their response may cover the need for an Environmental Permit they will not consider the detail in advance of the application for it being made.

Because of its upland location land drainage (in terms of flood risk) is not likely to be a material consideration to the Planning Application, whereas other matters such as the impacts on ecology, landscape, highway and environment (including noise) clearly will be.

**Tony Brummell MSc CEng FICE FCIWEM MCIHT MCMI**  
**Building Control Manager**

**Cherwell Building Control Service**  
Place and Growth Directorate  
**Cherwell District Council**

**From:** [cllr.woodcock@hornton.org.uk](mailto:cllr.woodcock@hornton.org.uk)  
**Sent:** 01 April 2021 11:52

**To:** Tony Brummell  
**Cc:** Nathanael Stock ; George Smith  
**Subject:** Watercourse at Hornton Grounds Farm

Dear Mr Brummell

I am writing regarding your recent report into breaches on land owned (and indeed not owned) by Mrs Kerwood. Please can you confirm that these are being followed up with EA?

As a Parish Council we are providing further evidence to EA and I trust that CDC is likewise liaising with them. Please can you confirm whether:

1. This is you or, if not, who within CDC is pursuing this matter
2. Who at EA the liaison is with
3. Current status

With thanks

Kind regards

Cllr. Woodcock

**From:** Tony Brummell  
**Date:** 12 March 2021 at 08:04:53 GMT  
**To:** Nathanael Stock , George Smith, Amy Sedman  
**Cc:** Chris Woodcock **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 Hornton 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 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.

#### 1. 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.

#### 1. Abstraction

An abstraction licence, issued by the Environment Agency, is required if abstraction takes place above a de-minimis quantity of 20m<sup>3</sup> 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.

**Tony Brummell MSc CEng FICE FCIWEM MCIHT MCMI**

**Building Control Manager**

**Cherwell Building Control Service**

Place and Growth Directorate

**Cherwell District Council**