

Planning and Development

David Peckford, Assistant Director – Planning and Development



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Please ask for: **Linda Griffiths**

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Your Ref: **21/01287/SO**

29th April 2021

Dear Sir/ Madam

TOWN AND COUNTRY PLANNING ACT 1990

Application No.: 21/01287/SO

Applicant's Name: Motor Fuel Group Ltd

Proposal: Screening opinion to 21/01119/OUT - Outline planning application for the re-development of the Banbury Oil Depot to include the demolition/removal of buildings and other structures associated with the oil depot use and the construction of up to 143 apartments and up to 166m2 of community and/or retail and/or commercial space (Class Use E and/or F2) with all matters (relating to appearance landscaping, scale and layout) reserved except for access off Tramway Road

Location: Q8 Fuelcare
Tramway Road
Banbury
OX16 5TD

Parish(es): Banbury

I write with regard to the above application received on 29th March 2021. 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.

Summary of Determination

The Local Planning Authority considers that in isolation, the proposal does not fall to be considered as EIA development as it falls below the thresholds set out in the Town and Country Planning Assessment Regulations and is not within a sensitive area. However, the site forms part of a larger strategic re-development site under Policy Banbury 1 of the adopted Cherwell Local Plan 2011-2031 which extends to 26 hectares and relates to the provision of up to 700 new dwellings and 15,000sqm of employment land in various uses. Cumulatively therefore, the proposal which is part of that larger development site must be screened under the EIA Regulations.

The Local Planning Authority considers that the Policy Banbury 1 site as a whole is Schedule 2 development by virtue of the proposed development being an Infrastructure Project (Schedule 2, Section 10(a) and 10(b), urban development projects exceeding 0.5ha of commercial and greater than 5ha and more than 150 dwellings). For the development to be considered EIA development, it would be likely to have significant effects on the environment by virtue of factors such as nature, size or location. The Local Planning Authority considers that the proposal in combination with the remainder of Policy Banbury 1 is **unlikely** to have significant environmental effects for the purpose of the EIA Regulations and that the proposal is therefore **not** EIA development and **does not** require an Environmental Statement to be submitted for the reasons set out below.

Reasons for Determination

In determining whether the proposal is likely to constitute EIA development, consideration has been given to the selection criteria for screening Schedule 2 developments in Schedule 3 of the regulations 2017. Government guidance relating to EIA as set out in the Planning Practice Guidance (PPG) is also a material consideration and has been taken into account. As specified above, cumulatively, with the remainder of the Banbury 1 strategic re-development proposals, the thresholds and criteria in column 2 of the table are exceeded.

The aim of EIA is to protect the environment by assessing whether or not a project is likely to have any significant effects on the environment, either individually or cumulatively in conjunction with other proposals. The Regulations advise that EIA is only likely to apply to a small number of projects.

The whole Banbury 1 site extends to approximately 26 hectares of brownfield land which are currently in a mix of mainly commercial uses. The Oxford Canal and River Cherwell both run through the site. A public right of way FP 120/102/10 runs alongside the site.

An assessment of the sites planning constraints has revealed that the site is within the Oxford Canal Conservation Area; the land is potentially contaminated; it lies within Flood Zones 2 and 3; is within close proximity of the North Cherwell Conservation Target Area and there are records of notable and protected species in the locality.

When considered alone, the proposed development is relatively small proposal although it would have visual impacts, impact on the character and appearance of the Oxford Canal Conservation Area, lead to an increase in traffic which may affect air quality and have impacts upon the existing biodiversity of the site being adjacent to the River Cherwell. These matters would need to be addressed through any planning application. However, based on the scale of the development and the fact that it is not located in a sensitive area, the proposal would be unlikely to have significant impacts beyond the site itself that would result in the development being considered EIA development. Considering cumulative impact, the Local Planning Authority is also of the view that the re-development of Banbury 1 as a whole which is not in a sensitive area would not result in significant environmental impacts which would need to be addressed through an Environmental Statement.

This opinion has been made by an appropriately authorised officer at the Local Planning Authority. In accordance with the 2017 Regulations, a copy of the screening opinion has been placed on the Planning Register.

If you have any questions or queries regarding the above, please contact the Case Officer (Linda Griffiths) using the details provided above.

Yours faithfully

[Linda Griffiths](#)

Linda Griffiths

Agreed By: Andy Bateson – Team Leader