

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

**Our ref:** WA/2022/129863/01-L01  
**Your ref:** 22/01144/F  
**Date:** 11 August 2022

Dear Sir/Madam

**Full Planning Application For The Erection Of A New High Quality Combined Research, Development And Production Facility Comprising Of Class B2 Floorspace And Ancillary Office Floorspace With Associated Infrastructure Including: Formation Of Signal-Controlled Vehicular Access To The A41 And Repositioning Of Existing Bus Stops; Ancillary Workshops; Staff Gym And Canteen; Security Gate House; A Building For Use As An Energy Centre (Details Of The Energy Generation Reserved For Future Approval); Loading Bays; Service Yard; Waste Management Area; External Plant; Vehicle Parking; Landscaping Including Permanent Landscaped Mounds; Sustainable Drainage Details; Together With The Demolition Of Existing Agricultural Buildings Within The Red Line Boundary; And The Realignment Of An Existing Watercourse.**

**OS Parcel 5700 South West Of Grange Farm, Street Through Little Chesterton, Chesterton**

Thank you for consulting us on the proposed development noted above and thank you for agreeing an additional timeframe for the provision of our comments.

We have reviewed the following documents with regards to our planning remit:

- Flood Risk Assessment prepared by Tier Consult Ltd. dated 25 May 2022 (Ref: T/2407/FRA Rev 5)
- Symmetry Park Oxford North Environmental Statement prepared by Savills dated March 2022
- Watercourse Diversion Plan (Dwg No. 13-222-SGP-00-DR-A-131007 Rev P1) prepared by SGP dated September 2021
- ES Appendix 08.1 Ecological Baseline part 1 prepared by The Environmental Dimension Partnership Ltd dated November 2021
- ES Appendix 08.1 Ecological Baseline part 2 prepared by The Environmental Dimension Partnership Ltd dated 6 July 2022

- ES Appendix 08.1 Ecological Baseline part 3 prepared by The Environmental Dimension Partnership Ltd dated 6 July 2022
- ES Appendix 08.1 Ecological Baseline part 4 prepared by The Environmental Dimension Partnership Ltd dated 6 July 2022
- ES Appendix 11.2 Drainage Layout prepared by Tier Consult Ltd. dated September 2021 (Ref: T/20/2407 55-01 Rev P5)
- ES Appendix 11.1 Flood Risk Assessment prepared by Tier Consult Ltd. dated 29 November 2021 (Ref: T/2407/FRA Rev 1.4)
- ES Appendix 09.7 Landscape Strategy Plan prepared by The Environmental Dimension Partnership Ltd dated 11 November 2021 (dwg No. edp2425\_d042a)
- ES Appendix 8.2 Defra Metric Excel Spreadsheet Rev 1 dated 24 November 2021
- ES Figure 9.6 Illustrative Landscape Strategy Plan prepared by by The Environmental Dimension Partnership Ltd dated 11 November 2021 (dwg No. edp2425\_d019d)
- ES Appendix 02.1 Construction Environmental Management Plan Rev V4 prepared by Savills dated 7 January 2022
- Edp2425 r021 Biodiversity Impact Assessment Part 4 prepared by The Environmental Dimension Partnership Ltd
- Edp2425 r021 Biodiversity Impact Assessment Part 1 prepared by The Environmental Dimension Partnership Ltd
- Edp2425 r021 Biodiversity Impact Assessment Part 2 prepared by The Environmental Dimension Partnership Ltd
- Edp2425 r021 Biodiversity Impact Assessment Part 3 prepared by The Environmental Dimension Partnership Ltd
- Edp2425 r021 Biodiversity Impact Assessment Part 3 prepared by The Environmental Dimension Partnership Ltd

According to our Flood Map for Planning, the application site contains Flood Zone 2 and 3, which is land defined by the Planning Practice Guidance (PPG) as having a medium and high probability of flooding respectively. The proposed development involves a diversion of the Wendlebury Brook.

### **Environment Agency position**

We have **two objections** to the application as submitted.

### **Objection 1 – Flood Risk**

In accordance with Policy ESD 6 of the Cherwell Local Plan 2011 – 2031 (adopted July 2015) and paragraph 167 of the National Planning Policy Framework (NPPF), in the absence of an acceptable flood risk assessment we **object** to this application and recommend that planning permission is refused.

### **Reason**

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- demonstrate that the development is 'safe' and that flood risk will not be increased in the surrounding area

A diversion of the Wendlebury Brook has been proposed. There is not enough information provided to assess this. There is no justification provided for the diversion and no clear plans showing the diversion. Appendix C of the FRA – site layout does not

appear to have been included with the application. Please provide clear plans of the watercourse diversion in relation to the development and flood risk.

Detailed modelling has been carried out and a model report provided. This modelling will need to be reviewed by our Evidence and Risk Team. Please provide all the modelling files to enable this to be carried out.

This objection is supported by Policy ESD 6: Sustainable Flood Risk Management of the Cherwell Local Plan 2011 – 2031 (adopted July 2015) and paragraph 167 of the NPPF which state that development should be safe and not increase flood risk elsewhere.

### **Overcoming our objection**

To overcome our objection, the applicant should submit 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.

Specifically the applicant will need to:

- Submit the detailed modelling for our Evidence and Risk Team to review.
- Provide clear plans of the watercourse diversion in relation to the development and flood risk.

### **Objection 2 – Biodiversity**

In accordance with Policy ESD 10 of the Cherwell Local Plan 2011 – 2031 (adopted July 2015) and paragraphs 174 and 180 of the National Planning Policy Framework (NPPF), we **object** to the watercourse re-alignment proposed as part of this planning application due to its likely effect on the Wendlebury Brook. This habitat is listed as being of **principle** importance under S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Due to the environmental risks to biodiversity posed by this activity we recommend that planning permission is refused.

### **Reason 2**

England's Biodiversity strategy identifies those priority habitats which are also listed as being of 'principal' importance under section 41 of the NERC Act 2006. This Act states that local planning authorities must consider these habitats in their decision-making, because of their duty to conserve biodiversity (section 40).

In this instance, the proposed development may have a detrimental effect on a priority habitat that we have a role in protecting. The application does not include adequate information about the measures proposed to assess and address the risk to ensure protection of the Wendlebury Brook in this location. In particular the application fails to provide evidence that Biodiversity Net Gain (BNG) will be achieved for the watercourse as the river units and calculations for the DEFRA 2.0 Metric have been entered as zero. The guidance for this metric very clearly states that all ordinary and main river watercourses should be included. A river and streams condition survey for the baseline assessment and the post development assessment together with metric calculations to show the difference in biodiversity units is fundamental to understanding the impact of the proposed re-alignment on the watercourse. Without this it is not possible to be certain that BNG will be achieved for the river or indeed that no net loss will result.

This objection is supported by paragraphs 174 and 180 of the NPPF and by Policy ESD 10 of the Cherwell Local Plan 2011 – 2031 (adopted July 2015) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a

development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. Opportunities to incorporate biodiversity in and around developments should be encouraged.

## **Overcoming our objection 2**

We welcome the use of the metric to assess biodiversity units and understand the reasoning for the use of the DEFRA 2.0 in preference to a more up to date version however, in line with the guidance for the proper use of this metric the calculations must show results for the river biodiversity units to demonstrate how Biodiversity Net Gain will be achieved for the watercourses and allow adequate assessment of the impact of the re-alignment on the ecology of the river corridors. It may be possible to overcome our objection by submitting:

1. River and stream condition surveys for both existing watercourses within the site both pre and post development assessed by a trained and accredited ecologist (DEFRA 2.0 metric 8.41) These surveys must include:
  - i. Any effects on length due to re-alignment
  - ii. Additional culverting required to cross the access road
  - iii. Any further crossings required including the indicated footbridge
  - iv. Any changes in the habitat alongside the watercourse such as increased footfall, any landscaping or non-native planting and proximity to roads, footpaths or cycleways. We would usually require this type of development to provide a minimum 10 metre ecological buffer zone for the watercourse – currently there is no evidence of this on the proposed plans
2. DEFRA 2.0 Metric calculations for river biodiversity units using the results from the above river and stream condition surveys and demonstrating biodiversity net gain. We regard this watercourse as the headwater stream of the Wendlebury Brook and therefore important in terms of connectivity. We recommend that it is treated as High in the Distinctiveness category and given a weighting of 6 for the purpose of calculation of biodiversity units as recommended in the guidance documents.
3. A scheme for the long-term management and protection of the habitats within the river and its corridor.
4. Details of mitigation/compensation for any loss of habitat and to achieve biodiversity net gain including the provision of an ecological buffer zone. Buffer zones to watercourses are required for a number of reasons, including to provide a "wildlife corridor" bringing more general benefits by linking a number of habitats and affording species a wider and therefore more robust and sustainable range of linked habitats. Development that encroaches on watercourses has a potentially severe impact on their ecological value. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected.

The design, construction, mitigation and compensation measures should be based on a river corridor survey which is carried out at an appropriate time of year by a suitably qualified surveyor using recognised survey methodology as directed in the DEFRA 2.0 guidance.

Please re-consult us on any additional or revised information submitted in relation to this planning application.

## **Final Comments**

Once again, thank you for contacting us. Our comments are based on our available records and the information as submitted to us. **Subject to our flood risk and**

**biodiversity objections being overcome, we have planning conditions we would recommend in regards to groundwater and contaminated land.**

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me. Please quote our reference number in any future correspondence.

**If you are minded to approve this planning application, contrary to our advice please contact us prior to doing so, to explain why material considerations outweigh our objection. This will allow us to make further representations. Should our objection be removed, it is likely we will recommend the inclusion of condition(s) on any subsequent approval.**

Yours faithfully

**Miss Chloe Alma-Daykin  
Planning Advisor**

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