

Planning and Development

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Your Ref: **TE/B00114/21**

7th January 2022

Dear Sir/ Madam

TOWN AND COUNTRY PLANNING ACT 1990

Application No.: 21/04193/SO

Applicant's Name: Richborough Estates & Lone Star Land Ltd

Proposal: Request for an EIA Screening Opinion in respect of a detailed outline planning application for the construction of up to 230 new residential dwellings at land north of Camp Road, Upper Heyford

Location: OS Parcel 1570 Adjoining and West of Chilgrove Drive and Adjoining and North of Camp Road
Heyford Park

Parish(es): Heyford Park

I write with regard to the above screening application, received on 17th December 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 and number of dwellings proposed would exceed the applicable thresholds in column 2 of Schedule 2, although the development proposed is not within a sensitive area. 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 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 is unallocated for development but adjacent to a site allocated by Policy Villages 5 of the approved Cherwell Local Plan 2011-2031 Part 1

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 development as a whole. The Local Planning Authority considers that this proposal cannot be considered in isolation, therefore the cumulative impact of this development alongside the remaining development planned through the proposed allocation under Policy Villages 5 means that it is considered that this proposal does constitute EIA Development.

Reasons for Determination

The land subject of this request is located on the eastern edge of Heyford Park (not Upper Heyford). It fronts Camp Road on its southern boundary, its eastern boundary is Chilgrove Drive, its northern boundary is the edge of the former RAF Upper Heyford, and its western boundary appears to run along Sor Brook then to Heyford Grange and Letchmere Farm. It appears to consist of 4 separate field parcels measuring in total approximately 11.69 hectares in size. The land is effectively green field and appears to be primarily agricultural in use, with several groups of trees, established hedges and wetland.

The land to the west of the site is allocated in The Cherwell Local Plan 2011 - 2031 (Part1) as part of the strategic development site which under Policy Villages 5 - Former RAF Upper Heyford, "*will provide for a settlement of approximately 1,600 dwellings (in addition to the 761 dwellings (net) already permitted) and necessary supporting infrastructure, including primary and secondary education provision and appropriate community, recreational and employment opportunities, enabling environmental improvements and the heritage interest of the site as a military base with Cold War associations to be conserved, compatible with achieving a satisfactory living environment.*" Currently, the immediate fields to the west are subject of an application for 89 dwellings (Ref: 15/01357/F), having previously had a resolution to grant planning permission for 79 dwellings, and the land to the north is subject of a separate outline application for residential development with 31 additional dwellings proposed (Ref: 21/03523/OUT). Beyond those immediate fields, the Council is also processing a masterplan application (Ref: 18/00825/HYBRID) on the former base for an additional 1,175 dwellings (not 1,235 as shown on the illustrative masterplan - PO6) together with employment, retail, a school, social and physical infrastructure. The land to the north of the screening request is shown on the masterplan for employment use. This land and the rest of the flying field would be accessed by a new entrance road approximately on the line of Chilgrove Drive.

The land to the east of Chilgrove Drive is currently agricultural in use but has been the subject of a recent Scoping Opinion on 424.52ha for a nationally significant infrastructure proposal - Oxfordshire Strategic Rail Freight Interchange (Ref: 21/02008/SCOP, which proposes a new rail freight interchange and 6.5m square feet of storage and distribution warehousing.

Land to the south of the application site comprises a mobile home park, agricultural land and an ancient woodland.

It is stated in the accompanying application documentation that "*The scheme is a landscape-led wholly residential development providing up to 230 new homes across a mix of dwellings and apartments in both market and affordable tenures...The layout has been designed around landscaping, green spaces, linkages and the wet corridor running north-south along the entire western edge of the site. Residential development is focused in central and eastern parts of the site, with access roads running north from Camp Road.*"

The land identified within this Screening request is unallocated for development. It 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, contamination and archaeology, as well as several trees and hedgerows of importance across the wider site, a location on a groundwater vulnerability aquifer and the likelihood of future residents being impacted by environmental issues such as noise. It abuts the RAF Upper Heyford Conservation Area, the Ardley and Heyford Conservation Target Area, and an Archaeological Alert Area and is in close proximity to a Major Accident Hazard.

When viewed in isolation, the development proposal for up to 230 dwellings on agricultural land could be considered relatively modest. But this scale of development would have landscape and visual impacts and would lead to an increase in traffic, which might 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.

The NPPG makes clear that *“Each application (or request for a screening opinion) should be considered on its own merits.”* However, *“there are occasions when other existing or approved development may be relevant in determining whether significant effects are likely as a consequence of a proposed development. The local planning authorities should always have regard to the possible cumulative effects arising from any existing or approved development.”*

Development of the site is of a significant size and would likely have significant environmental effects. In addition, the combined impacts of the development sites allocated by Policy Villages 5 of The Cherwell Local Plan 2011-2031 (Part1) would also be significant and within proximity to the subject site. The effects of those impacts cannot be avoided by the submission of this relatively contained phase 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 a new settlement area and 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 allocations in the Cherwell Local Plan 2011-2031 Part 1.

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 230 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, although not specifically allocated by Policy Villages 5 of the Cherwell Local Plan 2011-2031 Part 1, when taken together as a cumulative development with Policy Villages 5 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 local 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 of 230 dwellings on an unallocated development site, the cumulative impact of this proposal in combination with other development proposed with other sites in close proximity must be considered. For these reasons, it is considered that the proposed development cumulatively with other surrounding developments 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.

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

Yours faithfully

Andrew Lewis
Principal Planning Officer

Agreed By: Andy Bateson, Team Leader – Major Development