

Planning and Development

David Peckford, Assistant Director – Planning and Development



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Hannah Tidd
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Case Officer: **Samantha Taylor**

Email: **samantha.taylor@cherwell-dc.gov.uk**

3 March 2022

Dear Hannah Tidd

TOWN AND COUNTRY PLANNING ACT 1990

Application No.: 22/00385/SO

Applicant's Name: Greystoke CB

Proposal: Screening opinion - 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

Location: Os Parcel 7921 South Of Huscote Farm And North West Of County Boundary
Daventry Road
Banbury

I write with regard to the above application, registered on 10 February 2022, 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 'Industrial Estate Development Project' that falls within Schedule 2, section 10(a) of the Regulations. The site area would exceed the applicable threshold in column 2 of Schedule 2. 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.

Given the scale of the site proposed to be developed and that significant environmental effects are likely to result when considered against the EIA Regulations, the Local Planning Authority considered **that this proposal does constitute EIA Development.**

Reasons for Determination

Consideration of the proposal has been given to the selection criteria for screening Schedule 2 developments in Schedule 3 of the Regulations and the Planning Practice Guidance and its Annex: Indicative screening thresholds.

The guidance advises that an EIA is unlikely to be required unless the new development is on a significantly greater scale than the previous use, or the types of impact are markedly different in nature or there is likely to be a very high level of contamination, or are likely to have a significant urbanising effect. The guidance also indicates that in addition to the physical scale of such developments, key issues to consider include potential increase in traffic, emissions, noise and other issues which will be specific to the nature of the environmental receptor. However, in determining whether significant effects are likely, the location of a development is of crucial importance. Furthermore the thresholds should only be used in conjunction with the general guidance on determining whether an Environmental Impact Assessment is required and, in particular, the guidance on environmentally sensitive areas.

The site is approximately 75ha of greenfield land, consisting of a number of field parcels bounded with established hedgerows and trees. The site is located across two administrative boundaries with approximately 67ha falling within Cherwell District Council and 8ha within West Northamptonshire District. The site is located beyond the existing built limits of Banbury and is in agricultural use. The site is bounded by the A361 to the west and the A422 to the south. The M40 and Junction 11 are located in close proximity. The site is not an allocated site within the Cherwell Local Plan, although it was previously considered during the Local Plan process.

An assessment of the site has identified that the site contains a number of small ponds, but also 2 priority species habitat areas with the Banbury Conservation Target Area situated adjacent to site boundary. In addition the site lies in close proximity to a site of known archaeological potential. The site is bounded by the A361 and is in proximity to the M40 and Junction 11.

The proposed development is a large-scale proposal for employment purposes that would lead to a significant urbanising effect given the site context with associated highway works and infrastructure necessary to serve the development. The proposal is considered to have likely significant issues on environmental receptors including but not limited to traffic, emissions, noise, ecology, archaeology and local and longer distance viewpoints onto and around the site. Having regard to the above, it is considered therefore that this is a sensitive site and the proposal **is EIA development**.

The Local Planning Authority has considered the factors above, the criteria in Schedule 3 to the EIA Regulations 2017 and Planning Practice Guidance and thresholds and criteria set out in the Annex, the particular aspects of the proposal, characteristics of the potential impact, the sensitivity of this particular location and potential cumulative impacts with other developments. In making the determination, the Local Planning Authority has judged whether the likely effects on the environment of that particular development will be significant in that particular location. It is considered that the development proposed is on a sensitive site, is significant, and, will have a significant urbanising effect on the environment by virtue of its scale, nature and location, the impact of which can only be properly assessed by the submission of an Environmental Statement.

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.

It is acknowledged that several objection letters to the application have been received. However, these relate to planning matters which cannot be considered as part of this screening opinion. The objection letters received are available on the Council's Planning Register.

Yours faithfully



David Peckford
Assistant Director – Planning and Development

Checked By: Alex Chrusciak - Senior Manager, Development Management



**West
Northamptonshire
Council**

Notice of Decision

Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)

Formal Screening Opinion

To:	Greystoke CB C/O Pegasus Group Querns Business Centre Whitworth Road Criencester GL7 1RT	Application No:	WNS/2022/0271/SCR
		Application Date:	10 February 2022
		Date of Decision:	02 March 2022

WEST NORTHAMPTONSHIRE COUNCIL, in accordance with powers under the above mentioned Regulations, has considered the request for a Screening Opinion for:

Screening Opinion for 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

And considers that the development proposed IS EIA development and any application for planning permission must be accompanied by an Environmental Statement.

It is considered that the development proposed is of a type listed in Schedule 2 (10a) to the Regulations in that it constitutes an 'Industrial Estate Development Project' and exceeds the relevant threshold in that the site area would exceed 5 hectares.

The development proposals have been assessed in relation to the selection criteria for screening Schedule 2 development set out in Schedule 3 of the 2017 Regulations and the advice, indicative thresholds and selection criteria for screening Schedule 2 development contained within the national Planning Practice Guidance (PPG).

The Local Planning Authority is of the opinion that the proposed development would be likely to have significant effects on the environment. Consideration in this matter has been given to the size and nature of the proposed development and the location, characteristics and context of the development site.

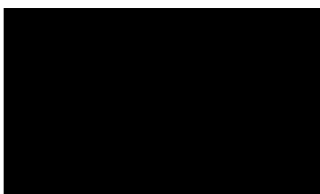
The development **is not** in a legally defined environmentally sensitive area but **does** exceed the indicative thresholds and criteria contained within the PPG in that the site area of the new development is more than 20 hectares. The selection criteria in Schedule 3 of the Regulations includes reference to the characteristics of the development (size, cumulation, use of natural resources, production of waste and pollution), the location of development and the characteristics of the potential impact. With specific regard to 10 (a) industrial estate development projects, the PPG states that the key issues to consider are the potential increase in traffic, emissions and noise.

In the opinion of the Local Planning Authority and in accordance with the PPG guidance, the most significant environmental impacts are likely to relate (but not limited) to an increase in traffic, emissions, noise and local and wider landscape and visual impact. Given the prevailing undisturbed greenfield character of the site, it is also anticipated that there would be significant impacts upon ecology and archaeology.

It is considered that the implications **could not** be addressed properly through the Council's normal consultation procedures.

The proposed development is a large-scale proposal for employment purposes that would lead to a significant urbanising effect, given the site context with associated highway works and infrastructure necessary to serve the development.

The Local Planning Authority has considered the factors above, the criteria in Schedule 3 to the EIA Regulations 2017 and Planning Practice Guidance and thresholds and criteria set out in the Annex, the particular aspects of the proposal, characteristics of the potential impact, the sensitivity of this particular location and potential cumulative impacts with other developments. In making the determination, the Local Planning Authority has judged whether the likely effects on the environment of this particular development will be significant in this particular location. It is considered that the development proposed is significant and will have a significant urbanising effect on the environment by virtue of its scale, nature and location, the impact of which can only be properly assessed by the submission of an Environmental Statement.



Jim Newton - Assistant Director - Growth, Climate and Regeneration

Checked by:	TH (Officer initials)
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Delegated Report Screening Opinion

Application Number: WNS/2022/0271/SCR

Location: Junction 11 M40, Banbury, OX17 2BH

Development: Screening Opinion for 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

Applicant: Greystoke CB

Agent: Pegasus Group

Case Officer: Laura Bell

Ward: Middleton Cheney

1 RECOMMENDATION

1.1 EIA **Required** for the reasons set out at the end of this report.

2 THE PROPOSAL

2.1 The proposal comprises the construction of 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.

3 SITE DESCRIPTION

3.1 The site is approximately 75ha of greenfield land geometric in shape, comprising of several field parcels defined by mature hedgerow and trees. Huscote Farm lies 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 and is located across two administrative boundaries; approximately 67ha of the Site is within Cherwell District Council and 8ha within West Northamptonshire District Council.

4 CONSTRAINTS

4.1 AHAS - Archaeological Assets, Name: Banbury to Lutterworth Turnpike, Monument ID: MNN135336 - Distance: 0

- 4.2 AHAS - Archaeological Assets, Name: Banbury to Buckingham Turnpike, Monument ID: MNN135321 - Distance: 0
- 4.3 AHAS - Archaeological Assets, Name: Overthorpe Hall Park, Monument ID: MNN2985 - Distance: 0
- 4.4 AHAS - Archaeological Assets, Name: Open Fields Project: Areas of Survival of Ridge & Furrow, Monument ID: MNN132348 - Distance: 0
- 4.5 AHAS - Archaeological Assets, Name: Medieval/Post Medieval Ridge & Furrow, Monument ID: MNN140151 - Distance: 0
- 4.6 SWFH - High Risk of Surface Water Flooding Flooding - Distance: 0
- 4.7 SWFM - Medium Risk of Surface Water Flooding - Distance: 0
- 4.8 SWFL - Low Risk of Surface Water Flooding - Distance: 0
- 4.9 AC3 - Aerodrome Consults, Height Consultation: 45m Obstacles - Distance: 0
- 4.10 SGW - Technical Site Safeguarding Map for Wind Turbine Developments (all wind turbine applications must be forwarded to NATS for consultations, irrespective of size and location) - Distance: 0
- 4.11 HSLF - Historical Landfill Site, Site: Banbury Lane - Distance: 0
- 4.12 MSA - Mineral Safeguarding Area - Distance: 0
- 4.13 CIL - CIL Charging Zones, Name: Rural Areas, Charge: 100 pounds (sites at or above affordable housing threshold) or 200 pounds (sites below affordable housing threshold) - Distance: 0
- 4.14 CONF - P/2018/0173/PRM - Distance: 0
- 4.15 CONF - P/2018/0185/PRM - Distance: 0

5 RELEVANT PLANNING HISTORY

No relevant planning history directly relating to this site.

6 PUBLICITY

There is no requirement to publicise requests for a screening opinion. However, a number of representations have been received in relation to this request. The matters raised within the representations relate to planning matters which cannot be considered as part of this screening process. If a formal planning application is submitted, the relevant statutory consultations will be undertaken and comments will be considered at that time.

7 RELEVANT PLANNING POLICIES AND CONSIDERATIONS

7.1 Development Plan

- West Northamptonshire Joint Core Strategy Local Plan (Part 1)
- Local Plan Part 2
- Neighbourhood Development Plans

7.2 Material Considerations

- Supplementary Planning Guidance
- National Policies the National Planning Policy Framework (NPPF)

8 APPRAISAL

- 8.1 A screening request has been submitted for the above site, in accordance with the Town and Country Planning (EIA) Regulations

The development is not of a type listed in Schedule 1.

The development is of a type listed in Schedule 2, section 10 (a) in that it consists of an 'Industrial Estate Development Project'.

The site is not within a 'sensitive area'.

The developments meets the relevant criteria in Schedule 2 in that the site area would exceed 5 hectares.

Will the development be 'likely to have significant effects on the environment'?

- 7.2 When considering whether this is the case consideration has to be given to the selection criteria in Schedule 3 of the Regulations and the indicative criteria and thresholds set out in the Planning Practice Guidance (PPG).
- 7.3 The development **is not** in a legally defined environmentally sensitive area but **does** exceed the indicative thresholds and criteria contained within the PPG in that the site area of the new development is more than 20 hectares. The selection criteria in Schedule 3 of the Regulations includes reference to the characteristics of the development (size, cumulation, use of natural resources, production of waste and pollution), the location of development and the characteristics of the potential impact. With specific regard to 10 (a) industrial estate development projects, the PPG states that the key issues to consider are the potential increase in traffic, emissions and noise.
- 7.4 In my opinion and in accordance with the PPG guidance, the most significant environmental impacts are likely to relate (but not limited) to an increase in traffic, emissions, noise and local and wider landscape and visual impact. Given the prevailing undisturbed greenfield character of the site, it is also anticipated that there would be significant impacts upon ecology and archaeology.
- 7.5 It is considered that the implications **could not** be addressed properly through the Council's normal consultation procedures.
- 7.6 The proposed development is a large-scale proposal for employment purposes that would lead to a significant urbanising effect, given the site context with associated highway works and infrastructure necessary to serve the development.
- 7.7 The Local Planning Authority has considered the factors above, the criteria in Schedule 3 to the EIA Regulations 2017 and Planning Practice Guidance and thresholds and criteria set out in the Annex, the particular aspects of the proposal, characteristics of the potential impact, the sensitivity of this particular location and potential cumulative impacts with other developments. In making the determination, the Local Planning Authority has judged whether the likely effects on the environment of this particular development will be significant in this particular location. It is considered that the development proposed is significant, and will have a significant urbanising effect on the environment by virtue of its scale, nature and location, the impact of which can only be properly assessed by the submission of an Environmental Statement.

10. CONCLUSION

- 10.1 In conclusion I am of the opinion that due to the scale of development, the site characteristics, its location and context and the nature of the development, the proposal is likely to give rise to significant environmental effects, **particularly in**

respect of traffic, emissions, noise, ecology, archaeology and local and wider landscape and visual impact and hence an EIA is required in this instance.

Case Officer	Laura Bell	Date	2/3/22
Authorising Officer	Tracey Hill	Date	02.03.22