

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

Our ref: WA/2018/125672/01-L01
Your ref: 18/01363/F
Date: 12 September 2018

Dear Mr Sackey,

Improvement of community facilities compromising construction of disabled toilet, garage for community minibus, bi-fold door and patio.

Wendlebury Village Hall Main Street, Wendlebury, Oxfordshire, OX25 2PS.

Thank you for consulting us with this application. We have reviewed the information submitted in regards to our remit on flood risk, including the Flood Risk Assessment (FRA) prepared by K R Wilce, 24/07/2018.

The application site is located within Flood Zone 1, 2 and 3 According to our Flood Map for Planning. This is defined as areas at low, medium and high risk of flooding, in accordance with Table 1 'Flood Risk' of the Planning Practice Guidance.

The development proposals involve three elements. An extension to create an additional toilet facility, the erection of a garage and replacement of existing windows. The extension and patio aspects of the development are classed as minor development in terms of flood risk and are covered by our Flood Risk Standing Advice.

Environment Agency Position

In accordance with paragraphs 160 and 163 of the National Planning Policy Framework (NPPF) in the absence of an acceptable Flood Risk Assessment (FRA) we **object** to the grant of planning permission and recommend refusal on this basis for the following reasons:

Reasons

The application site lies within Flood Zones 2 & 3 defined by the National Planning Policy Framework (NPPF) and associated Flood risk and coastal change National Planning Policy Guidance (NPPG) as having a medium & high probability of flooding. Paragraph 163, footnote 50 of the National Planning Policy Framework (NPPF) requires applicants for planning permission to submit a FRA when development is proposed in such locations.

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The FRA submitted with this application prepared by K R Wilce, dated 24/07/2018 does not comply with the requirements set out in the National Planning Policy Framework 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 demonstrate whether the 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 can be completely mitigated for.

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.

The application seeks approval to construct an extension to incorporate a disabled toilet, replacement of windows and small patio area and construction of a garage to house the Wendlebury Community Minibus. The proposed garage will increase the built footprint on site by 33sqm.

The proposed garaged is potentially located within the 1 in 100 flood extent with appropriate allowance for climate change, and therefore would need to be mitigated. The applicant should demonstrate whether the proposed garage is within the 1 in 100 flood extent or not.

Floodplain Compensation

Specifically, the FRA will need to demonstrate that any increase in built footprint within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for 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.

Level for level compensation is the matching of volumes lost to the flood plain, 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% annual probability (1 in 100) flood level with an appropriate allowance for climate change to be available. A comparison of ground levels (topographical survey) with modelled flood plain levels will show land above the 1% annual probability (1 in 100) flood level with an appropriate allowance for climate change to be used as compensation.

Level for level flood plain 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 proposed mitigation.

If it is not possible to provide level for level flood plain compensation then other forms of mitigation may be considered if agreed with the Local Planning Authority (LPA). The FRA must 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.

If voids are proposed as an alternative form of mitigation these will need to be floodable, with the underside of the void above the 1% annual probability (1 in 100) flood level with

an appropriate allowance for climate change. The LPA must also be satisfied that they can enforce 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.

The applicant should demonstrate that raised finished floor levels for the proposed development are set above the 1% annual probability (1 in 100) flood level with an appropriate allowance for climate change. This will reduce the risk of flooding to people and property.

Informative – Environmental Permit

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>.

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.

In accordance with the Planning Practice Guidance (Reference ID: 7-043-20150415), 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.

Yours sincerely

Mr Alex Swann
Planning Advisor

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