

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

Our ref: WA/2021/129037/03-L01
Your ref: 21/01119/OUT
Date: 16 January 2023

Dear Sir/Madam

Outline planning application for the re-development of the Banbury oil depot to include the demolition/removal of buildings and other structures associated with the oil depot use and the erection of up to 143 apartments and up to 166m² of community and/or retail and/or commercial space (class use E and/or F2) with all matters (relating to appearance landscaping, scale and layout) reserved except for access off tramway road

Q8 Fuelcare, Tramway Road, Banbury, OX16 5TD

Thank you for re-consulting us on the above application following the submission of additional details. Please accept my apologies for the delay in responding.

Environment Agency position

The submitted Technical Note 4 ('Response to EA Drainage Comments: 24th May 2022', dated 1 August 2022 and prepared by Brookbanks) does not satisfactorily address our earlier concerns. We therefore **maintain our objection** set out in our previous responses.

Overcoming our objection

The applicant has undertaken their own computer flood modelling in order to identify the risk of future flooding due to climate change.

The modelling has been run to identify flood risk in relation to a 49% increase in peak river conditions due to climate change. This is the upper end and most extreme climate change prediction for this catchment as shown in current guidance and will therefore represent a worst-case scenario. The model results represented in Appendix A, show that the development will displace flood water and increase flood risk elsewhere. This means for development to proceed on this site, based on the flood risk currently identified, compensation for any expected lost flood storage would be needed. Due to the extent of identified flooding in this extreme scenario, on site compensation for lost

flood storage would not be possible. This means the development would fail both national and local planning policy and the flood risk exception test.

However, the applicant has not provided details of any of the other climate change scenarios for this catchment and to proceed with detailed designs based on this extreme representation of flooding is unlikely to result in a viable development. The applicant needs to also consider the higher central climate change scenario (25%). Should this result in increased flood risk to the nearby rail station and tracks, compensation to address this will need to be designed and shown to be feasible in order for planning permission to be granted. Should the rail station and be unaffected by the development proposal using the 25% scenario, then it may only be necessary to consider the central climate change allowance of 15%.

The applicant will need to demonstrate that development on this site can be designed to remain safe without increasing flood risk elsewhere both now and in the future using the relevant climate change scenario. Sufficient evidence should be presented to ensure that the risk of flooding at the site is clearly understood, including the expected extent of flooding that may be experienced and identify the flood depth/s across the site. They will then need to show that a viable development can be designed to meet planning policy requirements. This includes providing details of the current built footprint on site and potential development parameters in response to the identified risk of flooding which will provide the necessary confidence to the Planning Authority that flood risk can be properly controlled. The Flood Risk and Coastal Change Planning Practice Guidance offers advice on how this should be considered including the need to consider potential breaches or overtopping of flood defences which offer some protection to this site.

We will need to undertake a detailed review of any computer modelling undertaken by the applicant in order to verify the results. The applicant should be asked to submit any model files and an associated model report to us. A sharefile link can be provided on request

Closing comments

If you are minded to approve the application contrary to this advice, please contact us to allow further discussion and/or representations from us in line with the Town and Country Planning (Consultation) (England) Direction 2009.

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

Miss Sarah Green
Sustainable Places - Planning Advisor

Direct dial 0208 474 9253

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