

Our ref: SR/ST19629/LET-001

Date: 4th April 2023

Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxon
OX15 4AA

Dear Sir/Madam

Request for Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 in relation to proposed development of 230 dwellings on land off Calthorpe Street, Banbury

We are writing on behalf of TR17 Banbury LLP (the Applicant), to request a formal EIA Screening Opinion under regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (herein the '2017 Regulations') in support of a full planning application for 230 dwellings on land off Calthorpe Street, Banbury. In accordance with paragraph 6(2) of the EIA regulations, we enclose a site location plan, and a description within this letter of:

- The site and the proposed development;
- The aspects of the environment likely to be significantly affected by the proposals;
- Any likely significant effects of the proposed development on the environment; and
- Measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

This letter sets out the legislative and environmental considerations of relevance to the proposals, to enable Cherwell District Council (CDC), as the relevant planning authority, to issue a Screening Opinion.

It is considered that the proposal does not comprise 'EIA development' as defined in the 2017 Regulations.





The Development Site and Surrounding Area

Site Description

The site is approximately 1.5ha in size and previously developed, comprising car parking and large commercial units within the south of the site which will be demolished as part of the proposals. There are also two smaller properties fronting on to the High Street, which will be retained as part of the proposals.

There is scattered tree and hedgerow planting on the boundaries of the site, and trees planted within the existing car park. The majority of these trees are Category C (low quality) and will be removed, however the proposals have been designed to retain Category A and B trees where possible.

The site is located south of the High Street in the centre of Banbury, surrounded by high density development. Existing land uses to the north and west are primarily commercial, with residential to the south and east. The site is immediately bound by:

- Marlborough Road to the north-east;
- Marlborough Road Methodist Church to the east;
- Gardens to the rear of houses on Marlborough Place to the south-east;
- Gardens and parking to the rear of houses on Dashwood Road to the south;
- Commercial development to the south-west;
- Calthorpe Street and commercial and residential buildings to the east; and
- High Street to the north.

Development Description

The development design is evolving following feedback from consultees and the results of environmental surveys, however, the current proposals are as follows:

- 230 dwellings as a mix of 1 to 3 bedroom apartments and 4 bedroom townhouses;
- Building heights between 2 and 5 storey (5 storey elements are primarily Lower Ground + 4);
- 95 parking spaces (with 25% EV charging in line with local policy requirements); and
- Main vehicular access off Calthorpe Street, with a service access off Marlborough Road.

In addition to the provision of EV charging, it is currently proposed to also incorporate the following:

- Green links through the site;
- Replacement and new areas of planting for both amenity and ecology, including green / brown roofs;



- Incorporation of some habitat features – e.g. swift bricks;
- PVs and Air Source Heat Pumps (if feasible); and
- 100% cycle parking for 1 beds, 200% for 2+ bed units.

The current block plan is enclosed in order to provide an indication of the design layout of the site.

Surrounding Area

The site is located within a Nitrate Vulnerable Zone. There are no other statutory designations within the site.

The site is located within Banbury Conservation Area and there are a number of listed buildings surrounding the site, the closest of which comprise:

- Danvers House, Dashwood House and Calthorpe House (Grade II*), located adjacent to the southern boundary of the site;
- Globe Inn (Grade II), located to the west of the site on the opposite side of Calthorpe Street (beyond the existing residential development located adjacent to the Site);
- The Old Wine House (Grade II) and Former Mechanics Institute and Municipal Technical School (Grade II), located to the east of the site on the opposite side of Marlborough Road.

A Heritage Assessment has been undertaken, the results of which have informed the design of the development proposals. The development offers the opportunity to reduce existing impacts on heritage assets in the area from the current land use.

The site is located within a Drinking Water Protected Area (Surface Water) and Drinking Water Safeguard Zone (Surface Water).

Request for EIA Screening Opinion

The EIA Regulations set out the thresholds for when a project would constitute an EIA development. If the proposal falls into one of the categories of development identified in Schedule 1, then EIA is mandatory. If the proposal falls into a category in Schedule 2, then EIA may be appropriate depending upon the scale of the proposed scheme and the sensitivity of the site and its surroundings. If a proposal exceeds the relevant thresholds set out within Schedule 2, or the receiving environment is considered sensitive, EIA Screening should be carried out against the selection criteria within Schedule 3.

The proposed development does not fall within any of the categories of development in Schedule 1 of the EIA Regulations.



The development falls under Schedule 2 Category 10 (b) of the EIA regulations. The proposals do not include for more than 1ha of development which is not residential, and the site does not exceed 5ha. However the proposals are for 230 dwellings and as such exceed the threshold of 150 dwellings. Therefore, EIA screening must be undertaken in accordance with EIA regulations.

The following table identifies the thresholds outlined in Schedule 2 as well as the indicative thresholds outlined within the Planning Practice Guidance (PPG).

Proposed development type	Schedule 2 criteria and thresholds	Indicative criteria and threshold	Key issues to consider
10. Infrastructure projects			
(b) Urban development projects	(i) The development includes more than 1 hectare of urban development which is not dwellinghouse development; or (ii) the development includes more than 150 dwellings; or (iii) the overall area of the development exceeds 5 hectares.	Environmental Impact Assessment is unlikely to be required for the redevelopment of land unless the new development is on a significantly greater scale than the previous use, or the types of impact are of a markedly different nature or there is a high level of contamination. Sites which have not previously been intensively developed: (i) area of the scheme is more than 5 hectares; or (ii) it would provide a total of more than 10,000 m ² of new commercial floorspace; or (iii) the development would have significant urbanising effects in a previously non-urbanised area (e.g. a new development of more than 1,000 dwellings).	Physical scale of such developments, potential increase in traffic, emissions and noise.

The PPG states that it should not be presumed that developments above the thresholds should always be subject to assessment, and that each development should be considered on its merits. Whilst the proposed development exceeds one of the Schedule 2 thresholds identified above, the PPG states that EIA is unlikely to be required for the redevelopment of land unless (1) the new development is on a significantly greater scale than the previous use, or (2) the types of impact are of a markedly different nature or (3) there is a high level of contamination. These matters are addressed in turn below:

- 1) The proposals are not on a significantly greater scale than the previous use. The built development will form smaller blocks across the site rather than one large building, which will be more in keeping with the scale of surrounding development.
- 2) It is considered the types of impact from the existing use and the proposed use are broadly similar, and predominantly relate to traffic, air quality, noise, visual, heritage and ground conditions. It is not considered that the proposals will introduce any impacts of a markedly different nature to those already experienced by the surrounding environment.



- 3) Due to the existing use of the site it is unlikely that there will be high levels of contamination within the site. An assessment of potential contamination risks will be undertaken in support of the planning application and, where necessary, further investigation undertaken and mitigation proposed.

Based on the above, in accordance with the PPG, it is not considered that an EIA is required to support the proposals. However, the proposal has been further screened against the selection criteria within Schedule 3 to robustly demonstrate that an EIA is not required. The aspects to consider are as follows:

1. The characteristics of the proposed development;
2. The location of the proposed development; and
3. The types and characteristics of any potential impact.

Appendix 1 of this letter provides an assessment of the proposed development against the criteria included in Schedule 1, 2 and 3 of the EIA Regulations, to enable CDC to issue a Screening Opinion. **It is considered that the proposal does not comprise “EIA development” as defined in the EIA Regulations on the basis that the proposed development is not likely to result in significant effects on the environment.**

Summary of Appendix 1

Based on the preliminary identification and assessment of the potential impacts and taking into account the existing uses of the site, its scale and location, it is not considered likely that the development will result in significant effects on the environment and as such it is not considered to comprise EIA development.

As a result of the existing use of the site, it is considered that its redevelopment would not introduce any markedly different or new effects on the surrounding environment and any potential impacts can be successfully dealt with by appropriate technical study and consideration through any planning proposal without necessitating the composition of a full EIA. The proposals offer the opportunity to provide betterment to the area, by incorporating measures which will reduce existing impacts.



We therefore request that CDC adopts a Screening Opinion, in accordance with Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, that the proposed development is not EIA development.

We look forward to receiving your response within the statutory three-week timescale.

Yours faithfully

for Wardell Armstrong LLP



SUSAN RAINE

Technical Director

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Enclosed

Proposed Site Location Plan

Proposed Block Plan



Appendix 1

Schedule 1 and 2 – Applicable Thresholds			Yes	No
1	Development description	The proposals are for the redevelopment of land for 230 dwellings.	N/A	N/A
2	Is it Schedule 1 development?	The proposed development is not described by any Schedule 1 development criteria.		✓
3	Is it Schedule 2 development?	The proposed development falls within category 10 (b) Infrastructure Projects – Urban Development Projects.	✓	
4	Does the development exceed the applicable threshold?	The relevant threshold criteria for development under category 10(b) is 5ha or 150 dwellings. The proposed development does not exceed the area threshold (at c. 1.5ha) but does exceed the dwelling threshold (at 230 dwellings).	✓	
5	Is the development located in, or partly in a 'sensitive area'?	The site is not located in a 'sensitive area', as defined in regulation 2(1) of the EIA Regulations.		✓
6	Is a Screening Opinion required?	The proposed development exceeds the threshold criteria of category 10(b) of Schedule 2 of the EIA Regulations 2017. Therefore, a Screening Opinion is required. On this basis, the proposed development is required to be assessed under Schedule 3 which sets out selection criteria for whether or not it constitutes as EIA development.	✓	

Schedule 3 – Characteristics of Development		
(a)	The size and design of the whole development	<p>The development design is evolving following feedback from consultees and the results of environmental surveys, however, the current proposals are as follows:</p> <ul style="list-style-type: none"> • 230 dwellings as a mix of 1 to 3 bedroom apartments and 4 bedroom townhouses; • Building heights between 2 and 5 storey (5 storey elements are primarily Lower Ground + 4); • 95 parking spaces (with 25% EV charging in line with local policy requirements); and • Main vehicular access off Calthorpe Street, with a service access off Marlborough Road. <p>In addition to the provision of EV charging, it is currently proposed to also incorporate the following:</p> <ul style="list-style-type: none"> • Green links through the site; • Replacement and new areas of planting for both amenity and ecology, including green / brown roofs; • Incorporation of some habitat features – e.g. swift bricks; • PVs and Air Source Heat Pumps (if feasible); and • 100% cycle parking for 1 beds, 200% for 2+ bed units.



(b)	Cumulation with other existing development and/or approved development	<p>It is considered the types of impact from the existing use and the proposed use are broadly similar, and the proposals provide the opportunity for betterment in terms of mitigation incorporated within the design of the scheme. Therefore, it is not anticipated that there will be significant adverse effects in cumulation with existing development.</p> <p>A review of CDC's planning website has not identified any approved or proposed development in the surrounding area which could potentially result in significant cumulative effects in combination with the proposed development.</p>
(c)	The use of natural resources, in particular land, soil, water and biodiversity	<p><u>Land and Soil</u></p> <p>The site is previously developed. An assessment of potential contamination risks will be undertaken in support of the planning application.</p> <p><u>Water</u></p> <p>The site is located in Flood Zone 1, therefore at the lowest category of risk. Due to the site being greater than 1ha, a Flood Risk Assessment will be produced to ensure that the development will not increase flood risk on site or elsewhere and that the site will be designed to be resilient to flooding. A Sustainable Drainage System will be implemented as part of the proposals which will include measures to mitigate the risk of surface or groundwater contamination during operation. During construction, pollution prevention control measures will be implemented.</p> <p><u>Biodiversity</u></p> <p>There are no sensitive ecological designations within or nearby the site. The site is previously developed with limited vegetation. A Preliminary Ecological Appraisal (PEA) has been undertaken which identified that none of the habitats onsite are of a significant value or would present a constraint to development.</p> <p>The PEA identified that the site may be used by bats and a bat survey has therefore been undertaken, which found no evidence that indicated the presence, or potential presence, of roosting bats in areas to be impacted by the proposals. The PEA also noted that common species of bird may use the site for nesting. As such, works should ideally be completed outside the bird nesting season or, if works are required during the breeding season they must only be completed following checks by an appropriately experienced person.</p> <p>Opportunities may exist to create small habitat areas and to use native species in any landscape planting. Opportunities may also exist to enhance the site for bat and bird species through the incorporation of bat/bird boxes into built structures. Such measures would therefore be beneficial to nature conservation and show compliance with the latest policy guidance.</p> <p>Overall, it is not considered that the proposals will result in significant ecological effects.</p>



(d)	The production of waste	The proposed development is not anticipated to generate significant levels of waste materials. Earthworks required for construction will be undertaken in accordance with a Construction Environmental Management Plan (CEMP) and any waste will be disposed of appropriately at the relevant and licensed waste facility.
(e)	Pollution and nuisances	<p>Due to the type of development proposed it is not considered likely that its construction or operation would utilise or release pollutants or toxic substances, nor would it lead to risks of contamination into surface waters or groundwater due to mitigation measures which will be put in place.</p> <p>Potential construction impacts would be mitigated through the adoption of a Construction Environmental Management Plan (CEMP) to ensure that construction works are carried out to best practice and prevent any pollution incidents from occurring. The application will be supported by the relevant technical assessments to establish the impact of the proposals and offer suitable mitigation if necessary.</p> <p><u>Noise</u></p> <p>The Proposed Development would produce a temporary amount of noise from the construction phase, and noise from vehicle movements during operation. However, it is not expected that the impact of this noise will be significantly different from noise currently associated with the existing land use.</p> <p><u>Air Quality</u></p> <p>The site is not within an Air Quality Management Area (AQMA) and it is not considered likely that the proposals will have a significant effect upon air quality, as the change in vehicular movements associated with the change in land use is unlikely to be of a high magnitude.</p>
(f)	The risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge	<p>Due to the nature of the works required to construct and operate the proposed development and subject to adherence to relevant health and safety requirements, it is unlikely that a major accident or disaster would arise.</p> <p>Changes to the future climate baseline have the potential to affect the proposed development through issues such as temperature; relative humidity; precipitation; snow and ice; gales, storms and extreme weather; solar radiation and cloud cover. However, the proposed development would be designed to ensure resilience to such impacts. The drainage design for the site will incorporate resilience to climate change.</p>
(g)	The risks to human health (for example, due to water contamination or air pollution)	<p>During construction, adherence to the adopted CEMP as well as the implementation of good practice health and safety measures, would minimise the risks to human health.</p> <p>During operation, it is not considered likely that the proposals would result in any significant risks to human health. It is not considered likely that the proposals will have a</p>



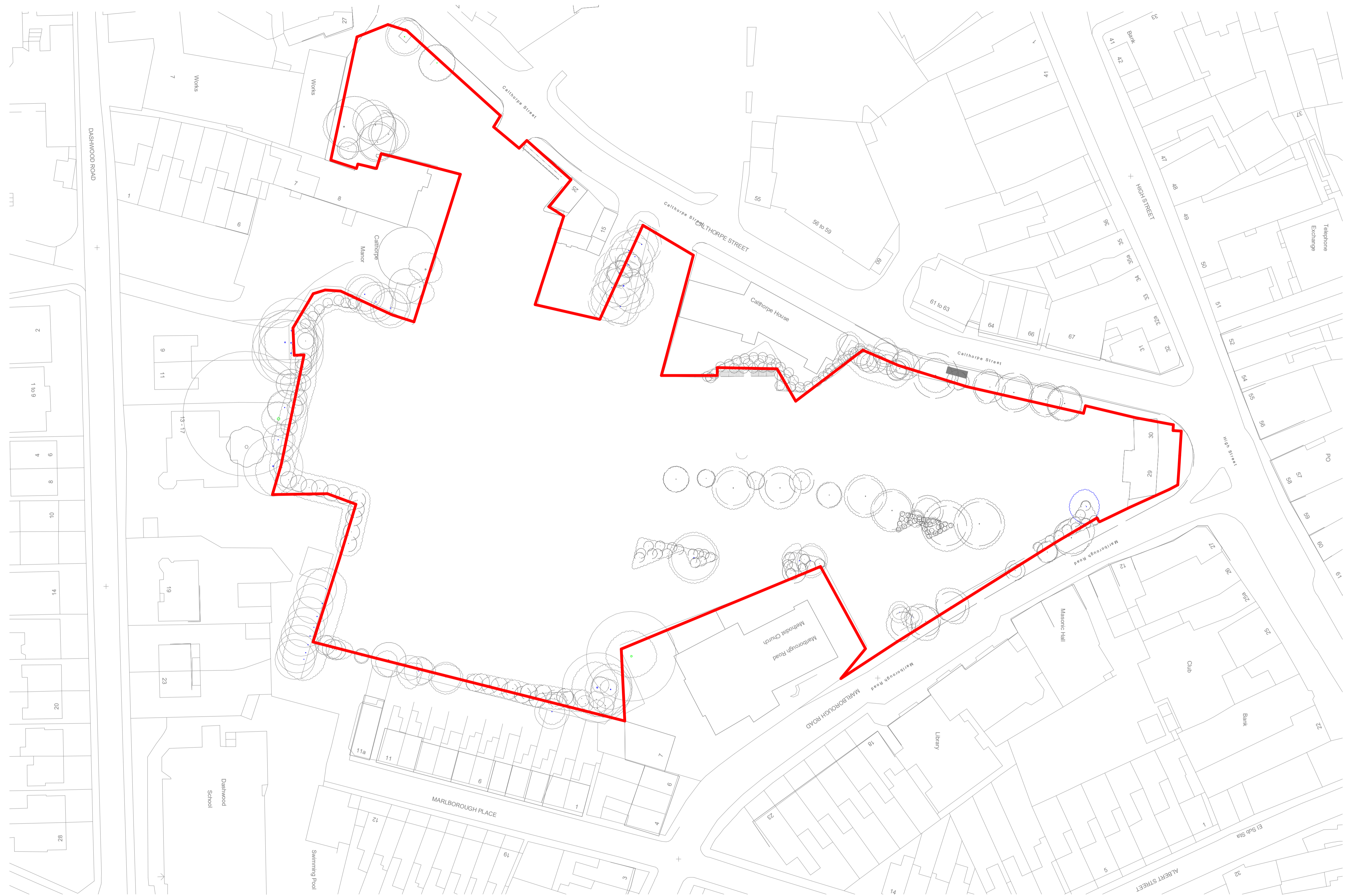
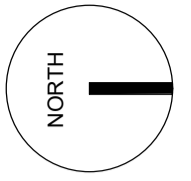
		significant effect upon air quality, as the change in vehicular movements associated with the change in land use is unlikely to be of a high magnitude.
Schedule 3 – Location of Development		
(a)	The existing and approved land use	<p>The site is previously developed, currently comprising car parking and commercial buildings used for retail.</p> <p>The site is located adjacent to existing residential development and therefore the proposed development would be in keeping with existing surrounding land uses.</p>
(b)	The relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground	<p><u>Soils and land</u> The site is previously developed.</p> <p><u>Water</u> The site is within a Nitrate Vulnerable Zone, a Drinking Water Protected Area (Surface Water) and Drinking Water Safeguard Zone (Surface Water). There are no water bodies within the site. The development will include an indicative Surface Water Drainage Strategy, incorporating Sustainable Drainage Systems (SUDS) where appropriate. The CEMP will include pollution prevention measures to ensure construction of the Proposed Development does not impact surface or ground water quality.</p> <p><u>Biodiversity</u> There are no sensitive ecological designations within or nearby the site. The site is previously developed with limited vegetation. A Preliminary Ecological Appraisal (PEA) has been undertaken which identified that none of the habitats onsite are of a significant value or would present a constraint to development.</p> <p>The PEA identified that the site may be used by bats and a bat survey has therefore been undertaken, which found no evidence that indicated the presence, or potential presence, of roosting bats in areas to be impacted by the proposals. The PEA also noted that common species of bird may use the site for nesting. As such, works should ideally be completed outside the bird nesting season or, if works are required during the breeding season, they must only be completed following checks by an appropriately experienced person.</p> <p>Opportunities may exist to create small habitat areas and to use native species in any landscape planting. Opportunities may also exist to enhance the site for bat and bird species through the incorporation of bat/bird boxes into built structures. Such measures would therefore be beneficial to nature conservation and show compliance with the latest policy guidance.</p> <p>Overall, it is not considered that the proposals will result in significant ecological effects.</p>



(C)	The absorption capacity of the natural environment	<p>Of the areas listed within Schedule 3, it is considered that the following could be affected by the proposed development:</p> <ul style="list-style-type: none">• densely populated areas;• landscapes and sites of historical, cultural or archaeological significance. <p><u>Densely populated areas</u></p> <p>The site is located within the centre of Banbury with existing residential development in the surrounding area. It is considered that the proposals could result in potential effects on the local population in relation to noise, air quality, traffic and visual impacts. However, it not considered that significant effects in relation to the above are likely as impacts will likely be largely similar to those related to the existing land use. Therefore the magnitude of change in relation to these topics is likely to be low. In addition, assessments of the above will be undertaken in support of the planning application and mitigation measures incorporated within the proposals where necessary.</p> <p><u>Landscapes and sites of historical, cultural, or archaeological significance</u></p> <p>There are a number of listed buildings within the vicinity of the site and the site is located within Banbury Conservation Area. A Heritage Assessment has been undertaken, the results of which have informed the design of the proposals. The result of this iterative and informed design approach will be that the aspects of heritage impact will be fully addressed through the design process, with the intention to ensure that the provisions of the relevant legislation are satisfied, and that National and Local Policies are adhered to.</p> <p>The assessment concluded that the existing condition of the site is not beneficial to the setting of a number of heritage assets, nor to the character or appearance of the Conservation Area. In some instances, the current conditions are having a moderate adverse or moderate/high adverse impact on heritage assets. It would be advantageous to the significance of these assets to take the opportunity to improve on these situations and remove or reduce harmful impacts wherever possible. Equally, there are also opportunities to provide active benefit to the existing character and appearance of the Conservation Area and the setting of heritage assets by means of a well-designed scheme which takes account of their significance.</p>
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Types and Characteristics of the Potential Impact		
(a)	The magnitude and spatial extent of the impact	The potential impacts of the proposed development are considered to be broadly similar to the existing impacts which the current land use has on the surrounding environment, and therefore the magnitude of the majority of impacts is considered to be low. Due to the nature of the proposals and the surrounding land uses, effects will be limited to receptors within the site and the immediate surrounding area. Any effects of high magnitude will be 'designed out' of the scheme or mitigated with appropriate measures.
(b)	The nature of the impact	Those impacts considered relevant to the proposed development, and as discussed in this request, include local amenity (visual, air quality and noise), the historic environment, ground conditions and transport.
(c)	The transboundary of the impact	There would be no transboundary impacts associated with the proposed development.
(d)	The intensity and complexity of the impact	The proposed development will involve standard design and construction processes and given the nature of the proposals, the potential environmental effects can be predicted with a reasonable amount of certainty. A suite of environmental appraisals will be provided with the planning application which will ascertain the effect on the environment and detail recommended mitigation measures where required.
(e)	The probability of the impact	The proposed development is unlikely to give rise to significant environmental impacts. Notwithstanding this, the effective implementation of proposed mitigation measures would ensure that the likelihood of any impact would be reduced.
(f)	The expected onset, duration, frequency and reversibility of the impact	There will be temporary construction impacts. The change from commercial to residential development will be permanent, however it is considered that the impacts will not be significantly different to those currently experienced by the surrounding environment and there will be opportunities to provide betterment as part of the scheme.
(g)	The cumulation of the impact with the impact of other existing and/or approved development	It is considered the types of impact from the existing use and the proposed use are broadly similar, and the proposals provide the opportunity for betterment in terms of mitigation incorporated within the design of the scheme. Therefore, it is not anticipated that there will be significant adverse effects in cumulation with existing development. A review of CDC's planning website has not identified any approved or proposed development in the surrounding area which could potentially result in significant cumulative effects in combination with the proposed development.
(h)	The possibility of effectively reducing the impact	The implementation of well-established and proven mitigation measures would ensure that there would be no unacceptable impacts, including any adverse significant effects, arising as a result of the proposed development.



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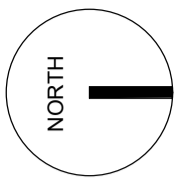
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