

# Public Protection & Development Management

Andy Preston – Head of Public Protection & Development Management



DISTRICT COUNCIL  
NORTH OXFORDSHIRE

Mr Peter Frampton  
Framptons  
Oriol House  
42 North Bar  
Banbury  
Oxfordshire  
OX16 0TH

*Bodicote House  
Bodicote  
Banbury  
Oxfordshire  
OX15 4AA*

*www.cherwell.gov.uk*

28<sup>th</sup> July 2016

---

Please ask for: Matthew Parry

Direct Dial: 01295 221837

Email: [matthew.parry@cherwell-dc.gov.uk](mailto:matthew.parry@cherwell-dc.gov.uk)

Our Ref: 16/00051/SCOP

---

Dear Mr Frampton

## **TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 2011 (as amended)**

### **Request for a Scoping Opinion**

**Application Number: 16/00051/SCOP**

**Applicant: Framptons**

**Proposal: Residential development of up to 750 dwellings, provision for vehicular access from Oxford Road, open space and associated infrastructure**

**Address: Land North of Health Club East of Longford Park, Oxford Road, Bodicote (Land allocated as Bankside Phase 2 in the Cherwell Local Plan 2011-2031 Part 1)**

The Council has considered your request for it to adopt an EIA scoping opinion in relation to the abovementioned proposals. The Council has reviewed the information that you have provided in order to determine the potential for the proposed development to have significant environmental effects. In doing so the Council has had regard to the provisions of reg. 13 of the EIA Regulations 2011 (as amended) as well as the criteria for determining the potential for significant environmental effects as set out in Schedules 3 and 4 to those regulations. The Council has also consulted with the relevant statutory consultation bodies as defined in the EIA Regulations 2011 (as amended) and has had regard to the representations received.

Having considered the scale, nature and location of the proposed development both individually and cumulatively with other committed development, the Council considers those aspects of the environment set out over the following pages need to be addressed as part of an EIA and therefore included within an Environmental Statement (ES) that accompanies a planning application. Notwithstanding those environmental effects that the Council considers should be assessed through EIA, an ES needs to include all other relevant information as set out in Parts 1 and 2 of Schedule 4 to the EIA Regulations 2011 (as amended).

The Council expects to see the main environmental effects arising from the proposed development considered against the baseline conditions both during its construction and in its operational stage including, where necessary, up to a point 15 years post completion of the development. Where any potential significant environmental impacts are identified at any stage, measures to avoid, mitigate and/or remedy them should be set out in the ES. Any resulting residual impacts should then be assessed to determine their environmental significance.

The Council expects an EIA for the proposed development to not only assess the potential for significant environmental effects resulting from these proposals alone but also the potential for significant cumulative effects when considered together with other relevant major developments that are approved, allocated or proposed in the surrounding area and which are likely to progress within the next five years. An ES should also include a clear and concise conclusion as well as a non-technical summary. The Council has also had regard to Government guidance contained within the Planning Practice Guidance, (in particular ref ID: 4-035-20140306) which states that only the main or significant potential environmental effects to which a development is likely to give rise should be addressed. The ES should therefore be proportionate and not any longer than is necessary to assess properly those effects. As a consequence, those impacts which have little or no significance for the proposed development will need only very brief treatment in an ES to indicate that their possible relevance has been considered.

Broadly speaking the Council is in general agreement with the scoping report that accompanied your scoping request. However, in the Council's view there are some effects that require further consideration as part of an EIA. For ease and clarity, the Council sets out as follows those aspects of the environment that it believes could be significantly adversely affected by the proposed development and which should be addressed through EIA.

#### Transport

The EIA regulations are clear that social impacts including impacts on the local population are environmental effects that may need to be addressed as part of an EIA if the impacts are potentially significant. The Council considers the impact on the local transport network to be an environmental effect that needs to be addressed. This includes both the likely individual traffic and transport implications of the proposals but also the cumulative impact when taken together with committed development in the surrounding area.

The approach set out in your scoping report is considered to be broadly appropriate however it is recommended that a TA scoping document is prepared with OCC in advance of the TA being carried out to ensure that it is appropriately robust. The current proposed list of receptors is however inadequate and further junctions will also need consideration including:

- Oxford Road/Bankside/Flyover
- Oxford Road/Weeping Cross including the new LP1 access
- Oxford Road/Sainsburys/Farmfield Road
- Oxford Road/Hightown Road/Horton View/Hospital entrance
- Oxford Road/Upper Windsor Street
- Oxford Road/Bloxham Road (A361)
- Cherwell Street/Bridge Street
- LP1/Bankside site access
- Horsefair/South Bar Street/High Street
- A4260 / Twyford Road (Adderbury)
- A4260 / B4100 Aynho Road (Adderbury)
- Springfield Ave/A361 and Queensway/A361.

In doing so, and in order to be robust, the TA should be based on the new traffic model for Banbury, which is owned and held by Oxfordshire County Council, when calculating the impact of the development on the surrounding transport network. You are advised to contact Natalie Moore, Transport Planner at Oxfordshire County Council, in the first instance, to get advice on this.

In addition, an EIA should also consider the potential impact on the local public rights of way network as well as the likely effect on public transport including the local bus services.

It is essential that the cumulative transport impact of the proposed development is fully addressed with due regard taken of implications of other committed development in the surrounding area that is likely to progress within the next five years. Please see the list of planned and approved developments that the Council considers necessary to address as part of the EIA which is provided at the end of this scoping opinion.

#### Historic Environment

The site is known to contain a number of archaeological features as identified from archaeological fieldwork. A heritage chapter in an ES will need to include a desk based assessment, along with the results of this fieldwork, to provide an assessment of the impact of any proposed development on these archaeological features and mitigation measures where necessary.

Given the close proximity of the proposals to Bodicote village and its associated Conservation Area, an EIA should also consider the potential impact on the special character and appearance of this designated heritage assessment both individually and cumulatively with other committed development. The effect on the setting and therefore special interest of the listed structures on Oxford Canal should also be considered. The impact on other heritage assets (designated or otherwise) is unlikely to be significant due to the distances involved though in the interests of thoroughness, this should be addressed accordingly within a heritage chapter.

#### Landscape

The proposals involve built development and a consequent change in the character/appearance of a significant area of greenfield agricultural land that forms part of the wider countryside. The proposals have the potential to not only impact upon the wider landscape but also the setting of Bodicote and Adderbury villages including the interrelationship between their character and the surrounding landscape. A landscape chapter should be included within an ES that pays particular attention to the impact on long distance views across the Cherwell Valley, the effect on local landscape character as well as the consequent impact on existing settlements. The effect on/from public rights of way should also be addressed. The viewpoints suggested in your scoping report are thought to be appropriate though longer distance more expansive views from the north should also be included as well as assessment of the night time landscape implications. An assessment of the landscape effects both during and post construction of the proposed development should have regard to the impact of spoil arising from construction works and the strategy for mitigating any adverse impact in this respect.

#### Ecology and Biodiversity

There are no statutory or locally designated ecological sites within the application site area though the potential for impact on ecological sites outside the site should be considered both during construction and when operational. However, a Phase 1 habitat survey should be carried out together with any associated species surveys that prove necessary. The ES should include an ecology chapter that considers the potential for significant impacts on protected and BAP priority flora and fauna and, where this is the case, whether and how this can be avoided or mitigated. The Council is now promoting the use of the DEFRA biodiversity metric to assist in objectively determining the biodiversity impact of a proposed development.

#### Water Resources and Utilities

There is evidence that there could be insufficient capacity within the water supply and sewerage network to serve the proposed development. This could result in no/low water pressure for new/existing homes as well as sewerage flooding with potentially significant environmental consequences. An EIA should therefore address at least the following matters within a Utilities chapter of the ES:

- The proposed development's demand for sewage 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 site and whether it can be met;
- The developments demand for water supply and network infrastructure both on and off site and whether it can be met;
- Build-out/phasing details to ensure necessary on/off site infrastructure can be delivered ahead of relevant occupations;
- Any piling methodology and whether it will adversely affect neighbouring utility services as there are water mains and sewers within close proximity to the site.

The need for gas and electricity supply upgrades to serve the development should also be considered with reference to information from Scotia Gas Networks and Western Power Distribution respectively as well as the environmental implications of any associated upgrades necessary.

A development of the size proposed could, without suitable mitigation, have a significant effect on storm flooding and surface water run-off from the site which could affect surrounding land uses and flood risk elsewhere. As the development proposes a more vulnerable use for the site, proper consideration should be given to the potential risk of flooding from all sources as well as the potential for the risk of flooding to be affected elsewhere. A site-specific flood risk assessment should inform this assessment and a surface water drainage strategy should follow from it. The Environment Agency is no longer responding to consultations on planning applications of this nature and it is now a matter assessed by Oxfordshire County Council as the lead local flood authority.

#### Soil Resources

The proposals are likely to impact upon the amount of higher quality and productive agricultural land within the local area. This impact should be assessed within an ES both individually and cumulatively with other committed development to determine its overall significance and ways in which this could be mitigated. A chapter should therefore be included on soil resources.

#### Ground Conditions

The proposed development would introduce a sensitive land use onto the site and it is necessary to determine any potential for pathways to be created to existing contamination that may need to be avoided or remediated. Furthermore, it is also necessary to consider the potential for contamination as a result of the significant construction works and how this would be avoided and/or remedied if necessary in the interests of protecting the environment for the significant new human population, as well as water quality, flora and fauna. An ES should therefore include a chapter on Ground Conditions.

#### Noise

Future occupants of the proposed development have the potential, without mitigation, to be significantly affected by road traffic noise from the nearby M40. An assessment should be carried out of the impact on living conditions within the new homes and within associated private gardens. The Council is satisfied that the standards and guidance by which this should be assessed is in line with that set out in your scoping report.

The impact of noise emanating from activity associated with the construction of the development on existing surrounding sensitive receptors should also be considered as well as noise effects once completed and operational.

#### Air Quality

Cumulatively with other development committed within the local area, the proposals could result in a significant increase in vehicular traffic on the local road network. Construction vehicles are likely to emit higher levels of nitrogen oxide and particulate matter. In order for the effect on air quality with respect to human health and ecology to be duly considered, this should be assessed as part of an EIA in common with the approach taken for other similar major residential developments in the surrounding area.

### Socio-Economic

The proposed development has the potential to have a significant impact on the surrounding population and economy both individually and cumulatively. The impacts are likely to be a combination of both positive and negative effects. The Council is satisfied with the list of impacts to be assessed as set out in paragraph 5.10.2 in your scoping report though further consideration should also be given to economic and employment impacts both associated with the construction works as well as once operational.

### Cumulative Environmental Effects

In accordance with Schedule 4 of the EIA Regulations 2011 (as amended), an ES should include a description of the likely significant effects of the proposed development on the environment including any cumulative direct and indirect effects. In order to robustly assess the environmental implications of the proposed development the Council considers that at least the following committed developments should be taken into account when considering the overall potential for significant environment effects in comparison to the current baseline position.

Banbury 2 – Planning permission 13/00158/OUT  
Banbury 2 – Planning permission 13/00159/OUT  
Banbury 3 – Planning permission 13/00444/OUT  
Banbury 5 – Planning permission 12/01789/OUT  
Banbury 5 – Planning permission 14/00066/OUT  
Banbury 17 – Committed development with current applications for 1280 dwellings  
Planning permission 13/01528/OUT  
Planning permission 14/01188/OUT  
Resolution to grant planning permission for 14/02156/OUT  
Bankside Phase 1 - Planning Permission 05/01337/OUT

### Alternatives

In order for an EIA to be considered truly robust, it should also include a description of the alternative approaches considered as part of efforts to avoid or reduce the environmental effects identified through the EIA together with main reasons as to why the proposed approach has been taken rather than the alternatives.

I trust the contents of this letter are of assistance to you in clarifying the necessary scope of an EIA. This letter should be treated as the Council's formal scoping opinion made pursuant to reg. 13 of the EIA Regulations 2011 (as amended). A copy of this scoping opinion shall be made publicly available in accordance with reg. 23 of the EIA Regulations 2011 (as amended).

Yours sincerely

**Cherwell District Council**

Certified a true copy



Head of Public Protection &  
Development Management