

P21_3302_R001v2_EN_CIR_HT_IH

9th February 2022

Cherwell District Council Planning Department,
Bodicote House,
Bodicote,
Banbury,
Oxon,
OX15 4AA

By e-mail

Dear Sir/Madam,

Request for Screening Opinion under Regulation 6 of the Town and County Planning (Environmental Impact Assessment) Regulations 2017 (as amended) for the proposed construction of a commercial development of between 1.2 million and 1.5 million square feet of logistics/warehousing and associated infrastructure and landscaping on land at Junction 11 M40, Banbury, OX17 2BH.

We write on behalf of Greystoke CB (the "Applicant") to request a Screening Opinion to determine the requirement for an Environmental Impact Assessment (EIA) to accompany a planning application for the proposed commercial development of up to 1.5 million square feet of logistics/ warehousing (the 'Proposed Development') on land at Junction 11 M40, Banbury, OX17 2BH ("the Site"). This request is made pursuant to Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (the 'EIA Regulations').

In accordance with the EIA Regulations, please find enclosed:

- i) A plan sufficient to identify the land (drawing **P21-3302_01 SLP**)
- ii) A brief description of the nature and purpose of the development and its possible effects on the environment, set out below; and
- iii) Such other information and representation comprising:
 - a. An assessment against the criteria of the EIA Regulations including Schedule 3, also set out below; and
 - b. Environmental Designations Plan (**P21-3302_02 EDP**).

As the Application Site is a cross boundary application the Screening Request has been issued to Cherwell District Council and West Northamptonshire Council. The largest part of the Site is within Cherwell District Council, and therefore we expect will be the lead authority preparing the Screening Opinion.

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Proposed Development

The Proposed Development comprises the construction for between 1.2 million and 1.5 million square feet of commercial development primarily in the logistics and warehousing sector. The proposal will include internal roads, landscaping and tree planting. Access to the site would be from the A361, with direct access to Junction 11 of the M40. The eastern part of the Site, approximately 25 hectares, will be left undeveloped and will provide strategic landscaping and opportunities for biodiversity gain for the area. There is potential for the provision of a HGV lorry park in the southern part of the site should it be required to meet national or regional needs.

Site Context

The Application Site is approximately 75ha of greenfield land geometric in shape, comprising of a number of field parcels defined by mature hedgerow and trees. Within the Application Site is Huscote Farm to the north consisting of a farmhouse, barns and other agricultural buildings. The Site is located immediately east of Junction 11 of the M40 and west of Banbury. The Site is located across two administrative boundaries; approximately 67ha of the Site is within Cherwell District Council and 8ha within West Northamptonshire District Council.

The Site is a singular parcel of land bounded by the A422 to the south, and the A361 to the west. To the north and east of the Site lie further agricultural fields. Carrdus School, an independent day preparatory school, lies c.180m east of the Site, separated by a dense woodland copse. To the west of the A361 and opposite the Site is the recently consented commercial development of Frontier Park, which is currently under construction. The Application Site would complement the adjacent employment allocation at Frontier Park and existing commercial development west of the M40 at Banbury. The boundaries of the Site are defined by hedgerow, mature trees and woodland copses around the existing field pattern. The Site is well related to and will be accessed from the A361, with direct access to Junction 11 of the M40. There are no footpaths (Public Right of Way, PRoW) within the Site. Within the wider vicinity are a number of PRoW's, as identified in the Environmental Designations Plan.

The Application Site is not in, or adjacent to, an environmentally sensitive area, as defined by Regulation 2(1) of the EIA Regulations (i.e., sites designated as Sites of Special Scientific Interest (SSSI), National Parks, World Heritage Sites, Scheduled Monuments, Area of Outstanding Natural Beauty, and sites covered by international conservation designations), and therefore is not considered to represent an environmentally sensitive location. The Application Site is adjacent to the southern edge of Environmentally Sensitive Area, Upper Thames Tributaries.

Within a 5km study area of the Site are the following designations:

- Neithrop Fields Cutting SSSI (circa 3.1km west); and

- Farthinghoe LNR (circa 3.6km south-east) from the Site.

The north-east part of the Site contains a NERC Act S41 Habitat site (as per the Adopted Cherwell Local Plan 2011-2031 (Part 1) Partial Review- Oxford's unmet Housing Need, September 2020). This part will remain undeveloped with a substantial buffer around it, providing opportunities for habitat and biodiversity enhancements.

The Site is not covered by any current national or local landscape designations. The Proposed Development lies within the gently rolling, limestone hills and valley landscape of the 'Northamptonshire Uplands' National Character Area 95 (NCA). The Oxfordshire Wildlife and Landscape Study identifies the site and local context as a combination of 'Clay Vale' landscape character type for the most part of the Site and 'Upstanding Village Farmlands' to the east of the Site. The Clay Vale landscape is associated as a flat, low-lying landform with small pasture fields, many watercourses and hedgerow trees and well-defined nucleated villages. The Upstanding Village Farmlands landscape is associated with elevated landform, with a strong pattern of hedgerows and nucleated villages; this is consistent with the western part of the Site where the topography rises to form a slope. Scenic quality at the Site is not exceptional and is influenced by urban features around its periphery (A361, A422, M40 and Banbury). It does not contain any features of recognised conservation interest and it lacks the sense of remoteness and natural qualities that are found in other parts of the Northamptonshire Uplands. A Landscape and Visual Impact Assessment will be submitted as part of the application to fully consider potential significance. It is considered from the evidence presented in this Screening Request that there is unlikely to be any significant adverse effects associated with landscape and visual impacts.

In terms of biodiversity at the Site itself, the greenfield parcel of land is bordered by a line of mature trees and hedgerow along field boundaries. The internal areas of the fields consist of permanent arable and pastoral land. There are five, small waterbodies within the Site according to OS Maps. The area of relatively greater interest in terms of the Site is expected in the field boundaries with associated mature tree lines, hedgerows, and some woodland copses. The design of the Proposed Development will seek to safeguard and retain many of these features as part of the scheme. Supplementary tree and shrub planting throughout the Site would further improve the biodiversity. Native plant species would be chosen to complement the existing flora of the Site and respect any local provenance as well as providing habitats beneficial for wildlife.

Whilst there may be an effect on biodiversity, the Proposed Development seeks to retain and enhance areas of wildlife value where possible. The eastern part of the Site, approximately 25 hectares, will be left undeveloped and will provide strategic landscaping and opportunities for biodiversity gain for the area. Through the implementation of appropriate measures during construction, effects can be managed and are unlikely to be unusually complex or significant. The Proposed Development provides an opportunity to enhance biodiversity and strengthen ecological networks, particularly in relation to field boundaries and woodland copses. An Ecological Assessment will be undertaken using a recognised metric in order to target a net gain in biodiversity.

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Post-1988 Agricultural Land Quality Classification identifies the Site is entirely Grade 3 land quality. Grade 1, 2 and 3a is considered best and most versatile (BMV), whilst Grade 3b, 4 and 5 is considered low grade agricultural land. Further Agricultural Land Classification assessment will be undertaken to identify if the Site contains best and most versatile agricultural land.

The Site has been carefully selected to exclude any heritage assets and is not located within any statutory/non-statutory designated sites. The Site is not located within a Conservation Area and there are no Listed Buildings within or in close proximity to the Site boundary. A number of Conservation Areas are within approximately 3km of the Site including Banbury, Banbury Grimsbury, Overthorpe, Middleton Cheney and Chacombe Conservation Area. A number of Listed Buildings are associated with the Conservation Area. The closest Conservation Area is Overthorpe c.690m south and Grade II Listed Building, Home Farmhouse (reference: 1200143) c.490m south of the Site. Intervening urbanisation (urban areas and major roads) and greenfield land with mature field boundaries screen views of the Application Site.

The closest Scheduled Monument is Former World War I National Filling Factory, Banbury (reference:1409811) c.1km south from the Site. A Heritage Statement will be submitted as part of the application to fully consider potential archaeological and heritage significance. It is considered from the evidence presented in this Screening Request that there is unlikely to be any significant adverse effects associated with archaeology and cultural heritage.

The Site is entirely located in Flood Zone 1 which is considered the lowest risk for flooding by the Environment Agency. As such National Planning Policy requires all planning applications above certain thresholds to include a Flood Risk Assessment (FRA), including mitigation in the form of a drainage strategy. An FRA drainage strategy will be provided as part of a planning application and as such the Proposed Development is unlikely to have a significant effect.

The Site does not lie within an Air Quality Management Area (AQMA). The closest AQMA is Cherwell District Council AQMA No.1, located approximately c.540m to the west of the Site. The designated area incorporates Hennef Way between the junctions with Ermont Way and Concorde Avenue. As such, the construction and operation of the Proposed Development is unlikely to have a significant effect regarding air quality.

EIA Screening

A development proposal required to be accompanied by an EIA (i.e., 'EIA Development') is defined within the EIA Regulations (Regulation 2) as one that is "... (a) *Schedule 1 development*; or (b) *Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location*" (emphasis added).

Whilst 'Schedule 1 development' is defined by those development of a description mentioned within Schedule 1, 'Schedule 2 development' is defined with reference to the description of development (as set out in Schedule 2, column 1) where the corresponding

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threshold or criteria is respectively exceeded or met (as set out in Schedule 2, column 2 (as amended). This proposal is considered against 10(a) Infrastructure Projects, Industrial Estate Development, i.e.:

- a. The area of the development exceeds 0.5 hectares (the Application Site is approximately 75ha).

Guidance on the application of the EIA Regulations is set out within the National Planning Practice Guidance (NPPG), Environmental Impact Assessment section, which provides further indicative criteria and thresholds, as well as key issues to consider in the determination of likely significance of effects. For 10(a) industrial estate development schemes, the criteria and key issues are identified as:

- Indicative Criteria and Threshold-
 - 1 *Site area of the new development is more than 20 hectares.*

The Proposed Development falls within the indicative criterion 1. Notwithstanding the above, the NPPG clearly states that *"...it should not be presumed that development above this threshold should always be subject to assessment, or those falling below these thresholds could never give rise to significant effects... Each development will need to be considered on its merits'."*

Accordingly, it is necessary to consider the proposed development against the criteria set out within Schedule 3 of the EIA Regulations, which requires the consideration of (1) the characteristics of the development and (2) the environmental sensitivity of the location, both set in the context of (3) the characteristics of the potential impacts, comprising: (a) the extent of impact; (b) the nature of the impact (c) trans-boundary nature of impact; (d) intensity and complexity; (e) probability; (f) the onset, duration, frequency and reversibility of impact; (g) the cumulative impact of the development; and (h) the possibility of reducing the impact.

1. Characteristics of Development

- a. Size – the Site occupies 75ha of land which exceeds the site area threshold set out within both Schedule 2 of the EIA regulations and the NPPG. The proposal could directly facilitate in the region of 1,600 jobs on site with further jobs in the wider supply chain and would make a significant contribution to the local economy. The locations for the Proposed Development of between 1.2 million and 1.5 million square feet of commercial development primarily in the logistics and warehousing sector lends itself to the development of large units commensurate to those at Frontier Park. However, the number and size of units will be guided by market demand. The development would complement the adjacent employment allocation at Frontier Park and existing commercial development west of the M40 at Banbury and would not form a landmark feature within the wider area; although the developed Site will effectively expand the locality. The presence



of the commercial development within the Site would be limited in its geographical extent to the area as indicated; the scale of the development is not of a magnitude or complexity to give rise to any unusual risks or effects; and notwithstanding that the proposed development would be certain and permanent, the effect is theoretically reversible. Accordingly, the proposed development is unlikely to have any significant effects by virtue of its size/scale.

b. Cumulation with other development

There is one notable granted planning permission within close proximity of the Proposed Development. There is one notable application for planning permission within the wider locality of the Proposed Development and therefore likely to cause cumulative effects.

Land adjacent to M40 Junction 11, Banbury (19/00128/HYBRID)-this proposal is for a Part A: full planning application for a new priority junction to the A361, internal roads, landscaping and 2 commercial buildings of flexible use; and Part B: outline planning application for up to two commercial buildings of flexible use and ancillary class B1 offices, all other matters are to be reserved. The development was granted permission on the 30th of July 2020. The development was deemed to not need an EIA.

This approved planning application is immediately west to the Application Site, adjacent to the A361. The development is currently under construction and due to its 'approved' status will be part of the baseline conditions within all assessments and would not form part of the cumulative assessment. It would therefore be the conclusion that significant cumulative effects are unlikely to arise.

Land adjacent to M40 Junction 11, Banbury (21/02467/F)- this proposal is for a mixed-use development including a 240- bed hotel, 4 storey office building, roadside services, coffee shop drive-through and petrol filling station with ancillary retail store. The proposal is intended to be determined at an April 2022 Planning Committee. The development was deemed to not need an EIA.

This planning application under determination is immediately west to the Application Site. If granted planning permission, it is likely the development will be under construction when the Application Site's development begins.

c. Use of natural resources –

There would be a loss of potential agricultural land. The loss of this agricultural land would be both certain and permanent. Natural resources, such as minerals, energy and water would be expended during the construction phase, although the nature and scale of development is not considered sufficiently large or unusual such that the use of resources would be no more than is expected for construction activities, and not of a scale of

duration that would be significant. In accordance with construction best practice a Site Waste Management Plan would be implemented to reduce use of resources and encourage recycling. Furthermore, in accordance with best practice, modern design standards and Building Regulations, the new dwellings would be constructed to minimise the use of energy and water. Accordingly, the proposed development would not result in the significant use of natural resources either during the construction or occupation phases.

d. Production of Waste –

Waste associated with the construction phase would primarily comprise arisings from vegetation clearance. However, given the indicative design which proposes to retain key vegetation features, this would not amount to a significant volume of waste arisings. Furthermore, in accordance with construction best practice a Site Waste Management Plan would be implemented to reduce waste arisings and encourage recycling.

e. Pollution and nuisance –

During the construction phase there would be some potential for some localised noise generation and degradation of air quality (dust and emissions) associated with earth movements, use of plant equipment on site, vehicle movements associated with materials delivery etc. Given the background noise levels of the Site, largely due to the presence of the motorway, it is considered that the noise impact associated with this development is not likely to have significant effects. Trip generation for the development will be detailed in a supporting Transport Assessment which will consider access by walking, cycling and public transport in addition to private vehicles. Based upon the anticipated number of vehicle trips associated with this development and the existing traffic flows on the local highway network, it is considered that this development will not have a severe detrimental impact upon the existing highway network and associated traffic flows. There is some potential for pollution to ground and surface waters arising from spillages of oil/diesels from construction plant and equipment. However, this risk is considered to be consistent with all construction works; there would be no unusual or complex activities and risks would be controlled through adoption of construction best practice techniques and secured by standard planning conditions.

f. Risk of accidents –

There would be no unusual or complex processes employed during construction and standard construction best practice would serve to reduce the risks of accidents. Risk to members of the public is low and there will be limited public access to the Site.

2) Location of Development

- i. Existing Land Use-
The Site is greenfield land, consisting of a number of fields in permanent agricultural use. The Application Site does not benefit from Grade 1 or 2 Agricultural Land Classification, as demonstrated by Natural England Regional Agricultural Land Classification Map.
- ii. Natural resources within the area-
The Proposed Development would not result in the loss of natural resources, save the minor removal of some trees and hedgerow where considered necessary; such loss would not be significant and in any event would be mitigated by the inclusion of new strategic landscaping.
- iii. Absorption Capacity
 - a. The Site is not located within or in close proximity to any wetland;
 - b. The Site is not located within or in close proximity to a coastal zone;
 - c. The Site is not located within or in close proximity to a mountain or forest area;
 - d. The Site is not located in an environmentally sensitive area. Within 5km there are two environmentally designated sites; the closest of which is Neithrop Fields Cutting SSSI circa 3.1km west of the Site.
 - e. The Site is not located within or in close proximity to an area subject to any known environmental quality standard set down in EU legislation;
 - f. The Site would be an extension to existing commercial development west of the M40 at Banbury and Frontier Park, extending present form eastwards creating visual coherence to the surrounding area. Given the site context and the nature of the proposed development it is considered unlikely that significant effects on densely populated areas would occur; and
 - g. The Site is not located within an area of historical, cultural, or archaeological significance.

In summary, the Proposed Development is not listed as a Schedule 1 project and is not located within a 'sensitive area' in the context of the EIA Regulations but does exceed the threshold of the Schedule 2 EIA Regulations for this type of development (10(a)) and the threshold in the NPPG.

It is therefore concluded that whilst there may be some effects upon the environment as a consequence of the Proposed Development, these would be limited in their effect and

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extent, such that none of them could be considered to constitute 'significant effects' in the context of EIA Regulations.

Accordingly, it is considered that the proposal does not constitute EIA development and therefore the planning application should not be required to be accompanied by an Environmental Statement.

We look forward to receiving the Council's Screening Opinion within 3 weeks from receipt of this request, in accordance with Regulation 6(6) of the EIA Regulations.

In the meantime, should you have any queries or require any further information please do not hesitate to contact me.

Yours faithfully,



Hannah Tidd

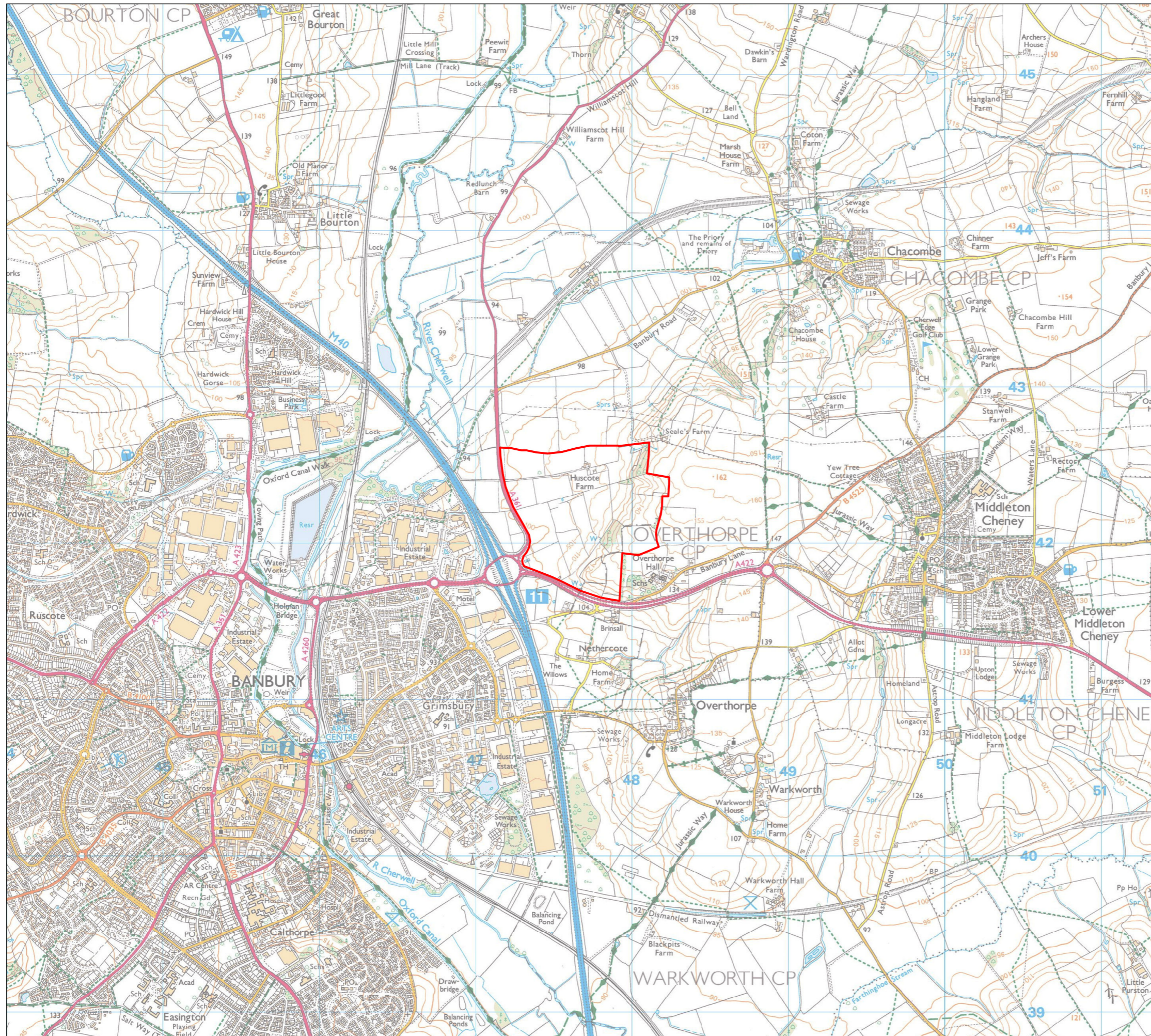
Environmental Planner

Hannah.Tidd@pegasusgroup.co.uk

Enclosed:

Site Location Plan **P21-3302_01 SLP**

Environmental Designations Plan **P21-3302_02 EDP**



KEY

 Site Boundary

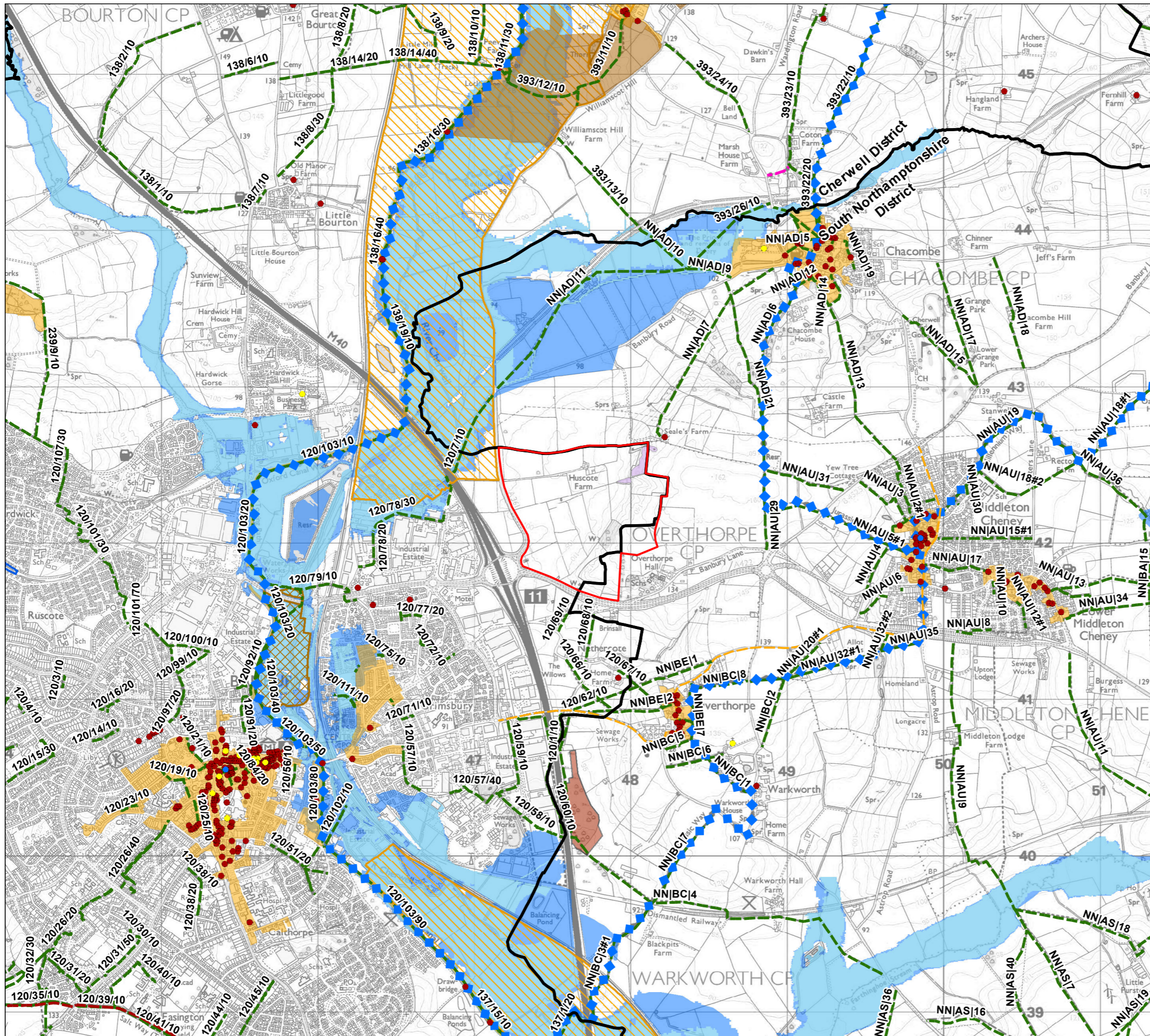
Revisions:
First Issue- 01/02/2022 JS

Site Location Plan

Land East of J11, M40, Banbury

Client: Greystoke CB
 DRWG No: **P21-3302_01** Sheet No: - REV: -
 Drawn by: JS Approved by: HT
 Date: 01/02/2022
 Scale: 1:25,000 @ A3





KEY

- Site Boundary
- Local Authority Boundary
- Sustrans National Route
- Sustrans Regional Route
- ◆◆◆◆ Long Distance/Recreational Route
- Public Right of Way
- Other Routes with Public Access
- Grade I Listed Building
- Grade II* Listed Building
- Grade II Listed Building
- Country Park
- Battlefield
- Scheduled Monument
- Conservation Area
- Environmentally Sensitive Area (ESA)
- Site of Special Scientific Interest (SSSI)
- Ancient Woodland
- NERC Act S41 Habitats (Previously UKBAP) (as per the Adopted Cherwell Local Plan 2011-2031 (Part 1) Partial Review - Oxford's Unmet Housing Need, September 2020)
- EA Flood Zone 3
- EA Flood Zone 2

Revisions:
First Issue- 01/02/2022 JS

Environmental Designations Plan
Land East of J11, M40, Banbury

Client: Greystoke CB
 DRWG No: **P21-3302_02** Sheet No: - REV: -
 Drawn by: JS Approved by: HT
 Date: 01/02/2022
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