

Planning and Development

David Peckford, Assistant Director – Planning and Development



Cherwell

DISTRICT COUNCIL
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Your Ref:

BY EMAIL ONLY

17th January 2025

Dear Sir/ Madam

TOWN AND COUNTRY PLANNING ACT 1990

Application No.: 24/03328/SCOP

Applicant's Name: CALA Homes (Cotswolds) Ltd

Proposal: EIA Scoping Request to support a Section 73 application to vary conditions attached to the extant planning permission for the Himley Development (ref 14/02121/OUT)

Location: Proposed Himley Village North West Bicester
Middleton Stoney Road
Bicester
Oxfordshire

Parish(es): Bicester

I write in response to your Scoping Request submitted to the Local Planning Authority (LPA) accompanied by a Scoping Request report dated 12 December 2024.

The LPA have reviewed the information provided in order to determine the potential of the proposed development to have significant environmental effects and those aspects of the environment likely to be affected. In doing so, the LPA has had regard to the provisions of Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations 2017) (as amended) as well as the criteria for determining the potential for significant environmental effects as set out in Schedules 3 and 4 of those Regulations.

The LPA's full scoping response is provided attached to this response as Appendix 1.

Regulations 4(2) and 18 and Schedule 4 of the Regulations sets out the necessary information required to assess impacts on the environment to be included within an Environmental Statement.

In coming to a view, the LPA has also consulted with the relevant statutory authorities and consultation bodies whose comments, where received, are referred to within this Scoping Opinion and are available in full on the Council's website. Your attention is drawn to their full comments to supplement the report below.

I trust the below report and the comments received to this scoping request are of assistance to you in the formulation of an Environmental Statement.

This letter should be taken as the formal Scoping Opinion of the LPA under the EIA Regulations 2017, subject to the receipt of additional information from consultees through the course of pre-application discussions or amendments to the scope of information received from the applicant.

Yours faithfully

A handwritten signature in black ink, appearing to read 'D.P.', is positioned below the text 'Yours faithfully'.

David Peckford
Assistant Director – Planning and Development

Checked By: Caroline Ford

APPENDIX 1

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is situated to the northwest of Bicester, north of Middleton Stoney Road and west of Howes Lane and it forms part of the wider NW Bicester Eco Town area within the extent of the site allocated by Policy Bicester 1. The land sits detached from the Western extent of the town and is separated from it by Howes Lane and the Axis J9 employment site (which also forms part of the wider NW Bicester allocation). A private residence called Lovelynych House sits adjacent to the southern site boundary.
- 1.2. Work has commenced on Phase 1 to provide some of the infrastructure (accesses and highways/drainage etcetera) to serve the wider site.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Outline planning permission was granted for a 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 outline permission indicates that the southern parcels of the site will include 'Other Uses' which at that time were specified as A1, A2, A3, A4, A5, C1 and D1. The planning permission was conditioned to restrict the size of the floor areas for these uses in order to provide a basis for assessing the environmental impact and to protect Bicester town centre and the other planned local centres at NW Bicester from competition.
- 2.2. An application has been submitted under S73 to vary this condition to make the size and mix of uses within the Other Uses parcels more flexible (ref: 24/01670/F – suffix to be confirmed) and this is being held in abeyance until the conclusion of this scoping opinion. The applicants have prepared a Scoping Report to identify any likely significant environmental effects of the Proposed Development (as amended) which will need to be assessed in detail in the EIA and reported within an Environmental Statement (ES) Addendum, which will accompany the pending Section 73 planning application. The Scoping Report seeks to confirm agreement on the content of the forthcoming ES Addendum to be submitted. This scoping opinion also relates to an application for a non-material amendment to the outline which includes amending conditions 44 and 45 to refer to the current Use Classes which have superseded the classes referenced in the original decision.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:

Application: 14/02121/OUT Permitted 30 January 2020

OUTLINE - Development to provide up to 1,700 residential dwellings (Class C3), a retirement village (Class C2), flexible commercial floorspace (Classes A1, A2, A3, A4, A5, B1, C1 and D1), social and community facilities (Class D1), land to accommodate one energy centre and land to accommodate one new primary school (up to 2FE) (Class D1). Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure and other operations (including demolition of farm buildings on Middleton Stoney Road)

Also relevant are:

- 22/03492/NMA – Non-material amendment to conditions of permission 14/02121/OUT - Due to time constraints the applicants sought to meet the deadline for submitting a reserved matter application whilst not triggering the need to provide the masterplan and design code. It was agreed that the first reserved matter could be made for a discrete piece of infrastructure only (e.g. the site accesses) which would not necessitate wider site design details or prejudice the future layout/design. This NMA was granted to allow the

rewording of conditions to provide this flexibility/distinction – APPROVED.

- 23/00170/REM and 23/00214/REM – Identical, dual planning applications for the primary and secondary accesses to the Middleton Stoney Road for the outline planning permission 14/02121/OUT - APPROVED.
- 23/01493/REM - Reserved Matters Application including access, layout, landscaping and scale pursuant to outline planning permission 14/02121/OUT for internal primary and secondary streets along with the partial discharge of conditions 12 (Building for Life 12), 16 (means of vehicular access), 17 (means of pedestrian/cycle links) and 19 (detailed surface water drainage scheme) for Phase 1B - APPROVED.
- 24/01670/F - This Scoping Opinion is sought in relation to this pending application in order to inform the content and extent of an ES Addendum that will be submitted in support of an amended version of this application. The application is being held in abeyance until the new ES Addendum is provided.
- 24/01671/NMA - Non-material amendment to 14/02121/OUT - Alterations to the description of development to remove references to former use classes and replace these with the appropriate current use classes. Alterations to the approved Land Use Parameter Plan to remove references to former use classes and replace these with the appropriate current use classes. Alterations to Condition 5 to update the reference to the latest revision of the 'Land Use - Parameter Plan 4'. Alterations to Condition 8 to update the reference to the latest revision of the 'Land Use - Parameter Plan 4'. Alterations to Condition 9 to update the reference to the latest revision of the 'Land Use - Parameter Plan 4'. Alterations to Condition 44 to remove references to former use classes and replace these with the appropriate current use classes and to update the reference to the latest revision of the 'Land Use - Parameter Plan 4'. Alterations to Condition 45 to remove references to former use classes and replace these with the appropriate current use classes.
- 24/02249/NMA - Non-material amendment to 23/01493/REM - rewording of condition 3 (Great Crested Newt Licence) – APPROVED.
- There are also numerous conditions discharge applications associated with the outline permission and the reserved matters applications.

4. RESPONSE TO PUBLICITY

- 4.1. This application does NOT need to be publicised by way of a Site Notice, advertisement in the local newspaper expiring **or** by letters to neighbouring occupiers. No comments have been raised by third parties.

5. RESPONSE TO CONSULTATION

- 5.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 5.2. BICESTER TOWN COUNCIL: No comments received to date.
- 5.3. BUCKNELL PARISH COUNCIL: No comments received to date.

STATUTORY CONSULTEES

- 5.4. OXFORDSHIRE COUNTY COUNCIL SINGLE RESPONSE:

Transport: Consider that the information provided is not sufficient to assess the impact of the S73 application as suggested in paragraph 1.4.7. TRICS output data has not been submitted for the TRICS data in Table 7 and traffic flow diagrams have not been included. The trip reductions due to containment (95% for the food store) have not been evidenced and no calculations have been provided demonstrating the expected trips from within Himley village, trips from the wider Bicester area and pass by trips.

Notwithstanding Paragraph 6.18.18 it is considered that any trips to and from the food store not originating in Himley Village will be new trips on the local network, regardless of the fact that these trips are local to Bicester or diverted from other food stores. If there is a significant net peak hour increase of trips outside the Himley Village development due to the change in proposed uses, assessments of local junctions will be required.

They recommend that a Transport Assessment Scoping Note is prepared and submitted for comments followed by a Transport Assessment to be submitted with the S73 planning application. The Transport Assessment should clearly set out how the discount food store trips have been derived and provide evidence for any trip reductions using information from the original planning application and TRICS Research Report 14/1.

Lead Local Flood Authority: Does not consider that flood risk and surface water drainage need to be included in the ES Addendum as the application will require the submission of an FRA and Surface Water Drainage Strategy. The applicants should review the local standards and guidance provided by the LLFA.

Archaeology: Does not consider that archaeology needs to be covered by the ES Addendum as the proposed changes would not impact archaeology and the development is already adequately covered by conditions attached to the original permission.

Landscape/Green Infrastructure: No comments.

- 5.5. ENVIRONMENT AGENCY: No comments received to date.
- 5.6. NATURAL ENGLAND: Make the following comments: provides general advice on the content and form of an ES.
- 5.7. BBO WILDLIFE TRUST: No comments received to date.
- 5.8. NETWORK RAIL: Make general comments about the developer's responsibilities and need to liaise and agree the scheme with NR. *[Officer Note: The site does not lie adjacent to or within the buffer for the railway line so these comments do not apply to this application and the consultation was sent in error].*
- 5.9. SPORT ENGLAND: No comments.
- 5.10. HISTORIC ENGLAND: No objection. Note that the proposals are unlikely to result in any significant effects on heritage.
- 5.11. THAMES WATER: No comments received to date.
- 5.12. THAMES VALLEY POLICE: No comments.
- 5.13. NATIONAL PLANNING CASEWORK UNIT: No comments received to date.

OTHER CONSULTEES

- 5.14. WARD COUNCILLORS: No comments received to date.
- 5.15. CDC ENVIRONMENTAL HEALTH: No objection. Content with the scoping as presented.
- 5.16. CDC ECOLOGY: No comments received to date.

6. RELEVANT PLANNING POLICY AND GUIDANCE

- 6.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.2. The Cherwell Local Plan 2011-2031 - Part 1 (CLP 2015) was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

Sustainable communities

- PSD1: Presumption in Favour of Sustainable Development
- SLE1: Employment Development
- SLE4: Improved Transport and Connections
- BSC1: District wide housing distribution
- BSC2: Effective and efficient use of land
- BSC3: Affordable housing
- BSC4: Housing mix
- BSC7: Meeting education needs
- BSC8: Securing health and well being
- BSC9: Public services and utilities
- BSC10: Open space, sport and recreation provision
- BSC11: Local standards of provision – outdoor recreation
- BSC12: Indoor sport, recreation and community facilities

Sustainable development

- ESD1: Mitigating and adapting to climate change
- ESD2: Energy Hierarchy and Allowable solutions
- ESD3: Sustainable construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable flood risk management
- ESD7: Sustainable drainage systems
- ESD8: Water resources
- ESD10: Biodiversity and the natural environment
- ESD13: Local landscape protection and enhancement
- ESD15: Character of the built environment
- ESD17: Green Infrastructure

Strategic Development

- Policy Bicester 1 North West Bicester Eco Town
- Policy Bicester 7 Open Space
- Policy Bicester 9 Burial Ground

Infrastructure Delivery

- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in the countryside
- S28: Proposals for small shops and extensions to existing shops outside Banbury, Bicester and Kidlington
- TR1: Transportation funding
- TR10: Heavy Goods Vehicles
- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- C30: Design Control

6.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Eco Towns Supplement to PPS1 (2009)
- Cherwell Residential Design Guide (2018)
- Developer Contributions (2018)
- North West Bicester Masterplan (2014)
- North West Bicester Supplementary Planning Document (2016)
- One Shared Vision (2010)
- Draft Cherwell Local Plan Review 2042 (Regulation 19 stage - to be afforded limited weight)

7. APPRAISAL

7.1. The key issues for consideration in this case are:

- Whether the Scoping Report adequately covers the environmental impacts of the proposed changes to the outline planning permission to ensure that the ES addendum that will be provided fully addresses the effects of the future S73 application.

Proposed Section 73 Application

7.2. The amended S73 application is expected to propose the following amendments to Condition 44 of the outline permission (ref: 14/02121/OUT):

“No more than a total of 8,000sqm floor space shall be provided for the mixed uses set out in Table 1. and each No use shall not exceed the maximum Gross Internal Area for each specified use, unless an updated Transport Assessment demonstrates that an alternative mix of uses would not give rise to a material increase in traffic movements to and from the site has been submitted to and approved in writing by the Local Planning Authority. These approved uses shall only be provided within the areas of the site annotated for ‘Other Uses’ and ‘Social/ Community’ on ‘Land Use Parameter Plan 4’ drawing number P22-3093_DE_013.

Table 1

Land Use	Maximum GIA (sqm)
Hotel (Class C1)	2,000sqm
Veterinary surgery (Class E(e))	300sqm
Pub/ Community (Classes Sui Generis)	500sqm
Retail, Restaurants and Cafes, Financial and Professional Services, Drinking Establishments and Hot Food Takeaways (Classes E(a)(b)(c) and Sui Generis)	300sqm
Office (Class E(g)(i))	1,000sqm
Health facility (Class E(e))	500sqm
Nursery (Class E(f))	500sqm
Discount Food Store (Class E(a))	2,500sqm

Water treatment plant (Sui Generis)	450sqm
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Schedule to the Town and Country Planning (Use Classes) Order 1987 (or their equivalent in subsequent enactments or re-enactments) and for no other purpose(s) whatsoever.”

7.3. For ease of comparison the original condition 44 reads:

No more than a total of 8,000sqm floor space shall be provided for the mixed uses set out in Table 1 and each use shall not exceed the maximum Gross Internal Area for each specified use. These uses shall only be provided within the areas of the site annotated for ‘Other Uses’ and ‘Social/ Community’ on ‘Land Use Parameter Plan 4’ drawing number 592-PL-103 Rev K.

Table 1

Land Use	Maximum GIA (sqm)
Hotel (Class C1)	2,600sqm
Veterinary surgery (Class D1)	2,000sqm
Pub/ Community (Classes A4/ D1)	400sqm
Retail (Classes A1, A2, A3, A4, A5)	700sqm
Office (Class B1)	1,000sqm
Health facility (Class D1)	1,500sqm
Nursery (Class D1)	100sqm
Energy Centre (Sui Generis)	375sqm
Water treatment plant (Sui Generis)	450sqm

The approved uses shall remain within the Use Classes set out above as specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or their equivalent in subsequent enactments or re-enactments) and for no other purpose(s) whatsoever.

7.4. The S73 application is also expected to seek to amend condition 45 of the outline permission as follows:

“No individual Retail unit allowed for in Table 1 of condition 44 shall exceed 150m² in Gross Internal Area with the exception of a single **Discount Food Store** unit of up to a maximum of ~~300~~ **2,500m²** which shall be for uses within Use Class **A4 E** of the Town and Country Planning (Use Classes) Order 1987 (or their equivalent in subsequent enactments or re-enactments). If provided, the single retail unit over 150m² for uses falling within Use Class **A4 E** shall remain within that Use Class and it shall be used for no other Use whatsoever. Thereafter retail units shall not be amalgamated.”

7.5. The key proposed changes to the outline permission are therefore:

- 1) The introduction of a discount food store retail unit with a floor area of up to 2,500sqm which would increase the potential retail floor area from 700sqm in total to 2,800sqm in total;
- 2) The reduction of the hotel floor area (from 2,600sqm to 2,000sqm), the veterinary surgery floor area (from 2,000sqm to 300sqm), the other retail floor area (from 700sqm to 300sqm), the health facility floor area (from 1,500sqm to 500sqm) and the removal of the

energy centre (375sqm) which would amount to a total decrease in Other Uses floor areas of 4,075sqm; AND

- 3) The increase of the Pub/Community floor space (from 400sqm to 500sqm) and the Nursery floor space (from 100sqm to 500sqm) which would amount to a total increase of 500sqm;
- 4) In summary, the proposed changes would result in a net change to the total floor areas within the 'Other Uses' parcels of -1,075sqm (i.e. the total decrease 4,075sqm – the total increase 3,000sqm OR the Original total floor space of 9,125sqm minus the Amended total floor space of 8,050sqm). Although this is a useful comparison it should be noted that both the original condition 44 and the proposed condition 44 retain the upper limit of 8,000sqm in total for all floor space to be provided within the mixed use parcels.

Scoping Report

- 7.6. The applicants have provided a scoping report in support of this application to set out what effects they consider that the ES Addendum to be provided with the S73 application should cover. Paragraph: 016 Reference ID: 17a-016-20140306 of the PPG 'Flexible options for planning permissions' states that "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". In assessing the requirements of the Addendum it is necessary to balance the need for a flexible approach towards allowing a revision to the original permission (as proposed) whilst ensuring that any environmental impacts that would potentially be made more significant by the proposed amendments will be adequately assessed and mitigated. The content and extent of the ES Addendum needs to be proportionate in response to the magnitude of the amendments.
- 7.7. The Scoping Request has been provided under Regulation 15 (2) (b) in relation to a subsequent application. Part (iii) states that this should include "an explanation of the likely significant effects on the environment which were **not identified at the time planning permission was granted**". Therefore, the environmental topics 'scoped-in' for the forthcoming ES addendum to accompany the Section 73 application focus on the likely significant effects on the environment which were not identified at the time planning permission was granted.
- 7.8. The content of the Scoping Report can be summarised as follows:

SCOPED-IN: It is proposed to update the chapters on Socio-Economics (including the topic of population) and Transport and Access.

SCOPED-OUT: It is proposed to rely on the original ES findings in respect of Human Health, Biodiversity, Land, Soil, Water, Air, Climate, Noise and Vibration, Risk of Major Accident and Disaster, Material Assets, Waste, Cultural Heritage and Landscape.
- 7.9. Based on the proposed uses to be included within the 'Other Uses' parcels and the upper floor limits to be applied to each of these it is considered that the most significant change is the introduction of a discount food store. The increase in the floor area for the nursery use is also believed to be a 'material' amendment. Conversely, the changes to the size of other uses are either not substantial or would be likely to result in a reduction of potentially harmful effects (and therefore a reduced impact).

Transport and Access

- 7.10. The traffic generation effects of an increased retail floor area (and specifically a medium-sized discount supermarket) will need to be considered within the ES Addendum and therefore it is agreed that the Transport and Access Chapter should be 'scoped-in' to the Addendum. Trips associated with a larger nursery use also need to be examined as part of

this. These will obviously need to be balanced against the reduction in traffic resulting from the smaller floor areas proposed for other uses.

- 7.11. OCC Transport have commented that further evidence needs to be provided on the number of trips generated and they recommend that a Transport Scoping Note is submitted prior to the completion of a full Transport Assessment which should clearly set out how the discount food store trips have been derived and provide evidence for any trip reductions using information from the original planning application and TRICS Research Report. See Section 5 of this report (Response to Publicity) for more details.

Socio-Economic

- 7.12. The larger retail floor area proposed by the S73 will affect the economic impact of the development and therefore it is agreed that this should be scoped-in to the ES Addendum for assessment. The Scoping Report suggests that employment and economic contribution are the key factors that should be considered and this is agreed to be an appropriate focus. The effect of the changes to floor areas for the various use classes on job and training opportunities needs to be covered as part of the updated Socio-Economic chapter.

Retail Impact

- 7.13. The provision of a medium-sized supermarket would also have potentially significant effects in terms of retail impact. A Retail Impact Assessment should be provided in support of the S73 in addition to the ES Addendum. This should examine the effect that this use would have on the viability and vitality of both Bicester town centre and the other local centres proposed for NW Bicester within the allocation under Policy Bicester 1 (i.e. at Hawkwell Farm and Aldershot Farm).

Landscape

- 7.14. A single, larger retail unit of up to 2,500sqm could have a potentially very different visual impact upon the character of the area than the maximum 300sqm unit permitted at present. However, it is agreed that amendments are not required to the Landscape chapter because the permission currently allows for a hotel of up to 2,600sqm and a veterinary surgery building of up to 2,000sqm and therefore a building of this scale is already the basis for the original ES. The heights and form of buildings within the 'Other Uses' parcels continue to be controlled by the approved parameter plans.

Update to Baseline and Cumulative Impacts

- 7.15. The ES Addendum will need to address any changes to the baseline conditions which the original ES was based upon. This will include a current review of development projects/planning permissions in the vicinity which have consent or are being implemented and consideration of any cumulative impacts that these might have in connection with the S73 amendments. The table of 'other sites' provided in the Scoping Report is agreed as an appropriate basis for assessing the cumulative impacts. The Addendum will also include an assessment of the interrelationships between the various environmental impacts (i.e. each of the ES chapter topics).
- 7.16. Since the submission of the original ES the Ward Boundaries have changed and it is agreed that the current population data is used as the basis for the Addendum.

Other Chapters/Impacts

- 7.17. Having reviewed the Scoping Report and taken into account the comments of consultees it is agreed that there are no significant effects anticipated from the proposed development in respect of biodiversity, ground conditions, land, contamination and soil, water management, air quality management, noise and vibration, climate change, landscape, built heritage and archaeology, accidents and disasters, waste management or material assets. Therefore, it is accepted that the following chapters can be 'scoped-out' of the addendum: Human Health,

Biodiversity, Land, Soil, Water, Air, Climate, Noise and Vibration, Risk of Major Accident and Disaster, Material Assets, Waste, Cultural Heritage.

7.18. The list of non-significant topics to be scoped out of the ES is agreed, with the exception of where they form part of the consideration of an inter-related matters of significance and appropriate mitigation is necessary (e.g., biodiversity and lighting).

Publication

7.19. It is noted that the Environmental Statement Addendum will be accompanied by a Non-technical summary.

7.20. Digital Copies of the ES Addendum (e.g. through USB sticks or digital links) should be made available to Parish Councils and Ward Members. Digital copies of the ES Addendum should be made available free of charge. The applicant should undertake a GDPR check as part of any document submitted.

7.21. Any confidential document (e.g. badger survey) should be clearly labelled with a public and redacted version being made available. Unredacted versions should be forwarded to the appropriate body for consideration.

7.22. A hard copy of the ES Addendum should be sent directly to and will be made available at the Council Offices (this is currently Bodicote House but please note that we will be moving to **39 Castle Quay, Banbury, OX16 5FD** on 17 February 2025). Additional copies or requests for a hard copy should be charged at reasonable rates in accordance with guidance. The cover letter should state where Members of the public may obtain these copies and the cost.

7.23. The S73 application need only be accompanied by the ES Addendum. A hard copy of the original full ES is not anticipated to be necessary at this stage but it may be required if a consultee/interested party makes a request. In the first instance, it is expected that consultees will access the original ES documents via our website for the record concerning planning permission 14/02121/OUT.

8. RECOMMENDATION

That the above be considered as the adopted Scoping Opinion of the Local Planning Authority subject to the receipt of any additional information from Consultees through the consideration of the S73 application or to any amendments to the proposed S73 application received from the applicant.