

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

**Our ref:** WA/2017/123909/01-L01  
**Your ref:** 17/00742/F  
**Date:** 02 June 2017

Dear Sir/Madam

**Demolition of existing garage, erection of new detached dwelling with integral garage, erection of replacement double garage for existing dwelling**

**8 Rectory Close, Wendlebury, Bicester, OX25 2PG**

Thank you for consulting us on the proposed development. We have reviewed the information submitted in relation to our remit.

**Environment Agency Position**

In accordance with paragraphs 102 and 103 of the National Planning Policy Framework (NPPF) in the absence of an acceptable Flood Risk Assessment (FRA) we **object** to this application.

**Reason**

The application site lies within Flood Zone 3 defined by the National Planning Policy Framework (NPPF) and associated Flood risk and coastal change National Planning Policy Guidance (NPPG) as having a high probability of flooding.

The FRA submitted with this application does not fulfill the requirements set out in the NPPF and the associated PPG and does not therefore provide a suitable assessment of the flood risk arising from the proposed development.

In particular, the submitted FRA fails to:

1. Assess the impact of climate change using the latest guidance and appropriate climate change allowances.
2. Demonstrate if there is any loss of flood plain storage within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change caused by the proposed development and if so that it can be mitigated for.
3. Demonstrate the proposed development has finished floor levels set 300 mm above the 1% annual probability (1 in 100) flood level with an appropriate allowance for climate change.

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## **Overcoming our objection**

The objection can be resolved by undertaking an FRA which demonstrates that the development is safe without increasing risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.

### Climate Change

Our climate change for allowances for planning were updated on 19 February 2016 and should be used to assess proposed development within flood risk areas. This guidance is available through the following link:

<https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

Please refer to this to determine which allowances should be used for this development. For some development types and locations it is important to assess a range of risk using more than one allowance.

The extent, speed and depth of flooding shown in the assessment should be used to determine the flood level for flood risk mitigation measures. Where assessment shows flood risk increases steadily and to shallow depths, it is likely to be more appropriate to choose a flood lower in the range. Where assessment shows flood risk increases sharply due to a 'cliff edge' effect caused by, for example, sudden changes in topography or defences failing or overtopping, it is likely to be more appropriate to choose a flood level higher in the range.

### Flood plain compensation

It should be demonstrated that any increase in built footprint within the 1% annual probability flood extent with an appropriate allowance for climate change (1% + climate change) can be directly compensated for. This is necessary to prevent the new development reducing flood plain storage and displacing flood waters, thereby increasing flood risk elsewhere.

Garages are generally considered to be floodable structures and should not be used to offset any increase in built footprint unless evidence (i.e. photographs) is submitted to prove otherwise.

Level for level flood plain compensation is the preferred method of mitigation. This method is the matching of volumes lost to the flood plain with new flood plain volume through the reduction of ground levels. For this to be achievable it requires land to be available to the applicant on the edge of the flood plain and above the 1% + climate change flood level. Comparing the flood level with a topographical survey will show the availability of suitable land.

If it is clearly demonstrated that this method of compensation cannot be provided, the use of voids within the design could be considered. These will need to be floodable with the underside of the void above the 1% + climate change flood level.

Your Authority should be satisfied that they can be enforced through a condition to maintain the voids as designed and that an adequate maintenance plan is in place to ensure the voids remain open for the life time of the development. If this is not the case then the applicant should amend the development to ensure that there will be no increase in built footprint on site.

### Finished flood levels

Finished floor levels should be set 300 mm above the 1% + climate change flood level

to reduce the risk of flooding to the property.

### **Advice to Planning Authority**

#### Sequential Test

In accordance with the National Planning Policy Framework paragraph 101, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the National Planning Policy Framework. Our flood risk standing advice reminds you of this and provides advice on how to do this.

#### Flood Risk - Safe Access and Egress

In accordance with paragraphs 101 to 104 of the National Planning Policy Framework (NPPF), you must ensure that the 'development is appropriately flood resilient and resistant, including safe access and escape routes where required...' (NPPF paragraph 103). This is on the understanding that you have concluded that the proposed development has passed the flood risk sequential test.

Within the application documents the applicant should clearly demonstrate to you that a satisfactory route of safe access and egress is achievable. It is for you to assess and determine if this is acceptable.

We enclose a copy of our safe access and egress guidance statement to assist you with your assessment. Please note we have not assessed the proposed access and egress route.

### **Final comments**

Once again, thank you for contacting us. Our comments are based on our available records and the information as submitted to us.

We ask to be re-consulted with the results of the FRA. We will provide you with bespoke comments within 21 days of receiving formal re-consultation. Our objection will be maintained until an adequate FRA has been submitted.

**If you are minded to approve this planning application contrary to our advice please contact us prior to doing so.**

In accordance with the Planning Practice Guidance (Reference ID: 7-043-20140306), please notify us by email within 2 weeks of a decision being made or application being withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

If I can be of any further assistance, please contact me directly.

Yours faithfully

**Miss Sarah Green**  
**Sustainable Places - Planning Advisor**

Direct dial 0208 474 9253

Direct e-mail [planning\\_THM@environment-agency.gov.uk](mailto:planning_THM@environment-agency.gov.uk)

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