

Planning and Development

David Peckford, Assistant Director – Planning and Development



Cherwell

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Please ask for: **Linda Griffiths**

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Your Ref: **21/03639/F**

1st December 2021

Dear Sir/ Madam,

Proposal: Screening Opinion to 21/03639/F – Re-Plan of the western part of the site approved under 19/00895/REM to 15/01326/OUT to provide an additional 23 dwellings

Location: OS Parcels 6741 & 5426 West Cricket Field North
Wykham Lane
Bodicote

I write with regard to the above application, received on 4th November 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 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 the proposal represents an 'Urban Development Project' that falls within Schedule 2, Section 10(b) of the Regulations. However, the site is part of a large strategic site, providing residential and commercial development at Salt Way under Policy Banbury 17 of the adopted Cherwell Local Plan 2011-2031. The original outline permission for this site (15/01326/OUT) was accompanied by an Environmental Impact Assessment. The development proposed therefore also falls under Schedule 2, Section 13(b) of the Regulations as it is a change to, or extension of, development described by Section 10(b) of Schedule 2 and that development is authorised and in the process of being executed.

For the development as changed or extended 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 to be 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 been taken into account. The Local Planning Authority considers that 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 below.

Reasons for Determination

The site extends to approximately 3.37ha and is located to the south of Banbury within the Policy Banbury 17 strategic development site. The site was identified for residential use. The site has some constraints being within a wider development site and in particular the public rights of way which run north/south through the site, Salt Way to the northern boundary and there are some ecological records in the vicinity. The proposals however do seek to include a number of dwellings in excess of 8.5m as conditioned by the original outline. The land, however, is not within a sensitive area as defined by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

By virtue of the site's location as part of the Salt Way/Banbury 17 strategic allocation, it has been subject to an EIA assessment as part of the overall EIA for the site. Development on the site in the form proposed represents a change to the original development which is authorised and in the process of being developed. Your submission does not exceed the applicable thresholds of Schedule 2 (10b) in that (i) it does not include more than 1ha of land that is not dwellinghouse development, (ii) the development is less than 150 dwellings, and, (iii) the overall area of the development is less than 5ha. Nevertheless, it is necessary to consider whether the proposed development as changed would have significant environmental effects to consider whether EIA is required.

The environmental effects of the development granted outline permission as part of 15/01932/OUT were considered as part of the EIA that accompanied that planning application. This included the use of this site for residential purposes.

Your screening opinion request provides a brief overview of the likely changes in environmental impact and concludes that the re-plan proposed is unlikely to give rise to any significant effects on the environment. The Local Planning Authority has considered the following:

- There is unlikely to be any greater overall traffic generation
- There are unlikely to be any significant adverse effects on air quality from construction providing the same construction management mitigation measures are utilised
- There are unlikely to be any greater significant effects from noise generated by construction provided the same construction management mitigation measures are utilised
- There would be no changes to the conclusions of the original ES in respect of ecological impacts
- There would be no significant changes to the conclusions of the original ES in respect of landscape and visual impacts although a number of the new dwellings proposed will exceed 8.5m to ridge as required by the original outline. It is not considered that this would result in any significant adverse impact.
- There would be no changes to the conclusions of the original ES in respect of cultural heritage or archaeological impacts
- The development as changed would not give rise to any significant adverse social and community effects
- The development as changed would not give rise to any additional significant adverse waste effects and no greater effects upon natural resources than would already result from the permitted development
- The development as changed would not give rise to additional cumulative impacts

Conclusion

Based on the information provided and taking into account the characteristics of the development, including the likely characteristics of the additional dwellings, its location within a large development site, which is in an area that is not overly sensitive and the types and characteristics of the potential impact which are likely to be localised only and not raise significant environmental effects beyond those that may have arisen via the permitted development, it is considered that there is no requirement for further environmental impact assessment.

The 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, Linda Griffiths.

Yours faithfully,

Linda Griffiths

Principal Planning Officer

Agreed By: Andy Bateson, Team Leader – Major Development