

Planning and Development

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Your Ref: **22/03350/SCOP**

7th December 2022

Dear Sir/ Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Application No.: 22/03350/SCOP

Applicant's Name: Vistry Group

Proposal: Scoping opinion - In accordance with Regulation 15 of the Town and Country Planning (EIA) Regulations, 2017 (as amended) (the 'EIA Regulations'), seeking outline planning permission for up to 170 residential homes (Use Class C3), new play facilities, public open space, landscaping and vehicular access from the B4100 Warwick Road on Land East of Warwick Road, Banbury

Location: Land East of Warwick Road Drayton
Warwick Road
Banbury

Parish(es): Hanwell

Further to your email dated 2nd November 2022 and the submitted EIA Scoping Report, I have consulted the relevant colleagues both in Cherwell District Council and Oxfordshire County Council, together with other statutory authorities and consultation bodies. Their responses are set out below, largely in full and in some cases include matters that go beyond the site boundary. This written response constitutes the Council's opinion.

The request for a Scoping Opinion relates to the proposed residential development of up to 170 dwellings, together with play facilities, public open space, landscaping and a new vehicular access from the B4100 Warwick Road, on land east of Warwick Road, Banbury.

Environment Agency, Flood Risk and Drainage

Comments from the Environment Agency are still awaited and will be forwarded under separate cover once received. The site exceeds 1ha in size and a Flood Risk Assessment will therefore be required.

A surface water drainage scheme for the site will be required based on sustainable drainage principles together with an assessment of the hydrological and hydro-geological context of the development.

I note that flood risk and drainage have been scoped out of the ES, and subject to no comments to the contrary from the Environment Agency, this is agreed.

Thames Water

Thames Water are the statutory water and sewerage undertaker for the area. The EIA Regulation 2017 set out in Schedule 4 that water and wastewater issues may need to be covered in an EIA. Thames Water considers that the following should be considered:

- The development's demand for Sewerage Treatment and network infrastructure both on and off site and whether it can be met;
- The surface water drainage requirements and flood risk of the development both on and off the site and whether it can be met;
- The development demand for water supply and network infrastructure both on and off the site and whether it can be met;
- Build-out/phasing details to ensure the infrastructure can be delivered ahead of occupation;
- Any piling methodology and will it adversely affect neighbouring utility services.

Information to support the EIA can be obtained from the Thames Water website.

Natural England

The proposal is unlikely to adversely impact any European or internationally designated nature conservation sites (including 'habitat sites' under the NPPF) or nationally designated sites (SSSI, National Nature Reserves or Marine Conservation Zones). The ES should consider any impacts upon local wildlife and geological sites, including local nature reserves. Local Sites are identified by the local wildlife trust, geo-conservation group or other local group and protected under the NPPF (paragraphs 174 and 175). The ES should set out proposals for mitigation of any impacts and if appropriate, compensation measures and opportunities for enhancement and improving connectivity with wider ecological networks.

The ES should assess the impact of all phases of the proposal on protected species, records of which should be obtained from appropriate local biological records, nature conservation organisations and local groups. Consideration should be given to the wider context of the site, for example in terms of habitat linkages and protected species populations in the wider area. The area likely to be affected by the development should be thoroughly surveyed by competent ecologists at appropriate times of the year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary licensed consultants.

An appropriate level habitat survey should be carried out on the site to identify any important habitats present. In addition, ornithological, botanical and invertebrate species surveys should be carried out at appropriate times in the year to establish whether any scarce or priority species are present.

Biodiversity net gain is additional to statutory requirements relating to designated nature conservation sites and protected species. The ES should use an appropriate biodiversity metric such as 'Biodiversity Metric 3.0' together with ecological advice to calculate the change in biodiversity resulting from the proposed development and demonstrate how proposals can achieve a net gain.

The detailed advice of Natural England in respect of any subsequent ES submission is attached with this letter for your further information and action.

Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT)

BBOWT is a wildlife conservation focussed organisation and the comments specifically refer to impacts on species and their habitats which may occur as a result of the proposed development. The EIA should evaluate potential negative impacts on existing features of nature conservation importance that may arise as a result of other plans and projects either existing, in development or proposed. Appropriate measures to avoid, mitigate or compensate for these negative impacts should be specified in the EIA.

The proposed development has the potential for adverse effects on Fishponds Wood Local Wildlife Site, which is 0.38km northeast of the proposed site. The EIA should include results of appropriate surveys, an assessment of impact on Fishponds Wood Local Wildlife Site, details of mitigation, compensation and enhancement measures. These must deal with potential impacts on both nationally and locally designated sites and how these will be avoided and, if they cannot be avoided, how benefits of the development in the location proposed outweigh both its likely impact on the features of the designated site, and how these impacts will be mitigated.

In terms of impact on water channel, priority habitat and protected and priority species, an unnamed channel lies just to the east of the site, which appears to feed into a pond in the village of Hanwell. The EIA must fully assess whether the proposed development is likely to have any adverse impact on the water channel. This will need to include an assessment of possible impacts, and a detailed description of mitigation measures that will be carried out and how they will ensure there will be no impact.

The field boundaries comprise dense mature deciduous trees with a thinner hedgerow boundary along the boundary with Warwick Road. The EIA must fully demonstrate the measures which will be taken to ensure there is no negative impact on the woodland/hedgerows and any other habitats or priority species nearby. Appropriate surveys, an assessment of impact and details of mitigation, compensation and enhancement measures must be included which deal with impacts on habitats (including hedgerows).

The site lies in close proximity to deciduous woodland/hedgerow and is thus highly likely to be used by a variety of bat species for commuting and foraging. Appropriate bat surveys will be needed, and any form of lighting would be of serious concern with respect to impact on bats in particular, and other forms of wildlife, particularly bearing in mind the proximity to woodland. This matter must be addressed in the EIA.

The site consists of an arable field surrounded by hedgerows/woodland in an area that supports a rich variety of farmland bird populations, including priority species. Detailed breeding and wintering bird surveys and appropriate mitigation proposals will therefore be required. Depending on the outcome of breeding and wintering bird surveys, then with respect to any priority species impacted, off-site compensation will be needed unless it can be proved that the habitats provided on-site will be sufficient to maintain or enhance the same population of these species. On-site provision would be difficult or impossible for birds such as Lapwing, Golden Plover, Skylark and some other priority species unless large areas of the site were set aside as undisturbed habitat. It would not be acceptable to suggest that there is suitable habitat elsewhere for priority farmland species, since the territories in these areas would already be occupied, and this would be contrary to ecological theory of carrying capacity.

Hedgerows should be retained and enhanced. In exceptional circumstances, if proposals involve removal of small sections of hedgerow for access purposes, then a substantially longer section of hedgerow should be planted elsewhere on site to provide compensation. A management regime should be put in place for hedgerows across the site including a three-year rotation for trimming and allowing some stretches of hedgerow to remain untrimmed for longer. There should also be at least 15m buffers between any development and the hedgerows. These buffers should be maintained as dark corridors and should be of appropriate semi-natural priority habitat such as a mosaic of scrub and species-rich grassland.

A biodiversity net gain is required, and the EIA must detail significant habitat creation in order to compensate for the impact of the development on habitats and in order to achieve a net gain, and should be calculated using the latest biodiversity accounting metric published by Natural England. All calculations should be provided with the documentation available to consultees as part of any subsequent planning application submission.

The introduction of lighting into this rural edge, could potentially impact upon a wide range of species, in particular on bats and birds. Paragraph 5.157 of the Scoping Report is noted. It is essential that proposals include a lighting management plan to demonstrate how lighting will be avoided or otherwise minimised during both construction and operational phases. There should be a presumption against lighting wherever possible. If lighting of walkways is needed for winter, then low height and light level bollard lighting would be preferable as bright security lighting would be of serious concern. Any lighting must be directed away from hedgerows and woodland, and lighting choice, if necessary, will be critical.

The scale of development proposed is such that any scheme should be exemplary in terms of integrating biodiversity features. The Wildlife Trusts have published '*Homes for People and Wildlife: How to build housing in a nature-friendly way*' which sets out what a good, nature-rich housing development looks like. Green roofs can also provide valuable habitats for wildlife.

The full consultation response from BBOWT is attached to this letter and must be read in conjunction with the comments set out above.

Having regard to the comments above, it is considered that ecology and biodiversity **should be scoped** into the Environmental Statement.

Highways England

In the absence of a Transport Assessment, no comments are given at this time.

Historic England

This development could potentially have an impact upon a number of designated heritage assets and their settings in the area around the site. In line with the advice in the National Planning Policy Framework, the Environmental Statement should contain a thorough assessment of the likely effects which the proposed development might have upon those elements which contribute to the significance of these assets.

The Environmental Statement should also consider the potential impacts on non-designated features of historic, architectural, archaeological or artistic interest, since these can also be of national importance and make an important contribution to the character and local distinctiveness of an area and its sense of place.

Given the topography of the surrounding land, this development is likely to be visible across a very large area and could, as a result, affect the significance of heritage assets at some distance from the site itself. It is expected that the Environmental Assessment clearly demonstrates that the extent of the proposed study area is of the appropriate size to ensure that all heritage assets likely to be affected by this development have been included and can be properly assessed. Particular attention should be given to the potential impact of any development upon the setting of Hanwell Conservation Area, the Grade I listed Church of St Peter and Grade II* listed Hanwell Castle.

It is important that the assessment is designed to ensure that all impacts are fully understood. Photomontages of the proposed development from all identified sensitive viewpoints will be necessary. A thorough assessment of the impact of the proposals on the historic environment is needed alongside but separate from that assessing landscape visual impact, because they are distinct from one another. It is noted that separate ES chapters are proposed.

The assessment should also take account of the potential impact which associated activities (such as construction, servicing and maintenance, and associated traffic) might have upon perceptions, understanding and appreciation of the heritage assets of the area. The assessment should also consider, where appropriate, the likelihood of alterations to drainage patterns that might lead to in situ decomposition or destruction of below ground archaeological remains and deposits and can also lead to subsidence of buildings and monuments.

Oxfordshire County Council

The relevant officers of the County Council have been consulted and make the following comments:

Transport

The EIA Scoping Report appends a chapter on Transport and Access which sets out some of the baseline conditions for the development site and sets out that sensitive receptors have been identified as Severance, Driver Delay, Pedestrian Amenity as well as Accidents and Safety.

The development is forecasted to increase up to nearly 20% of vehicular trips along the B4100 Warwick Road during weekday PM peaks and up to 17.8% in the AM peak. Such levels of increase cannot be confidently classified as low and insignificant without a holistic view of how other non-car modes of travel are appraised.

Driver Delay has been appraised by junction capacity tests that have been carried out at 'identified junctions', including the access junction. Whilst this approach is acceptable, without details of the proposed access junction it is not possible to review this exercise.

Pedestrian amenity has been identified to be marginally affected. In order to fully respond to this element, how the development will be accessed by non-motorised users will need to be reviewed and demonstrated through a Transport Assessment.

The EIA should include public rights of way and publicly accessible routes and green space as part of the traffic and transport assessment – although the assessment and impact criteria will be different. The development site offers the opportunity to create a new route around the site as mitigation and also to enhance the quality and attractiveness of the development.

Methodology – The Transport and Access chapter appended to the EIA Scoping Report appears to define the severity of ‘effect’ purely according to percentage increase in traffic flows. The significance of the development’s impact on delay and amenity will also depend on the baseline flows and characteristics of the infrastructure provided; for example, a link which experiences high traffic flows may be more susceptible to delays at junctions with a low percentage increase of additional traffic (for instance a 5% increase) and this could have a more significant impact on delay and amenity than which may be the case for a very quiet road experiencing 100% increase in traffic flows. The methodology also provides no information on how the effect of severance would be assessed.

Currently the scoping note includes limited information about the methodology and content of the TA to accompany a planning application. This will need to be updated as the detail is determined. Whilst the TA will consider the impact of traffic generated by the development during agreed peak periods, the EIA is obliged to assess the impacts of total traffic across the day. There is no acknowledgement of this in the scoping note.

A Construction Traffic Management Plan will also be required with the application.

Having regard to the above, it is considered that Transport and Access should be **scoped into** the ES.

Drainage

Clarify the phasing of the development, will the drainage be implemented under one phase? Should the site consist of more than one phase, a phasing plan needs to be provided.

Archaeology

The site is in an area of archaeological interest and potential, which informed our initial advice for a predetermined trenched evaluation. This evaluation was undertaken by Worcestershire Archaeology over the summer of 2022, and although the final report has not yet been submitted for comment, the trenching and geophysical survey showed that the site contains a number of large enclosures dating to the Iron Age and Roman period, as well as a number of pit alignments and clusters. A further phase of archaeological evaluation will be required prior to development.

Education

The proposed development will have a significant impact on demand for pre-school, primary and secondary education – this includes demand for special education places across all sectors.

Paragraph 3.66 indicates that Hardwick Primary School is the nearest school to the development. While this is the case, the development actually falls within the designated catchment area of William Morris Primary School. For secondary provision, the school falls within the designated area of North Oxfordshire Academy.

Paragraph 5.168 suggests that there is sufficient capacity at a number of primary schools within the Banbury West planning area (where this development also lies) has been expanded in recent years. Most recently, this includes William Morris Primary School, which was expanded to 30 places per year group in 2022. Sufficiency of early years, primary, secondary and special school places will be assessed in full at the time of any future application.

The EIA needs to include consideration of travel patterns from the development to local schools. This is likely to include William Morris Primary School (and possibly Hardwick Primary School) for primary age pupils and north Oxfordshire academy for secondary age pupils.

It should be noted that demand and supply of school [places in this area is going through a period of rapid change, and will continue to do so in response to planned housing developments, including this one.

Having regard to the above comments, and its relationship with travel patterns/transport, it is considered that this should be **scoped into** the ES.

Cherwell District Council

The relevant officers of the District Council have been consulted and make the following comments:

Landscape Officer and Landscape Impact

The comments of the Landscape Officer are awaited and will be forwarded under separate cover once received. In advance of such comments, it is noted that the appraisal site occupies a flat plateau, which is particularly noticeable from Warwick Road, from parts of Hanwell village and from PRoW.

Natural England have also provided advice in respect of landscape and visual impacts. The ES should refer to relevant National Character Area and include a full assessment of the potential impacts of the development on local landscape character using the methodology set out in the Guidelines for Landscape and Visual Impact Assessment 2013 produced by the Landscape Institute and the Institute of Environmental Assessment and Management. The assessment should also include the cumulative effect of the development with other relevant or proposed developments in the area.

To ensure high quality development that responds to and enhances local landscape character and distinctiveness, the siting and design of the proposed development should reflect local characteristics and wherever possible use local materials. The ES should set out the measures to be taken to ensure that development will deliver a high standard of design and green infrastructure. It should also set out detail of layout alternatives, where appropriate, with justification of the selected option in terms of landscape impact and benefit.

Due to the topography of the site and the surrounding area, the development is likely to have significant visual and landscape impacts. The site is crossed by a public right of way (PRoW) between the northern edge of Banbury and Hanwell village. It is therefore agreed that Landscape Impact should be **scoped into** the ES.

Ecology Officer and Impact on Biodiversity

Neithrop Cutting SSSI is within 1km of the proposed site. The comments of the Ecology Officer are awaited and will be forwarded on receipt under separate cover. However, having regard to the comments of BBOWT and Natural England above, it is considered that ecology and biodiversity should be **scoped into** the ES.

Built Heritage and Archaeology

I am currently still awaiting comments from the Conservation Officer. However, having regard to the comments of Historic England and the proximity of the site to Hanwell Conservation Area and proximity to listed buildings, and having regard also to the fact that the site lies within an area of archaeological potential, it is agreed that built heritage and archaeology are **scoped into** the ES.

Lighting Impact Assessment

It is noted that lighting has been scoped out of the ES. However, it is likely that lighting from the proposed development will have significant impact on the open countryside, the ecological value of the site and the Hanwell Observatory. The ES should therefore assess the impact of lighting, both during the construction phases and operational phase of the development and **scoped in** accordingly.

Environmental Protection Officer, Noise, Contaminated Land and Air Quality

Noise – Paragraph 5.119 of the Scoping Report references a noise impact assessment that has not been provided with this application. However, it is considered that noise can be dealt with outside the EIA provided that the Noise Impact Assessment is provided with any subsequent planning application.

Contaminated Land – Having assessed the Phase 1 report provided, it is accepted that contaminated land can be scoped out of the EIA and that a Phase 2 report is provided with any subsequent planning application for the site.

Air Quality – having read the accompanying report, it is accepted that air quality can be scoped out of the EIA and considered through the application submission.

Arboriculture Officer and Existing Vegetation

No comments have been received. There are however several existing trees and hedgerows within the site and along its boundaries. A full tree and hedgerow survey must therefore be carried out together with an Arboricultural Assessment. As advised by Natural England, the ES should assess the impacts of the proposal on any ancient woodland, ancient and veteran trees and the scope to avoid and mitigate adverse impacts. It should also consider opportunities for enhancement.

This should be **scoped into** the ES for completion as it is also relevant to landscape impact and biodiversity considerations.

Other matters

It is agreed that agricultural land and soil, socio-economic (excluding education) and human health, climate change, microclimate, waste and resources and risk of major accidents and/or disasters can be **scoped out** of the ES.

Cumulative and In-Combination Effects

The ES should fully consider the implications of the whole development proposal and should include an assessment of all supporting infrastructure. An impact assessment should identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment:

- Existing completed projects;
- Approved but uncompleted projects;
- Ongoing activities;
- Plans or projects for which an application has been made and which are under consideration;
- Plans and projects which are reasonably foreseeable, that is, projects for which an application has not yet been submitted, but which are likely to progress before the completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

It is noted that the scoping report addresses cumulative effects. This report, however, only seeks to consider development within 1km of the site. It is likely that in order for the ES to be robust in its content, that other developments in and around Banbury will also need to be considered, including those developments which are currently under construction immediately adjacent to and within very close proximity to this site at Hanwell Fields and Warwick Road. There are also current applications for further development at Hanwell Fields (21/03426/OUT & 22/003064/OUT refer). There are also a number of current planning applications adjacent to Junction 11 of the M40 which may impact cumulatively and must also be considered (21/02467/F & 22/01488/OUT refer). Cumulative impact must therefore be considered further.

There are consultation bodies that have not yet responded to the Council's notification of this scoping report. Should any further comments be received, they shall be forwarded by separate cover for consideration within the ES.

In the meantime, it is trusted that this information is of assistance to you in the formulation of an Environmental Statement and should be treated as the Council's formal Scoping Opinion made under the Environmental Impact Assessment Regulations 2017.

Yours faithfully,

Linda Griffiths

Agreed By: Andy Bateson, Development Management Team Leader