

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

Our ref: WA/2022/129863/03-L01
Your ref: 22/01144/F

Date: 19 December 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 re-consulting us on the above application following the submission of additional information.

According to our Flood Map for Planning, the application site contains Flood Zones 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 an ordinary watercourse, the Wendlebury Brook. The potentially shallow groundwater across the site means that it is vulnerable to pollution by surface water infiltration from any sustainable drainage system (SuDS). Controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary aquifer A.

Environment Agency position

In accordance with Policies ESD6, ESD7 and ESD9 of the Cherwell Local Plan 2011 – 2031 (adopted July 2015) and paragraphs 167 and 174 of the National Planning Policy Framework (NPPF), the proposed development will be acceptable if the following **six conditions** are included on the planning permission's decision notice. Without these

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conditions we would object to the proposal due to its adverse impact on the environment.

Condition 1 – Flood Risk

The development shall be carried out in accordance with the submitted flood risk assessment (version 1.5 dated May 2022, prepared by Tier Consult) and the mitigation measures it details including 450 metres diversion of the Wendlebury brook as shown in the Watercourse Diversion Plan (drawing ref: T/21/2407 60-04 Rev T6 prepared by Tier Consult). These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons 1

This condition is in accordance with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 (adopted July 2015) and paragraph 167 of the NPPF which state development must not increase flood risk elsewhere and should be appropriately flood resistant and resilient.

Further Explanation – Flood Risk

To support their planning application, the applicant has undertaken bespoke fluvial flood modelling for this site. We have reviewed the fluvial flood model and now agree that it is suitable to inform this planning application and the accompanying flood risk assessment. Please note, this does not mean that the national Flood Map for Planning will be updated to reflect the outcomes of this model. Changing the Flood Map for Planning through an evidence led review is a separate process/application. Should the applicant wish to submit an evidence led review challenge they should refer to the details on the .gov.uk website and contact: westthamesconsents@environment-agency.gov.uk.

Condition 2 – Buffer Zone

No development shall take place until a scheme for the provision and management of an ecological buffer zone at least 5 metres wide alongside the Wendlebury Brook has been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be carried out in accordance with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be free from built development including lighting, footpaths, hard-surfacing and formal landscaping. The scheme shall include:

- plans showing the extent and layout of the buffer zone
- details of the proposed native species planting scheme which should run along the entire length of the brook within the site and should help mitigate possible run off and disturbance from the road
- details demonstrating how the buffer zone will be protected during development, (Construction Environmental Management Plan)
- detailed Landscape Environmental Management Plan – to show how the ecological buffer zone and river corridor will be managed over the longer term (including named body responsible for management) and maintained to protect the ecology of the water-dependent habitat

Reasons 2

Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. This approach is supported by paragraphs 174 and 180 of the NPPF 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.

This condition is also supported by legislation set out in the Natural Environment and Rural Communities Act 2006 and Article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats and promote the expansion of biodiversity.

Our position is also supported by Local Plan policies and paragraphs which recognise the importance of river corridors as linear features through urban areas (ESD 9, paragraph B.236 of the Cherwell Local Plan 2011 – 2031, adopted July 2015). This paragraph states that “developers will be expected to incorporate and enhance such feature within a site wherever possible”. Paragraph B.237 also states that “surveys should include consideration of the site’s value as a wildlife corridor and the contribution it makes to ecological networks”.

Condition 3 – Remediation Strategy

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A site investigation scheme, based on the preliminary risk assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons 3

This condition is in accordance with paragraph 174 of the NPPF and seeks to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution.

Condition 4 – Verification Plan

Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reasons 4

This condition is in accordance with paragraph 174 of the NPPF and seeks to ensure that the site does not pose any further risk to the water environment by demonstrating

that the requirements of the approved verification plan have been met and that remediation of the site is complete.

Condition 5 – Unsuspected Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reasons 5

This condition is in accordance with paragraph 174 of the NPPF and seeks to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

Condition 6 - Infiltration

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reasons 6

This condition is in accordance with paragraph 174 of the NPPF and seeks to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. In addition, Policy ESD7 of the Cherwell Local Plan 2011 – 2031 (adopted July 2015) states 'in considering SuDS solutions, the need to protect ground water quality must be taken into account, especially where infiltration techniques are proposed'.

Suggested Planning Conditions by Cherwell DC

We have requested the six planning conditions noted above. Previously we provided draft wording of some of these conditions to the council while other matters were being resolved. We understand the planning officer at the council was considering this draft wording and did provide a brief commentary on some aspects. However, we understand that the planning officer has left the council. We are now providing our final version of our requested conditions for the council's consideration. Should the council wish to discuss these with us further please contact us.

Final Comments

Thank you again for consulting us on this application. Our comments are based on the best available data and the information as presented to us. 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.

Yours faithfully

Miss Chloe Alma-Daykin
Planning Advisor

Direct dial 0203 025 9872
E-mail Planning_THM@environment-agency.gov.uk

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