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COMMERCIAL PROPERTY ADVICE



**Request for a Regulation 6 EIA Screening Opinion  
Town and Country Planning Act 1990  
The Town and Country Planning (Environmental Impact Assessment) Regulations 2017**

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**Land to the West of Cricket Field North of Wykham Lane, Bodicote, Oxfordshire**

**On Behalf Of:**

David Wilson Homes (Mercia) Limited and Gladman Developments Limited

**Prepared By:**

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Job Ref: PE0078/ENV/HS

Date: 13<sup>th</sup> May 2019

Issued

**Request for a Regulation 6 Screening Opinion under The Town and Country Planning  
(Environmental Impact Assessment) Regulations 2017**

**Land to the West of Cricket Field North of Wykham Lane, Bodicote, Oxfordshire**

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**Main Contributors**

**Dr Holly Smith**

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Issued By Holly Smith


Signature...  .....

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Date... 13-5-19 .....

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Signature...  .....

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## **1.0 INTRODUCTION**

- 1.1 This request for a screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 has been submitted by Harris Lamb Property Consultancy (HLPC) on behalf of David Wilson Homes (Mercia) Limited and Gladman Developments Limited. This screening opinion request is in respect of a reserved matters application which seeks approval for the layout, scale, appearance and landscaping under the outline consent (Cherwell District Council Planning Reference 15/01326/OUT) on c. 17.53ha of land west of Cricket Field, north of Wykham Lane, Bodicote, Oxfordshire (National Grid Reference: SP45563828) (see Appendix 1 for location plan) hereafter termed the 'site'.
- 1.2 The site is located c. 1.7km to the south of Banbury centre, with access taken from White Post Road to the east of the site. The site comprises three parcels of relatively flat land sloping down to the southern boundary with Wykham Lane and is currently under agricultural use with hedgerow field boundaries and scattered trees.
- 1.3 The site falls within the administrative area of Cherwell District Council. Cherwell Local Plan 2011-2031 was adopted in 2015. The site falls within the Land South of Salt Way – East, Strategic Housing Site which aims to deliver a new neighbourhood of up to 1,345 dwellings and associated facilities and infrastructure. The outline consent (15/01326/OUT) granted for the site would provide up to 280 dwellings as part of that allocation.
- 1.4 The Environmental Statement by Gladman Developments Limited concluded that there are no significant adverse environmental effects resulting from the proposed development (individually or cumulatively).
- 1.5 The purpose of this request is to seek an EIA screening opinion for the reserved matters application under Regulation 6 of the EIA Regulations.
- 1.6 In accordance with Regulation 6, Paragraph (2) this statement provides:



- (a) a plan sufficient to identify the land;*
- (b) a description of the development, including in particular—*
  - (i) a description of the physical characteristics of the development and, where relevant, of demolition works;*
  - (ii) a description of the location of the development, with particular regard to the environmental sensitivity of geographical areas likely to be affected;*
- (c) a description of the aspects of the environment likely to be significantly affected by the development;*
- (d) a description of any likely significant effects, to the extent of the information available on those effects, of the proposed development on the environment resulting from—*
  - (i) the expected residues and emissions and the production of waste, where relevant; and*
  - (ii) the use of natural resources, in particular soil, land, water and biodiversity; and*
- (e) such other information or representations as the person making the request may wish to provide or make including any features of the proposed development or any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.*

- 1.7 Section 2 of this report summarises environmental information gathered to date which aims to satisfy Section 6(2), 6(3) of the Regulations, taking into account the criteria in Schedule 3 of the Regulations.
- 1.8 The proposed development is not considered to fall under Schedule 1 of the EIA Regulations.
- 1.9 The proposed development meets the threshold criteria set out within Schedule 2. 10 Infrastructure projects:

*“(b) Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas;*

- (i) The development includes more than 1 hectare of urban development which is not dwellinghouse development; or*
- (ii) the development includes more than 150 dwellings; or*
- (iii) the overall area of the development exceeds 5 hectares”.*

1.10 A proposal which meets column 2 of the ‘applicable thresholds and criteria’ table within Schedule 2 does not automatically mean the development should require an EIA. An EIA Application means “*Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location*”.

1.11 The reserved matters application seeks approval for the layout, scale, appearance and landscaping under the outline consent and under the parameters within the Environmental Impact Assessment. Since the EIA for the outline was undertaken the EIA Regulations have changed. This letter requests confirmation from the Council that an EIA is not required for the reserved matters application under the 2017 EIA Regulations.

## 2.0 RESPONSE TO REGULATION 6 CRITERIA

Table 1: Information to Satisfy Regulation 6a-e

Regulation 6 Requirement	Response
(a) a plan sufficient to identify the land;	<p>— Please refer to Appendix 1 for a plan identifying the land.</p> <p>— The size of the development is c. 17.53ha.</p>
(b) a description of the development, including in particular— (i) a description of the physical characteristics of the development and, where relevant, of demolition works;	<p>— Please refer to Appendix 2 for a layout of the proposed development. The principal elements set by the outline as stated in Chapter 3 and the Parameters Plan within the ES for the outline application<sup>1</sup> are summarised as:</p> <ul style="list-style-type: none"> <li>• Construction of up to 280 residential units and associated infrastructure.</li> <li>• Creation of an area of Public Open Space (POS) including a Local Equipped Area of Play (LEAP)</li> <li>• Enhance biodiversity with improvement of existing hedges and new native planting.</li> <li>• A Transport Assessment confirms there is capacity in the local highway network with new access off White Post Road.</li> <li>• A sustainable urban drainage system.</li> <li>• A programme of archaeological investigation to mitigate impacts to below ground archaeology.</li> <li>• Screen planting to mitigate adverse impacts to identified heritage and landscape/visual receptors.</li> </ul>
(ii) a description of the location of the development, with particular regard to the environmental sensitivity of geographical areas likely to be affected;	<p>— The land to be affected by the proposed development is currently undeveloped and comprises three fields under agricultural cultivation.</p> <p>— The site has not been identified to fall within any of the areas listed in Schedule 3.</p> <p>— The site is not within 10km of a European designated site for nature conservation (SPA/SAC/Ramsar).</p> <p>— The site is not located within an Area of Outstanding Natural Beauty (AONB), Air Quality Management Area (AQMA). The site is located in Flood Zone 1 and at low risk of flooding.</p> <p>— No physical impact on any Heritage Assets has been identified through the heritage assessment and no harm to the setting of any assets<sup>1</sup> is predicted that cannot be mitigated over time. The landscape design aims to minimise views to these receptors. The ES identified mitigation for potential impacts to below ground archaeology that can be controlled by planning condition.</p>

<sup>1</sup> Gladman Developments Limited July 2015 Land West of White Post Road, Banbury Environmental Statement



Regulation 6 Requirement	Response
<p>(c) a description of the aspects of the environment likely to be significantly affected by the development;</p>	<ul style="list-style-type: none"> <li>— No significant environmental impacts with other existing development and/or approved development have been identified by the assessments undertaken.</li> <li>— No other environmental impacts have been identified in the outline application through the assessments undertaken that could not be mitigated to reduce level of impact to not significant under the EIA Regulations under which the scheme was assessed.</li> </ul>
<p>(d) a description of any likely significant effects, to the extent of the information available on those effects, of the proposed development on the environment resulting from—                      (i) the expected residues and emissions and the production of waste, where relevant; and                      (ii) the use of natural resources, in particular soil, land, water and biodiversity; and</p>	<ul style="list-style-type: none"> <li>— There will be no abnormal use of natural resources beyond those required to deliver the sustainable development needs of the local area.</li> <li>— The proposed development is for residential use is not considered likely to give rise to significant levels of pollution. Construction will be undertaken following industry standard pollution prevention measures and under a Construction and Environment Management Plan (CEMP) which could be secured through a suitable planning condition.</li> <li>— The nature of the proposed development is not anticipated to result in significant noise impacts during the construction or operational phase that could not be controlled through standard noise pollution measures within a CEMP and therefore no significant environmental impacts in relation to noise quality are anticipated.</li> <li>— It was concluded through the Transport Assessment that the traffic impact of the proposed residential development would be insignificant. Dust associated with the construction phase could be controlled through the CEMP. The site is not within an AQMA and therefore no significant environmental impacts in relation to air quality are anticipated.</li> <li>— The site falls within Flood Zone 1 and the scheme would include detailed drainage design agreed with the relevant stakeholders. The principle of draining the site was agreed at the outline stage.</li> <li>— The nature and scale of the proposed development is not considered likely to result in the risk of major accidents and/or disasters, that could result in significant environmental impact, should a CEMP be secured through planning condition. The proposed development would include a drainage scheme which includes consideration of future climate change.</li> <li>— Building materials would be sourced locally where possible and careful site control utilised to minimise waste. This will also reduce transport emissions both to and from the site.</li> </ul>



Regulation 6 Requirement	Response
<p>(e) <i>such other or information or representations as the person making the request may wish to provide or make including any features of the proposed development or any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment</i></p>	<p>— Ecological mitigation and tree protection measures to minimise impacts during construction and offer an enhancement to biodiversity through an appropriate landscape design would be controlled through planning conditions attached to the outline consent.</p> <p>— The assessment work undertaken under the outline application and reserved matters application includes a suite of measures to minimise environmental impact and in summary include:</p> <ul style="list-style-type: none"> <li>• A sustainable drainage strategy to deliver an improvement in terms of flood risk</li> <li>• Ecological mitigation to minimise impacts to breeding birds through vegetation removal outside the bird breeding season and creation of new planting to ensure there is no net biodiversity loss.</li> <li>• New native species tree planting and retention/improvement of retained hedgerows.</li> <li>• Implementation of an Arboricultural Method Statement to safeguard retained trees.</li> <li>• Phase 2 Site investigation to inform an appropriate remediation strategy.</li> <li>• Create a sustainable drainage system with climate change embedded into the design.</li> <li>• Include recycling facilities.</li> <li>• Local sourcing of building materials.</li> <li>• Improved linkages to the site to improve access to the existing byway and footpath network.</li> </ul>

### 3.0 CONCLUSION

- 3.1 The site is not subject to any newly identified statutory designations since the EIA undertaken with the outline consent. Based on the nature and scale of the proposed development, implemented under the approved parameters set out with the outline consent, the reserved matter application is not expected to create significant quantities of residues, emissions or waste that could not be controlled through the outline consent control mechanisms or planning conditions attached to a reserved matters consent and industry standard practices.
- 3.2 The proposed development is for the creation of a 280-unit residential scheme, with associated open space and vehicular access. With the mitigation proposed, the development is not anticipated to result in significant environmental impacts. Construction will be undertaken following industry standard pollution prevention measures and under a Construction and Environment Management Plan (CEMP).
- 3.3 Based on the nature, scale and location of the proposed development the scheme should not require an Environmental Impact Assessment. The outline application requires the following accompanied by the following suite of non-EIA environmental reports prior to the commencement of development:
- Ecological Appraisal, including badger mitigation strategy and
  - Drainage Design
  - Phase 2 Site Investigation Assessment
  - Tree Survey, with Arboricultural Impact Assessment and Arboricultural Method Statement
  - Strategic Environmental Plan
  - Construction Works Management Plan
  - WSI Archaeology
  - Energy Statement

# APPENDIX 1



