

Ms Clare O'Hanlon
Cherwell District Council
Planning & Development Services
Bodicote House
White Post Road
Bodicote
Banbury
OX15 4AA

Our ref: WA/2018/125260/03-L01
Your ref: 18/00904/F
Date: 12 September 2019

Dear Ms O'Hanlon

Formation of inland waterways marina with ancillary facilities building, car parking, access and associated landscaping including the construction of a new lake.

Glebe Farm, Claydon, Banbury, OX17 1TD.

Thank you for your consultation on the above planning application.

The site lies with Flood Zones 1, 2 and 3 in accordance with our flood risk mapping. However the Cherwell District Council Strategic Flood Risk Assessment (SFRA) Level 1 update dated May 2017 section 4.3.5.1 states that:

"Due to the limited extent of detailed modelling of the 5% AEP event in the District, where detailed modelled outlines for the 5% AEP event are unavailable, as a precautionary approach Flood Zone 3a ($\geq 1\%$ AEP) should be used as a proxy for Flood Zone 3b for the purposes of the sites included within this Level 1 SFRA Update.

There is no modelled flood data available. Therefore according to the Cherwell SFRA this site lies within Flood Zone 3b. Flood Zone 3b is defined as land where water has to flow or be stored in times of flood. In accordance with Table1 'Flood Risk' of the Planning Practice Guidance.

This site has an ordinary watercourse running along the northern boundary. This becomes the main river the Wormleighton Brook towards the south east of the site. There is also a potential presence of protected species for environmental permits within the site, the European Water Vole.

Environment Agency response

Inadequate FRA

Cont/d..

In the absence of an acceptable Flood Risk Assessment (FRA) we **maintain our objection** to the grant of planning permission and recommend refusal on this basis for the following reasons:

Reason

The FRA submitted with this application does not comply with the requirements set out in paragraph 163 of the National Planning Policy Framework or Cherwell Local Plan Policy ESD 6 (Sustainable Flood Risk Management). The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

Explanation

We have reviewed the Flood Risk Assessment (EAS, 1319/2019 Rev: B, July 2019) submitted in support of the proposed development. We are pleased that the development has been re-located to Flood Zone 1 although the red line boundary of the site still lies within Flood Zone 3 (therefore 3b as detailed in our letter dated 24 April 2019). A flood risk assessment should explore the existing flood risk to the site and potential increased risk as a result of the proposed development. Mitigation such as floodplain compensation should then be considered if required in order to maintain the floodplain.

As the red line boundary encroaches into Flood Zone 3, a climate change assessment should still be undertaken using an appropriate allowance. As noted, the current Flood Map isn't based on detailed modelling for this area, rather broad scale generalised modelling which is used to indicate potential flood risk for further investigation.

Therefore there is still some uncertainty as to whether the development will impact on the floodplain. Providing more confidence in this by assessing the 1% AEP plus climate change extent is essential given that the base of the earth work's in some locations run exactly along the edge of the mapped Flood Zone (Site Plan, dwg no: A05/020 E, 01/07/2019). As the development has been re-located to an area of lower flood risk, full detailed hydraulic modelling may not be appropriate now but other methods should be used to improve confidence in the FRA's conclusions.

We note that the footpath proposed within the flood zones is to be set an existing ground level and therefore not impact on floodplain storage or impede flood flows (FRA section 4.7).

Overcoming our Objection

The applicant can overcome our objection by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase flood risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application.

Notes to local planning authority regarding decision

If the Local Authority are minded to grant permission against our recommendation, we request the Local Authority reconsult us for further representation. Please note we may have comments and conditions in other areas of remit following reconsultation.

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

withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

Foul drainage and water quality

In the FRA paragraph 6.25 it states that:

“The boats themselves are not part of the planning application, and it is understood that foul waste from narrowboats is usually pumped out to an underground holding tank where it will be periodically emptied via a licenced waste disposal firm.”

If this is the case and the boat users at the marina are not going to be using the private sewage treatment system then we are able to **withdraw our objection** on water quality grounds. However the applicant and local planning authority will need to be aware that an environmental permit will be required for the use of the proposed private sewage treatment system which is for the clubhouse. Please be aware that the permit may not be granted.

The equivalent of 20 houses were proposed to use the private sewage treatment system. In the current submission the numbers of people who would use the facility have been reduced and the applicant has calculated the rate of discharge from the site to Wormleighton Brook as the equivalent of three four bedroom houses which would not need to connect to the public sewer.

The applicant has identified the sewage system they would use and proposed a reed bed before the discharge reaches the brook. It is unclear which Conder SAF system they would install and clarification of this is sought.

The calculations of usage of the facilities in Appendix M for the FRA are based on low numbers (48 people) this is the best case scenario. There must be capacity in the system to deal with peak usage. During the time the applicant has considered March-October, this is a particularly sensitive time for ecology and higher numbers of people may use the facilities at this time leading to variable discharge rates and it must be ensured that the discharge is of a quality that does not impact the environment. Calculations must be undertaken for 50% and 75% usage of the facilities.

Informatives

Environmental permitting regulations (EPR) - main rivers

This development may require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated ‘main rivers’. This was formerly called a Flood Defence Consent. Some activities are also now [excluded](#) or [exempt](#). An environmental permit is in addition to and a separate process from obtaining planning permission. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

Environmental permit – Foul drainage

The foul drainage associated with this development will require an Environmental Permit under the Environmental Permitting Regulations 2010, from the Environment

Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on **08708 506 506** for further advice and to discuss the issues likely to be raised. You should be aware that the permit may not be granted. Additional 'Environmental Permitting Guidance' can be accessed via our main website (<https://www.gov.uk/government/publications/environmental-permitting-guidance>).

Final Comments

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

Please quote our reference number in any future correspondence.

If you have any queries please contact me.

Yours sincerely

Miss Michelle Kidd
Planning Advisor

Direct dial 02030259712

E-mail planning_THM@environment-agency.gov.uk

cc SBRICE Ltd