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Cherwell District Council
Planning Policy
Bodicote House White Post Road
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Banbury
OX15 4AA

Our ref: WA/2019/126896/01-L01
Your ref: 19/00214/DISC
Date: 21 August 2019

Dear Ms. Ford

Partial discharge of conditions 13 (positioning of bicycle and bin stores), 24 (design and construction details), 25 (final surface treatment), 31 (landscape design), 53 (site levels) and 84 (ecological construction method statement) of 10/01780/hybrid

Bicester Eco Town Exemplar Site Banbury Road Bicester

Thank you for consulting us on the above application, on 23 July 2019.

We wish to comment on the potential discharge of condition 84 and 31. We have no further comments on the potential discharge of conditions 13, 24, 25 or 53.

We have reviewed the following documents:

- 701-809-UA001881-03
- 500-004-UA001881-01
- 500-003-UA001881-01
- 060-P01 and AL6157C_LSK006-Rev A

Environment Agency Position – Condition 84

We **do not recommend** the discharge of condition 84 based on the information submitted.

Reason 1 - Flood Risk

We are unable to agree to the discharge of condition 84 as the proposed bridge would restrict the watercourse's flow so that flood risk to the development, and existing houses, is likely to increase. This is contrary to paragraph 163 of the National Planning Policy Framework (NPPF).

Cont/d..

We are not satisfied that the proposed bridge will be set above the 1% annual probability flood event with an allowance for climate change and a minimum 600m freeboard. The plan referred to in this submission, 701-809-UA001881-03, illustrates the position of the soffit, but no dimensions or measurements have been submitted illustrating the position of soffit levels in relation to the watercourse and 1% annual probability flood event level plus the climate change allowance. As this is a predominately residential scheme we would expect an allowance of 35% to be used unless a different allowance can be sufficiently justified. It is therefore difficult to determine whether the bridge soffit is appropriate to avoid causing an increased risk of flooding and erosion in a future of climate change.

Please refer to 'Flood risk assessments: climate change allowances' for further information on climate change allowances.

The plans provided do not show the position of the abutments in relation to the natural bank and watercourse. The amount of encroachment into the channel and obstruction to the natural flow regime of the watercourse posed by the proposed bridge is also unclear. Abutments should be set at least 1m back from the top of the bank and be wide enough apart to function under flood conditions. This may require flood modeling to demonstrate flow capacity.

The plans provided illustrate that the proposed bridge design is to incorporate three piers. Piers can modify the natural flow regime of the watercourse and increase local flooding and contraction scour. To ensure the flow of the watercourse is not obstructed and to maintain a natural watercourse corridor we require bridges of a clear-span design.

The applicant should revise the proposal details and submit the requested information, including:

- Show in plan 701-809-UA001881-03, with dimensions/measurements, that the soffit level of the bridge shall be set 600mm above the 1% annual probability flood event with an appropriate allowance for climate change (35%).
- Provide more detail for the design and location of the bridge, particularly;
 - the location of the abutments set back from the top of the bank a distance sufficient to avoid an increase in flooding and impacts to biodiversity (see reason 2 below);
 - removal of the piers from the design to be replaced with a clear-span design. The clear span design should be used unless it can be shown to be impracticable and an alternative design justified; and
 - demonstrate the capacity of the bridge during flood events. Flood modeling may be required to demonstrate that the design of the bridge will not interfere with natural flows or increase the risk of flooding in a future of climate change.

Reason 2 - Biodiversity

We are unable to agree to the discharge of condition 84 as the proposed bridge uses piers within a watercourse situated within a flood plain.

The drawings provided appear to show a loss of natural bank, encroachment into the channel (through the abutments and pillars). There has been no information submitted

which assesses the ecological impact of the bridge crossing.

The applicant should submit an assessment of the ecological impact of the bridge crossing and the associated path works. The assessment should include:

- An assessment of ecological impacts and impacts on biodiversity. With a scheme to avoid, then mitigate and if it is not possible to avoid or mitigate, compensation for the impacts. The removal of the piers from the design and a clear-span bridge design should be considered in order to minimise impacts on channel ecology.
- Show how the banks will be protected from localised erosion risk resulting from people using the focused watercourse crossing. This is often in the form of localised fencing to deter dogs and people accessing the water and causing bank erosion and sedimentation of the channel.
- Show how the natural banks of the river will be retained or restored to ensure the continuation of a wildlife corridor along the river.

Environment Agency Position – Condition 31

We **do not recommend** the discharge of condition 31 based on the information submitted.

Condition 31 covers the scheme for landscape design. There does not appear to be any documents supporting the discharge of this condition in this consultation. We want to ensure that the floodplain crossing site, as with the rest of the development, contributes to the National Planning Policy Framework's (NPPF) requirements for;

- a net gain in biodiversity (Paragraph 175d);
- the use of green infrastructure to address climate change (Paragraphs 20, 150);
- green infrastructure to provide people with access to nature for health and wellbeing benefits (Paragraph 91); and
- green infrastructure to achieve clean air goals (Paragraph 181).

This can be achieved with the use of native species and species that provide habitat and food sources for wildlife, the inclusion of SuDS designed for wildlife (outside the floodplain), and well-marked paths to ensure people of all abilities are able to access nature without impacting it. Green infrastructure should accompany all grey infrastructure such as road verges with street trees and hedges, green wall on buildings and habitat corridors along bike and walking paths. These details should be included in any landscaping scheme.

Advice to Application – Environmental Permits

The plans provided indicate building works (bridge piers) within a watercourse situated within a flood plain. This will require a Flood Risk Activity Permit (FRAP) under the Environmental Permitting (England and Wales) Regulations 2016. In order for us to grant the FRAP, the crossing of the watercourse must be comprised of a clear spanning bridge, retaining or restoring natural banks to ensure a wildlife corridor and providing capacity for peak flood flows.

Final Comments

We are reliant on the accuracy and completeness of the reports in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours sincerely

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