

Planning and Development

David Peckford Assistant Director - Planning and Development



Cherwell

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Your Ref: **N/A**

28 February 2023

Dear Sir/ Madam

TOWN AND COUNTRY PLANNING ACT 1990

Application No.: 23/00173/OUT

Applicant's Name: c/o Agent – Boyer Planning

Proposal: Outline planning application for up to 147 homes, public open space, flexible recreational playing field area and sports pitches with associated car parking, alongside landscaping, ecological enhancements, SuDs, green/blue and hard infrastructure, with vehicular and pedestrian/cycle accesses, and all associated works (all matters reserved except for means of access).

Location: Land South Of
Green Lane
Chesterton

Parish(es): Chesterton

I write with regard to the above planning application, received on 25 January 2023, which represents an outline planning application. It is noted that a formal request for a Screening Opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) as to whether the proposal set out in your submission requires an Environmental Impact Assessment (EIA) was submitted under reference 22/01135/SO. A formal opinion was not provided by the Local Planning Authority within the requisite timescale as set out in the Regulations. It is noted that the applicant, to the knowledge of the Local Planning Authority did not submit a formal Screening Direction to the Secretary of State. This letter constitutes a Screening Opinion by the Local Planning Authority of the proposed development under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).

Summary of Determination

The Local Planning Authority considers that the proposal is below the threshold of 150 dwellings a development falling within Schedule 2, Section 10(b)(iii) of the Regulations, where the area of development exceeds 5 hectares which is the applicable threshold for the purpose of classifying the development as Schedule 2 Development. It is noted that the proposals are just below the 150dwelling

threshold set out in Part (ii). The site is not within a 'sensitive area' as defined by Schedule 3 of the Regulations.

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 the developments nature, size or location. The Local Planning Authority considers that this proposal is unlikely to have significant environmental effects for the purposes of the EIA Regulations and that the proposal **is not** EIA Development. An Environmental Statement is not therefore required to be submitted for the reasons set out.

Reasons for Determination

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 been taken into account.

In this case, the proposed development seeks an Opinion on works as set out in the submission letter of works broadly comprising:

1. Outline permission for up to 147 dwellings;
2. New sports facilities to be provided in conjunction and expansion to existing sports facilities;
3. New woodland and informal open space; and
4. Associated works including sustainable drainage, access from Green Lane and pedestrian and cycle accessways

The site is relatively flat and although there will be some earthworks to implement sustainable drainage and the creation of development, it is considered that such works would not give rise to environmental effects such that those impacts must be assessed via an EIA.

Planning Practice Guidance states that an application should not be considered in isolation if, in reality, it is an integral part of a more substantial development (Judgment in the case of R v Swale BC ex parte RSPB [1991] 1PLR 6). In such cases, the need for Environmental Impact Assessment must be considered in the context of the whole development. In other cases, it is appropriate to establish whether each of the proposed developments could proceed independently (R (Candlish) v Hastings Borough Council [2005] All ER (D) 178 (Jul); Baker v Bath & North East Somerset Council [2009] All ER (D) 169 (Jul)).

The Local Planning Authority notes that the application site is close to other development in the vicinity associated with Bicester Gateway proposals including the Kingsmere urban extension, the Great Wolf leisure proposals and the Siemens development at Little Chesterton. However, after considering all the information, while the site is not allocated within the Development Plan, the Local Planning Authority does not consider that all proposals for development on it should, necessarily, be considered the same 'project'.

This scheme is being brought forward independently of other developments. Planning Practice Guidance advises each application (or request for a screening opinion) should be considered on its own merits and the Local Planning Authority considers it is correct to adopt that approach in this case.

It is expected that suitable assessments relating to the impacts of the development which have been submitted with the planning application and that this process would be sufficient to consider the design and impacts of the development.

The proposal is therefore **not considered to be EIA development** and no Environmental Statement is required to be submitted. Should planning permission be granted, there may be some requirement for mitigation measures to be secured via the imposition of conditions on any planning application once detailed assessments are considered, however a formal recommendation to the outline planning application has not been made at the time of this Screening Opinion. Regard to the consultation responses received as part of the outline planning application has been made.

This may include schemes for landscaping to reduce landscape and visual impacts, drainage and flood risk, archaeological assessment, measures to protect and enhance biodiversity and to require a

construction management plan amongst other requirements that will be assessed in full at the appropriate stage.

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.

If you have any questions or queries regarding the above advice, 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 above the printed name of David Peckford.

David Peckford
Assistant Director – Planning and Development

Checked by: Caroline Ford – Team Leader Major Projects