



**Tier Consult Ltd**

Unit 5, Office Village, Sandpiper Court  
Chester Business Park, Chester, CH4 9QZ  
01244 684900

Our Ref : T2407/PJB/EJJ  
Your Ref : 22/01144/F

8 November 2022

Cherwell District Council  
Planning & Development Services  
Bodicote House White Post Road  
Bodicote  
Banbury  
OX15 4AA  
FAO : David Lowin – Principal Planning Officer

Dear David

**RESEARCH DEVELOPMENT AND PRODUCTION FACILITY COMPRISING CLASS B2 FLOOR SPACE AND ANCILLARY OFFICE SPACE WITH ASSOCIATED INFRASTRUCTURE – PLANNING REF 22/01144/F**

We confirm receipt of the Environment Agency letter dated 4 November 2022 outlining their continuing objection to the above development under the auspice of Objection 1 which for the sake of clarity reads :-

*“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 maintain our objection to this application and recommend that planning permission is refused.”*

We refer to the paragraph in the letter which makes reference to overcoming the objection and we hereby respond on the specific items referenced.

1. Attached are the updated Spreadsheet responses associated with the modelling review. The following link includes the associated updated technical <https://we.tl/teaT42z7FjU> notes. It is worth noting that ‘Green’ comments are noted as having negligible impacts on the results that are likely to change the outcome of the study, which would lead to ‘no objection’ at planning stage; the ‘Amber’ comments are identified as having a potential impact on the results that may change the outcome of the study and consider objecting to the application based on comments highlighted in this category. It should be noted that we consider there to be nothing raised in any of the comments requiring additional work in respect of the model validation exercise that has been undertaken to date and nothing which changes the conclusions of the technical assessment. We are also unclear why a number of comments relating to areas downstream of the site, outside of the extent of the model review, have been raised. Notwithstanding, we have provided responses accordingly that we consider fully and appropriately address all matters.

2. As above, the comments raised do not require any amendments/additional work to the modelling exercise undertaken to date and as such the technical conclusions that underpin the FRA remain unchanged. There is therefore no requirement to update the FRA or its accompanying appendices and there would be no benefit/value in this other than as a 'paper exercise'.
3. Regarding the justification of the watercourse diversion, a full assessment of the need for the development has been provided as part of this detailed application, and this assessment has been accepted by Cherwell District Council's resolution to grant planning permission at Committee. As the accompanying detailed plans show, the building sits across the route of the existing watercourse, hence the need for its diversion.

It is our understanding that the diversion of the ordinary watercourse is under the jurisdiction of the Lead Local Flood Authority (LLFA) and not the Environment Agency. Accordingly, we have undertaken due process with the relevant statutory body prior to planning submission, culminating in their raising no objections to the development, subject to conditions.

Consultation with the LLFA also resulted in the introduction of a 20-metre landscape / ecology corridor along the length of the diverted watercourse, providing significant betterment to that which exists. Moreover, the diversion provides relief to the existing channel from on-site flooding in the 1:1000 year event and the overall proposals and FRA demonstrate no impact on Wendlebury. This approach has been welcomed by both the LLFA and Cherwell District Council's Drainage Officer.

We trust that the above response and information now provides all the final details required by the Environment Agency to enable them to lift their objection. Should this not be the case, we would reiterate our request for an urgent meeting to resolve given the imperative need to deliver this substantial investment in a timely manner to meet the operational requirements of Siemens Healthineers.

Yours sincerely



**Philip J. Barlow**  
Director  
BEng CEng MStructE