

On Behalf Of: A2 Dominion
Developments Ltd
C/o Mr Simon Millett
Bourne House
Cores End Road
Bourne End
SL8 5AR

Date: 27th March 2020
My ref: 19/03317/FUL
Please ask for: Chris Wood
Telephone: 01993 861677

Dear Sir / Madam

APPLICATION: 19/03317/FUL

PROPOSAL: Erection of 110 residential dwellings including access off Hailey Road; areas of open space; landscaping; and associated works.

AT: Land West Of Hailey Road Witney

FOR: A2 Dominion Developments Ltd

Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017

Having had regard to the provisions of the above Regulations, West Oxfordshire District Council, as the local planning authority in this case ("the LPA") has concluded that:

- **The above development would be likely to have significant environmental effects with regard to its characteristics, nature, size and location; and that**
- **The LPA will therefore require the submission of an Environmental Statement.**

Please note that the LPA has reached this conclusion taking account of the cumulative effects arising from the other development that is expected to come forward within the wider North Witney strategic development area ("the SDA").

The LPA's principal reasons for reaching this conclusion are set out in this letter, below.

However, If you believe that any of the information about your application or its environmental impacts (taken with the development that is expected to come forward in the rest of the SDA) set out in this letter is incorrect please let me know as soon as possible.

The assessment in this letter is undertaken under the terms of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (“the EIA Regs”) only. It is important to note that the assessment does not constitute an opinion or determination under planning policy as to the acceptability or otherwise of the development in planning terms.

I note your view expressed elsewhere that this application falls within the thresholds set out in Schedule 2 of the EIA Regs and in particular those applying to part 10(b) of Schedule 2 (*Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas*), in that, with reference to the current line application site in isolation:

- (i) The proposed development would not include more than 1 hectare of *urban development which is not dwellinghouse development*; AND
- (ii) the development would include less than 150 dwellings; AND
- (iii) the overall area of the development is less than 5 hectares.

However, when applied to the SDA as a whole, the cumulative development effectively approved in principle under policy WIT2 of the adopted West Oxfordshire Local Plan 2011-2031 (“the Local Plan”); all three of these thresholds are exceeded.

Moreover, in the LPA’s opinion, your proposed development of part of the SDA; and the development of each of the sites that make up the rest of the SDA are inextricably interrelated and depend on each other to such a degree that they should be considered as a single project for reasons that include all of the following:

- 1 The whole of the SDA lies in open countryside adjoining the settlement of Witney and, as such new housing would ordinarily be unacceptable under the primary (and arguably the only) strategic locational housing policy of the Local Plan, housing policy H2;
- 2 Housing development anywhere in the SDA is only permitted because it is required to deliver certain infrastructure, including roads, a school and public open space; but this infrastructure can only be provided by the whole of the SDA, seen cumulatively
- 3 Local Plan policy WIT2 also requires a masterplan, so that
 - (a) it is unclear whether such a masterplan (when it is produced) would necessarily indicate that it would be acceptable for your site to only provide housing development and no other infrastructure (except possibly part of a roundabout and arguably some hedging/ boundary landscaping that would probably have been required even if your site was developed in isolation); and
 - (b) even if the current application site is eventually identified as an area where only housing will come forward in a masterplan, the acceptability of the proposal would then depend on this other infrastructure being brought forward in other parts of the SDA (and outside it in the case of the West End Link Road).

Moreover, finally, it seems to the LPA that the benefits of the development of this site and those arising from the development of the SDA as a whole and the environmental impacts and other planning harms (and in particular the required mitigation to address those harms) arising from the development of this site and the SDA as a whole; are inextricably interrelated.

For all these reasons and having considered the criteria stated within Schedule 3, the LPA considers that the proposal is likely to have significant environmental effects particularly in respect of transport, air quality and potential cumulative impact across the SDA as a whole (and that failing to do so could be regarded as attempting to circumvent the objectives of the EIA Regs by splitting the overall development required to come forward to justify the development of any part of the SDA).

As such, it seems to the LPA that the current proposal is connected to other development within the SDA that would be likely to follow in the reasonably foreseeable future and would give rise to overlapping environmental effects

The LPA therefore concludes that the proposal represents EIA development requiring the submission of an Environmental Statement.

The Town and Country Planning (Environmental Impact Assessment) regulations 2017 EIA Screening Opinion – Reasons

The site falls within the Wychwood Project Area (see fig. 8b in the Local Plan); but is not subject of any national landscape designation and its visual effects are likely to be relatively localised given its scale and relationship to the wider area.

The LPA considers that the likely landscape impacts arising from your proposed development seen in isolation are capable of being moderated with appropriate and effective landscape provision, layout, design and regard to key views. Moreover, the LPA considers that landscape and visual effects are perhaps less directly interrelated with such effects seen cumulatively across the SDA.

As a result, and noting that the application is accompanied by a detailed Landscape and Visual Assessment, the LPA considers that these effects are not likely to be so significant as to warrant an Environmental Statement under the terms of the Regulations.

No part of the application site and none of the SDA as a whole lies within or adjacent to the Witney and Cogges conservation areas or the 'Windrush in Witney' project area. Although the SDA comes very close to listed buildings at Middlefield Farm and notwithstanding that criterion (f) of policy WIT2 requires *the conservation and where possible enhancement of the setting of the grade II listed Middlefield Farmhouse and dovecote and the Witney and Cogges and Hailey Conservation Areas*; in terms of the criteria set out in Schedule 3 of the EIA Regs, the LPA considers that the potential effects on sites of historical or cultural interest and heritage assets in the vicinity are not so significant as to warrant an Environmental Statement under the terms of the Regulations.

The whole of the application site is located in Flood Zone 1; and only small parts of the SDA as a whole are in Flood Zone 2 and Flood Zone 3. As such, even in the absence of a masterplan, the LPA considers that inappropriate development can be avoided within these Flood Zone areas; and that this is unlikely to affect decisions on what development is appropriate within the application site.

As such, the LPA considers it unlikely that the proposed development will have significant flooding or drainage effects when assessed against the above Regulations. Careful consideration will however need to be given to surface water issues and the relationship of this site with existing housing and other development (perhaps especially between the site and the River Windrush); and new, reasonably foreseeable and predictable development within the wider SDA, as effectively approved in principle under policy WIT2.

The LPA considers that on balance majority of the site is not located in an ecologically sensitive area although the great crested newt and grassland habitat networks “wash over” the whole of the SDA, including the application site; and I note that your application was accompanied by a Phase I habitat survey. In this context, the LPA considers that the development would be unlikely to have significant ecological effects in terms of the EIA Regs sufficient to require an Environmental Statement.

The SDA as a whole is expected to generate high levels of traffic and the new roads infrastructure within and outside the SDA that the LPA expects to come forward as a result of the development of the SDA (which will depend on the development of the current application site but that could not reasonably be brought forward without the development of the entire SDA, again emphasising the interrelationship between the application site and the SDA as a whole) but with mitigation, the LPA considers that the proposed development (within the application site and the wider SDA) is unlikely to present significant effects in terms of noise and vibration to existing and/or future dwellings.

The proposed development is considered not to be of a level that will have significant social and economic effects when considered against the above guidelines; and given the predominantly greenfield nature of the application site, the LPA considers that subject to appropriate conditions, the proposed development is unlikely to introduce significant effects concerning land contamination.

Notwithstanding the above, the LPA considers that the development proposal would be likely to give rise to potentially significant effects on the environment in relation to at least three main inter-related issues: (1) **traffic generation**; (2) **air quality**; and (3) the **cumulative impact of existing and planned growth** in Witney and along the A40 corridor.

I will deal with each of these three main inter-related issues in turn,

Traffic Generation

In terms of traffic generation, the quantum of development within the site and the wider SDA will in the LPA's opinion clearly generate a large number of vehicular movements including potentially many movements into the Town Centre via a number of routes (depending on the timing of the delivery of the West End Link Road and/or the Northern Distributor Road; and the Shores Green junction improvements) West End,

Farmers Close, New Yatt Road, Woodstock Road, Jubilee Way, Newlands, Oxford Hill and Bridge Street (which is also directly relevant to my comments on air quality, as set out below), among others.

The delivery of the large scale road infrastructure improvements anticipated to arise from the north Witney SDA (which depend on the development of the whole SDA) and the Shores Green A40 junction improvements (which depend on the development of the East Witney SDA allocation) will, once complete, create an opportunity to enable residents at the application site, the rest of the SDA (and new residents in the East Witney SDA and existing residents living north of the Windrush river to use alternative routes to a variety of destinations, including south and east Witney and more distant destinations reached via the A40 without passing through the centre of Witney; and in particular to avoid using Bridge Street where traffic congestion is already highly significant.

I am aware that you are optimistic about the delivery of the West End Link Road in particular, possibly with the financial assistance of Homes England but the LPA is not aware of any details or guaranteed commitments or any reliable timescale within which this important new road will be built; and in particular it is currently unaware of any agreement relating to the level of contributions that may be required of each of the different landowners within the SDA.

Moreover, the delivery of the Northern Distributor Road (another key component of the overall traffic strategy that the SDA is intended to help facilitate) depends on the development of the rest of the SDA and involves land that is entirely outside your client's control.

In the LPA's opinion, it is also relevant in highway/ transport terms to consider the inter-relationship of the current application site and the North Witney SDA with other committed and planned growth at Witney including the West Witney development which is under construction, other large-scale schemes such as those under construction at Downs Road and Burford Road, as well as the East Witney SDA which is allocated in the Local Plan for a further 450 homes.

As I have tried to make clear at all stages of the proposal (including pre-application discussions), the LPA considers that there is a clear inter-relationship between all these sites in terms of the transport infrastructure needed to support this quantum of development, which needs to be fully explored – see comments on cumulative impact of growth below.

Moreover, whilst the timing and certainty of the delivery of the road infrastructure referred to above remains unclear, the LPA considers it very likely that before these roads are available, your development proposal (seen in isolation and/ or cumulatively with other development in the SDA as a whole) would significantly increase vehicular trips using West End (and other roads) to access the Town Centre via Bridge Street, which is located approximately 1 km to the south/ southeast of the site and makes up most of the designated Witney Air Quality Management Area ("the AQMA").

Air Quality

Noting that existing conditions already have an adverse effect on human health in terms of air quality in this designated AQMA, this additional traffic is likely to be significant in EIA terms.

It is the LPA's conclusion that this requires careful consideration and assessment, again taking account of other committed and planned growth in the locality.

It may also be relevant to note the potential impact on air quality along the wider A40 corridor including in particular, Oxford Meadows which is as a Special Area of Conservation (SAC) is of European importance, with reference to additional commuters travelling into Oxford from the new housing development and the wider SDA as a whole.

Habitat Regulations Assessment (HRA) work carried out in support of the Local Plan identified a potential air quality impact in terms of nitrogen deposition associated with additional vehicular trips along the A40 and this also requires careful consideration, taking account of the potential impact of the site itself together with the cumulative impact of planned growth along this key corridor.

Cumulative Effects

In terms of cumulative impact, Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 is clear that the impact of development needs to be considered in the context of other existing and/or approved development. This is considered to be of particular relevance to the North Witney SDA, where (even though no other development within the SDA as yet has formal planning permission, the LPA regards policy WIT2 as effectively establishing approval in principle, as also applies to your site; and as such regards the development set out in this adopted strategic policy as reasonably foreseeable).

Whilst the likely impact of the SDA as a whole is of obvious relevance (and in particular, it seems to the LPA that attempting to argue that parts of the SDA brought forward separately do not breach the Schedule 2 thresholds may be similar to other cases where legal judgments indicated this was not the appropriate way of interpreting the EIA Regs), the LPA also considers it potentially relevant that (as referred to above) under the provisions of the Local Plan, the Witney sub-area is required to accommodate a large proportion of new homes with several large-scale housing schemes already underway or now allocated for development in the Local Plan, including the East Witney SDA in addition to the North Witney SDA. As outlined above, the LPA considers that in this strategic spatial context and with reference to the environmental impacts on the highway network in particular (including cumulative impacts on the A40) and air quality impacts, particularly on the AQMA, there is a clear inter-relationship between the North Witney and East Witney SDAs, as well as other large-scale housing projects taking place in and around the Town, including the housing schemes to the west of Witney.

The LPA regards it as essential that the cumulative impact of these developments is fully explored, particularly in terms of transport and air quality and the preparation of an EIA would enable that to happen.

Conclusion

Overall, with regard to the considerations in Schedule 3, the Council considers that, having regard to the nature of the development and the characteristics of the site and its surroundings, including the potential cumulative impact of development on traffic generation and air quality that the proposal does constitute EIA development, requiring the submission of an Environmental Statement.

Please note that this statement must be supplied in line with the timescale requirements set out in the EIA Regs/ the PPG.

I trust the above is clear but if you have any questions, please do not hesitate to contact me

Yours faithfully,

Chris Wood

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Chris Wood
Senior Planning Officer (Appeals)