

# Planning and Development

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25 February 2020

## SCREENING OPINION FORMAL DECISION

Dear Mr Darwall-Smith

**Application Ref** 20/00407/SO

**Location** Bicester Gateway Business Park, Wendlebury Road, Chesterton

**Proposal** Screening Opinion for 20/00293/OUT - Outline application (Phase 1B) including access (all other matters reserved) for approximately 4,413 sqm B1 office space (47,502 sqft) GIA, approximately 273 residential units (Use Class C3) including ancillary gym, approximately 177 sqm GIA of café space (Use Class A3), with an ancillary, mixed use co-working hub (794 sqm/ 8,550 sqft GIA), multi-storey car park, multi-use games area (MUGA), amenity space, associated infrastructure, parking and marketing boards

I write with regard to the above planning application (ref: 20/00293/OUT), received on the 04 February 2020 which represents a formal request for a Screening Opinion under Regulations 6 and 8 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) as to whether the proposal set out in your submission requires an Environmental Impact Assessment (EIA). This letter constitutes a Screening Opinion of the Local Planning Authority of the proposed development under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).

### Summary of Determination

The Local Planning Authority considers that the proposal is of a type listed in Schedule 2 of the Regulations, by virtue of the proposed development being a combination of an industrial estate development and an urban development project (categories 10a and 10b). As the development proposes more than 150 dwellings, it exceeds the applicable thresholds/criteria in column 2 of schedule 2 relevant to category 10b development.

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. The Local Planning Authority considers that the proposal is unlikely to have significant environmental effects for the purposes of the EIA Regulations

and that the proposal **is not** EIA Development and does not require an Environmental Statement to be submitted for the reasons set out.

## **Reasons for Determination**

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 (as amended). Government guidance relating to EIA as set out in the Planning Practice Guidance (PPG) is also material and has been taken into account.

The Annex to the PPG sets out indicative screening thresholds as guidance for when a proposed development would be likely to result in significant environmental effects such that it amounts to EIA development.

The application site relates to a site previously granted outline planning permission by 16/02586/OUT and forms the southern part of the site (Phase 1b) as well as an additional area of land to the south. That previous planning permission granted outline permission for a development of up to 14,972 sq m (Gross External Area) of B1 employment-based buildings on Phase 1b and for a hotel development on land to the north (Phase 1a). The outline application was not accompanied by an Environmental Impact Assessment.

The Phase 1b land remains undeveloped and the recorded site constraints indicate that the land has some potential to be contaminated, for it to include some archaeological interest and that it is likely to have some ecological potential. The site forms part of the allocated site Bicester 10 and the previous planning application for the site and that currently under consideration for the Phase 2 land (to the east of Wendlebury Road) have also highlighted other considerations including that related to transport. In addition, given the scale of development in Bicester there are cumulative issues that require consideration.

Whilst the proposed development site is greenfield and part of the wider countryside, it is flat and only along its edges and within its corners does it feature areas of vegetation. Whilst part of the countryside, it is not of intrinsic landscape value either in itself nor does it contribute towards a nationally or locally designated (or undesignated) area of landscape importance. Consequently, whilst the proposals would amount to urbanisation of the countryside, the impact on the wider landscape is not significant. Immediate impact on local landscape character as a result of the proposed development may be more significant given the likely substantial effect on the rural character of Wendlebury Road and its contribution towards the transition from the urban edge of Bicester to the countryside beyond. However, the area affected is relatively small and of only very localised impact. Consequently the Council is satisfied that the landscape effects of the proposals would not be significant and so do not need to be addressed through EIA.

There does not appear to be any habitat within the site of particular ecological value and whilst it is understood that the site has some potential for ecological interest, the proposed development is not thought to result in significant ecological impacts (being no more than modest local impact) and so this issue would not require assessment through EIA.

The proposed development site is separated by a substantial distance from above ground designated and non-designated heritage assets and for this reason is unlikely to have any material impact on them either directly or on their setting. A Scheduled Monument lies to the south (the remains of the former Roman settlement of Alchester) and there is the potential for some archaeological deposits of interest to be located below ground on the site. However, given the distances involved and the relatively recent highway works to the A41, it is considered that the proposal would be unlikely to have a significant effect on historic and cultural features of importance and so would not merit assessment as part of an EIA. The impact on the setting of the Scheduled Monument and how any archaeological impacts could be mitigated would require assessment through the planning application.

There is no suggestion that the proposed development site is at risk of flooding from any sources. As a result, the proposals are unlikely to have any significant effect on existing populations and property through increased risk of flooding and so it would not be necessary to address any impact in this respect through EIA.

The proposals also have the potential to have impacts on the soil environment through development of greenfield land which would remove it from agricultural productivity. The area of land involved however in these proposals is relatively small and constrained and so in the context of the surrounding supply of similar or higher quality farmland its' loss would not be significant. There is also no suggestion that the site suffers

from high levels of naturally occurring hazardous substances or contamination resulting from previous land uses that would warrant detailed assessment as part of an EIA.

The proposals may give rise to limited social impacts on the local population and, whilst the proposal now proposes residential uses, it is considered unlikely that the effect on existing public infrastructure such as education, recreation, health and community services from this development would be significant in EIA terms. The proposals would potentially have socio-economic impacts in terms of job creation both during construction and once the employment part of the development is operational though again this would be comparatively modest with only local impact although the impacts may be more significant when considered in combination with the other proposed uses on the wider Bicester 10 site. Adverse economic impacts could occur in terms of the potential attractiveness and vitality of Bicester town centre through the provision of the café space. In addition employment development on the edge of the town could affect the desirability of uptake of office space within or closer to the town though once again, these are unlikely to be significant in themselves in EIA terms, with only limited local impact due to the scale and nature of the development. These issues can be considered and assessed as part of the consideration of the planning application and would not merit assessment as part of an EIA.

There are no residential properties nearby and so any increase in noise arising from the proposed development is not likely to be problematic for these sensitive receptors. Residential use is proposed on site including buildings containing both residential and commercial uses. The compatibility of such uses can be assessed through the planning application. For similar reasons, emissions from increased vehicular traffic and new commercial development is unlikely to be harmful to air quality given that no heavy industrial development is proposed. Any limited impacts in terms of air quality and noise would not be of wider environmental significance and so these matters do not warrant consideration as part of an EIA.

Traffic impacts on the local road network will increase as a result of the proposed development. The vehicular traffic would be both by car as well as heavier vehicles for deliveries, collections and servicing. Whilst there are obvious opportunities for accessibility through other more sustainable modes of transport which could be secured as part of a planning application, use of motor vehicles will almost certainly dominate with associated environmental implications, and in comparison to the existing use of the site the increase will be significant. However, having regard to the site's location along the busy A41 and in a planned expansion area for Bicester, the consequence of the traffic generated by this proposed development, particularly when compared to the consented traffic generation, would not be significant in EIA terms. The Council is therefore satisfied that the environmental effects associated with the transport impacts of the proposed development in isolation do not warrant detailed assessment through EIA.

Schedule 3 to the EIA Regulations 2017 (as amended) makes it clear that the potential environmental impacts of a proposed development need to be considered cumulatively with other relevant committed development in the surrounding area. This includes those with planning permission and developments expected on sites allocated in the development plan. In this respect the PPG states in paragraph 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"*. Furthermore, paragraph ID: 4-025-20140306 states that *"an application should not be considered in isolation if, in reality, it is an integral part of a more substantial development (Judgment in the case of R v Swale BC ex parte RSPB [1991] 1PLR 6). In such cases, the need for Environmental Impact Assessment must be considered in the context of the whole development. In other cases, it is appropriate to establish whether each of the proposed developments could proceed independently (R (Candlish) v Hastings Borough Council [2005] All ER (D) 178 (Jul); Baker v Bath & North East Somerset Council [2009] All ER (D) 169 (Jul))"*.

The Annex to the PPG sets out indicative thresholds as guidance to assist in determining when a proposed development would be likely to result in significant environmental effects such that it potentially amounts to EIA development. In this respect it regards industrial estate development projects as being more likely to constitute EIA development where it involves the development of more than 20 hectares of land. The proposed development is for significantly less than that on land that is not in itself in a location that is especially sensitive in environmental terms. However, development across the whole of the allocated Bicester 10 site (as planned) would exceed 20 hectares. In addition, the current proposal also proposes a combination of uses including residential development which falls under type 10b development. The Annex sets out that EIA is unlikely to be required where the area of the scheme is under 5ha in area, where it would provide less than 10,000m<sup>2</sup> of

new commercial floorspace or where it would not have significant urbanising effects in a previously non-urbanised area (i.e. a development of less than 1,000 dwellings).

Whilst the development site itself does not exceed the indicative thresholds, in combination with adjoining development sites, the thresholds are likely to be exceeded. Nevertheless, this in itself does not necessarily mean that the proposal should be subject to Environmental Impact Assessment. In this case, it is noted that the previously consented outline proposal on the land (ref: 16/02586/OUT) was not subject to EIA and therefore the consideration of cumulative impacts should take into account the difference between the impacts of the previously approved development and that now proposed.

The site constraints indicate that phase 1b is less environmentally sensitive than the rest of the Bicester 10 site and in addition, it is physically separate by being to the west of the Wendlebury Road. The assessment above concludes that development upon the application site would not require assessment through EIA and for those topic areas where the likelihood of environmental impacts is increased (e.g. traffic), the impacts between the consented scheme and the proposed scheme are unlikely to be significantly different in EIA terms. The traffic impacts of the development, considered cumulatively with other planned development, will require further assessment. However the Local Planning Authority is satisfied that this assessment can be carried out as part of the consideration of the planning application and there is not a requirement for EIA to address this matter alone.

On the basis of the above, the Local Planning Authority considers that by virtue of the scale, nature and location of the proposed development, it would not be likely to have a significant effect on the environment in EIA terms when compared against the impacts approved by the previously consented outline scheme. On this basis, it is concluded that the scheme does not require the submission of an Environmental Impact Assessment.

## Conclusion

The proposal **does not** result in development within a sensitive area defined at Regulation 2(1) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). Furthermore, whilst the proposed development would exceed the threshold set out in Column 2 of Schedule 2 (The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)), the overall characteristics and type of impacts are **unlikely** to have a significant effect on the environment. The proposal therefore **does not require** the submission of an Environmental Impact Assessment.

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.

If you have any further queries, please contact the Case Officer Caroline Ford.

Yours sincerely



Assistant Director for Planning and Development