

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

Our ref: WA/2025/132351/01-L01
Your ref: 25/01510/OUT
Date: 30 September 2025

Dear Sir/Madam

OUTLINE PLANNING APPLICATION FOR THE ERECTION OF UP TO 500 DWELLINGS AND COMMERCIAL FLOORSACE (USE CLASS E) WITH ASSOCIATED ACCESS, OPEN SPACE AND INFRASTRUCTURE - ALL MATTERS RESERVED EXCEPT FOR ACCESS

LAND SOUTH OF PERDISWELL FARM, SHIPTON ROAD, SHIPTON ON CHERWELL

Thank you for consulting the Environment Agency for comment on this planning application. Please accept our apologies for the delay in providing you with a response.

Environment Agency position

We have reviewed the following documents.

- Application form
- Site location plan
- FRA/Drainage Statement parts 1, 2, 3 & 4
- Utilities statement

Thames Water have confirmed in Appendix I of the FRA/Drainage Statement that this development will connect to Church Hanborough Sewage Treatment Works (STW).

Church Hanborough STW is a site of concern for the Environment Agency due to it exceeding the Q80 flow on its Dry Weather Flow (DWF) permit for the last 6 years, and the Q90 flow on its DWF permit for 3 out of the last 4 years. Please see Appendix 1, which is our position statement and evidence which provides an explanation of the implications of exceeding Q80 and Q90 flows. It is imperative that new developments are supported by adequate infrastructure, which includes ensuring that wastewater can be treated without causing an adverse environmental impact.

Thames Water has also confirmed that they currently do not have capacity at this STW to accommodate additional foul waste flows at the Church Hanborough STW.

As explained in the attached Position Statement in Appendix 1, it is our view that until works to increase the capacity at the Church Hanborough STW are completed, the

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cumulative impact of planned growth in the area that will discharge to the STW presents a significant risk of deterioration of the Evenlode (Glyme to Thames) to a lower class or status, as well as preventing it from achieving good status.

The Thames River basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Under regulation 33 of the Water Environment (Water Framework Directive) Regulations 2017 local planning authorities as 'public bodies' must have regard to effects on river basin management plans

This proposed development falls under the EIA threshold and requires an Environmental Statement where the impact of cumulative growth to sensitive receptors must be identified and addressed. The cumulative impact of this development (of up to 500 dwellings and commercial floorspace) with planned growth on wastewater capacity should be assessed by the Environmental Impact Assessment (EIA).

Therefore, **we object to the proposed development because the proposed development would pose an unacceptable risk of pollution to surface water quality.** Our objection is supported by Paragraph 187 (e) of the National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution.

To overcome our objection, as well as an assessment of the cumulative risks of the development with planning growth, we need to see a detailed foul water strategy for the improvement of the Church Hanborough sewerage system to accommodate the additional wastewater flows from the development alongside wider planned growth. This should be approved in writing by the local planning authority in consultation with the Environment Agency and the sewage undertaker. The strategy shall:

- A. Identify the network and/or wastewater treatment works improvements required to provide sufficient capacity, as defined in the water quality assessment, to accommodate the development.
- B. Include a timeline of the required network and/or wastewater treatment works improvements in relation to the timescales of the development.

Alternative

We have also highlighted in the position statement in Appendix 1 that there are other STW located outside Cherwell which are expected to serve growth within Cherwell District Council. An example is Cassington STW. It is therefore possible for this development to connect to the Cassington STW which currently has capacity and could provide alternative wastewater provision for a period while the Church Hanborough STW is improved. We advise that you contact Thames Water to discuss this alternative option. We would also be happy to discuss this alternative option with you.

Closing 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 Judith Montford
Planning Specialist**

Direct dial 0208 026 3064

Direct e-mail planning_THM@environment-agency.gov.uk

cc TOR&CO

Appendix 1

Environment Agency position statement regarding water quality risks due to wastewater capacity pressures related to the Church Hanborough Treatment Works (STW)

Context

The Church Hanborough STW has a catchment that sits wholly within West Oxfordshire District Council and serves several of the villages around Church Hanborough. Church Hanborough is also one of the Six WwTWs/STW located outside of the Cherwell boundary but is expected to serve growth within Cherwell District Council.

Under the Water Environment (Water Framework Directive) Regulations 2017, there is a requirement for water bodies not to deteriorate and to achieve 'Good Status' by 2027. Under Regulation 33, local planning authorities as 'public bodies' and the Environment Agency as a planning advisor must have regard to these requirements as they are part of River Basin Management Plans. Under the National Planning Policy Framework, there is a requirement for plans and planning decisions do not result in unacceptable levels of water pollution (NPPF paragraph 187e).

The Catchment Data Explorer dataset on gov.uk provides data on the status of waterbodies.

The Church Hanborough Treatment Works (STW) discharges to the Evenlode (Glyme to Thames) waterbody and the Catchment Data Explorer dataset [Evenlode \(Glyme to Thames\) | Catchment Data Explorer | Catchment Data Explorer](#) which provides the status for this waterbody (which is 11.709 km length and covers a catchment area of 1803.958 ha) shows that in 2022 (Cycle 3) the Evenlode (Glyme to Thames) waterbody is classified as at 'Poor Ecological Status' and has been from Cycle 1 to Cycle 3 -2009 to 2022 according to the WFD status classification.

This position statement is intended to be a live document that will be reviewed and updated as our understanding of the issues and solutions evolves.

Evidence of capacity issues at Church Hanborough STW and risks to water quality and meeting statutory environmental objectives

According to Catchment Data Explorer dataset for Evenlode (Glyme to Thames) waterbody, is at Poor Ecological Status, which is solely attributed to Phosphate. The Reason for Not Achieving Good (RNAG) status table states that water industry discharges are responsible for the Phosphate failure in the Evenlode (Glyme to Thames) waterbody.

Through our regulatory responsibilities, the Environment Agency is aware that the STW at Church Hanborough does not have sufficient treatment capacity due to failure to upgrade in line with statutory obligations. We understand that the Church Hanborough STW has exceeded the Q80 flow on its Dry Weather Flow (DWF) permit for the last 6 years, and the Q90 flow on its DWF permit for 3 out of the last 4 years. It did not exceed DWF in 2022 because in 2022 there was significantly less rainfall than normally, thus the risk of DWF exceedance is significantly reduced.

The DWF permit is set against the measured Q80. The Q80 is the flow value exceeded 80% of the time. Conditions within a discharge permit are set against this flow value to ensure the discharge does not lead to a deterioration of the receiving waterbody. Therefore, without improvements to the STW operation, it is likely to continue to fail to meet Q80 for the foreseeable future and this will be exacerbated with growth and the resulting increased discharges to the Evenlode (Glyme to Thames). Should this occur, it is likely that discharges from the STWs will prevent achievement of 'Good status' and result in further deterioration of the Evenlode (Glyme to Thames).

Permit compliance is measured against the Q90. The Q90 is the flow that is exceeded 90% of the time. The measured Q90 is always lower than the measured Q80. Q90 is used for permit compliance as it takes into account year on year variations in catchment flow rates and monitor uncertainty. This tries to ensure that operators are not penalised for exceedances outside their control. However, we expect permit holders to plan to remain within their measured Q80 to avoid the risk of harm to the environment. When a STW is exceeding its Q80 DWF permit, the operator needs to apply for a new permit to account for growth and protect the environment.

Thames Water need to apply for a new Dry Weather Flow permit to support new development over the future local plan period. This will require tighter nutrient discharge limits and an increase to Flow to Full Treatment and storm tank capacity. Discharge permits are set with conditions to protect the environment. When discharge permits are exceeded, these conditions are no longer protective and there is a significant risk of deterioration under the Water Environment Regulations (WFD). The Environment Agency has been approached by Thames Water for pre application advice to increase Dry Weather Flow at Church Hanborough STW, and we have provided them with indicative limits for the new permit. However, we have not received a full application to vary the permit, and we are unclear on timescales to deliver the improvements needed to support future growth. Any additional development connecting to this site before improvement works are completed will likely lead to deterioration of the Evenlode (Glyme to Thames) and/or prevent it from achieving Good status.

Considerations for decision making on applications

- Until the works to increase the capacity are delivered, all development requiring new connections to mains sewer will increase the load to the Church Hanborough STW and increase pollutant concentrations in discharges from it to the Evenlode (Glyme to Thames), presenting a risk of deterioration to water quality. It is important that LPAs account for this risk in their decision making. Paragraph 201 of the NPPF does not state that emissions or pollution arising from a use of land are not material considerations in the determination of planning applications. They often will be. The weight that can be given to them will be affected by the extent to which the emissions or pollution can (and will) be controlled by other regulatory regimes. This is supported by Hopkins Developments Ltd v First Secretary of State [2007] Env LR 14, George Bartlett QC.

New developments connecting to the STW that increase discharges to the STW cumulatively, with planned growth, will have a greater impact. The cumulative impact of developments in applications combined with planned growth should be assessed using information provided by developers as part of their Environmental Impact Assessment (EIA). 'Planned growth' should be defined as the amount of growth planned for in the local plan and known from other applications (that constitute windfall development).

National planning policy does not require assessment of cumulative risks to the water environment when determining applications, so this assessment is not required for

applications that are not EIA developments. On this basis, the risks from non-EIA developments will be smaller.

Considerations for plan making

Cumulative impact assessment is required as part of the plan making process to ensure that there is sufficient wastewater capacity for all future developments in the plan. It will also be required for the Strategic Environmental Assessment of the plan. This cumulative assessment can be undertaken as part of a Water Cycle Study prepared as part of the local plan evidence base. We strongly recommend that the local plan is supported with a Water Cycle Study to inform this cumulative assessment.

The West Oxfordshire Local Plan 2031 was formally adopted in 2018 and provides the development strategy for the Borough until 2031.

Cherwell Local Plan 2011-2031 (Part 1) was adopted in 2015 and contains strategic planning policies for development and the use of land.

Local plans should be reviewed every 5 years and updated as necessary.

We are aware that both the West Oxfordshire Local Plan and Cherwell District Local Plan are currently being updated (albeit the two plans are at different stages of the plan making process).

We understand WODC (preferred options) local plan would be accompanied by a - Water Cycle Study for West Oxfordshire. The Water Cycle Study will highlight the issue regarding STW and guide West Oxfordshire as to what they will need to do to address the issues through the Local Plan. West Oxfordshire District Council will consult the Environment Agency on this Evidence Base information in due course.

Cherwell is currently reviewing its local plan - the Cherwell Local Plan Review 2040 which is accompanied by Water Cycle Study [8/9/2025, by Wallingford Hydrosolutions, ref WHS 10191]. We found that Church Hanborough STW has not been acknowledged in the WCS as having lack of capacity to support growth. We expect this to be mentioned in the WCS and the proposals to address the capacity issues highlighted.

Environment Agency advice

This position statement will be the basis for Environment Agency advice for applications we are consulted on that will result in new connections to the Church Hanborough STWs and for growth proposed in the emerging local plan.

Advice on planning applications

Given that national planning policy does not require assessment of cumulative risks to the water environment when determining applications, for developments that do not require EIA, it is unlikely that the impact of increased discharges from individual developments will be significant enough, in each instance, to contribute an unacceptable risk of water pollution (as per NPPF paragraph 187(e)). LPAs should be satisfied this is the case for each development.

For developments requiring EIA (and for the local plan), assessment of the cumulative risks from planned growth should be considered. It is our view, based on the evidence in this position statement, that the cumulative impact of increased discharges, arising from new, planned growth, is likely to present an unacceptable risk of water pollution. The cumulative impact of developments in applications combined with planned growth should be assessed using information provided by developers as part of their Environmental Impact Assessment (EIA).

Local plan

We strongly advise that a Water Cycle Study is prepared as part of the local plan evidence base that assesses wastewater capacity to support growth and achievement of statutory environmental objectives. We have mentioned this previously to WODC and Cherwell District Council. This should assess capacity at the Church Hanborough STW to accommodate growth coming forward in applications and the next local plan. Should this identify risk that environmental objectives will not be met, the LPA should liaise with Thames Water to understand when improvement works will be undertaken, as part of a foul drainage strategy, at the Church Hanborough STW and plan growth that connects to it accordingly.

Next steps

It is important that the cumulative impact of planned growth on risk to water quality due to increased discharges to the Church Hanborough STW are understood. This will enable the LPA to properly account for them in their emerging local plan and for developers and the LPA to account for them when preparing and determining developments that require EIA.

To support this Thames Water, need to provide the following information: Future Q80 and Q90 flow projections for Church Hanborough to help us assess the environmental risks, and detailed timeline for delivering upgrades, including for the delayed AMP 7 scheme.

Should this information confirm a lack of capacity to support growth, Thames Water should set out their plans and timescales to increase capacity to meet the needs of growth, whilst ensuring the water environment can improve alongside.