



Appendix 3.4

**A) ENABLING WORKS EIA SCREENING REQUEST AND B) CDC
SCREENING OPINION (AUGUST 2021)**

Ref: Q210325.C.007.EW
Email: elin.fradgley@quod.com
Date: 27th July 2021

Rebekah Morgan
Principal Planning Officer – Major Projects Planning Team
Environment and Place Directorate
Cherwell District Council
Bodicote House
Bodicote
Banbury
OX15 4AA

By Email

Dear Rebekah,

Proposed Enabling Works, Land adjacent to Junction 10, M40 Motorway – EIA Screening Opinion Request (Regulation 6, The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

I write further to Albion Land's recent pre-application meeting with Cherwell District Council (CDC) on 2nd July 2021 in relation to forthcoming development proposals at the above location. On behalf of the Albion Land (the 'Applicant'), we write to request an Environmental Impact Assessment (EIA) Screening Opinion from CDC in accordance with Regulation 6(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) ('EIA Regulations').

To assist CDC in its adoption of a screening opinion, we enclose figures at Annex 1 and an EIA Screening Appraisal at Annex 2, which satisfy Regulation 6(2) as follows:

- A plan sufficient to identify the Enabling Works Site;
- A description of the development, including physical characteristics of the development and, where relevant, of demolition works;
- 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;
- A description of the likely significant effects of the development on the environment resulting from expected residues and emissions and the production of waste, where relevant; and the use of natural resources, in particular soil, land, water and biodiversity; and
- Measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

The Site and Setting

The Applicant intends to bring forward a planning application for enabling works at Land adjacent to Junction 10, M40 motorway. The subject site of the planning application ('Enabling Works Site') is located immediately north of Junction 10, M40 motorway at Baynards Green, approximately 6.5km north west of Bicester and 1.2km north east of Ardley. The nearest settlement is Fewcett, approximately 750m south west of the Enabling Works Site beyond the M40.

The Enabling Works Site covers an area of approximately 10.6 hectares ('ha') and is bound by the M40 motorway to the west and the A43 to the south. The Enabling Works Site currently comprises land predominantly in arable use together with a small section of the B4100 road. Figures showing the Enabling Works Site location and extent are provided in Annex 1.

The Enabling Works Proposals

The purpose of the proposed enabling works (the 'Enabling Works') is to provide access and services to part of a future planned employment development ('Employment Development') on adjacent land. The Applicant intends to submit two planning applications in summer 2021 for the Employment Development in due course for two parcels of land, located to the east and west of the A43 ('Eastern Parcel' and 'Western Parcels'). Both Employment Development applications will be submitted in outline with all matters reserved except access, for up to 280,000 square metres (sqm) Gross Internal Area (GIA) warehouse floorspace (B8 Use), along with vehicular access, circulation and open space.

Albion Land has voluntarily commissioned an Environmental Impact Assessment (EIA) process of the planned employment development ('Employment Development') which is already underway. A request for an EIA Scoping Opinion has recently been submitted to CDC for the Employment Development under the EIA Regulations (Ref: 21/02235/SCOP).

Subject to planning permission, part of the planned Employment Development would be occupied by DHL on a plot referred to as the 'DHL Plot'. The indicative layout of the units on the DHL Plot are labelled as Units 2 and 3 on Figure 2. The proposed enabling works will comprise the creation of a new access on the B4100, provision of an internal access works sufficient to service the DHL Plot and drainage works necessary to support the DHL Plot and Unit 1. The details of the Enabling Works are currently being developed in response to site surveys and traffic speed surveys. A more detailed description of the Enabling Works is provided in Annex 1.

The Enabling Works would not involve the construction of development platforms at the DHL Plot or other Plots, earthworks or levelling beyond the boundary shown in Figure 2, or construction of buildings / structures other than those which may be required to support services and drainage infrastructure.

Consideration of the EIA Regulations

EIA is mandatory for projects listed in Schedule 1 of the EIA Regulations which are typically large scale developments. The Enabling Works are not of a Schedule 1 project type.

EIA is discretionary for projects listed in Schedule 2. If a proposed development 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. The screening threshold for item '10(a) industrial estate development' which is can be regarded as being relevant to the proposed Enabling Works is *"The area of the development exceeds 5 hectares"*.

The Enabling Works Site covers an area of approximately 10 hectares (ha) and is over the 5ha threshold, therefore EIA screening is required. It is important to note that this EIA Screening Opinion Request considers the Enabling Works only, and given the nature of these, it is not anticipated that an EIA will be required. However, as the Enabling Works Site is above the Schedule 2 10(a) threshold, an EIA Screening Appraisal has been undertaken and is included at Annex 2. This appraisal considers the characteristics of the Enabling Works, including the potential for cumulative effects with other existing and approved developments.

The Enabling Works Site is not located in, or partly in, a sensitive area as defined by the EIA Regulations.

Potential for Likely Significant Effects

As the Enabling Works are over the 5ha threshold, the key stage in the screening process is to consider whether such works are *"likely to have significant effects on the environment by virtue of factors such as nature, size or location"*. As required by Regulation 5(4)(c), where a relevant planning authority has to decide whether Schedule 2 development is EIA development, they must take into account the relevant selection criteria set out in Schedule 3. The Screening Appraisal (Annex 2) has had regard to the relevant criteria and concludes that the effects of the Enabling Works are not likely to be significant alone or in cumulation with other existing or approved schemes.

The Government's online EIA planning practice guidance for EIA screening states, *"Only a very small proportion of Schedule 2 development will require an Environmental Impact Assessment"* (Para 018). The 'indicative threshold' provided in the guidance on the scale of an industrial estate development project which may need an EIA is stated as: *"Site area of the new development is more than 20 hectares."*

The proposed Enabling Works falls well below this indicative threshold and based on our Screening Appraisal, we conclude that the proposals are not likely to give rise to significant environmental effects and, as such, does not constitute an EIA development. This conclusion is based principally on the limited scale of the Enabling Works, the characteristics of the proposals and the sensitivity of the receiving environment.

It is acknowledged that the Enabling Works constitute an early phase of the emerging Employment Development. However, EIA case law determines that where a request for a screening opinion should

relate to the development consent being sought. The fact that some time in the future the small project (which in this case comprises the Enabling Works) will form part of a larger project does not mean that the cumulative effects of the larger project has to be considered in the screening process. As such, it is appropriate for the Enabling Works to be screened in isolation from the wider Employment Development.

The Employment Development will be subject to an EIA process which will encompass the Enabling Works Site together with land extending to a total of approximately 67ha. The Enabling Works, even when considered in combination with the Employment Development, would be unlikely to give rise to significant environmental effects and in any event, will be comprehensively assessed as part of the EIA process. CDC should have full confidence that the Applicant is not seeking to circumvent the EIA Regulations by bringing forward an Enabling Works application.

Mitigation Measures

The EIA Regulations allow mitigation measures, that would avoid or prevent what might otherwise have been significant adverse environmental effects, to be taken into account by the decision maker when considering whether EIA is required for Schedule 2 development.

During the Enabling Works, standard mitigation and good practice measures will be adhered to. These measures will include the following which the Applicant will expect would be secured through planning conditions:

- **Construction Environmental Management Plan (CEMP)** – This will include measures for traffic management, noise and dust control, soil protection, as well as details of any monitoring and reporting required.
- **Archaeological mitigation strategy** – to be agreed with Oxfordshire County Council (OCC).
- **Tree protection measures** – Significant effects on trees are unlikely however, subject to the findings of an Arboricultural Survey (ongoing) and Impact Assessment, measures to protect trees and other vegetation to be retained would be implemented during construction in line with BS 5837:2005.
- **Protected species mitigation measures** – measures to protect badgers and other protected species, including breeding birds, are required by legislation and will be implemented in accordance with relevant provisions.

Conclusion and Screening Opinion Request

Based on the findings of our own Screening Appraisal, we find that the Enabling Works are unlikely to give rise to significant environmental effects and, as such, do not constitute an EIA development. However, as set above we are seeking a screening opinion from CDC.

As you will be aware, Regulation 5(5) requires that in the screening opinion, the local authority should state: *'the main reasons for their conclusion with reference to the relevant criteria listed in Schedule 3'*. We would be grateful if you could confirm receipt of this request and therefore the start date for the 21-day decision period and that you are satisfied you have sufficient information to make your screening opinion. Should you require any further information in order to prepare your screening opinion and reasons for your decision, please do not hesitate to contact me.

Yours sincerely,



Elin Fradgley
Director

Enc. Screening Appraisal
cc.
Emma Lancaster, Quod
Kelvin Pearce, Albion Land

ANNEX 1

Figures

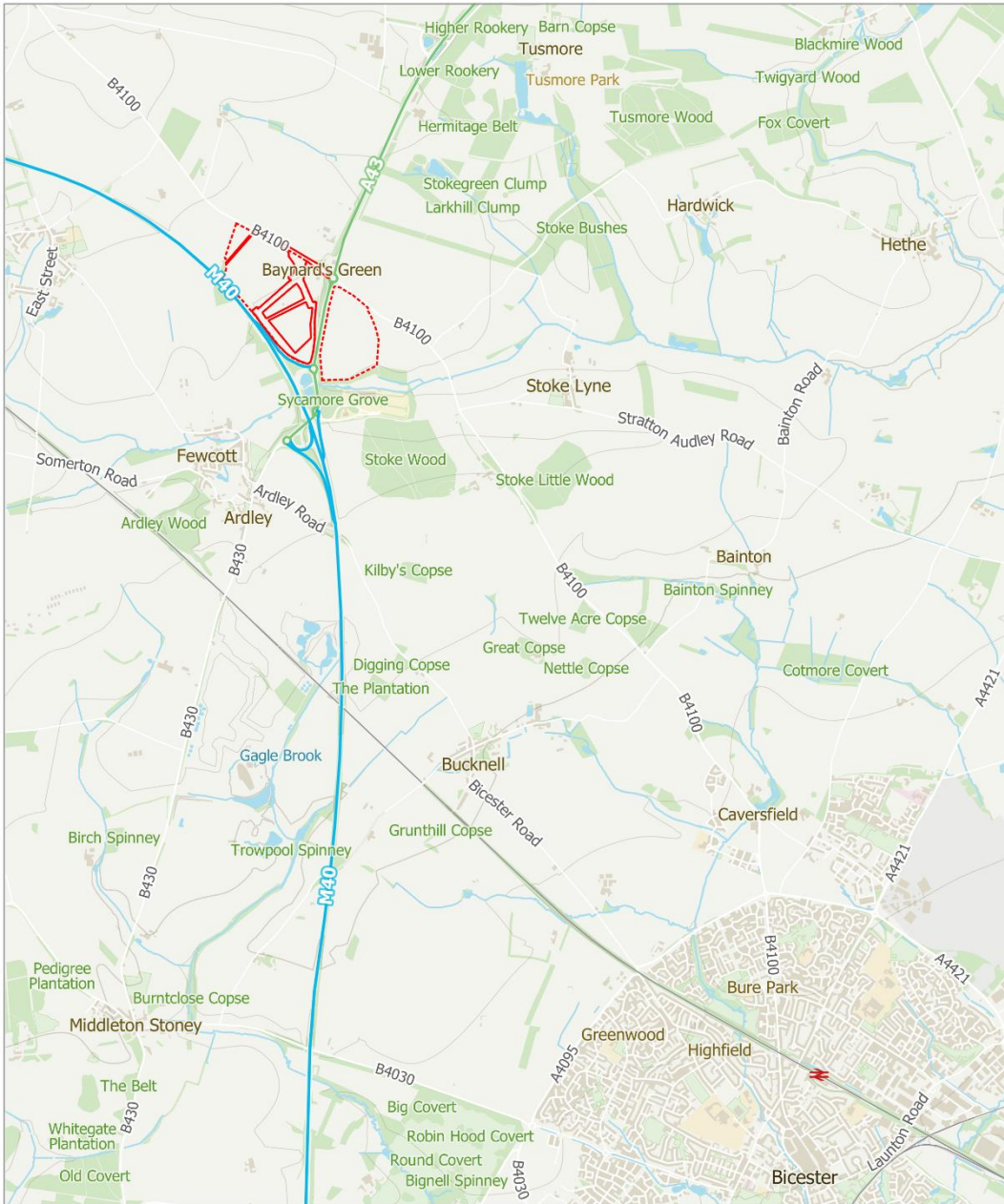
Figure 1: Site Location Plan

Figure 2: Indicative Boundary of Proposed Enabling Works and Enabling Works Site

Figure 3: Concept Drainage of Proposed Enabling Works Site

Figure 4: Environmental Sensitivities

Figure 1: Site Location Plan



Legend

- Enabling Works Site Boundary
- Land at J10, M40 Site Boundary (Western and Eastern Parcel)

Site Location Plan



Scale: 1:30,000 @ A4 | July 2021

Contains OS data © Crown copyright and database right 2014

Ingeni Building
17 Broadwick Street
London, W1F 0DE
020 3597 1000
www.quod.com



Figure 2: Indicative Boundary of Proposed Enabling Works and Enabling Works Site

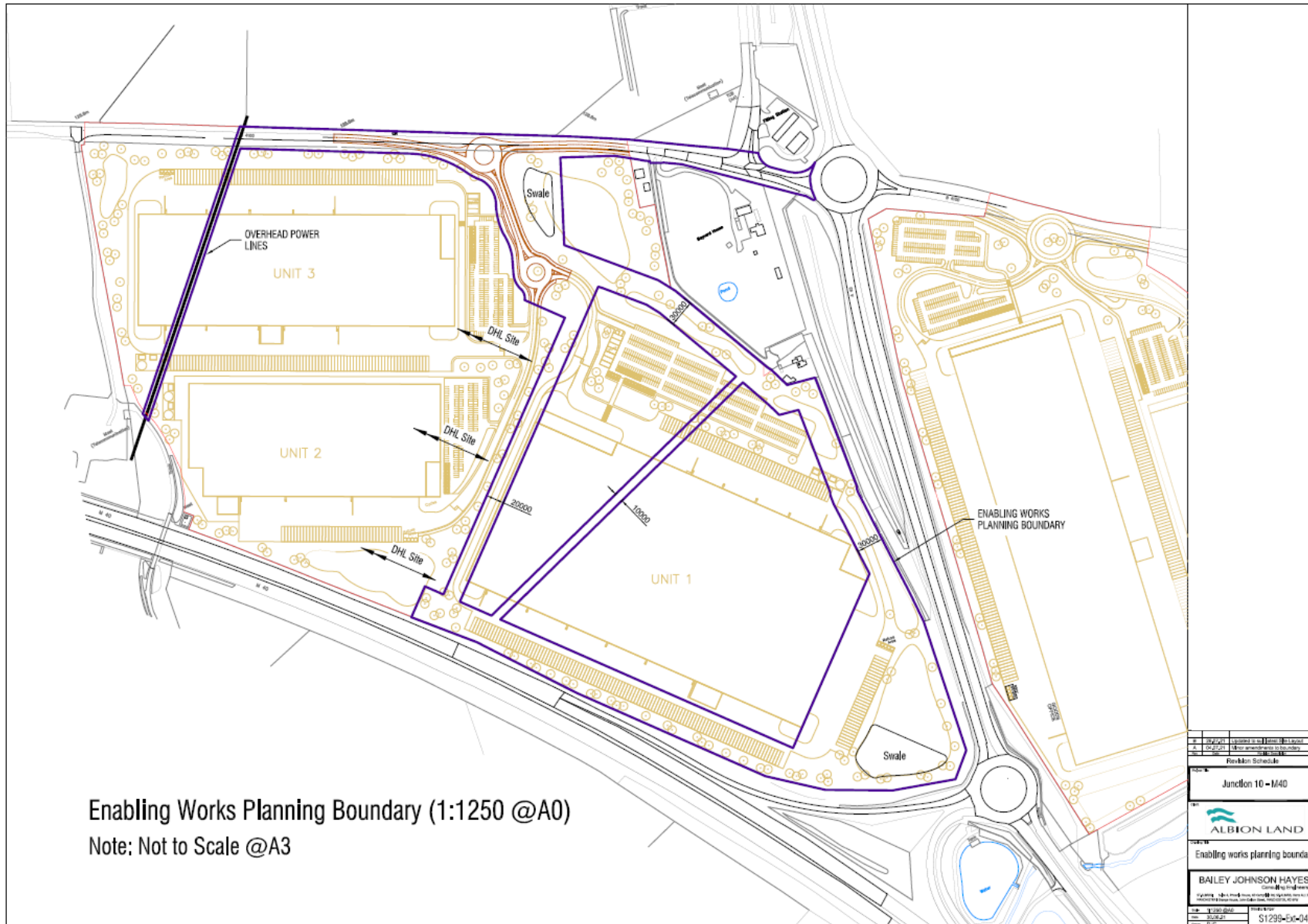


Figure 3: Concept Drainage of Proposed Enabling Works Site

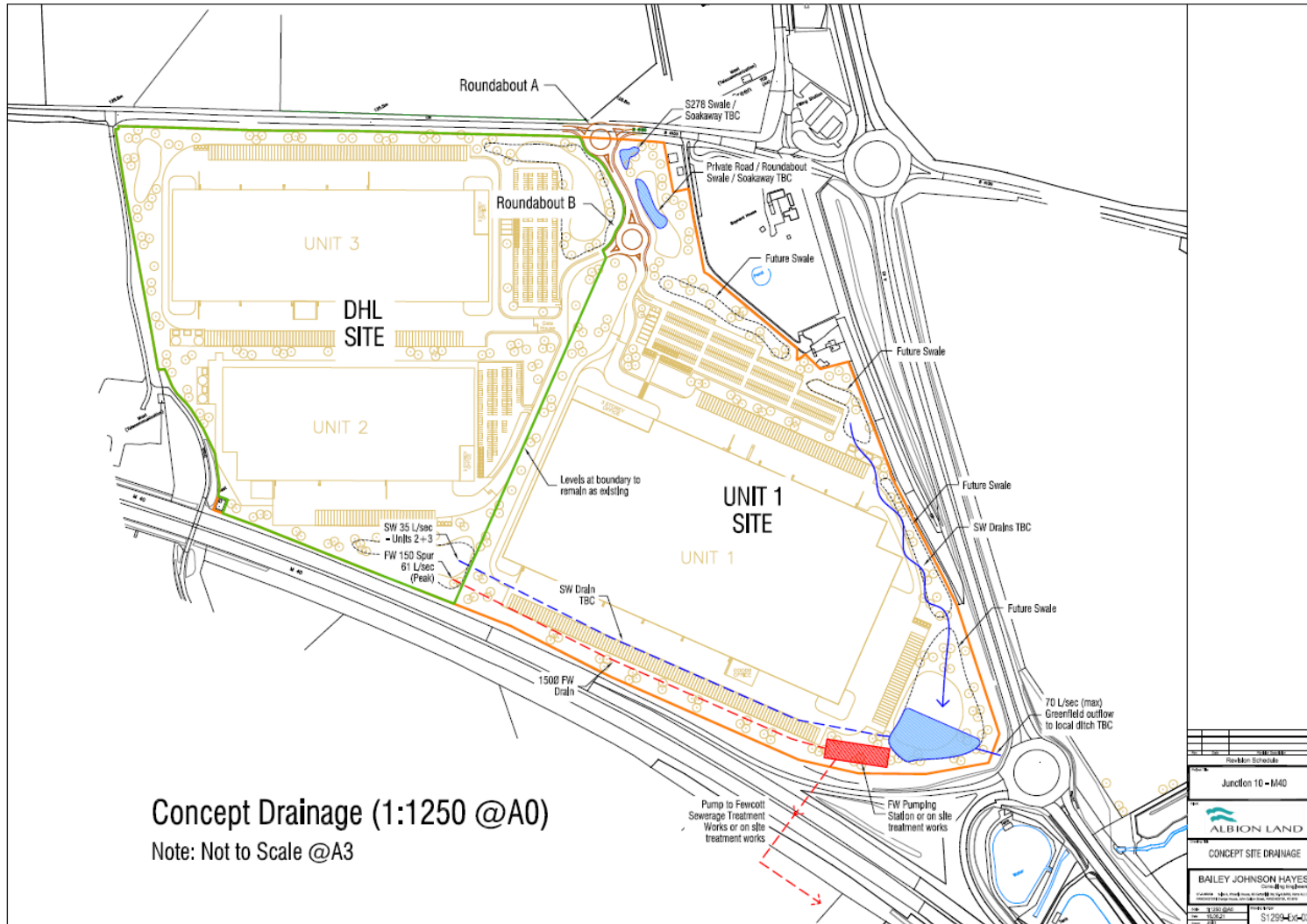
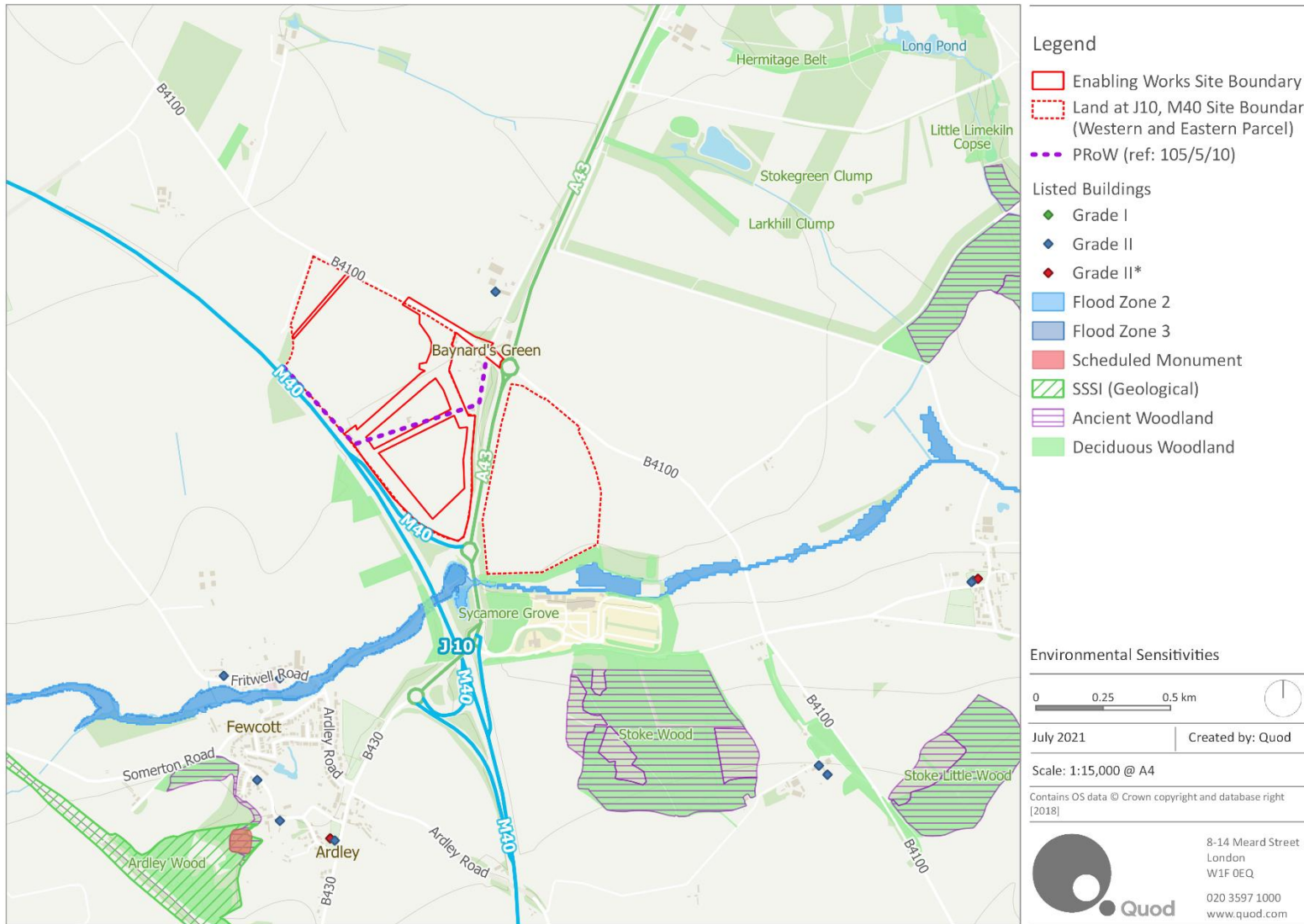


Figure 4: Environmental Sensitivities



- Legend**
- Enabling Works Site Boundary
 - Land at J10, M40 Site Boundary (Western and Eastern Parcel)
 - PRow (ref: 105/5/10)
- Listed Buildings**
- ◆ Grade I
 - ◆ Grade II
 - ◆ Grade II*
 - Flood Zone 2
 - Flood Zone 3
 - Scheduled Monument
 - SSSI (Geological)
 - Ancient Woodland
 - Deciduous Woodland


Environmental Sensitivities

0 0.25 0.5 km 🕒

July 2021 | Created by: Quod

Scale: 1:15,000 @ A4

Contains OS data © Crown copyright and database right [2018]



8-14 Meard Street
London
W1F 0EQ
020 3597 1000
www.quod.com

ANNEX 2

EIA Screening Appraisal: Proposed Enabling Works for Employment Use, Land adjacent to Junction 10, M40 Motorway

Schedule 3 of the EIA Regulations sets out selection criteria that should be considered, including the characteristics of the development, its location, the type and characteristics of the potential impacts and the possibility of effectively reducing the impact. This Annex provides an appraisal of the Development with reference to these criteria.

a. Site Location and Description

The Enabling Works Site covers an area of approximately 10.6 hectares ('ha') and is bound by the M40 motorway to the west and the A43 to the south. It is centred at National Grid Reference SP 54635 29097. A Site Location Plan and indicative boundary of the Enabling Works Site are shown in Annex 1, Figure 1 and Figure 2 respectively.

The Enabling Works Site predominantly comprises existing agricultural land, currently in use for arable farming together with a small section of the B4100 road. The field that houses the Enabling Works Site has narrow tree belts around some of its perimeters and comprises areas of bare ground, buildings, dry ditches, hedgerows (species-rich hedgerows, defunct species-poor hedgerows and hedgerows with trees), improved grassland, scattered trees, dense and scattered scrub, and tall ruderal vegetation. No Tree Preservation Orders (TPOs) are present within the Site boundary. The Site is located immediately north of Junction 10, M40 motorway at Baynards Green, approximately 6.5km north west of Bicester and 1.2km north east of Ardley. The nearest settlement is Fewcett, approximately 750m south west of the Site boundary beyond the M40.

Vehicular access to the Enabling Works Site will be gained via the B4100. The Site is located close to the Strategic Road Network with easy access to the A43 and Junction 10 of the M40.

A small number of residential properties are located adjacent to the Enabling Works Site boundary, in Baynards House and across the B4100 in Baynards Green (approximately 200m north of the Enabling Works Site). Baynard House, The Cottages and associated outbuildings, and Medkre are located to the east of the Enabling Works Site.

Environmental Sensitivities

The Enabling Works Site is not located within a 'sensitive area' (as defined in Part 1 of the EIA Regulations) (i.e. a Site of Special Scientific Interest (SSSI), National Park, Area of Outstanding Natural Beauty (AONB), World Heritage Site, Scheduled Monument or European Site¹) and is not subject to any statutory or non-statutory designations for nature conservation or heritage.

There are no World Heritage Sites (WHS), Scheduled Monuments, Registered Parks and Gardens or Registered Battlefields within the Enabling Works Site, or within 1km of its boundary. There are no statutory or non-statutory ecological designations within 2km radius of the Enabling Works Site. The

¹ As defined by the Conservation of Habitats and Species Regulations 2010.

nearest designated site is Ardley Cutting and Quarry geological SSSI, located approximately 1.25km south of the Site boundary. Ardley Trackways geological SSSI is located approximately 1.8km south of the Enabling Works Site. A pocket of ancient woodland within Stoke Wood which also includes semi natural woodland is located approximately 730m south east of the Enabling Works Site. Tusmore Park, a historic parkland and Scheduled Monument, is located 1km north east and Ardley Wood moated ringwork Scheduled Monument is located approximately 1.4km south west of the Enabling Works Site.

The fields within the Enabling Works Site are bounded by some narrow tree belts, dry ditches, hedgerows (mainly defunct species-poor hedgerows and hedgerows with trees), improved grassland strips, scattered trees, dense and scattered scrub, and tall ruderal vegetation.

The closest heritage assets are the Grade II listed barn at Baynards Green Farm, located approximately 200m north of the Enabling Works Site boundary. It is not located in an Area of Archaeological Potential and there are no statutory or non-statutory heritage designations on-site.

Based on the Environment Agency flood maps, the Enabling Works Site is shown to be located entirely within a Flood Zone 1. The majority of the Site is subject to a very low risk of flooding from surface water, although a localised area of land within the southern corner of the Enabling Works Site is subject to a medium risk of flooding from surface water. The Enabling Works Site is not subject to a risk of flooding from reservoirs and does not contain any surface waterbodies.

A Public Right of Way (PRoW) (ref: 105/5/10) crosses part of the Enabling Works Site, bisecting the Employment Development's Western Parcel from the B4100/A43 roundabout in the north east, through the Enabling Works Site extent to the Western Parcel boundary adjacent to the M40.

The Enabling Works Site is not located within, or near, an Air Quality Management Area (AQMA).

Annex 1, Figure 4 illustrates the environmental sensitivities identified within and in close proximity to the Enabling Works Site boundary.

b. Size and Design of the Development

The proposed Enabling Works will essentially comprise the creation of a new access on the B4100, provision of an internal access works sufficient to service the DHL Plot and Unit 1 and necessary drainage works. The details of the Enabling Works are currently being developed in response to site surveys and traffic speed surveys. However, it is anticipated that the Enabling Works are likely to include:

- Construction of a new access roundabout (roundabout 'A') on the B4100;
- Construction of an internal roundabout (roundabout 'B'), including adjacent footpaths, landscape verge and street lighting;
- Construction of a 7.3m wide roadway (including adjacent footpaths, landscape verge and street lighting) to connect roundabout A and roundabout B;
- Construction of bus layby on the internal access road;
- Foul drainage station to serve the Site, including construction of temporary road to the foul pumping station from the access road and installation of temporary electrical point;
- Construction of swales adjacent to the internal access road;

- Utility connections, including electricity, water, BT and GTT fibre infrastructure;
- Diversion of an existing overhead cable; and
- Provision of soft landscaping and planting.

Any surplus material arisings would be stockpiled on Unit 1 (Employment Development). The Enabling Works would take approximately 9 months to complete. A planning application for the Enabling Works is anticipated to be submitted in August 2021.

c. Use of Natural Resources and Production of Waste

Development of the Enabling Works Site would, by its very nature, require the use of a range of natural and man-made construction materials to complete the scheme. It is expected that the operational consumption of energy, water and other natural resources by the Enabling Works will be minimal due to the nature of the works and would not be significant.

The Enabling Works would be designed to avoid waste material arisings and avoid the need to export materials off-site. Top soil arising from the works would be stored on-site in line with good practice for future re-use. Other waste arisings from the works would be standard in nature and not significant in volume.

d. Socio-Economics and Human Health

The Enabling Works are likely to result in some indirect and induced employment opportunities, as well as spending by the construction workforce in the local area. However, due to the limited size and duration of the Enabling Works (9 months) any economic benefits would not be significant.

The Enabling Works are short term and would not give rise to any emissions which could significantly affect human health.

e. Pollution and Nuisances

Transport and Access

During the Enabling Works, Heavy Goods Vehicles (HGVs), mobile plant and other vehicles will access and egress the Enabling Works Site. Construction traffic routes and potential effects such as driver disruption, dust and dirt nuisances would be effectively dealt with through standard and widely used management measures secured through a CEMP. It is anticipated that a maximum of 20 HGVs per day will access / egress the Enabling Works Site for deliveries. The site team would travel to / from the Enabling Works via vans and cars, estimated to vary between 10-15 and 40-50 per day respectively. Due to the scale of the works, the temporary increase in HGVs and vehicles on the local road network would not be significant and is unlikely to be noticeable in the context of the existing traffic flows.

Users of the PRoW across the Enabling Works Site would experience some disruption during the works although this is unlikely to be significant with diversion of this PRoW (to follow the south east boundary and along the southern boundary with the M40) being implemented as part of the Enabling Works.

Noise and Vibration

The closest residential receptors to the Enabling Works Site are adjacent to the red line boundary, in Baynards House, The Cottages and associated outbuildings as well as inhabitants of Baynards Green, immediately north of the B4100 – a village of circa 450 people.

The Enabling Works would be undertaken over only a short period of time (9 months). The nature of the works is such that they are unlikely to generate significant noise or vibration effects on nearby receptors. Whilst there could be some temporary noise effects, these are would be controlled by industry standard good practice measures including acoustic screening / site hoardings and ensuring works are undertaken within agreed hours.

Where a receptor is affected by continuous traffic flow, significant increases in traffic flows are required to generate a 'just perceptible' change of 3dB. The volumes of construction traffic (approximately 20 HGVs per day) generated by the Enabling Works would be temporary and would not lead to a perceptible increase in traffic noise. Therefore, the Enabling Works would not result in any significant effects on local noise sensitive receptors. Noise from the Enabling Works Site and associated construction traffic is therefore unlikely to give rise to significant effects at sensitive receptors.

HGVs accessing / egressing the Enabling Works Site would have the potential to cause highly localised vibration effects along the B4100. However, given the limited volumes of traffic likely to be required to service the Enabling Works, effects would not be perceptible at receptors.

Air Quality

The Enabling Works Site is not located within or in the vicinity of an AQMA. The nearest AQMA is located in Bicester, approximately 6.5km south east of the Enabling Works Site, declared as a result of exceedances of the annual mean nitrogen dioxide (NO₂) objective. The closest sensitive receptors which may be potentially affected by the Enabling Works are residents adjacent to the Enabling Works Site and north of the B4100 in Baynards Green.

Standard good practice measures will be implemented during the works which would effectively minimise and control dust at source through the CEMP, e.g. water suppression and covering of transport vehicles. Dust control measures included within the CEMP will be based on guidance published by the Institute of Air Quality Management². With such measures in place, dust effects would not be significant.

Construction plant and equipment used for the Enabling Works will be required to comply with current EU emissions standards. As stated above, traffic generated by the Enabling Works would be minimal and whilst the vehicles would lead to some emissions of NO_x and particulates, these would be insignificant and well below the relevant screening threshold for air quality assessment³.

Ground Conditions and Contamination

An intrusive ground investigation is presently being undertaken at the Enabling Works Site and surrounding land to inform the detailed design and EIA process for the Employment Development. Desk-based studies, however, confirm that the Enabling Works Site has been undeveloped land since early records in 1880. British Geological Survey (BGS) records indicate that the topsoil is underlain by small areas of superficial deposits overlying the White Limestone Formation. Groundwater has

² Air Quality Management (2014). IAQM Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, London.

³ Moorcroft and Barrowcliffe. et al. (2017) Land-use Planning & Development Control: Planning for Air Quality. v1.2. Institute of Air Quality Management, London

been encountered at depths of 1.73m, 4.0m and 7.0m within the limestone. There was no evidence of any contamination, mining, or other ground related risks on-site.

Due to the lack of contamination and ground conditions risk issues, significant environmental effects are unlikely.

Water Resources, Flood Risk and Drainage

No watercourses or water features are present the Enabling Works Site which would be affected by the works. The Enabling Works Site is within Flood Zone 1, i.e. it is subject to a low probability of fluvial flooding. The majority of the Enabling Works Site is subject to a very low risk of flooding from surface water, although a localised area of land within the southern corner is subject to a medium risk of flooding from surface water. This risk could be effectively mitigated through engineered site levels and detailed drainage design. A concept drainage scheme has been designed (Figure 3) which is not yet fixed and would subject to approval by Oxfordshire County Council and Environment Agency to ensure it meets the required run-off rates.

Part of the Enabling Works will comprise the construction of swales to ensure the final Employment Development, including the Enabling Works, does not give rise to significant flood risk elsewhere. It is proposed that surface water will be discharged into such swales, and will therefore form part of the SuDS techniques employed on-site.

Potential risks to the underlying groundwater aquifer and surface water are minimal due to the nature of the works and would be effectively controlled through standard measures secured through the CEMP.

f. Archaeology

A desk-based archaeological assessment has been undertaken for the Enabling Works Site and wider Employment Development Site. A programme of archaeological geophysical surveys has also been undertaken.

Given the undeveloped nature of the Enabling Works Site, effects on buried archaeology are possible due to excavation, although there is no known knowledge of significant archaeology being present. However, should archaeological remains be present, these would most likely be of a local or possibly regional importance (Low to Medium significance respectively) and adverse effects could be suitably mitigated by preservation by record (archaeological fieldwork). An appropriate mitigation strategy will be discussed and agreed such that significant adverse residual effects could be avoided. All work will be undertaken in consultation with the OCC Archaeologist, in their role as advisors to CDC.

g. Built Heritage

The Enabling Works Site does not contain any designated or non-designated heritage assets. The closest heritage asset is the Grade II listed barn at Baynards Green Farm, located approximately 200m north of the Enabling Works Site boundary. The nature of the Enabling Works are such that significant effects on the setting of this listed building would not occur. No other heritage assets would be affected by the Enabling Works.

h. Landscape and Visual Impact

There are no statutory or non-statutory landscape value designations on or near the Enabling Works Site which would be affected by the Enabling Works. The Enabling Works Site predominantly

comprises fields bound by hedgerows and trees and part of the B4100 road corridor (including roundabout connecting to A43). The fields affected by the Enabling Works Site are open in character but no unique landscape features of value would be affected. A PRow (ref: 105/5/10) crosses part of the wider Employment Development Site, dissecting through the Enabling Works Site boundary (Annex 1, Figure 4). This PRow will be diverted to follow the south east boundary and along the southern boundary with the M40 as part of the works.

Potential effects on landscape character and local visual receptors would be temporary and are unlikely to be significant due to the nature of the works.

i. Ecology

There are no European Protected sites within 10km of the Enabling Works (e.g. RAMSAR, Special Area of Conservation (SACs), Special Protection Areas (SPAs)) and there are no statutory or non-statutory ecological designations within a 2km radius of the Enabling Works Site. The closest ecologically designated site is Ardley Cutting and Quarry, a geological SSSI, located 1.25km south west of the Enabling Works Site. Ardley Trackways geological SSSI is located approximately 1.8km south of the Enabling Works Site. Stokes Bushes Local Wildlife Site (LWS) is located approximately 1.2km north east of the Enabling Works Site. Stoke Wood LWS and Stoke Little Wood LWS are located 700m south and 1.9km south east of the Enabling Works Site respectively. Ardley Fields Quarry LWS is located 1.8km south of the Enabling Works Site and the Upper Heyford Airfield LWS is located 1.9km south. Ancient woodland and some semi-natural woodland is located approximately 730m south east of the Enabling Works Site. Annex 1, Figure 4 illustrates the above sensitivities. Overall, the Enabling Works Site is considered to be of a sufficient distance from these designations to not result in significant effects.

Some trees are present within, or in proximity, to the Enabling Works Site boundary, as well as hedgerows and dense scrub habitat. The hedgerows along the north east boundary of the Employment Development's Western Parcel, encompassing a large portion of the Enabling Works Site, would experience hedgerow removal, however appropriate native hedgerow replanting and buffers would be implemented to offset this loss. A defunct species-poor hedgerow bisecting the Enabling Works Site would be removed once construction activities commence. This hedgerow is of low ecological value. The majority of the Enabling Works Site comprises arable land, which is of low ecological value. As such, Enabling Works are not expected to give rise to any significant ecological effects.

Badgers are known to be active in the area of the Enabling Works Site and therefore appropriate mitigation strategies and an appropriate licence will be prepared and implemented in line with standard practice and protective legislation (Protection of Badgers Act 1992). Vegetation removal would be undertaken outside of the bird breeding season (defined as March to August inclusive) to avoid disturbance to nesting birds in line with legislative requirements (Wildlife and Countryside Act 1981). If this is not feasible, the vegetation removal would be supervised by a suitably qualified ecologist to ensure that no active birds nests are present before works commence.

There is a potential barn owl roost in the derelict farm building present within the Western Parcel encompassing the Enabling Works Site. As barn owls are protected under Schedule 1 of the Wildlife and Countryside Act, a pre-works surveys will be completed to assess if any barn owls are present. If so, any works involving the building would be supervised by a suitably licensed ecologist to make sure that if present, barn owls are not disturbed.

A suitably qualified ecologist would oversee the Enabling Works to ensure compliance with wildlife legislation. An ecological appraisal and protected species mitigation plan will accompany the planning application and will outline the relevant mitigation strategies. Landscaping will be delivered as part of the Enabling Works to offset habitat loss and deliver some biodiversity benefits, although these would not be significant.

j. Microclimate

Given the nature of the Enabling Works, they would not generate any microclimate effects such as wind, daylight, sunlight, overshadowing or light pollution.

k. Risk of Major Accidents and Disasters

There are no Control of Major Accidents Hazards (COMAH) registered activities within or in close vicinity to the Site. Construction of the Enabling Works will be undertaken in accordance with current health and safety regulations and guidance, in order to minimise the risk of accidents. Once complete, the Enabling Works will not include the use of particularly hazardous substances or technologies, and therefore risks associated with major accidents or disasters would be insignificant.

l. Risk to Human Health

The most significant risks to human health relate to poor ambient air quality and noise conditions. As set out above, these issues are capable of being addressed during construction works through standard mitigation measures as part of the CEMP that will likely be conditioned for the Enabling Works and, for the completed works, through design. The Enabling Works are not expected to introduce any activities that would affect the health of the local population, and therefore, are not considered likely to give rise to significant effects.

m. Climate Change

The Enabling Works will give rise to some greenhouse gas emissions although these would not be significant due to the limited scale and nature of the works.

Cumulation with Other Developments

Table 1 provides a schedule of other approved development schemes (known as ‘Cumulative Schemes’) which have been identified in proximity to the Enabling Works Site. This list was principally compiled based on the proximity of each scheme to the Enabling Works Site.

Table 1: Schedule of Cumulative Schemes

Cumulative Scheme	Distance from Enabling Works Site boundary
<p>21/02235/SCOP Scoping Opinion – Employment Development (Albion Land) Outline permission, all matters reserved except access, is proposed to be sought for circa 280,000 square metres (sqm) Gross Internal Area (GIA) warehouse floorspace (B8 Use), along with vehicular access, circulation and open space (the ‘Development’). Two outline planning applications will be submitted for the two parcels of land – eastern and western parcel. Land at Junction 10, M40, OX27.</p>	<p>Enabling Works form part of this scheme, therefore the majority are encompassed within red line boundary of Land at J10.</p>

Cumulative Scheme	Distance from Enabling Works Site boundary
Decision – Scoping Opinion due July 2021	
<p>18/00825/HYBRID A hybrid planning application for a site at Heyford Park for construction of up to 1,175 new dwellings, 35,175 sqm employment space, retail floorspace and new medical and educational facilities. Heyford Park. Decision – Currently under Consultation (July 2021)</p>	<p>Approx. 2.2km south east of Enabling Works Site.</p>
<p>14/01675/OUT as amended by NMA 19/00347/OUT and MMA 20/03199/OUT Outline planning permission for the erection of up to 53,000 sqm of floor space to be for B1, B2 and B8 (use classes) employment and 150 residential units. NW Bicester. Decision – Approved.</p>	<p>Approx. 5.7km south west of Enabling Works Site.</p>
<p>APP/C3105/W/20/3259189 Provision of a new leisure resort incorporating waterpark, family entertainment, hotel, conferencing facilities and restaurants with associated access, parking and landscaping. Land to the east of M40 and south of A4095, Chesterton, Bicester, Oxfordshire. Decision – Approved at appeal.</p>	<p>Approx. 7.5km south of the Enabling Works Site.</p>

The nature of the Enabling Works are such that the effects are unlikely to be significant when considered in cumulation with other developments. The Enabling Works will be complete before the Employment Development commences and as such, there could be no cumulative construction effects.

Planning and Development

David Peckford, Assistant Director – Planning and Development



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Albion Land
c/o Alistair Walker
Quod
8-14 Meard Street
London
W1F 0EQ

Elin.fradgley@quod.com

Bodicote House
Bodicote
Banbury
Oxfordshire
OX15 4AA

www.cherwell.gov.uk

Please ask for: **Rebekah Morgan**

Direct Dial: **01295 227937**

Email: **Rebekah.morgan@cherwell-dc.gov.uk**

Your Ref: **Q210325.C.007.EW**

16th August 2021

Dear Sir,

TOWN AND COUNTRY PLANNING ACT 1990

Application No.:	21/02581/SO
Applicant's Name:	Albion Land
Proposal:	Proposed Enabling Works
Location:	Land adjacent to Junction 10, M40
Parish(es):	Ardley with Fewcott Stoke Lyne

I write with regard to the above application, registered on 27th July 2021, which represents a formal request for a Screening Opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, as to whether the proposal set out in your submission requires an Environmental Impact Assessment (EIA). This letter constitutes the Local Planning Authority's Screening Opinion of the proposal.

Summary of Determination

The Local Planning Authority considers that the proposal represents an 'Industrial Estate Development Project' that falls within Schedule 2, section 10(a) of the Regulations. The site area would exceed the applicable threshold in column 2 of Schedule 2 although the development is not within a sensitive area. For the development to be considered an EIA development, it would be likely to have significant effects on the environment by virtue of factors such as its nature, size or location. In determining whether the proposals are likely to constitute EIA development, regard has been had to the criteria set out in Schedule 3 of the EIA Regulations 2017. Government guidance relating to EIA as set out in the Planning Practice Guidance (PPG) is also material and has also been taken into account.

The proposed '*enabling works*' are a pre-emptive proposal directly related to a far greater scale of development on the site, which has not yet secured planning permission. Whilst the applicant argues the enabling works are a '*smaller project*' and therefore should not be considered as part of a bigger project that may come forward in the future, the Local Planning Authority does not agree with that contention.

The nature of the works are specifically intended to facilitate provision of vehicular access to the larger portion of the site and associated highway works – the scale of the works proposed is directly related to the 'larger project' and its anticipated highway movements/impacts. The enabling works do not represent a 'small project' that could be delivered in isolation and would only commence if planning consent is ultimately secured for the larger project. The applicant referred to 'case law' but did not provide any details/references and it is not clear if the reference is to cases that specifically involve proposals for enabling highways work that are an integral part of the larger project.

Given the scale of the site proposed to be developed, significant environmental effects are likely to result when considered against the EIA Regulations and in considering the wider proposal as a whole. The Local Planning Authority considers that **this proposal does constitute EIA Development.**

Reasons for Determination

The enabling works site measures approximately 10.6 hectares ('ha') in size and is located to the north of Junction 10 of the M40 at Baynards Green, approximately 6.5km north west of Bicester and 1.2km north east of Ardley. The parcel of land served by the enabling works is positioned between the M40, the A43 and the B4100 in a triangular shape. The purpose of the enabling works is to provide access and services to part of a future proposed employment development on the surrounding land. The future proposed employment project includes two parcels of land situated to the east and west of the A43, with the proposed enabling works proposed to serve the larger proposal to the west.

The applicant has acknowledged the significant environmental impacts of the larger project and voluntarily commissioned an Environmental Impact Assessment (EIA) for the proposed employment development.

The land consists of 5 irregularly shaped fields, all with clearly defined boundaries of hedging with some trees. The eastern boundary is adjacent to an area of tree planting that gets gradually wider towards the Baynards Green roundabout. The eastern corner of the site is adjacent to a small cluster of dwellings.

It is stated in the accompanying documentation that *"the proposed enabling works will comprise the creation of a new access on the B4100, provision of an internal access works sufficient to service the DHL Plot and drainage works necessary to support the DHL Plot and Unit 1"*.

The land identified within this Screening request by the applicant is limited only to the land required for the construction of the enabling works. It is the Local Planning Authorities view that the enabling works are an integral part of the larger proposed development and cannot be carved off as a smaller project. The enabling works have been designed to specifically meet the requirements of the larger project and the two proposals are intrinsically linked. Therefore, the potential environmental impacts of the enabling works have to reflect the larger development that they are solely designed to serve.

The land itself is not within a sensitive area as defined by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 but it has a number of site constraints including potentially ecology, as well as several trees and hedgerows of importance across the wider site and the likelihood of significant environmental issues relating to the highway impacts of the proposal.

The PPG makes very clear that *"local planning authorities should always have regard to the possible cumulative effects arising from any existing or approved development"*, and furthermore that *"an application should not be considered in isolation if, in reality, it is an integral part of a more substantial development...in such cases, the need for Environmental Impact Assessment must be considered in the context of the whole development"*.

Substantial development is already taking place at nearby Bicester and the former Upper Heyford airbase, with approximately 6,000 dwellings and jobs for 3,000 being currently developed at North West Bicester Eco-Town, which is partly served off the B4100 and approximately 2,000+ more houses being developed at Heyford Park. Planning permission has also recently been granted for a new Great Wolf Indoor Leisure Resort at Chesterton near Bicester, which is anticipated to generate approximately 1000+ daily traffic movements, with about half of those journeys expected to travel through the M40 junction 10 roundabout. Cumulatively, the impacts of these highway works designed to serve a substantial logistics development combined with the development already approved and being built in the local area are likely to have significant effects.

In addition, although no development has been approved, it is public knowledge that a major Strategic Rail Freight Interchange proposal is being promoted on the opposite side of the M40 at junction 10 as a national infrastructure project that will ultimately be considered in due course by the Secretary of State. If approved, the cumulative impacts of that logistics development and these logistics development proposals would also be significant.

The scale of the larger development proposed at Baynards Green that would be facilitated by these works would have significant landscape and visual impacts and would inevitably lead to a significant increase in traffic along the M40, A43 and B4100 and through the M40/A43 junction 10 roundabout and the A43/B4100 Baynards Green roundabout, which may affect air quality. There would also be subsequent impacts upon existing biodiversity and natural vegetation present on site.

Development of the larger project is of a significant size and would likely have significant environmental and transport effects. In addition, the combined environmental and transport impacts of the North West Bicester Eco-Town, Heyford Park redevelopment and Great Wolf Leisure Resort proposals combined with these proposals would have significant cumulative impacts. In this respect, it is considered that this development cannot therefore be considered in isolation.

Schedule 3 of the EIA Regulations makes it clear that the size of the proposed development and its consequent potential impact need to be considered cumulatively with other existing and/or approved developments.

The Annex to the PPG sets out indicative thresholds as guidance for when a proposed development would be likely to result in significant environmental effects such that it amounts to EIA development. In this respect it regards the indicative threshold is when *'the site area of the new development is more than 20 hectares'*. In this case the potential increases in traffic, emissions and noise are identified as key issues to consider. These thresholds are indicative only as the specifics of the proposed development as well as site circumstances may make significant environmental effects either more or less likely. While the characteristics of the development (enabling works) on their own would not exceed the 20ha threshold, the development must be considered within the context of the proposed larger development project (as set out above). An application should not be considered in isolation if, in reality, it is an integral part of a more substantial development, as this would be.

The land is currently agricultural and given the scale of development proposed on the wider site, there is likely to be significant urbanisation in the area and there are likely to be significant impacts including increases in traffic which may affect air quality, impacts during the construction phases, ecological impacts and impacts upon the landscape. The extent of the impact as well as the duration, frequency and permanent result of the impacts has meant that the Local Planning Authority concludes that the likely significant environmental effects of the development can only be properly assessed through Environmental Impact Assessment.

Conclusion

Whilst the particular proposal is for enabling works only, the impact of this proposal must be considered as an integral part of the larger proposed scheme that it is designed to facilitate. For these reasons, it is considered that the proposed development cumulatively with other surrounding approved developments is likely to have significant effects on the environment and therefore Environmental Impact Assessment is required, and an Environmental Statement is required to be submitted with any future planning application.

This opinion has been made by an appropriately authorised officer at the Local Planning Authority. In accordance with the 2017 Regulations, a copy of this screening opinion has been placed on the Planning Register. In reaching this opinion the Local Planning Authority has considered the factors above, the criteria to Schedule 3 to the EIA Regulations 2017 (as amended) and the Planning Practice Guidance together with the thresholds and criteria set out in the Annex. The Local Planning Authority would encourage the submission of a formal scoping opinion to agree the scope and level of detail of the information to be provided in the Environmental Statement.

If you have any questions or queries regarding the above, please contact the Case Officer using the details provided above.

Yours faithfully.

Rebekah Morgan
Principal Planning Officer

Agreed By: Andy Bateson, Team Leader – Major Development