



**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2017 (THE "EIA REGULATIONS")**

ENVIRONMENTAL IMPACT ASSESSMENT SCREENING AND SCOPING REQUEST

FOR RESIDENTIAL DEVELOPMENT COMPRISING:

**UP TO 400 DWELLINGS; TWO POINTS OF VEHICULAR ACCESS
ONTO DUKES MEADOW DRIVE; STRATEGIC SOFT LANDSCAPING,
INFRASTRUCTURE INCLUDING INTERNAL ROADS AND PATHS
AND DRAINAGE INFRASTRUCTURE IN THE FORM OF SUDS FEATURE**

**LAND AT DUKES MEADOW DRIVE, HANWELL FIELDS,
BANBURY, OXFRODSHIRE**

ON BEHALF OF AMBER DEVELOPMENTS LTD

AUGUST 2018

OUR REF: PF/9468

CONTENTS

1.0	Introduction	3
2.0	Site & Proposed Development	6
3.0	Conclusion	27

APPENDICES

Appendix 1	Site Location Plan
Appendix 2	Emerging Constraints (App 2 A) and Opportunities (App 2 B) Plans
Appendix 3	Emerging Masterplan
Appendix 4	Emerging Parameters Plans
Appendix 5	Photographic Assessment of Existing Site and Surrounding Area Including Key View from and into the Site
Appendix 6	Landscape and Visual Assessment – Using Wireframes to show the extent of the development
Appendix 7	Promotional Development – Explaining the Vision for the Site

1.0 INTRODUCTION

1.1 This report has been prepared by Framptons Town Planning on behalf of Amber Developments Ltd. The report comprises a formal request, with accompanying supporting information, relating to the emerging development proposals that have been presented to Cherwell District Council (CDC) as a policy promotion. The request is made for the Local Planning Authority to adopt a formal combined Screening & Scoping Opinion. The first component of the request is to determine whether a proposed development of up to 400 dwellings and associated elements constitutes an EIA development; and secondly to determine the Scope of technical assessment any Environmental Assessment should explore should Amber Developments seek to progress an application in parallel to their Cherwell District Council Local Plan Review Promotion, which is ongoing.

1.2 This report reflects the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017¹ (the “EIA Regulations”) and in accordance with Regulation 6 of the EIA Regulations, this report contains:

- A plan sufficient to identify the land;
- A description of the development, including in particular:
 - i. A description of the physical characteristics of the development and, where relevant, of demolition works;

¹ SI 2017/571

- ii. A description of the location of the development, with particular regard to the environmental sensitivity of geographical areas likely to be affected;
- A description of the aspects of the environment likely to be significantly affected by the development;
- Such other information or representations as the person making the request may wish to provide or make, including any features of the proposed development or any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

Requirement for EIA

1.3 In order to determine whether the proposed development is an ‘EIA development’, regard must be had for the EIA Regulations and supporting Planning Practice Guidance².

1.4 EIA development is defined by the EIA Regulations as development:

“Likely to have significant effects on the environment by virtue of factors such as its nature, size or location”.

² DCLG, 2015, online access: <http://planningguidance.planningportal.gov.uk/blog/guidance/environmental-impact-assessment/>

1.5 EIA development falls into two Schedules of the EIA Regulations. EIA is mandatory for developments listed within Schedule 1. Schedule 2 developments require EIA if they would lead to likely significant effects on the environment.

1.6 In deciding whether a Schedule 2 development is EIA development, Regulation 5(4) states:

“Where a relevant planning authority ... has to decide under these Regulations whether Schedule 2 development is EIA development, the relevant planning authority ... must take into account in making that decision;

a) Any information provided by the applicant;

b) The results of any relevant EU environmental assessment which are reasonably available to relevant planning authority... ; and

c) Such of the selection criteria set out in Schedule 3 as are relevant to the development.”

1.7 In order to allow Cherwell District Council to determine the need for an EIA, this report provides a description of the Site and proposed development, a review of the EIA Screening Criteria based on the EIA Regulations and the National Planning Practice Guidance (NPPG) and a site location plan at Appendix 1. The remaining Appendices provide detail on the emerging design philosophy and explore the landscape and visual impact of the proposed development.

2.0 SITE AND PROPOSED DEVELOPMENT

Site Context

- 2.1 The plan at Appendix 1 shows an area of land of circa 19.5 ha. The land is located between the existing Hanwell Fields development (BAN5) and the existing strategic sports facilities. The site derives potential access off Dukes Meadow Drive. The site is not within a Conservation Area and does not contain any listed buildings or other heritage assets.
- 2.2 The site is well related to the existing facilities of Hanwell Fields; the new schools on the BAN2 allocation; and the employment and retail facilities to the north of the town. Hanwell Fields is currently served by a number of local facilities, commensurate with a community and estate of its type and size including a shops, primary schools, recreational facilities and public houses. These facilities together with bus stops are within easy walking and cycling distance of the Site.
- 2.3 Overall the Site is considered to be in a sustainable location with a number of facilities within a reasonable walking and cycling distance. The plan at Appendix 1 shows the site in relation to the existing Hanwell Fields development where new linkages could be created to integrate the proposal into the settlement, which will have a knock-on impact of making the proposed additional allocation even more sustainable.
- 2.4 The site is in Flood Zone 1 and is therefore considered acceptable for residential development. Notwithstanding this status opportunities exist to design attenuation or SuDs features in the Public Open Space. This would enable surface water to be released at green

field run-off rates. Such features would also form a pond feature in times of wet weather as well as a biodiversity feature. There is sufficient land to accommodate such features and the loss of land has taken this into account in deriving the estimated net developable area.

2.5 From the desktop and field survey work undertaken, it does not appear that there are any major constraints, in ecological terms, to the development of the site, whilst it is considered that should protected faunal species be recorded, these can be fully mitigated for under the proposals.

2.6 In addition, development on the site presents the opportunity to deliver ecological enhancements within the development, through the provision of a network of green infrastructure and new habitat creation as well as specific enhancements in respect of fauna such as bats and birds. On this basis, it can be concluded that the site is highly deliverable in ecological terms and will comfortably demonstrate a net biodiversity gain.

Proposed Development

2.7 The It is considered that conservatively the land could accommodate up to 400 dwellings. This is based on the delivery of around 30 dwellings per hectare and a conservative loss of between 30% and 40% of the site area to infrastructure; green infrastructure; public rights of way and strategic sports facilities to complement those to the east of the site. Appendices 2 to 7 show the development and how it would be potentially be accommodated on the site.

2.8 It has been envisaged that the allocation of the land will:

- Deliver sustainable development;
- Assist the District's full objectively assessed housing need, including a diversity of housing stock for both market and affordable housing;
- Complement other developments to the north and west of Banbury including BAN2 and BAN5 which commit growth in these directions;
- Assist in the vitality and viability of small businesses and services within the adjacent Hanwell Fields District Centre;
- Deliver further public open space and strategic sports provision;
- Enhance the biodiversity and Green Infrastructure credentials on the site;
- Retain and enhance existing vegetation on the site where appropriate;
- Improve accessibility and linkages to local services, in particular pedestrian and cycle links.

2.9 It is considered that the Site has the capacity to accommodate change and could support a residential development as part of an appropriate extension to the town; adhering to local

design guidelines and through the implementation of strategically located green infrastructure.

- 2.10 The development would not affect the character or appearance of the surrounding countryside in any significant way, or the recreational enjoyment of footpaths. Opportunities exist to integrate the proposed land sympathetically into the landscape through suitable design; density and landscaping all of which can be refined.

3.0 SCREENING ASSESSMENT

Introduction

3.1 In determining whether the proposed development constitutes an EIA development, consideration should be had to the following:

- If the proposed development is of a type listed in Schedule 1;
- If not, whether it is listed in Schedule 2;
- Is it located within a sensitive area;
- It meets any of the relevant thresholds and criteria set out in Schedule 2; and/or
- Would it lead to likely significant effects on the environment.

3.2 These points are explored further in this section with reference to the EIA Regulations and supporting NPPG.

Schedule 1 Projects

3.3 EIA is mandatory for projects listed in Schedule 1 of the EIA Regulations. Schedule 1 developments are large scale projects for which significant effects would be expected and comprise developments such as new airports and power stations. The proposed development is not of a type listed in Schedule 1.

Schedule 2 Projects

3.4 EIA is discretionary for projects listed in Schedule 2. If the development proposed is of a type listed in Schedule 2 then it may be classified as EIA development depending on the location of the development (i.e. if it is within a sensitive area) and/or whether it meets any of the relevant thresholds or criteria in Column 2.

3.5 Sensitive Areas are defined in the EIA Regulations as:

- Sites of Special Scientific Interest and European Sites;
- National Parks, the Broads, and Areas of Outstanding Natural Beauty;
- World Heritage Sites and Scheduled Monuments.

3.6 In certain cases, local designations which are not included in the definition of sensitive areas, but which are nonetheless environmentally sensitive, may also be relevant in determining whether an assessment is required. Furthermore, in considering the sensitivity of a particular location, regard should also be had to whether any national or internationally agreed environmental standards (e.g. air quality) are already being approached or exceeded.

3.7 The proposed development falls within Category 10 of Schedule 2, 'Infrastructure Projects', sub-section (b) 'Urban Development Projects'. The site is not located in a sensitive area and therefore the thresholds should be applied. The thresholds for residential developments as set out in Schedule 2 relate to developments that "include more than 150 dwellings or the overall area of the development exceeds 5 hectares". The proposed development is for up to 400 units and is approximately 19.5ha. Accordingly, this screening assessment has been

prepared to determine whether the proposed development would be likely to result in significant environmental effects. To achieve this, Schedule 3 of the EIA Regulations and the National Planning Practice Guidance need to be considered. Information on these is set out below.

Schedule 3

3.8 Schedule 3 of the EIA Regulations sets out selection criteria which relate to specific matters including: the characteristics of the development; the location of the development; and the characteristics of the potential impact. These factors should be taken into account as part of the screening process and are set out below:

Characteristics:

- The size and design of the whole development;
- Cumulation with other existing development and/or approved development;
- The use of natural resources, in particular land, soil, water and biodiversity;
- The production of waste;
- Pollution and nuisances;
- The risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge;
- The risks to human health (for example, due to water contamination or air pollution).

Location:

- The existing and approved land use;
- The relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground; and
- The absorption capacity of the natural environment.

Potential Impact:

- The magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);
- The nature of the impact;
- The transboundary nature of the impact;
- The intensity and complexity of the impact;
- The probability of the impact;
- The expected onset, duration, frequency and reversibility of the impact;
- The cumulation of the impact with the impact of other existing and/or approved development;
- The possibility of effectively reducing the impact.

Consideration of Cumulative Effects

3.9 Schedule 4 of the EIA Regulations requires consideration of a proposed development cumulatively with other existing and/or approved development. Guidance on the consideration of cumulative effects in the EIA screening process is set out in the NPPG, which echoes the requirements of the EIA Regulations:

“Each application (or request for a screening opinion) should be considered on its own merits. There are occasions where other existing or approved development may be relevant in determining whether significant effects are likely as a consequence of a proposed development. The local planning authorities should always have regard to the possible cumulative effects arising from any existing or approved development.”

3.10 The Applicant is aware of the following current planning applications (summarised on Figure 1 below) within the surrounding area, which could result in the potential for cumulative effects with the proposed developments of the site which is red for ease of identification:

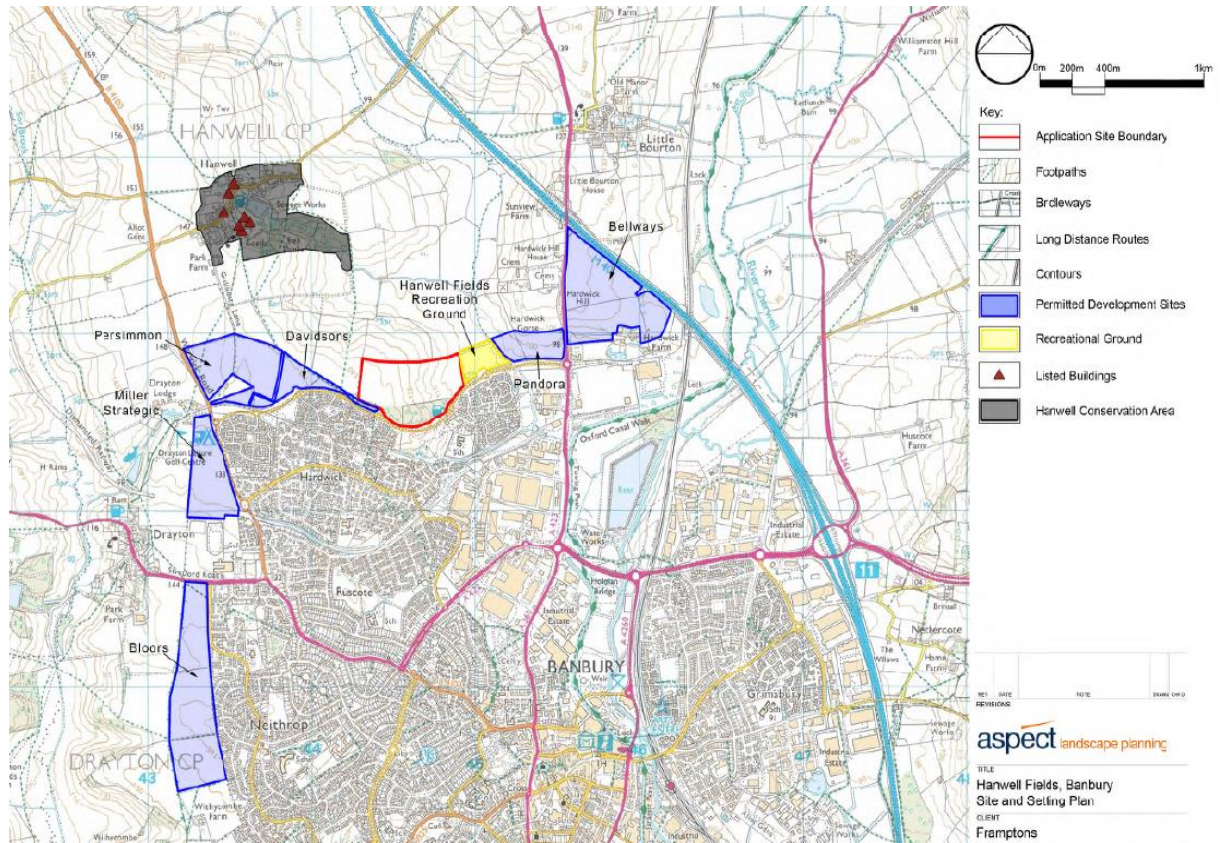


Figure 1. Committed strategic sites around Banbury

3.11 The majority of these applications have been subject to a positive screening opinion, i.e. the proposals did require an Environmental Statement and critically those at BAN5 were ES applications and are the nearest the land subject of this EIA Screening and Scoping Request.

4.0 SCREENING REQUEST CONCLUSIONS

- 4.1 The screening assessment has considered whether the proposed development, on land off Dukes Meadow Drive, Banbury for up to 400 residential dwellings, together with formal and informal open space, would result in likely significant effects on the environment.
- 4.2 The proposed development falls within Schedule 2, 10 (b) of the EIA Regulations, as an urban development project. The site is not located within a sensitive area as defined by the EIA Regulations but it falls above the indicative criteria and screening thresholds at more than 150 dwellings.
- 4.3 The proposed development's potential cumulation with other consented and proposed development has been considered in this assessment. Due to the urban nature of the existing site and surroundings, the proposals are unlikely to have any significant urbanising effects and it is considered that there will be no cumulative adverse impacts arising from the proposed residential development which would result in the requirement for an EIA.

5.0 EIA SCOPING – SUGGESTED ES SCOPE

5.1 On the assumption that the LPA confirms the conclusions listed in Section 4 are reasonable and therefore agree that the developments proposed are EIA Development it is submitted that the ES will need to address the following site-specific assessments (listed alphabetically) and follow the following format:

Environmental Statement Chapters

- Agricultural Land
- Air Quality (Specifically the impact on the AQMA's of the Town)
- Arboricultural impacts
- Archaeology and Heritage
- Construction impacts (Specifically management of dust)
- Ecology and Biodiversity
- Flood Risk and Drainage
- Ground Conditions (Specifically the relatively high levels of naturally occurring arsenic)
- Landscape and visual assessment
- Lighting (Specifically the impact on the relatively nearby Hanwell Observatory)
- Noise and Vibration
- Rights of Way (Specifically assessing the impact on footpaths within the site)
- Site waste management
- Socio-economic impacts
- Transportation and highways
- Utilities and Services

5.2 Intended EIA Format: This Environmental Statement (ES) will be prepared under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017.

5.3 The Environmental Statement is intended to comprise three main parts:

- Main body of the report (likely to be two volumes);
- Technical Appendices; and
- A Non-Technical Summary (NTS) of the ES.

5.4 Throughout the EIA process, the likely significant environmental effects of the Proposed Development will be assessed. Each environmental topic will be assigned a separate chapter in the ES and within these chapters the information which will inform the EIA process have been set out in the following way:

- Introduction
- Methodology
- Baseline Conditions
- Impacts
- Mitigation
- Cumulative Impacts
- Residual Impacts
- Conclusions

5.5 The anticipated chapters of the ES will include the following areas of assessment (subject to the LPA confirming no additional areas of consideration are necessary):

- Front cover; title, contents, list of tables, figures etc.
- Introduction
- Site and setting
- ES Methodology (including the assessment of alternatives)
- The Proposed Development
- Planning Policy (National, Local, others)
- Landscape and Visual
- Ecology and Biodiversity – including Green Infrastructure
- Arboriculture, Trees and Hedgerows
- Grounds Conditions including Contamination
- Agriculture and Soils
- Drainage and Flood Risk
- Heritage and Archaeology
- Highways and Transportation
- Environmental considerations – Noise and Vibration and Air Quality
- Utilities and Services
- Socio-Economic – including Education
- Cumulative Impacts
- Overall Conclusion

6.0 OVERALL CONCLUSIONS

- 6.1 It is submitted that the information provided by the report and its multiple appendices is sufficient for the Local Planning Authority and any relevant stakeholders consulted by the Council to offer a reasoned combined EIA Screening and Scoping Opinion on the basis of the information available at the time of requesting the opinions.
- 6.2 It is submitted that by reason of development type, scale and location the cumulative impacts would constitute development requiring the formation of an Environmental Statement to examine the anticipated significance of the environmental impacts.
- 6.3 On this basis the suggested scope and format of the ES is outlined in Section 5 of this report.
- 6.4 My Clients and I look forward to receiving the combined EIA Screening and Scoping Opinion of the LPA in the specified timescale and confirmation that the Scoping Opinion will be placed on the Public Register in accordance with Regulation 23(2).

