

Planning and Development

David Peckford, Assistant Director – Planning and Development



Cherwell

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Please ask for: **Chris Wentworth**

Email: **chris.wentworth@cherwell-dc.gov.uk**

Your Ref: **23/00920/SO**

25th April 2023

Dear Sir/ Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Application No.: 23/00920/SO

Applicant's Name: TR17 Banbury LLP

Proposal: 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

Location: NCP Car Park
Marlborough Road
Banbury

Parish: Banbury

I write with regard to the above Screening Opinion Request. This letter constitutes a Screening Opinion by the Local Planning Authority of the proposed development under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The development falls under Schedule 2 Category 10 (b) of the EIA regulations. The proposals do not comprise non-residential development on a site more than 1ha in area, and the site does not exceed 5ha. However, the proposals are for 230 dwellings and as such exceed the specified threshold of 150 dwellings. Therefore, EIA screening should normally be undertaken in accordance with EIA regulations.

However, whilst this development proposal would exceed one of the Schedule 2 thresholds identified above, the Government's Planning Policy Guidance (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.

In this instance, the proposals (which lie within the Cherwell Local Plan Policy Banbury 7 designated redevelopment area and would be subject to the terms of Banbury Vision and Masterplan SPD) are not on a significantly greater scale than the current retail and car park uses. The proposed built development would form smaller blocks across the site rather than one large building, which ought to be generally more in keeping with the scale of its surroundings providing building heights are not significantly taller. Also, the types of impact from the existing uses and the proposed residential use are broadly similar, and predominantly relate to matters such as traffic, air quality, noise, visual, heritage and ground conditions. The proposals would unlikely introduce any impacts of a markedly different nature to those already experienced by the surrounding environment. Furthermore, due to the existing use of the site, it is unlikely that there would be high levels of contamination. However, assessments of heritage impact on views towards and the wider setting of St Mary's Church and Banbury Conservation Area, and potential contamination risks could be undertaken in support of any subsequent planning application and, where necessary, further investigation undertaken, and mitigation proposed without the need for an Environmental Statement.

Based on the above, and in accordance with the PPG, it is **not considered that an EIA is required** to support the proposals and that the impacts of the development could be adequately assessed with a planning application and appropriate supporting documentation. In that regard, advice has previously been provided in the Council's response to pre-application submission 22/00492/PREAPP.

This opinion has been made by an appropriately authorised officer at the Local Planning Authority.

In accordance with the EIA Regulations, a copy of this screening opinion has been placed on the Planning Register.

Yours faithfully

Chris Wentworth MRTPI
Principal Planner (Major Projects North)

Agreed By: Andy Bateson, Development Management Team Leader