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Our Ref: 15/00040/SO

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3<sup>rd</sup> June 2015

Dear Mr Ryder

**Application Ref**      **15/00040/SO**

**Location**              **Land South Of Salt Way, Banbury**

**Proposal**              **Screening Opinion – Outline application with details of means of access for a development of up to 250 dwellings with associated infrastructure**

I write following receipt of your letter on 14<sup>th</sup> May 2015 which represented a formal request for the Local Planning Authority to adopt a Screening Opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended), as to whether the proposal set out in your submission requires an Environmental Impact Assessment (EIA). This letter constitutes the Screening Opinion of the Local Planning Authority for the proposed development under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

The Local Planning Authority considers that the proposal constitutes a Schedule 2 development by virtue of the proposed development being an urban development project falling within the definition of an Infrastructure Project as defined in Schedule 2, section 10(b) of the EIA Regulations 2011 (as amended) with the relevant applicable threshold exceeded (150 dwellings or a site area greater than 5ha). For the development to be considered an EIA development it would need to be likely to have significant effects on the environment by virtue of factors such as its nature, size or location having regard to the criteria set out in Schedule 3 of the EIA Regulations. Government guidance on interpretation of the EIA Regulations is provided within the Planning Practice Guidance which superseded Circular 2/99 on 6<sup>th</sup> March 2014. The Local Planning Authority considers that the proposal is likely to have significant environmental effects for the purposes of the EIA Regulations and that the proposal constitutes EIA Development. A planning application would therefore need to be accompanied by an Environmental Statement that includes the information set out in Schedule 4 of the EIA Regulations.

The site is greenfield and forms part of an undeveloped gap separating Banbury from the village of Bodicote. The site constitutes part of a wider site allocation for residential development in the Council's Submission Cherwell Local Plan which is currently awaiting the outcome of its examination. The site is adjacent to the Salt Way, a historic trading route and now a public right of

way that is a locally designated heritage asset. It is also in relatively close proximity to the statutorily designated Bodicote Conservation Area and is known to feature Neolithic archaeological deposits. Whilst the site is in a locally designated Area of High Landscape Value it is relatively flat and does not feature in beautiful or dramatic sweeping landscape views and also lacks notable ecological, flood risk, contamination and natural landscape constraints though a newly designated local wildlife site incorporates hedgerows along the site's northern boundary. However, traffic flows and car parking congestion around the site have long been considered to be problematic and affect the safe and convenient movement of traffic as well as detract from the enjoyment and character of Bodicote village for its residents. Furthermore, as a result of significant new recent development in and around Banbury, local education services are stretched and Oxfordshire County Council has identified a clear need for new facilities in order to be able to accommodate additional residents without adversely affecting education services for existing residents. Nevertheless, taken together and taking account of the criteria for considering the location of development as set out in paragraph 2 of Schedule 3, the site and the immediate surrounding area is not considered to be of such environmental sensitivity that the impact of the proposed development alone on the environment would be likely to be significant.

However, Schedule 3 makes it clear that the size of the proposed development and its consequent potential impact needs to be considered cumulatively with other development. In this respect the PPG states in ID: 4-024-20140306 that *"local planning authorities should always have regard to the possible cumulative effects arising from any existing or approved development. There could also be circumstances where two or more applications for development should be considered together..... where the overall combined environmental impact of the proposals might be greater or have different effects than the sum of their separate parts"*.

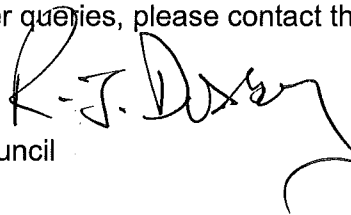
The Annex to the PPG sets out indicative thresholds as guidance for when a proposed development would be likely to result in significant environment effects such that it amounts to EIA development. In this respect it regards this as developments having a significant urbanising effect in a previously non-urbanised area and includes developments of over 1000 dwellings. Clearly this threshold is to be used as guide and in more environmentally sensitive areas a lower threshold would be expected to be applied. 145 dwellings have already been approved on land south of the Salt Way with another 350 dwellings expected to be approved shortly on land to the west of Bloxham Road following a resolution to grant planning permission earlier this year. A planning application is also awaiting determination for 1300 dwellings and associated community infrastructure on the adjoining land to the west. Therefore, the proposed development would result in a cumulative total of over 2000 dwellings (double the indicative threshold) being developed across a relatively contained area within a short period of time on greenfield land as part of a major urban extension to the south of Banbury.

Having regard to paragraph 3 of Schedule 3, the cumulative impact of such a development on wider and local landscape character, the special character and appearance of the Bodicote Conservation Area, community infrastructure and particularly local traffic flows (through Bodicote, along Wykham Lane and in Banbury itself) are likely to be significant, have a high probability of occurring and would be of a permanent nature. Consequently the Local Planning Authority considers that by virtue of the scale, nature and location of the proposed development it would, in combination with other planned and committed developments, have a significant urbanising effect on the environment which can only be properly assessed by the submission of an Environmental Statement. In reaching this opinion the Local Planning Authority has considered the factors above, the criteria in Schedule 3 to the EIA Regulations 2011 (as amended) and Planning Practice Guidance together with the thresholds and criteria set out in the Annex.


This opinion has been made by an appropriately authorised officer at the Local Planning Authority. In accordance with the EIA Regulations 2011 (as amended) and a copy of this screening opinion has been placed on the Planning Register.

If you have any further queries, please contact the Case Officer Matthew Parry.

Yours sincerely



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<b>Cherwell District Council</b>
Certified a true copy

Head of Public Protection & Development Management

