

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

**Our ref:** WA/2021/129425/02-L01  
**Your ref:** 21/03558/OUT  
**Date:** 20 July 2022

Dear Ms Ford

**Residential development for up to 250 dwellings including affordable housing and ancillary uses including retained local wildlife site, public open space, play areas, localised land remodelling, compensatory flood storage, structural planting and access**

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

Thank you for re-consulting us on the above application following the submission of further details.

The applicant has submitted the flood modelling being used to inform the Flood Risk Assessment of this development and we have now completed our review of this evidence.

We have reviewed the following:

- Technical Design Note, produced by Hydrock Consulting, dated 17 February 2022
- Gavray Drive Hydraulic Modelling Report, produced by Hydrock Consulting, dated 19 April 2022
- Hydraulic Model Files

This submitted detail does not satisfactorily address our flood risk concerns. We therefore **maintain our objection** set out in our response dated 19 January 2022.

I enclose a copy of our flood model review comments. The model is not currently considered fit for its intended use, and we are unable to verify how the proposed development is likely to be affected by flooding in the future due to climate change and whether any mitigation is acceptable in order to ensure flood risk does not increase as a result of this development.

In addition, we are not satisfied that our concerns relating to the sequential approach and the loss of flood storage have been sufficiently addressed.

### **Overcoming our objection**

To overcome our objection, the applicant should submit a response to our fluvial model review and a revised FRA which addresses the points highlighted above.

If this cannot be achieved, we are likely to maintain our objection. Please re-consult us on any revised FRA submitted and we'll respond within 21 days of receiving it.

### Climate change flood levels (Flood Modelling)

At present the modelling as submitted cannot be deemed fit for purpose. The main outstanding problems are included within our model review comments attached to this response. The applicant must address the points raised and submit new or revised information as required. The attached spreadsheet should be returned to us with the actions undertaken on each point.

### Sequential approach

The FRA states that some residential parcels and vehicular access is located within flood risk zones. This is contrary to policy Bicester 13 which requires the sequential approach to ensure all development is located outside of Flood Zone 3.

The Technical Note, dated 17 February, confirms that there are other planning reasons as to why some development is being located in Flood Zone 3. We maintain that the development should meet this policy requirement and that the sequential approach is applied and adhered to.

### Loss of flood storage

The Technical Note, dated 17 February fails to address concerns we raised about loss of flood storage. It summarises what has previously been submitted and signposts us to documents we have already reviewed. We therefore maintain that the proposed mitigation is currently unacceptable.

### **Advice to LPA**

If you are minded to approve this application for major development contrary to our flood risk objection, we request that you contact us to allow further discussion and/or representations from us in line with the [Town and Country Planning \(Consultation\) \(England\) Direction 2021](#).

This statutory instrument prevents you from issuing planning permission without first referring the application to the Secretary of State for Housing, Communities and Local Government (via the National Planning Casework Unit) to give them the opportunity to call-in the application for their own determination. This process must be followed unless we are able to withdraw our objection to you in writing. A failure to follow this statutory process could render any decision unlawful, and the resultant permission vulnerable to legal challenge.

### **Environmental permit - advice to applicant**

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](mailto: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**

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](mailto:planning_THM@environment-agency.gov.uk)

Enc. Environment Agency model review comments\_V1