

# 1. Introduction

## 1.1. Introduction

- 1.1.1. An Environmental Statement (ES) was submitted to Cherwell District Council (CDC) to support an outline planning application with all matters reserved for a residential led development of up to 1,700 residential dwellings, a retirement village, flexible commercial floorspace, social and community facilities, land to accommodate an energy centre and land to accommodate a primary school (the “Proposed Development”) at land north of Middleton Stoney Road, Bicester, Oxfordshire (“the Application Site”) (CDC ref: 14/O2121/OUT) in December 2014. The Site is known as Himley Village. Himley Village lies within the administrative area of Cherwell District and the location of the Application Site and application boundary is shown on **Figure 1.1** – Location Plan.
- 1.1.2. In September 2015 an ES Addendum was submitted to CDC in support of the planning application (CDC ref: 14/O2121/OUT) providing further information following discussions with CDC to updated on changes made to the Landscape, Land Use, Height, Density and Outline SuDS Parameter Plans for the Himley Village Development. Additionally, a number of comments relevant to the ES made by consultees during the determination period were addressed in the 2015 ES Addendum.
- 1.1.3. The planning application (CDC ref: 14/O2121/OUT) was granted permission on the 30<sup>th</sup> January 2020.
- 1.1.4. The granted outline planning permission (CDC ref:14/O2121/OUT) requires the Proposed Development to be carried out in accordance with a number of approved Parameter Plans and it is subject to various conditions which require the submission of further information at specified stages of the planning process.
- 1.1.5. A number of these conditions have been amended through 2no. Non-Material Amendments (NMAs) which must be read alongside the original planning permission. Applications to discharge some conditions have been submitted, and 3no. reserved matters applications have also been submitted and approved. CALA Homes (Cotswolds) Ltd (the “Applicant”) has instructed Pegasus Group (Agent on behalf of the Applicant) that they have implemented the approved reserved matters applications for Phases 1A, 1B and 2A (Phase 1A – 23/OO170/REM, Phase 1B – 23/O1493/REM, Phase 2A – 23/O1586/REM).
- 1.1.6. More recently, an NMA was submitted to alter the description of development to remove references to former use classes and replace these with the appropriate current use classes, and therefore also alter the approved Land Use Parameter Plans to remove references to former use classes and replace these with the appropriate current use classes (ref: 24/O1671/NMA). This application remains undetermined with CDC (correct at the time of writing, January 2025).
- 1.1.7. The Applicant has received marketing advice that explains that the provisions within the planning permission for the commercial land are not suited to current market conditions. Some initial concerns from the market feedback include:
- a) The retail units are too small (at 150sqm or 300sqm for the largest single unit).
  - b) A larger anchor retail store is expected to be the market's preferred option.
  - c) Table 1 in the planning permission does not provide sufficient flexibility

d) There is unlikely to be a demand for a large 2,000sqm veterinary surgery.

1.1.8. The Applicant is seeking to alter the quantum and mix of the commercial uses in the land allocated for ‘Social/Community’ and ‘Other Uses’ (detailed in **Figure 1.4** – Land Use – Parameter Plan 4(drawing number P22-3093\_DE\_013)). This requires amendments to Condition 44 and 45 and is therefore being sought via a S73 application. Therefore, it has been necessary to consider the implications of the S73 application in the context of the EIA Regulations.

1.1.9. **Figure 1.3** shows a Context Plan detailing the parts of the Site which have been identified for ‘Social/Community’ and ‘Other Uses’ and are the subject of this S.73 application.

## 1.2. EIA Regulations and Procedures

1.2.1. The Environmental Impact Assessment (EIA) process is the mechanism by which development proposals are appraised in terms of environmental and socio-economic criteria, in addition to the engineering and technical considerations. The EIA process ultimately assists in assessing the likely significant effects arising from a development (beneficial and adverse) and defines the context of the Proposed Development and its construction/ operation, and examines the issues considered pertinent.

1.2.2. The purpose of the EIA is to establish the nature of the existing Application Site and its surroundings (i.e. the baseline) and the nature of the Proposed Development and compare the baseline with the scenario once the proposals are in place, so to identify the likely significant effects that may arise as a result. This requires consideration of effects during construction, including any demolition or enabling works, and effects once operational. The document produced as a result of the EIA process is known as the Environmental Statement (ES).

### **The Town and Country Planning (Environmental Impact Assessment) Regulations 2017**

1.2.3. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (hereafter known as the “EIA Regulations”) require that any Proposed Development falling within the description of a ‘Schedule 2 Development’ within the meaning of the Regulations, may be subject to an EIA where such development is likely to have ‘significant’ effects on the environment by virtue of factors such as its nature, size or location (Regulation 2b).

1.2.4. The Proposed Development (Himley Village) is considered to be a Schedule 2 development, specifically falling under the category Schedule 2 10 (b) “Infrastructure projects” : “Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas”.

1.2.5. The applicable thresholds above which EIA may be required in relation to this category are as follows:

- The development includes more than 1 hectare of urban development which is not dwellinghouse development; or
- the development includes more than 150 dwellings; or
- the overall area of the development exceeds 5 hectares.

- 1.2.6. Further indicative criteria and thresholds to assist whether EIA is likely to be required are set out within the National Planning Policy Guidance (EIA section). With respect to category 10(b) developments, the further indicative criteria and key issues to consider are:
- 1.2.7. *“Environmental Impact Assessment is unlikely to be required for the redevelopment of land unless the new development is on a significantly greater scale than the previous use, or the types of impact are of a markedly different nature or there is a high level of contamination. Sites which have not previously been intensively developed:*
- (i) area of the scheme is more than 5 hectares; or*
  - (ii) it would provide a total of more than 10,000 m<sup>2</sup> of new commercial floorspace; or*
  - (iii) the development would have significant urbanising effects in a previously non-urbanised area (e.g. a new development of more than 1,000 dwellings).*
- 1.2.8. *Physical scale of such developments, potential increase in traffic, emissions and noise.”*
- 1.2.9. The Application Site covers approximately 90ha of land and includes more than 150 dwellings, and therefore exceeds the relevant threshold criteria’s constituting a Schedule 2 development under the EIA Regulations. Much of the further indicative criteria thresholds and key issues to consider as per the NPPG (EIA Section) are also exceeded.
- 1.2.10. Accordingly, the Proposed Development was considered to be EIA development, and an ES accompanied the outline planning application (ref: 14/O2121/OUT), with permission granted in 2020.
- 1.2.11. As outlined above, an Environmental Statement (ES) is a document that sets out the findings of an Environmental Impact Assessment (EIA). An EIA is a process for identifying the likely significance of environmental effects (beneficial or adverse) arising from a Proposed Development, by comparing the existing environmental conditions prior to development (the baseline) with the environmental conditions during/following the construction, operational and decommissioning phases of a development should it proceed. The EIA is carried out prior to the submission of a planning application.
- 1.2.12. The statutory requirements for carrying out an EIA, the contents of the ES and the procedures for determining planning applications for ‘EIA Development’ are set out within the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).
- 1.2.13. Where an application is made for planning permission for EIA development the local planning authority (LPA) is not permitted under the EIA Regulations to grant planning permission unless they have first taken the relevant environmental information into consideration.
- 1.2.14. A Section 73 application is considered to be a new application for planning permission under the EIA Regulations.

### **National Planning Practice Guidance**

- 1.2.15. National Planning Practice Guidance (NPPG) – ‘Flexible Options for Planning Permissions’ section outlines a S73 application is considered to be a new application for planning permission under the EIA Regulations.

*“Where an EIA was carried out on the original application, the planning authority will need to consider if further information needs to be added to the original Environmental Statement to satisfy the requirements of the Regulations. Whether changes to the original Environmental Statement are required or not, an Environmental Statement must be submitted with a section 73 application for an EIA development.”* Paragraph: O17 Reference ID: 17a-O17-2023072 (NPPG- Flexible Options for Planning Permissions).

- 1.2.16. Email correspondence from CDC confirmed that the proposed S73 application would require an ES Addendum to consider the effects of the proposed amendments to the Proposed Development and the surrounding environs, and whether the change in the development would result in any different significant effects to those already identified through the EIA already submitted to date.
- 1.2.17. The ES Addendum 1<sup>1</sup> has been prepared in accordance with Regulation 18(3), (4) and (5) and Schedule 4 of the EIA Regulations with reference to the National Planning Policy Framework (NPPF) (December 2024) and National Planning Practice Guidance (NPPG), as relevant to each of the technical disciplines and EIA.

### Scoping

- 1.2.18. In order to determine the scope of an EIA, the EIA Regulations make provision for, but do not statutorily require, an applicant to request that the LPA provide a written opinion as to the information to be provided within the ES.
- 1.2.19. The Applicant submitted a formal Scoping Request to CDC, validated on the 18<sup>th</sup> December 2024 (reference: 24/O3328/SCOP). A Scoping Opinion was received from CDC on 17<sup>th</sup> January 2025 (**Appendix 1.1**).
- 1.2.20. It is not considered all environmental topics scoped into the original ES as part of the granted outline planning permission (ref: 14/O2121/OUT) are likely to result in 'significant effects' and therefore a number of technical chapters are 'scoped out' of the ES Addendum 1. The Scoping Opinion issued from CDC (**Appendix 1.1**) confirmed this position to not assess all environmental topics in the original 2014 ES. This is especially relevant where integral measures as part of the scheme or its construction will reduce adverse impacts, and also in the light of ensuring the EIA is proportionate. Separate 'non-ES' reports will however still be undertaken, where necessary, covering those issues considered to be less than significant, outside the EIA process.
- 1.2.21. This is in line with guidance from the NPPG (EIA section) – *“Whilst every Environmental Statement should provide a full factual description of the development, the emphasis should be on the “main” or “significant” environmental effects to which a development is likely to give rise. The Environmental Statement should be proportionate and not be any longer than is necessary to assess properly those effects. Where, for example, only one environmental factor is likely to be significantly affected, the assessment should focus on that issue only. Impacts which have little or no significance for the particular development in question will need only very brief treatment to indicate that their possible relevance has been considered.”* Paragraph: O35 Reference ID: 4-O35-20170728. Further information on scoping and inclusion of environmental information in an ES is also provided at Paragraphs 34–42 of the NPPG (EIA section).

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<sup>1</sup> This ES addendum has been identified and referred to as 'ES Addendum 1' as an ES addendum has previously been submitted in 2015. Should any further ES addendums be required to be submitted, the numbering would continue in chronological order.

**1.2.22.** This ES Addendum 1 addresses those environmental issues which are considered pertinent and that could potentially result in “likely significant effects” as stated in the EIA Regulations. For reasons discussed in the continuing ES Addendum 1 technical chapters, it is considered that the Proposed Development, with the changes proposed within the S73 application, do not give rise to any different likely significant effects than those already identified and explained within the EIA information submitted to date. This ES Addendum 1 has been prepared to demonstrate this compliance.

**1.2.23.** Details of the scoping exercise carried out with regards to the Proposed Development is set out in **Chapter 3: EIA Methodology and Scope.**

### **1.3. Structure of Environmental Statement**

**1.3.1.** This ES Addendum 1 comprises studies on each of the aspects of the environment identified as likely to be significantly affected by the alterations sought to the granted, Proposed Development (the ‘technical chapters’), which are supported with figures and technical appendices where appropriate.

**1.3.2.** This ES Addendum 1 is structured as follows:

- Environmental Statement Addendum 1 – Main Text and Figures (Volume 1) – Comprises the main volume of the ES, including ‘general chapters’ and associated figures that describe the EIA context, provide a description of the Application Site and Proposed Development, and set out the scope of the ES, followed by the ‘technical chapters’ with the associated figures for each environmental discipline relevant to the proposals and concluding with a summary.
- Environmental Statement Addendum 1 – Technical Appendices (Volume 2) – Comprises the technical appendices supporting each environmental topic within Volume 1.
- Environmental Statement Addendum 1 : Non-Technical Summary (NTS) – this provides a concise summary of the ES identifying the likely significant environmental effects and the measures proposed to mitigate or to avoid adverse effects of the Proposed Development.

**1.3.3.** The content of the ES Addendum 1 comprises:

- Chapter 0 Contents and Statement of Competence
- Chapter 1 Introduction
- Chapter 2 Proposed Development and Amendments
- Chapter 3 EIA Methodology & Scope
- Chapter 4 Transport
- Chapter 5 Socio-Economics
- Chapter 6 Summary

**1.3.4.** EIA submissions to date as part of the granted outline planning permission (ref: 14/O2121/OUT) for the Proposed Development are also relied upon with this S73 application, in line with (NPPG) – ‘Flexible Options for Planning Permissions’, Paragraph O17. The 2014 and 2015 ES submissions

supporting the granted outline planning permission (ref: 14/O2121/OUT) are not resubmitted with this S73 planning application, as agreed through the Scoping Opinion issued from CDC (**Appendix 1.1**). Consultees can access the 2014/2015 EIA submissions via CDC planning portal website under reference 14/O2121/OUT. **Chapter 3: EIA Methodology and Scope** of this ES Addendum 1 details the EIA submissions to date that can be relied upon and do not require additional EIA documentation provided in this ES Addendum 1 to support the conclusions determined.

### The EIA Consultant Team

- 1.3.5. The EIA Regulations set out the requirements for EIA applications to be accompanied by confirmation that the Environmental Statement has been prepared by competent experts.
- 1.3.6. The ES Addendum 1 has been coordinated and managed by Pegasus Group. Pegasus is accredited under the Institute of Environmental Management and Assessment (IEMA) 'Quality Mark' scheme which is a mark of excellence in EIA co-ordination and management. Pegasus Group have extensive experience of undertaking EIA work across a range of projects and development types including urban developments.
- 1.3.7. The consultants who have contributed to the preparation of this ES Addendum 1 are referenced in the **Chapter 0 – Contents & Statement of Competence**, along with information demonstrating their "expertise to ensure the completeness and quality of the ES Addendum 1 in accordance with the EIA Regulations.

## 1.4. Environmental Statement Availability and Comments

### Availability

- 1.4.1. This ES Addendum 1 should be made available by Cherwell District Council for public viewing during normal office hours. For details of where they can be viewed and the times they are available will be from CDC Planning Services Department, who can be contacted by:

Address: Planning Services  
Cherwell District Council  
Bodicote House  
Bodicote  
Banbury  
OX15 4AA

Website: <https://planningregister.cherwell.gov.uk/>

- 1.4.2. The ES Addendum 1 and S73 application documents will also be available via the CDC's website once the planning application has been registered.
- 1.4.3. Alternatively, the ES may be purchased, the costs for which are set out below:
- Main Text and Technical Appendices- £100
  - Non-Technical Summary (NTS) - Free of charge
  - Digital copies of the above documents on a CD or USB - £10

- 1.4.4. Postage is payable on all orders. For copies of any of the above please contact Pegasus Group (quoting reference P22-2886) at the following address:

Pegasus Group  
33 Sheep Street  
Cirencester  
GL7 1RQ

Tel: 01285 641717

Email: [Cirencester@pegasusgroup.co.uk](mailto:Cirencester@pegasusgroup.co.uk)

### **Comments**

- 1.4.5. Comments on the ES Addendum 1 and S73 application should be forwarded to CDC Planning Public Access system on the Council's website, during its consideration and determination of the planning application. Please do not send comments to Pegasus Group, the Applicant or the consultants who have contributed to this ES as these may not be taken into consideration.