

Planning and Development

David Peckford, Assistant Director – Planning and Development



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Your Ref: **P18-2523**

2nd June 2021

Dear Sir/ Madam

TOWN AND COUNTRY PLANNING ACT 1990

Application No.: 21/01328/SO

Applicant's Name: Barwood Land Securities Ltd

Proposal: Screening opinion to determine whether there is a requirement for an Environmental Impact Assessment (EIA) to accompany a planning application for development at the above location. The proposed development is likely to include up to 375 residential dwellings, large areas of open space containing formal sports facilities, including changing facilities and community meeting room, potential for an extension to Kidlington cemetery and allotments, vehicular access and associated infrastructure, engineering works and landscaping.

Location: Land at Bicester Road
Kidlington

Parish(es): Gosford And Water Eaton

I write with regard to the above screening application, received on 14th April 2021, which represents a formal request for a Screening Opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, as to whether the proposal set out in your submission requires an Environmental Impact Assessment (EIA). This letter constitutes the Local Planning Authority's Screening Opinion of the proposal.

Summary of Determination

The Local Planning Authority considers that the proposal represents an 'Urban Development Project' that falls within Schedule 2, section 10(b) of the Regulations. The site area would exceed the applicable threshold in column 2 of Schedule 2 but the development is not within a sensitive area. 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. 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. Government guidance relating to EIA as set out in the Planning Practice Guidance (PPG) is also material and has also been taken into account.

In this case, the site forms the predominant part of a site allocated by Policy PR7a of the approved Cherwell Local Plan 2011-2031 Part 1 Partial Review of the Cherwell Local Plan – Oxford's Unmet Housing Needs. Given the scale of the site proposed to be developed, significant environmental effects are likely to result when considered against the EIA Regulations and when considering the allocation as a whole. The Local Planning Authority considers that this proposal cannot be considered in isolation (nor could any other 'phase' of land forming part of the site to be allocated by Policy PR7a) as the development planned for by the proposed allocation constitutes a single development project. Therefore, the cumulative impact of this development alongside the remaining development planned through the proposed allocation and those others nearby in the Local Plan Partial Review means that it is considered that this proposal does constitute EIA Development.

Reasons for Determination

The land subject of this request measures approximately 27.75 hectares in size and is located on the south-eastern periphery of Kidlington. It forms the major part of the site allocated by policy PR7a of The Cherwell Local Plan 2011 - 2031 (Part1) Partial Review - Oxford's Unmet Housing Need, for the construction of 430 dwellings (net) on 21 hectares of land together with the provision of 11 hectares of land to provide formal sports facilities for the development and for the wider community and green infrastructure within the Green Belt. An additional 0.7 hectares of land within the developable area will provide for an extension to Kidlington Cemetery. This site is also within the wider vicinity to the south of the Cherwell District of 5 other proposed strategic development allocations, which taken together propose to accommodate 4,400 dwellings to meet Oxford's unmet housing needs.

The land consists of 3 irregularly shaped fields, 2 grassed and 1 arable, all with clearly defined boundaries of hedging with some trees. The south-eastern boundary is further defined by the embankment of the A34, the southwestern boundary by the A4165/Oxford Road, the western boundary by Bicester Road, the northern boundary by a field forming the remainder of the PR7a allocation, and the north-eastern boundary by Water Eaton Lane and properties that front the Lane. The north-western corner of the site also abuts the local cemetery and Parish allotments.

It is stated in the accompanying documentation that "the Proposed Development is likely to include up to 375 residential dwellings, large areas of open space containing formal sports facilities, including changing facilities and community meeting room, potential for an extension to Kidlington cemetery and allotments, vehicular access and associated infrastructure, engineering works and landscaping."

The land identified within this Screening request forms part of the land proposed to be covered by Policy PR7a and the residential units would form part of that proposal. The land itself is not within a sensitive area as defined by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 but it has a number of site constraints including potentially ecology and archaeology, as well as several trees and hedgerows of importance across the wider site and the likelihood of future residents being impacted by environmental issues such as noise.

When viewed alone, the development may be considered a relatively modest proposal for up to 375 dwellings on agricultural land surrounded by field hedgerows. This scale of development would have landscape and visual impacts and would lead to an increase in traffic which may affect air quality. There would also be subsequent impacts upon existing biodiversity, natural vegetation and archaeology present on site. However, based on the scale of the development and the fact that the site is not within an overly sensitive area, the Local Planning Authority would agree that the proposal, if viewed independently, would be unlikely to have significant impacts beyond localised impacts that would result in the development being considered EIA development.

However, whilst this screening opinion has been made for the land and development proposed, it is an integral part of the land proposed to be allocated for development by the Cherwell Local Plan 2011-2031 Part 1 Partial Review of the Cherwell Local Plan – Oxford's Unmet Housing Needs and should be viewed in that context. The PPG makes very clear that "*local planning authorities should always have regard to the possible cumulative effects arising from any existing or approved development*", and furthermore that "*an application should not be considered in isolation if, in reality, it is an integral part of a more substantial development...in such cases, the need for Environmental Impact Assessment must be considered in the context of the whole development*".

Development of the allocation site as a whole would be of a significant size and would likely have significant environmental effects. In addition, the combined impacts of the development sites together proposed to meet Oxford's unmet needs would also be significant and within proximity to each other.

The effects of those impacts cannot be avoided by the submission of relatively contained phases of development that when viewed alone may not have such an impact, but which cumulatively would be significant. In this respect, it is considered that this development cannot be considered in isolation as it would form an integral part of the whole allocation site, would be reliant on it for essential facilities and therefore would be an integral part of a more substantial development. The need for Environmental Impact Assessment has therefore been considered in the context of the whole development planned for by the allocation.

Schedule 3 of the EIA Regulations makes it clear that the size of the proposed development and its consequent potential impact needs to be considered cumulatively with other existing and/ or approved development.

The Annex to the PPG sets out indicative thresholds as guidance for when a proposed development would be likely to result in significant environmental 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 1,000 dwellings. These thresholds are indicative only as the specifics of the proposed development as well as site circumstances may make significant environmental effects either more or less likely. While the characteristics of the development (the construction of up to 300 dwellings and associated infrastructure and open space) on its own does not exceed the 1,000-dwelling threshold, the development must be considered cumulatively with other development. An application should not be considered in isolation if, in reality, it is an integral part of a more substantial development.

The site covers the large proportion of the site proposed to be allocated by Policy PR7a of the Cherwell Local Plan 2011-2031 Part 1 Partial Review of the Cherwell Local Plan – Oxford's Unmet Housing Needs. No other sites allocated by the Local Plan have yet been submitted as a planning application, including those in the immediate proximity of PR7a. But these sites, covered by Policies 6a (690 dwellings), 6b (670 dwellings) and 7b (120 dwellings) when taken together as a cumulative development with Policy PR7a would significantly exceed the indicative threshold of 1,000 units given the total number of dwellings to be provided as well as other development which is proposed, to include community and social infrastructure, together with road infrastructure.

The land is currently agricultural and given the scale of development proposed by these sites, there is likely to be significant urbanisation in this area and there are likely to be significant impacts including increases in traffic which may affect air quality, impacts during the construction phases, ecological impacts and impacts upon the landscape. The extent of the impact as well as the duration, frequency and permanent result of the impacts has meant that the Local Planning Authority concludes that the likely significant environmental effects of the development can only be properly assessed through Environmental Impact Assessment.

Conclusion

Whilst the proposal is for development on a proportion of the overall PR7a allocation site in the Cherwell Local Plan 2011 - 2031 (Part1) Partial Review - Oxford's Unmet Housing Need, the cumulative impact of this proposal in combination with other development proposed to be allocated by policy PR7a together with other sites in close proximity must be considered. For these reasons, it is considered that the proposed development cumulatively with other surrounding development is likely to have significant effects on the environment and therefore Environmental Impact Assessment is required, and an Environmental Statement is required to be submitted with any future planning application.

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. In reaching this opinion the Local Planning Authority has considered the factors above, the criteria to Schedule 3 to the EIA Regulations 2017 (as amended) and the Planning Practice Guidance together with the thresholds and criteria set out in the Annex. The Local Planning Authority would encourage the submission of a formal scoping opinion to agree the scope and level of detail of the information to be provided in the Environmental Statement.

Please note, Thames Water have responded to this screening opinion request and have commented: "The EIA Regulations 2017 set out in Schedule 4 that water and wastewater issues may need to be covered in an EIA. Thames Water considers the following issues should be considered and covered in either the EIA or planning application submission:

1. The developments demand for Sewage Treatment and network infrastructure both on and off site and can it be met.
2. The surface water drainage requirements and flood risk of the development both on and off site and can it be met.
3. The developments demand for water supply and network infrastructure both on and off site and can it be met.
4. Build – out/ phasing details to ensure infrastructure can be delivered ahead of occupation.
5. Any piling methodology and will it adversely affect neighbouring utility services.

The developer can obtain information to support the EIA by visiting the Thames Water website <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development>."

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'D.P.', is positioned below the 'Yours faithfully' text.

David Peckford, Assistant Director – Planning and Development

Agreed by: Andy Bateson, Team Leader – Major Developments