

Town & Country Planning (EIA) Regulations 2017
Secretary of State Screening Direction – Written Statement

Application name:	“Hailey Road proposal”
SoS case reference:	NPCU/EIRSCR/D3125/3254241
Schedule and category of development:	2:10(b): Urban development projects

Full statement of reasons as required by 5(5)(a) of the 2017 EIA Regulations including conclusions on likeliness of significant environmental effects.

The Hailey Road proposal involves the development of 110 dwellings on 3.2 ha of land and, by virtue of its scale and location outside a sensitive area, falls below the thresholds and criteria set out in Schedule 2:10(b): urban development projects of the Regulations. Nevertheless, Regulation 5 (7) allows for the Secretary of State to consider development of a description mentioned in Schedule 2 although the thresholds criteria contained in sub column (a) and (b) do not appear to be satisfied. As the proposal lies within the wider North Witney Strategic Development Area (SDA), the Secretary of State has assessed it for potential cumulative impacts. The Secretary of State has had due regard to the EIA Regulations and Planning Practice Guidance (Practice Guidance) which identifies the physical scale of the development, potential increase in traffic, emissions and noise as key considerations in determining whether such proposals constitute EIA development. He has considered whether the Hailey Road proposal is likely to have significant environmental effects. He has undertaken this screening taking into account the criteria set out in Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Accordingly he considers the main matters to be addressed are:

Schedule 3 selection criteria for Schedule 2 development refers:

Characteristics of development

The Hailey Road site forms part of the North Witney Strategic Development Area (SDA), allocated for 1,400 dwellings on 60 ha of land in the adopted West Oxfordshire Local Plan. The Hailey Road proposal site comprises 3.2 ha of agricultural land which would be developed for 110 dwellings. There is also a planning application at the eastern end of the SDA for the development of 200 dwellings and associated uses on 7 ha of land north west of Woodstock Road (“Woodstock Road development”). There are no extant planning applications for the remainder of the SDA. On this basis, there is no certainty about the timescale for the delivery and development of the remainder of the SDA. In cumulative terms, the two proposals would result in the urbanisation of approximately 10.2 ha of undeveloped land on the northern edge of Witney and represent a physical change in the locality. The indicative criteria and thresholds contained within the Practice Guidance state that an Environmental Impact Assessment is unlikely to be required, unless the new development is on a significant greater scale than the previous use. It identifies sites which have not previously been intensively developed as areas of more than 5 ha and developments that would have a significant urbanising effect in a previously non-urbanised area (for example, a development of more than 1,000 dwellings). In cumulative terms the Hailey Road proposal and Woodstock Road development fall well below the threshold for the number of dwellings within the Practice Guidance. The Secretary of State considers, therefore, that, in itself, the two applications would not be on a scale to justify it being classified as EIA development.

Location of the development and characteristics of potential impact

Traffic impact/congestion

The request for the Screening Direction is accompanied by a detailed transport assessment, which assesses the implications of traffic generated by the development on the road network and also identifies measures to encourage sustainable transport modes. The assessment

seeks to demonstrate that the Hailey Road proposal can be developed in a sustainable transport manner, independently of the West Witney Strategic Development Area (SDA).

The Council considers that the development of the Hailey Road proposal would both individually and as part of the wider SDA generate a large number of vehicle movements into the town centre affecting the local road network including the already heavily congested Bridge Street, which lies within the Air Quality Management Area. It considers that the interrelationship of the Hailey Road development and other parts of the Witney SDA warrants wider investigation as part of an Environmental Impact Assessment, taking into account proposals to deliver the West End Link Road. The Council has consulted the County Highway Authority and Stagecoach about the Hailey Road proposal. Both bodies have raised serious concerns about the robustness of the transport assessment and consider that it does not fully assess the development's traffic impacts.

The Hailey Road proposal forms part of the wider West Witney SDA allocated for 1400 dwellings in the adopted Local Plan. At this stage, planning applications have been submitted for the Hailey Road proposal at the western end of the SDA and for the development of 200 dwellings and associated works on 7 ha of land north west of Woodstock Road ("Woodstock Road proposal"). There are no extant planning applications for the remainder of the SDA. On this basis, there is no certainty about the timescale for the delivery and development of the remainder of the SDA. Although proposals are currently being formulated for the construction of the West End Link Rd, which would address the serve the development and address the previously stated concerns, there is no firm date for its implementation.

The Secretary of State has considered carefully the evidence accompanying the applicant's Screening Direction request including the transport assessment. He has also considered the Council's Screening Opinion together with the views expressed by the County Highway Authority and Stagecoach. He notes their comments about the robustness of the transport assessment and concerns about the potential adverse impact on the existing road network and the nearby Bridge Street Air Quality Management Area. In advance of the preparation of the transport assessment, which meets the requirements of the County Highway Authority and identification of agreed mitigation measures, the Secretary of State is unable to conclude with certainty as to the likelihood of significant effects.

Air Quality/Emissions

The Hailey Road site is located approximately 960 m north of the Witney Air Quality Management Area (AQMA), which has been declared for exceedances of the annual air quality objective (AQO) for nitrogen dioxide. There is, therefore, potential for the development to introduce future site users to poor air quality as well as course impacts upon existing pollution levels at nearby sensitive receptors within the AQMA during the construction and operational phases.

The applicants have submitted an air quality assessment (AQA), which considers the potential impact of the development on the AQMA. Based upon 2017 figures, the assessment identifies that there are three receptors on Bridge Street where NO₂ concentrations, exceed the AQO target of 40ugm³. The AQA concludes that during the construction phase of the developed there is potential for air quality impacts as a result of dust emissions from site. Assuming good practice dust control measures are implemented the residual significance of potential air quality impacts from dust generated by earthworks, construction and track out activities was predicted to be not significant. Based upon the relief roads being built as part of the wider North Witney Strategic Development Area, which will reduce traffic flows in the Bridge Street area, the AQMA concluded that the potential impacts on annual mean NO₂, PM₁₀ and PM₂₅ concentrations as a result of operational phase exhaust emissions were predicted to be negligible at 17 sensitive receptor locations and slight at one sensitive receptor, within the vicinity of the site. In overall terms it concludes that the potential impacts would not determine to be significant in accordance with the EPUK and IAQM guidance.

The Council's Environmental Health Section has considered the applicant's AQA and has serious concerns about the conclusions. In particular it questions the conclusions that the proposal will result in an improvement in air quality conditions in the AQMA and feels that the assessment has not fully considered the cumulative impact of the development on the AQMA. As a result, the Environmental Health Section has outstanding and unresolved concerns about the proposal from an air quality perspective and has an extant objection to the scheme.

The Secretary of State has considered the applicant's AQA and the views and serious concerns of the Council's Environmental Health Section. Having carefully assessed the evidence it is not possible to conclude with certainty as to the likelihood of significant effects of the proposal on air quality.

Noise

It is likely that during the construction phase there will be some noise and vibration impacts but once the development is completed this would not be over and above what would be expected in a normal residential area. The Council's Environmental Health Section has considered the Hailey Road proposal in terms of noise and has offered no objections subject to any planning approval containing appropriate noise attenuation measures, which can be secured by means of planning conditions.

The Secretary of State has considered the comments of the Council's Environmental Health Section and is satisfied that any noise impacts can be mitigated by appropriate planning conditions.

Potential cumulative impact

The Hailey Road proposal forms part of the North Witney Strategic Development Area (SDA) of 1,400 dwellings on 60 ha of land on the northern edge of Witney. The Hailey Road proposal, in association with the Woodstock Road development would provide over above 320 new homes on 11 hectares, together with associated works. The two proposals could potentially have the following cumulative impacts:

Scale of the development: The two proposals would result in the development of about 11 ha of undeveloped agricultural land. In cumulative terms, the two developments would significantly exceed the area threshold but falls below the threshold for the number of dwellings within the Practice Guidance. The Secretary of State considers, therefore, that, in itself, the two applications would not be on a scale to justify it being classified as EIA development.

Traffic impact/congestion: The detailed transport assessment accompanying the application for the Hailey Road development examines the implications of the proposal on the local highway network and access by sustainable modes. The County Highway Authority considers that the submitted transport assessment is inadequate because it is not fully assessed the implications of the proposal on the local highway network, which is already congested, including nearby Bridge Street which makes up most of the designated Witney Air Quality Management Area. The transport assessment also fails to examine the potential cumulative impact of traffic generated by the Woodstock Road development, for which planning consent has also been sought.

In advance of the preparation of a transport assessment, which meets the requirements of the County Highway Authority and the Council, and agreed mitigation measures, it is not possible to conclude with certainty as to the likelihood of significant effects.

Air quality: The Hailey Road proposal site is located close proximity to the Witney Air Quality Management Area (AQMA), which has been declared for exceedances of the annual air quality objective (AQO) for nitrogen dioxide. There is, therefore, potential for the development to introduce future site users to poor air quality as well as impacts upon existing pollution levels at nearby sensitive receptors within the AQMA during the construction and operational phases.

The Council's Environmental Health Section has considered the applicant's Air-Quality Assessment (AQA) and has serious concerns about the conclusions. In particular, it questions the conclusions that the proposal will result in an improvement in air quality conditions in the AQMA and feels that the assessment has not fully considered the cumulative impact of the development on the AQMA. As a result, the Environmental Health Section has outstanding and unresolved concerns about the proposal from an air quality perspective and has an extant objection to the scheme. The applicant's AQA does not appear to have assessed the potential cumulative impact of additional traffic generated by both the Hayley Road proposal and Woodstock Road development on the Witney AQMA. In advance of this work being undertaken it is not possible to conclude with certainty as to the likelihood of significant effects.

Conclusion

In cumulative terms the scale of the Hailey Road proposal and Woodstock Road development, within the proposed North Witney Strategic Development Area, would result in development of 11 hectares of undeveloped agricultural land on the northern edge of Witney. The development of the Hayley Road site individually, and in conjunction with the Woodstock Road development, is likely to have significant effects on the environment in terms of traffic generation and have potential significant impacts on the Witney Air Quality Management Area (AQMA), where NO2 concentrations, exceed the AQO target of 40ugm3. The Secretary of State notes that the County Highway Authority has serious concerns about the about potential impact of the Hayley Road development on both the strategic and local highway networks. He notes that the Council's Environmental Health Section has raised serious quality concerns about the impact of the proposed development on the Witney AQMA. In the absence of detailed assessments of these issues, addressing the identified shortcomings and meeting the requirements of the County Highway Authority and the Council's Environmental Health Section, the Secretary of State is unable to conclude that the Hayley Road proposal, in association with the Woodstock Road development, would not have significant effects on the environment, in terms of traffic congestion and air quality.

In reaching this conclusion, the Secretary of State has also considered the measures proposed to mitigate the environmental impacts. He has, however, concluded that the proposed measures are not sufficient to obviate the need for an Environmental Impact Assessment because of the extent that the impacts are unknown.

Is an Environmental Statement required?	Yes
---	-----

Name	Gerry Carpenter
Date	30 July 2020