

1. Introduction

Overview

- 1.1 This Environmental Statement (ES) is part of a suite of documents that support an outline planning application (with all matters reserved except for access) (the 'Application') submitted by Vistry Homes Limited (the 'Applicant'). The proposals are for 170 residential homes (Use Class C3), new play facilities, public open space, landscaping and vehicular access from Warwick Road (B4100) (the 'Proposed Scheme') on Land East of Warwick Road, Banbury (the 'Site').
- 1.2 The Proposed Scheme is described as:
- 'Outline application for up to 170 dwellings (Use Class C3) with associated open space and vehicular access off Warwick Road, Banbury. All matters reserved except for access.'*
- 1.3 Further details of the Proposed Scheme are set out within **Chapter 4: Development Specification** and accompanying plans (which are listed below).
- 1.4 The Site is approximately 12.63 hectares (ha) in area and comprises two cultivated arable fields (Parcels A and B), divided by Gullicote Lane, with Parcel A to the west and Parcel B to the east. The Site is bound by hedgerows to the north and east, a narrow band of woodland to the south and a hedgerow along Warwick Road (B4100) to the west. The Site boundary is defined on **Figure 1.1**.
- 1.5 Turley were commissioned by the Applicant to undertake the Environmental Impact Assessment (EIA) and prepare this Environmental Statement (ES), with support from a competent project team (as set out in **Table 1.2**).
- 1.6 This ES is a material consideration in the determination of the Application^a by Cherwell District Council (CDC) as the local planning authority. The ES reports the outputs of the EIA process undertaken in accordance with The Town and Country Planning (EIA) Regulations 2017 (as amended)¹ (the 'EIA Regulations').
- 1.7 The remainder of this Chapter is structured as follows:
- Definition and aims of EIA;
 - Legal framework for EIA;
 - The project team and their roles;
 - Planning context;
 - Application documents and plans;

^a As set out in the Town and Country Planning Act 1990.

- Structure of the ES; and
- Availability of the ES.

Definition and Aims of EIA

- 1.8 EIA is defined by Regulation 4, Paragraph 1 of the EIA Regulations as *'a process consisting of:*
- (a) the preparation of an environmental statement;*
 - (b) any consultation, publication and notification required by, or by virtue of, these Regulations of any enactment in respect of EIA development; and*
 - (c) the steps required under Regulation 26^b.*
- 1.9 Under Regulation 4, Paragraph 2 of the EIA Regulations an EIA must 'identify, describe and assess in an appropriate manner, in light of each individual case, the direct and indirect significant effects of the proposed development on the following factors -
- (a) population and human health;*
 - (b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC(1) and Directive 2009/147/EC(2);*
 - (c) land, soil, water, air and climate;*
 - (d) material assets, cultural heritage and the landscape; and*
 - (e) the interaction between the factors referred to in sub-paragraphs (a) to (d)'.*
- 1.10 The aim of EIA, as defined by the online Planning Practice Guidance (PPG)², is *'...to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process. The regulations set out a procedure for identifying those projects which should be subject to an Environmental Impact Assessment, and for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental effects'.*

Legal Framework for EIA

Overview of the EIA Process

- 1.11 The EIA Regulations require that prior to consent being granted, for certain types of development, an EIA must be undertaken. The EIA Regulations set out the types of developments which must always be subject to an EIA (referred to as Schedule 1 development) and other development which may require an EIA, if they are likely to

^b Which sets out the legal considerations for whether planning permission or subsequent consent should be granted.

give rise to significant environmental effects (referred to as Schedule 2 development). The EIA process for the Application is summarised below.

Stage 1: EIA Screening

- 1.12 The Proposed Scheme does not fall within the description of any project listed within Schedule 1 of the EIA Regulations.
- 1.13 The Site is not located within a ‘Sensitive Area’^c, within the meaning of the EIA Regulations. The thresholds as set out within Schedule 2 should therefore be considered.
- 1.14 The Proposed Scheme meets the descriptions set out under Schedule 2, Paragraph 10 (b) ‘*Urban development projects*’ and exceeds the relevant thresholds/criteria^d. Therefore, the Proposed Scheme is Schedule 2 development.
- 1.15 Exceedances of the thresholds/criteria do not determine the requirement for EIA, but requires a subsequent stage to determine ‘*whether the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location*’. In order to ascertain this requirement, an EIA Screening Report was submitted^e to CDC on 9th August 2022. Given the characteristics of the Proposed Scheme/the receiving environment (including the Site and surrounding area) and the subsequent potential for likely significant effects, CDC requested^f that an ES be prepared in support of the Application.

Stage 2: EIA Scoping

- 1.16 In accordance with Regulation 15, Paragraph 1 of the EIA Regulations, a formal request for a Scoping Opinion supported by an EIA Scoping Report (**Appendix 2.1**) was submitted^g to CDC on 2nd November 2022.
- 1.17 A Scoping Opinion (**Appendix 2.2**) was received from CDC on 7th December 2022. A response to this has been prepared by the project team and is included in **Chapter 2: Approach to EIA**.
- 1.18 The scope of the assessment for the individual technical topics are set out within **Technical Chapters 6 and 7**.
- 1.19 Further details of the scoping process are provided in **Chapter 2: Approach to EIA**.

Stage 3: ES

- 1.20 The findings of the EIA are presented in this ES, which has been prepared in accordance with Regulation 18, Paragraph 3 – 5 and Schedule 4 of the EIA Regulations, as well as

^c i.e. Sites of Special Scientific Interest, European sites, National Parks, the Broads and Areas of Outstanding Natural Beauty, World Heritage Sites and Scheduled Monuments.

^d The Proposed Scheme includes more than 150 dwellings and the total Site area is greater than 5ha.

^e Via a request for a Screening Opinion, CDC reference 22/02422/SO.

^f Via a Screening Opinion received on 24th August 2022.

^g Via a request for a Scoping Opinion, CDC reference 22/03350/SCOP.

the online PPG². An overview of the EIA procedures and methodology adopted throughout this ES is provided in **Chapter 2: Approach to EIA**. The specific methodology adopted for each technical topic is detailed within the respective **Technical Chapters 6 and 7**.

- 1.21 **Table 1.1** provides a breakdown of the information required to be included within an ES (as defined by Regulation 18, Paragraph 3 – 5 and Schedule 4 of the EIA Regulations) and where this information is located within this ES.

Table 1.1: Required information, as specified by the EIA Regulations, and its location within the ES

Regulation 18	Schedule 4	Location within this ES
<p><i>(3) an environmental statement is a statement which includes at least -</i></p> <p><i>(a) a description of the proposed development comprising information on the site, design, size and other relevant features of the development.</i></p>	<p><i>(1) a description of the development including in particular:</i></p> <p><i>(a) a description of the location of the development;</i></p> <p><i>(b) a description of the physical characteristics of the whole development, including, where relevant, requisite demolition works, and the land use requirements during the construction and operational stages;</i></p> <p><i>(c) a description of the main characteristics of the operational phase of the development (in particular any production processes), for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used; and</i></p> <p><i>(d) an estimate, by type and quantity, of expected residues and emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation) and quantities and types of waste produced during the construction and operation phases.</i></p>	<p>Chapter 3: Site Context, Chapter 4: Development Specification and Technical Chapters 6 and 7, where applicable.</p>
<p><i>(3) (b) a description of the likely significant effects of the proposed development on the environment.</i></p>	<p><i>(5) a description of the likely significant effects of the development on the environment resulting from, inter alia:</i></p> <p><i>(a) the construction and existence of the development, including, where relevant, demolition works;</i></p> <p><i>(b) the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;</i></p> <p><i>(c) the emissions of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances and the disposal and recovery of</i></p>	<p>Technical Chapters 6 and 7, where applicable and Chapter 8: Assessment of Cumulative Effects.</p>

waste;

(d) the risk to human health, cultural heritage or the environment (for example due to accidents or disasters);

(e) the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;

(f) the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change;

(g) the technologies and the substances used.

The description of the likely significant effects on the factors specified in regulation 4(2) should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the development. This description should take into account the environmental protection objectives established at Union or Member State level which are relevant to the project, including in particular those established under Council Directive 92/43/EEC³ and Directive 2009/147/EC⁴.

(3) (c) a description of any features of the proposed development, or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment.

(7) a description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements (for example the preparation of a post-project analysis). That description should explain the extent, to which significant adverse effects on the environment are avoided, prevented, reduced or offset, and should cover both the construction

Chapter 4: Development Specification, Technical Chapters 6 and 7, where applicable, **Chapter 8: Assessment of Cumulative Effects** and **Chapter 9: Summary**.

Regulation 18	Schedule 4	Location within this ES
<p>(3) (d) a description of the reasonable alternatives studied by the developer, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment.</p>	<p>and operational stages.</p> <p>(2) a description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.</p>	<p>Chapter 5: Consideration of Alternatives.</p>
<p>(3) (e) a non-technical summary of the information referred to in subparagraph (a) to (d)</p>	<p>(9) a non-technical summary of the information provided under paragraphs 1 to 8.</p>	<p>Volume 4: Non-Technical Summary.</p>
<p>(4) an environmental statement must -</p> <p>(a) where a scoping opinion or direction has been issued in accordance with regulation 15 or 16, be based on the most recent scoping opinion or direction issued (so far as the proposed development remains materially the same as the proposed development which was subject to that opinion or direction);</p> <p>(b) include the information reasonably required for reaching a reasoned conclusion of the significant effects of the development on the environment,</p>	<p>-</p>	<p>Chapter 2: Approach to EIA and Technical Chapters 6 and 7, where applicable.</p>

taking into account current knowledge and methods of assessment;

(c) be prepared, taking into account the results of any relevant UK environmental assessment, which are reasonably available to the person preparing the environmental statement, with a view to avoiding duplication of assessment.

(5) in order to ensure the completeness and quality of the environmental statement -

(a) the developer must ensure that the environmental statement is prepared by competent experts;

(5) (b) the environmental statement must be accompanied by a statement from the developer outlining the relevant expertise or qualifications of such experts.

Chapter 1: Introduction and Appendix 1.1: Statement of Competence.

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(3) a description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the development as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.

Chapter 3: Site Context and Technical Chapters 6 and 7.

Regulation 18	Schedule 4	Location within this ES
-	<i>(4) a description of the factors specified in regulation 4(2) likely to be significantly affected by the development: population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape.</i>	Technical Chapters 6 and 7.
-	<i>(6) a description of the forecasting methods or evidence, used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the new required information and the main uncertainties involved.</i>	Technical Chapters 6 and 7.
-	<i>(8) a description of the expected significant adverse effects of the development on the environment deriving from the vulnerability of the development to risks of major accidents and/or disasters which are relevant to the project concerned. Relevant information available and obtained through risk assessments pursuant to EU legislation such as Directive 2012/18/EU of the European Parliament and of the Council⁵ or Council Directive 2009/71/Euratom or UK environmental assessments may be used for this purpose provided that the requirements of this Directive⁶ are met. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and the details of preparedness for and proposed response to such emergencies.</i>	Appendix 2.1: EIA Scoping Report and, where relevant, Chapter 4: Development Specification, Technical Chapters 6 and 7 and Chapter 9: Summary.
	<i>(10) a reference list detailing the sources used for the descriptions and assessment included in the environmental statement</i>	Chapters 1 – 9 , provided as endnotes within each Chapter.

The Project Team and Their Roles

- 1.22 Regulation 18, Paragraph 5 (a) of the EIA Regulations requires an EIA to be prepared by competent experts.
- 1.23 Turley is responsible for the co-ordination and leadership of the EIA process as well as the compilation and procedural review of the constituent parts of the ES (**Table 1.2**). The Institute of Environmental Management and Assessment (IEMA) has awarded Turley the EIA Quality Mark in recognition of our technical quality and commitment to improvement in practice.
- 1.24 All technical assessments presented in **Technical Chapters 6 and 7** have been undertaken by a suitably qualified project team (**Table 1.2**), inclusive of a thorough technical review to assure technical credibility, followed by a subsequent procedural review by the EIA co-ordination team at Turley.
- 1.25 A statement outlining the relevant expertise / qualifications of the project team is provided in **Appendix 1.1**.



Table 1.2: Project team and their roles

Team member	Role
Vistry Group Limited	Applicant.
EDP	Masterplanner, Built Heritage and Archaeology and Landscape and Visual consultants.
Turley	EIA consultant.

Planning Context

- 1.26 The EIA Regulations do not require an ES to assess compliance with planning policy or guidance with respect to the Proposed Scheme. The **Planning Statement**, which accompanies the Application, examines the merits of the Proposed Scheme against relevant national and local planning policy. However, where planning policy has informed assessments (i.e. the level of effect or assessment methodology), this has been clearly referenced within **Technical Chapters 6 and 7**.

Application Documents and Plans

- 1.27 As stated above, the ES is one of the documents submitted in support of the Application.
- 1.28 The technical assessments within the ES have been based on the following plans:
- **Figure 1.1: Site Boundary;** and
 - **Figure 4.1: Parameter Plan.**

- 1.29 The above plans are provided as part of **Chapter 4: Development Specification**. Key Design Principles have also informed **Chapter 4: Development Specification**. In addition to the above, **Figure 4.2: Illustrative Landscape Strategy** is provided to display the landscape strategy principles to be delivered for the Proposed Scheme. Given the nature of this plan, it is provided for illustrative purposes only in the ES.
- 1.30 There are a number of other documents / plans which provide a greater level of detail on how the Proposed Scheme is likely to come forward, how the Proposed Scheme complies with policy or provide assessments for technical topics for which no likely significant environmental effects are considered to arise. Where information from these documents has informed the description of the Proposed Scheme upon which the ES is based, this is clearly stated within **Chapter 4: Development Specification**. However, they do not inform the assessment of likely significant effects and are not connected to the ES.
- 1.31 These documents and plans are therefore submitted as stand-alone Application Documents or Plans and are as follows:
- Planning Statement (incorporating Affordable Housing Statement, Draft Heads of Terms and Public Rights of Way Statement);
 - Design and Access Statement (including Key Design Principles, Open Space Design and Secure by Design principles);
 - Statement of Community Engagement;
 - Energy and Sustainability Statement;
 - Flood Risk Assessment and Drainage Strategy;
 - Transport Assessment;
 - Travel Plan;
 - Air Quality Assessment;
 - Agricultural Land Quality Report;
 - Phase 1 Desk Study Report;
 - Lighting Impact Assessment;
 - Arboricultural Impact Assessment;
 - Ecological Appraisal;
 - Utilities Assessment; and
 - Technical Plans and Drawings (including Illustrative Masterplan).

1.32 Reference is also made to the **Statement of Community Engagement** in **Chapter 2: Approach to EIA**, which provides further information on consultation and engagement with the public and stakeholders.

1.33 The documents that have been used to inform this ES, in terms of baseline conditions, technical assessment or mitigation are provided in **Volume 2: Technical Appendices**.

Structure of the ES

1.34 The ES is provided in three parts:

- **Volume 1: Main Text and Figures;**
- **Volume 2: Technical Appendices;**
- **Volume 3: Environmental Management Plan;** and
- **Volume 4: Non-Technical Summary.**

1.35 **Volume 1: Main Text and Figures** provides the main text of the ES which is divided into Chapters that are supported by a series of figures and technical appendices as appropriate (see **Volume 2: Technical Appendices** below).

1.36 The structure of **Volume 1: Main Text and Figures** is outlined in **Table 1.3**.

Table 1.3: Structure of the ES

Chapter no.	Chapter title	Description of content
1	Introduction	Introduction to the ES, including definitions and aims of EIA, legal framework and requirements of EIA and the structure of the ES.
2	Approach to EIA	Outlines adoption and application of best practice within the EIA process, scope of the EIA, stakeholder engagement and approach to the assessment of likely significant effects.
3	Site Context	Overview of the location of the Site and the sensitive receptors identified in Technical Chapters 6 and 7 .
4	Development Specification	Comprehensive description of all elements of the Proposed Scheme including its physical characteristics across the construction and operational stages. It is this description that has informed the technical assessments reported in this ES. This description is also inclusive of the committed primary and tertiary mitigation considered in Technical Chapters 6 and 7 .

Chapter no.	Chapter title	Description of content
5	Consideration of Alternatives	Outline of the main alternatives considered by the Applicant.
6	Built Heritage and Archaeology	Presentation of the assessment of likely significant effects arising from the Proposed Scheme and secondary mitigation considered suitable to avoid, offset, or reduce anticipated adverse effects or improve beneficial effects.
7	Landscape and Visual	
8	Assessment of Cumulative Effects	Provides a single and comprehensive assessment of cumulative effects, including effect interactions and in-combination effects.
9	Summary	Summarises the outputs of the technical assessments presented within the ES.

- 1.37 As noted above **Volume 2: Technical Appendices** encompasses a range of technical reports which have informed the technical assessments presented in **Volume 1: Main Text and Figures**. The contents of **Volume 2: Technical Appendices** is provided within the contents page.
- 1.38 **Volume 3: Environmental Management Plan** provides a schedule of primary and tertiary mitigation (considered an integral part of the Proposed Scheme) and a list of secondary mitigation required. This acts as the checklist for all mitigation which is required to be implemented and acts as an Environmental Management Plan (EMP), which can be updated throughout subsequent stages of the project.
- 1.39 **Volume 4: Non-Technical Summary** provides a summary of the ES in a non-technical language to aid communication and understanding of the Proposed Scheme and the EIA process undertaken.

Availability of the ES

- 1.40 The Application has been submitted to CDC. The ES alongside all Application Documents and Plans are available on the CDC website for viewing and downloading at the following link:
- <https://planningregister.cherwell.gov.uk/>
- 1.41 Copies of the ES can be requested from Turley for a fee of £15 (digital file), via the following contact details:

Turley

The Pinnacle
20 Tudor Road,
Reading, RG1 1NH
Tel: 0117 989 7000

- 1.42 During the determination of the Application, members of the public may comment on the application via CDC, either in writing or through the CDC planning portal website. Comments can be sent via the following contact details:

CDC

Cherwell District Council
Bodicote House
White Post Road
Bodicote
OX15 4AA
Tel: 01295 227001
Email: planning@cherwell-dc.gov.uk

References

- ¹ The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, Statutory Instrument 2017 No.571 as amended by Statutory Instrument 2018 No. 695.
- ² Ministry of Housing, Communities & Local Government, Planning Practice Guidance [Online], available at: <https://www.gov.uk/government/collections/planning-practice-guidance>.
- ³ The Council of the European Communities, Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.
- ⁴ The European Parliament and the Council of the European Union, Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds.
- ⁵ The European Parliament and the Council of the European Union, Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC Text with EEA relevance.
- ⁶ The Council of the European Union, COUNCIL DIRECTIVE 2009/71/EURATOM of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations.