

Our ref: Q210843
Your ref: 23/02098/OUT
Email: Matthew.sharpe@quod.com
Date: 10th January 2025



Chloe Alma-Daykin
Planning Advisor
Environment Agency

For the attention of Chloe Alma-Daykin

By email

Dear Chloe

23/02098/OUT – Applicant response to Environment Agency letter dated 23 December 2025

I write on behalf of Oxford University Development, the applicant of the above referenced outline planning application, in response to your comments. As you know, the outline planning application was considered by Cherwell's Planning Committee in September, who resolved to grant planning permission.

As you are aware, we have now responded to the comments from the Environment Agency on six separate occasions, providing detailed responses to each matter raised. For the avoidance of doubt, these responses were submitted on the following dates:

- 22 February 2024 (Applicant Response to EA letter dated 15th February);
- 12 March 2024 (BH Technical Note – Responses to EA Consultation on Flood Risk);
- 21 June 2024 (BH Design Note – EA Responses to Flood Risk Comments);
- 6 August 2024 (Applicant Response to EA letter dated 2 July 2024)
- 29 October 2025 (Applicant Response to EA letter dated 23 December 2024)

These responses have provided comprehensive answers to the matters raised by the EA. This letter provides a further response to the matters raised on the 3 January 2025, which sets out the following outstanding matters:

- Confirmation that the **flood modelling** used within the Flood Risk Assessment (FRA) is now **agreed**, but that *further detailed design information* must be provided in respect of the north west drainage swale and the potential FSA that would be associated with the playing field for the secondary school;
- The EA disagree with the LPA and Applicant's view that **sequential approach** has been complied with.



This note therefore builds on the responses we have previously provided, including the detailed explanations and technical notes.

We hope this note clarifies our position and the efforts we have made to address the EA's concerns. We remain committed to working collaboratively to resolve these issues.

I have enclosed a further detailed response (**Appendix 1**) to each of the points in your letter.

This response should be read alongside the responses we have provided in February, March, June, July, August and October of last year.

Yours sincerely,

Matthew Sharpe
Senior Director

cc. Tom Clarke (OUD)

Enclosed

- Appendix 1: Detailed Response to EA Comments

Appendix 1: Detailed Response to EA Comments (3 January 2025)

EA Response (3 January 2025)	Applicant Response
<p>Thank you for re-consulting us on the above application on 30 October 2024. Following further engagement with the applicant and planning authority, we received the latest information regarding the modelling on 12 December 2024.</p> <p>We have reviewed the following documents with regards to our planning remit:</p> <ul style="list-style-type: none"> • Updated Model Report (revision E, dated 28 June 2024 and prepared by EdenvaleYoung) and model files • Letter from Quod to Environment Agency and appendices (dated 29 October 2024) • Technical Note (dated 19 September 2024 and prepared by Buro Happold) 	<p>It should be noted that the listed documents were provided to the EA on 29th October 2024. The information shared on the 12th December related to information the Applicant had previously sent to the EA on the 25th March. The Applicant understands that the EA did not share this information with its external consultants until the Applicant reissued this information on the 12 December 2024.</p>
<p>Environment Agency position</p> <p>We are now satisfied that the applicant has provided enough information on their flood modelling for the Outline application. Please be aware that further information would be required at the detailed design stage.</p>	<p>Noted.</p>

EA Response (3 January 2025)	Applicant Response
<p>However, we are not satisfied that the swale and flood storage area (FSA) as proposed would be appropriate mitigation for losses of floodplain storage on site. This is because it has not been demonstrated that both features would drain following rainfall or a flood event. This is required to ensure these features do not store water after an event and so become unavailable as floodplain storage in future flood events. If these features are unable to drain, they will not function as required and so could increase flood risk onsite and elsewhere.</p>	<p>The Applicant has submitted an outline planning application , with all matters reserved. Illustrative details (set out in the FRA and within the subsequent Technical Notes) have therefore been provided to the EA to demonstrate that the mitigation set out within the Flood Risk Assessment (FRA) is robust and deliverable. The EA now agree that the flood modelling supporting the application is robust and have no further comments on this.</p> <p>The Applicant considers that in such a scenario a suitably worded planning condition would be entirely appropriate to secure and regulate the detailed design of the flood mitigation and drainage design, alongside the detailed design of the wider masterplan proposals.</p> <p>As noted in our previous response, the Applicant considers the EA’s objection to the swale and flood storage area (FSA) as being ‘appropriate mitigation’ to be unreasonable. Indeed, the hydraulic modelling presented in the FRA and Technical Notes clearly demonstrates that the swale acts to re-route flood water crossing the site, without any increase to offsite flood risk.</p> <p>The function of the swale was explained clearly in the meeting held with the EA on the 18th July 2024 including the concerns about water remaining in the swale between consecutive events. As demonstrated in the hydraulic model review schedule, the EA’s technical advisors confirm that the EA no longer have a basis for objecting to the application on these matters.</p> <p>As such, the EA’s remaining objection appears to be on the principle of the Applicant having submitted an outline planning application and not therefore providing the detailed design information at this outline stage whereas in the usual way such matters are for reserved matters stages and can be controlled and regulated through a suitably worded planning condition(s) as is proposed by the Applicant.</p>

EA Response (3 January 2025)	Applicant Response
	<p>Thus the EA's position is considered to be entirely without foundation and is unreasonable in all respects. The Applicant would urge the EA to urgently reconsider its position.</p>
<p>Please also be aware that the proposed FSA has had to be enlarged since the previous consultation to ensure it is large enough to prevent an increase in flood risk on and offsite. From comparing plans, the FSA may now be required where dwellings are proposed. This has not been discussed in the applicant's additional information and no new site plan has been provided.</p>	<p>The EA have suggested that the 'FSA may now be required where dwellings are proposed'. This is not entirely correct. The FSA was increased to reflect feedback from the EA. The larger FSA was set out to demonstrate that there was sufficient land available to accommodate the mitigation that may be necessary. The mitigation set out within the FRA is secured by planning condition and the exact size would be defined as part of the detailed design stage, with details submitted for approval as part of the reserved matters application, and the Site Wide Drainage Strategy. The FSA indicated in both the FRA and the subsequently technical note demonstrates that a reasonable solution can be delivered. The exact design of this cannot be known until the need for the secondary school, or the design and location of the adjacent residential is known.</p> <p>The current outline planning application define the parameters within which development could be located. These are set out in Parameter Plan 1, and the mitigation set out in the FRA and Secondary School Technical Note (dated September 2024) would be entirely compatible with both the residential uses anticipated and the mitigation committed to within the FRA. In the usual way, the Reserved Matters Applications would then set out the detailed design of both the drainage design and the residential buildings. This would ensure the design of the scheme is secured in an appropriate manner.</p>

EA Response (3 January 2025)	Applicant Response
	<p>The additional information provided by the Applicant robustly demonstrates that the parameters of the outline planning application would allow for the FSA to be designed to allow for an appropriately sized FSA.</p>
<p>We therefore maintain our objection set out in our responses dated 15 February, 3 June 2024 and 28 August 2024. We understand that some details can be left for the detailed design stage, however we do not have enough information at this stage in order to appropriately condition key flood risk aspects of the proposals. Without this additional information, there is the risk that the proposed development cannot be delivered without increasing flood risk onsite (including to new dwellings) or elsewhere (including neighbouring farmland and potentially the A44).</p>	<p>As set out above, the Applicant has provided sufficient information at this outline stage to enable the EA to appropriately assess flood risk matters of principle and to consider regulating and controlling detailed design matters through a suitably worded planning condition as is proposed by the Applicant.</p>
<p>Reasons</p> <p>Flood risk information</p> <p>We have reviewed the additional modelling information and are now satisfied that this overcomes our concerns on the applicant's flood model and model outputs. Please be aware that this only applies to this outline application, and that further information may be required at the detailed design stage. Please note that this is an acceptance of the soundness of the model only and not an agreement of the</p>	<p>The Applicant notes that the EA's hydraulic model review schedule and the EA's technical advisors confirm that the EA no longer have a basis for objecting to the application on technical flood modelling matters. The hydraulic model has been set up to model individual events and has been run to the conclusion of the event assessed. The design specification of this feature has been committed to, including the draw down, and the detailed</p>

EA Response (3 January 2025)	Applicant Response
<p>model as a flood risk assessment. We remain to be concerned with what the outputs of the model are showing in terms of flood risk impact (namely that these features would not drain after heavy rainfall).</p> <p>The previous review included a number of amber comments relating to a lack of information within the hydraulic model report. The applicant has responded to explain that information has been provided to us. Whilst we have downgraded these comments to green now, in order to have a clear paper trail it would be advisable to include all the information in the updated hydraulic model report or at least to reference it.</p> <p>We have also left some comments in green for now given that we are at the outline design stage. We would recommend these are looked at again at the detailed design stage to ensure they are still appropriate. This relates in particular to the sensitivity analysis conducted on model inflows. The model is sensitive to inflows so it is important that this uncertainty is accounted for e.g. through the 300mm freeboard they are applying to the design of the flood storage area. We would expect the applicant to include a discussion on this in the reporting at detailed design stage. Please see the attached hydraulic model review for more information.</p>	<p>design and performance specification and management would then be secured by planning condition.</p>
<p>Sequential Approach</p> <p>No new information has been submitted in relation to the sequential approach. Only more vulnerable development is proposed in areas at high fluvial flood risk, whilst water compatible and less vulnerable development are proposed in areas at low fluvial flood risk. This is not in accordance with</p>	<p>Our position on this point has been set out in our responses dated 22 February, the 6th August and 29th October 2024. The Applicant and the LPA are agreed that the Outline Planning Application is consistent with the sequential approach. As we have previously set out, the proposals have directed development towards the parts of the site with the lowest risk of flooding. The majority of the site has been identified as having a low risk of flooding.</p>

EA Response (3 January 2025)	Applicant Response
<p>the sequential approach. We note there may be reasons why it is not possible to locate lower vulnerabilities in the areas at high flood risk that we are unaware of.</p>	<p>No built development is proposed within areas identified as having a high risk of flooding without mitigation measures provided to address the level of risk. This approach is considered to be entirely consistent with the sequential approach set out in the NPPF, along with the Local Plan’s requirement to deliver at least 1,950 homes on the PR8 site.</p> <p>The LPA has confirmed to the Applicant that it considers that the Proposed Development is entirely consistent with ESD6. The Officers Report concludes the following at paragraph 9.139:</p> <p style="text-align: center;"><i>In conclusion, subject to appropriate conditions, the scheme would be acceptable as regards flood risk to prospective occupiers, and it would ameliorate rather than worsen conditions elsewhere. It would also be acceptable in terms of foul water drainage. It would accord with NPPF policy on planning and flood risk and would comply with requirements of Local Plan Policy PR8.</i></p> <p>The LPA has since reconfirmed their position that they consider that the EA’s position is not correct, and their professional planning officers maintain the view of is that flood risk policy set out within the Local Plan and the NPPF (December 2024) has been complied with in full.</p> <p>On this basis, we do not consider it reasonable for the EA to maintain their objection in relation to the sequential approach.</p>
<p>Floodplain compensation</p> <p>Compensation works can be considered as either direct or indirect methods. Direct, or ‘level for level’ methods, re-grade the land at the same level as that occupied by the development. Direct schemes therefore provide a direct replacement for the lost storage volume.</p> <p>Indirect methods, also known as volume for volume, rely on water entering a storage area which then releases water at a</p>	<p>During previous consultation with the EA (18th July 2024) the topic of the NW swale’s function to attenuate and safely route overland surface water flow around the development was discussed. The EA provided feedback at the time that the swale should not retain water for a significant duration to avoid increased flood risk in consecutive events. The applicant agreed with the EAs concerns and committed to progressing the design of the swale so that the swale would drain to empty within 24-48 hours following a flood event in line with established best practice.</p>

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<p>slower rate. The storage area can be remote from the floodplain. Indirect schemes are complicated to design and construct, and require a more intensive maintenance regime, which must be continued indefinitely. For these reasons we are generally opposed to indirect schemes unless it is the only remaining option.</p> <p>Both mitigation options proposed by the applicant, namely the FSA in the south of the site and the swale in the northwest, are indirect schemes. Whilst the applicant's modelling shows that there would be no increase in flood risk on or offsite if the schemes were functioning as intended in a single rainfall/flood event, if the schemes are not maintained or if there are further flood events, then the proposed schemes may increase flood risk onsite and offsite. Please be aware that, if either feature fails to function then new residential properties may be at increased risk of flooding.</p>	<p>The requirement to drain these storage areas to reduce the risk in consecutive events remains as one of the key design criteria for both the swale and FSA . There are multiple options for flow control measures which when combined could provide the required function of retaining water during peak flow events but allowing emptying post event. For the swale, due to the shallow depth, a possible example could be the use an overflow weir for high flows with an orifice control plate to permit drainage of low flows / attenuated water.</p> <p>For the flood storage area, the most likely outcome would be a culvert underneath the storage area slope / bank to the drainage ditch with appropriate headwall / discharge structures and erosion control measures. The rate of outflow from the storage area could be controlled through fixed orifice plates, a hydrobrake or a variable opening (e.g. sluice gate) set at a suitable level to allow the flood storage area to drain to empty. A high-level overflow into the ditch would also be provided to address exceedance events.</p> <p>In the usual way, the detailed design of the swale would then be appropriately secured by a suitably worded planning condition as is set out in the draft Planning Conditions that have been agreed with the LPA.</p>
<p>Proposed School Site and Flood Storage Area (FSA)</p> <p>The previous submission did not model the impacts of a FSA, and only showed that without one there would be an increase in flood risk on and off site which is not acceptable. The submitted modelling now proposed mitigation in the form of a Flood Storage Area (FSA). Three proposed designs for the FSA have been modelled and assessed in this submission. We are satisfied with the quality of the modelling undertaken and that in a single rainfall event that option D8 should prevent increases in flood risk offsite.</p>	<p>The detailed design of the FSA would be appropriately secured by a suitably worded planning condition as is set out in the draft Planning Conditions that have been agreed with the LPA.</p>

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<p>However, we have concerns with the proposed design of the FSA in the modelling and are not satisfied the issue can be conditioned at this stage. In the 1% annual exceedance probability (AEP) plus 41% climate change scenario, the model shows the water level in the FSA after 40 hours is kept at 60.5mAOD which is roughly a depth of 65cm (levels in the FSA peak at about 1m as per the design). The north bank of the ditch which runs alongside the flood storage area acts as a weir with a crest level of 60.5mAOD. This is represented in the model but there is no clear way beyond this to enable the FSA to drain.</p> <p>The technical note suggests that the water will discharge onward to the ditch network outside of the site boundary but this does not appear to be represented in the current modelling. It is not clear how the FSA would drain further, this may require some kind of control structure. At this stage, it is not known whether it is feasible for the FSA to drain fully without having to redesign the scheme. Details of how the FSA could fully drain in theory should be provided, including identifying if a control structure would be required and if so what type of control structure this would need to be.</p> <p>This additional information will also help identify future maintenance requirements so it can be determined if these are acceptable and would be provided for the lifetime of the development. As currently designed, it is likely that over time the FSA would fill with water and/or fine sediment so that during extreme events it may already be full and therefore offer no storage during a flood. The is not 'level for level' and may require periodic maintenance to ensure the required storage.</p>	

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<p>The Technical Note states that the applicant and LPA have agreed that a Planning Condition could control the use of the southern area of the school site and could only come forward if further detailed modelling was prepared to demonstrate the effectiveness and compliance to NPPF of the future proposed solution. We are not satisfied that a condition is possible at this stage. Further information is required in order to demonstrate that an appropriate mitigation option exists that ensures adequate floodplain storage is available for all future flood events.</p>	
<p>Swale</p> <p>Similarly to the proposed FSA, the proposed swale in the northwest of the site would not drain freely as currently proposed in the model, and no details have been provided by applicant on how this swale could be designed to allow flood water to drain away. Therefore, it has not been demonstrated that a feasible design option exists that will prevent increases in flood risk on and offsite. In the applicant’s modelling, the swale is activated during the 1% AEP + 41% climate change event and the 0.1% AEP scenarios as this is when flood waters overtop Woodstock Road sufficiently to spill into the swale. The swale does not seem to have a structure to enable it to drain and levels in the 0.1% AEP scenario rise from 67.6mAOD to 68mAOD and stay there until the end of the 40hour simulation. In the 1% AEP + 41% climate change scenario the same happens and the level in the swale rises to 67.7mAOD and stays there until the end of the simulation again suggesting there is no way for the water to drain out. We</p>	<p>The detailed design of the swale would be appropriately secured by a suitably worded planning condition as is set out in the draft Planning Conditions that have been agreed with the LPA.</p>

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<p>previously requested information on how the swale would drain, however no new information on this has been provided.</p>	
<p>Flood Zone 3b</p> <p>Our concerns in relation to Flood Zone 3b related to the relocation of the watercourse in the south of the site to enable the Secondary School to be entirely outside of Flood Zones 2 and 3. This in turn is linked to the proposed FSA. Currently the modelling shows that a larger FSA than previously proposed would be required in order to prevent increases in flood risk to new dwellings and offsite. This larger FSA appears to be where dwellings are proposed. Whilst we don't believe the applicant proposes to put dwellings within their FSA, Proposed Plans should be provided to demonstrate this is not the case and that a feasible design option exists.</p>	<p>This is not correct. The assessment illustrates the size of the FSA required and demonstrates that a reasonable solution can be found for the range of possible outcomes on the secondary school site.</p> <p>The EA have suggested that the "FSA may now be required where dwellings are proposed". This statement is factually incorrect. On the contrary, the Parameters defining the location of development are set out in Parameter Plan 1, and the mitigation set out in the FRA and Secondary School Technical Note (dated September 2024) are entirely compatible. In the usual way, the Reserved Matters Applications would then set out the detailed design of both the drainage design and the residential buildings. This would ensure the design of the scheme is secured in an appropriate manner.</p> <p>In summary, the additional information provided robustly demonstrates that the parameters of the outline planning application would allow for the FSA to be designed to allow for an appropriately sized FSA.</p>
<p>Climate change</p> <p>No new information has been provided. Please refer to our earlier comments – this is for information only and not part of our objection.</p>	<p>The Applicant notes that the EA is not objecting on this matter.</p>
<p>Bridges</p> <p>We understand that the proposals do not include a bridge over the Oxford canal, and that any such bridge would be applied for under a separate planning application. The applicant has not commented on whether any other bridges are proposed as part of this live planning application. Therefore, should our objection be overcome, we would suggest a standalone</p>	<p>Please refer to our full response on this matter provided on the 29th October 2024. As set out in that response, the Applicant maintains that a planning condition of the nature proposed would not meet either the legal or policy tests for conditions set out in paragraph 57 the NPPF.</p>

EA Response (3 January 2025)	Applicant Response
planning condition is applied to ensure no new bridges over watercourses shall be included in the Reserved Matters application/s, other than with the written consent of the local planning authority.	