

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

Our ref: WA/2023/130201/01-L01
Your ref: 22/03138/F
Date: 23 March 2023

Dear Sir/Madam

Removal of condition 11 (use of building) of 89/00546/N - condition 11 requires that the building shall be used only for the purpose of B1(a) and B1(b) and for no other purpose whatsoever. Removal of condition 11 will allow the building to be used for any activity specified under class e of the use classes order, as amended September 2020

2-6 Waterperry Court, Middleton Road, Banbury, OX16 4QG

Thank you for consulting us on the above application. Please accept our apologies for the delay in responding.

Environment Agency position

In the absence of a flood risk assessment (FRA), we **object** to this application and recommend that planning permission is refused.

Reasons

The application site lies within Flood Zones 2 and 3, which is land defined by the planning practice guidance (PPG) as having a medium and high probability of flooding.

Paragraph 159 of the National Planning Policy Framework states that inappropriate development in areas at risk of flooding should be avoided. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. When determining any planning applications in areas at risk of flooding, applications should be supported by a site-specific flood risk assessment (FRA) (paragraph 167, footnote 55).

An FRA is vital to making informed planning decisions. In its absence, the flood risks posed by the development are unknown. This is sufficient reason for refusing planning permission.

Overcoming our objection

To overcome our objection, the applicant should submit an FRA which demonstrates that the development is appropriate and safe, without increasing risk elsewhere. Where possible, it should reduce flood risk overall. 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.

The applicant should obtain relevant flood risk information for this site from our Customers and Engagement Team. This information is provided in the form of flood map products. The product supplied depends on the type and size of the development being undertaken. Your request can be sent by email to enquiries_THM@environment-agency.gov.uk. When requesting modelled flood levels and modelled flood extents please provide them with the full site address, site plan, and explain that you require the information for an FRA for a development. The local planning authority should have undertaken a Strategic Flood Risk Assessment (SFRA) which will also include local flood risk information to inform the FRA.

The FRA must consider the vulnerability of development that would be permitted through removal of condition 11. Annex 3 of the National Planning Policy Framework (NPPF) classifies development types according to their vulnerability to flood risk. Current approved uses are limited to 'Less Vulnerable'. Removal of condition 11 would allow some uses which are identified as 'More Vulnerable' which should not be permitted in Flood Zone 3b and only permitted in Flood Zone 3a where it can be demonstrated that it will be safe for its expected lifetime, without increasing risks elsewhere.

Climate change

Flood risk data supplied by us will be based on existing Environment Agency hydraulic models for existing 1% and 0.5% annual probability events with an allowance for climate change. Note as climate change allowances are updated we update our models but this work is not done immediately for all locations.

You should refer to '[Flood risk assessments: climate change allowances](#)' to check if the allowances modelled are appropriate for the type of development you are proposing and its location. You may need to undertake further assessment of future flood risk using different allowances to ensure your assessment of future flood risk is based on best available evidence.

Planning practice guidance provides advice on what is considered to be the lifetime of the development in the context of flood risk and coastal change

Also, the following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk. Depending on the severity of flood risk identified, the FRA may also need to contain sufficient information for the planning authority to decide if the buildings will be resistant and resilient to a flood and that users will be safe from the impact of flooding.

Guidance on how to prepare a FRA can be found at <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications>.

Closing comments

If you are minded to approve the application contrary to our objection, please contact us to explain why material considerations outweigh our objection. This will allow us to make further representations.

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