

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

Our ref: WA/2015/120746/02-L01
Your ref: 15/01012/OUT
Date: 26 November 2015

Dear Mr Lewis,

**Outline - development of up to 48,308sqm of employment floor space (class B1C, B2, B8 and ancillary B1A uses), the siting of buildings to the south of the site, servicing and circulation areas, vehicular and pedestrian access from Skimmingdish Lane and landscaping
Land North East of Skimmingdish Lane, Launton, Oxfordshire**

Further to our letter of objection dated 09 July 2015 we received notification of amended plans from you in an email dated 02 October 2015. Apologies for the delay but we are now in a position to respond.

Environment Agency Position

We **maintain our objection** to the application and recommend refusal of planning permission on this basis for the following reasons:

Reason

The site lies within Flood Zones 1, 2 and 3 with the proposed development area located partially in Flood Zone 3 defined by the National Planning Policy Framework (NPPF) Planning Practice Guidance (PPG) as having a high probability of flooding where notwithstanding the mitigating measures proposed, the risk to life and/or property, both within the development and in upstream and/ or downstream locations from fluvial inundation would be unacceptable if the development were to be allowed.

In particular the proposed development will impede flood flow and/or reduce storage capacity thereby increasing the risk of flooding.

Overcoming our objection

The proposed development is for the construction of a flexible mix of B1c, B2 and B8 uses with ancillary office space. The updated Flood Risk Assessment (FRA) ref: S1230/September 2015 (Issue 5) compiled by Bailey Johnson Hayes Consulting Engineers details that the building will be located within Flood Zone 1 however the lower dock area of Unit 1 will be located in Flood Zone 3 and 2. The FRA states that the levels within the lower dock area will remain similar to existing however we require further details relating to the proposals in the lower dock area to ensure that the development proposed will not impact on floodplain storage or flood flows.

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The plan as submitted details a parking area and structures attached to the Unit 1 building within the floodplain. Following a review of the plan we are unclear whether any of the proposals

It will need to be shown that any increase in built footprint, ground level raising or proposed structures within the floodplain within the 1 in 100 year plus 20% allowance for climate change flood extent can be directly compensated for. This is necessary to prevent the new development reducing floodplain storage and displacing flood waters, thereby increasing flood risk elsewhere.

It will also need to be shown that any increase in built footprint, ground level raising or proposed structures within the floodplain (e.g. the acoustic screen etc) within the 1 in 100 year plus 20% allowance for climate change floodplain will not impact on flood flows or conveyance.

Level for level floodplain compensation is the preferred method of mitigation because voids, stilts or undercroft parking tend to become blocked over time by debris or domestic effects leading to a gradual loss of the provided mitigation.

Level for level floodplain compensation is the matching of volumes lost to the floodplain through increases in built footprint with new flood plain volume by reducing ground levels. Please note for this to be achievable, it requires land on the edge of the floodplain and above the 1 in 100 year plus 20% allowance for climate change flood level to be achievable. A comparison of ground levels (topographical survey) with modelled floodplain levels will show land above the 1 in 100 year plus 20% allowance for climate change floodplain to be used as compensation. We recommend that the FRA considers whether level for level compensation is possible and if not, explain why and detail how any associated risks from an alternative form of mitigation can be minimised.

Level for level compensation is proposed in the FRA to mitigate for the increase in built footprint. The FRA however has not included a compensation scheme to mitigate on a level for level basis up to the 1 in 100 year plus 20% allowance for climate change flood level. The applicant should therefore set out a scheme that demonstrates there will be no loss of floodplain storage up to the 1 in 100 year plus 20% allowance for climate change floodplain.

If it is not possible to provide level for level floodplain compensation then other forms of mitigation may be considered if agreed with the Local Planning Authority (LPA). The FRA must however demonstrate that level for level compensation has been considered, explain why it was not possible to provide it and detail how any associated risks from the chosen form of mitigation can be minimised. Please note that if the Local Authority is not satisfied that other forms of mitigation for an increase in built footprint are appropriate then the applicant should revise their development proposals to ensure that there will be no increase in built footprint on this site.

Further Advice

Under the terms of the Thames Region Land Drainage Byelaws 1981 and the Water Resources Act 1991, prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank/foreshore of the Langford Brook (Bicester) designated as 'main river'. Please contact westthamesconsents@environment-agency.gov.uk for further information and

guidance.

We would also expect to see detail on the outfall design from the three surface water drainage points, protecting against local scour of the watercourse.

Yours sincerely,

Mr Jack Moeran
Planning Advisor

Direct dial 01491 828367

Direct e-mail planning-wallingford@environment-agency.gov.uk

cc Quod