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SCREENING OPINION FOR THE WATLINGTON RELIEF ROAD.

ESIA-CONSULT LIMITED

*Sustainability and Regulatory Services
Company Reg. No. 8645332*



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Executive Summary

This report provides the Screening Opinion (Opinion) of ESIA-Consult Limited (ESIA-Consult) in respect of the requirement for an EIA following an EIA screening opinion request in relation to Watlington Relief Road (WRR), near Watlington.

This report sets out ESIA-Consult's Opinion on the basis of the information provided by Oxfordshire County Council (OCC) in an email dated 1 April 2019. The Opinion can only reflect the proposals as currently described by OCC in their attachments to their email:

- screening opinion request OCC sent to their own Reg3 team.
- a plan for the full length of the relief road with the three sections are roughly highlighted in green.

In addition to a screening opinion for the three sections, OCC also requested a screening opinion for the whole length of the relief road.

Each application (or request for a screening opinion) is considered on its own merits. There are occasions, however, when other existing or approved development may be relevant in determining whether significant effects are likely as a consequence of a proposed development. ESIA-Consult has had regard to the possible cumulative effects arising from any existing or approved development.

The three individual sections constitute Schedule 2 (category 10(f) Construction of roads) only one section is within a sensitive area. Individually each of the three sections do not exceed the threshold of 1 hectare. Having regard to the characteristics of the development, it is not considered that there is potential for significant environmental effects individually. Individually all issues are considered to be of local significance only and can be examined through the normal planning process. However, cumulatively there are potentially significant environmental effects associated with whole length of the relief road. The total area of the three sections of the highway infrastructure and 2 roundabouts is approximately 13,075m (1.3 hectares) and is partly in a sensitive area i.e. Chilterns AONB.

The reason for this decision (statement as required under Reg. 5 (4) and 5 (5) of the EIA

Regulations 2017) is that the development proposals cumulatively have been assessed in relation to the selection criteria for screening Schedule 2 development as set out in Schedule 3 of the EIA Regulations 2017. Based on the information submitted, ESIA-Consult is of the opinion that the submission of an Environmental Statement in connection with this development i.e. the Watlington Relief Road, **is required**.

Acronyms

AONB	Area of Outstanding Natural Beauty
AQMA	Air Quality Management Area
CA	Conservation Area
CROW	Countryside and Rights of Way
DP	Development Plan
DPD	Development Plan Document
EIA	Environmental Impact Assessment
ES	Environmental Statement
ESA	Environmentally Sensitive Area
EU	European Union
FRA	Flood Risk Assessment
LB	Listed building
LBC	Listed Building Consent
LDF	Local Development Framework
LDP	Local Development Plan
LNR	Local Nature Reserve
LP	Local Plan
LPA	Local Planning Authority
LTP	Local Transport Plan
NNR	National Nature Reserve
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
PP	Planning Permission
PRoW	Public Right of Way
SA	Sustainability Appraisal
SI	Statutory Instrument
SODC	South Oxfordshire District Council
SSSI	Site of Special Scientific Interest
TCPA	Town and Country Planning Act 1990
VEC	Valued Environmental Component
WFD	Water Framework Directive
WRR	Watlington Relief Road

1 Introduction

1.1 Preamble

- 1.1.1. On 1 April 2019, ESIA-Consult received a request for a Screening Opinion from OCC for the three sections of the Watlington Relief Road (AECOM Figure 60548545-BP-03-011). OCC also requested a screening opinion for the whole length of the relief road. This Screening Opinion (Opinion) is provided in response to this request and should be read in conjunction with the attachments contained in OCC's e mail dated 1 April 2019.
- 1.1.2. EIA is governed by European Directive 2011/92/EU for the 'assessment of effects of certain public and private projects on the environment ("the EIA Directive")'. Most recently, substantial amendments to the EIA Directive have been adopted (Directive 2014/52/EU) and now transposed into English Law through the Town and Country Planning Environmental Impact Assessment Regulations 2017 – i.e. the EIA Directive sets out the objectives of EIA whilst the EIA Regulations set out the procedures required to meet those objectives within the context of the English planning system. Environmental Impact Assessment (EIA) helps to ensure that an authority giving development consent for a project makes its decision in the full knowledge of any likely significant environmental effects on the environment. An EIA checklist has been used as a useful foundation for screening for EIA (Appendix 3).
- 1.1.3. 'Screening' is a procedure used to determine whether a proposed project is likely to have significant effects on the environment. It should normally take place at an early stage in the design of the project.
- 1.1.4. The local planning authority should determine whether the project is of a type listed in Schedule 1 or Schedule 2 of the 2017 Regulations:
 - if it is listed in Schedule 1 an Environmental Impact Assessment is required in every case;
 - if the project is listed in Schedule 2, the local planning authority should consider whether it is likely to have significant effects on the environment.
- 1.1.5. If a proposed project is listed in the first column in Schedule 2 of the 2017 Regulations and exceeds the relevant thresholds or criteria set out in the second column (sometimes referred to as 'exclusion thresholds and criteria') the proposal needs to be screened by the local planning authority to determine whether significant effects on the environment are likely and hence whether an Environmental Impact Assessment is required. Projects listed in Schedule 2 which are located in, or partly in, a sensitive area also need to be screened, even if they are below the thresholds or do not meet the criteria.
- 1.1.6. Projects which are described in the first column of Schedule 2 but which do not exceed the relevant thresholds, or meet the criteria in the second column

of the Schedule, or are not at least partly in a sensitive area, are not Schedule 2 development.

- 1.1.7 In determining whether a particular proposal for development is included within one of the categories of development listed in Schedule 1 or Schedule 2 of the 2017 Regulations, local planning authorities and developers should have regard to the ruling of the Court of Justice of the European Union that the Directive has a “wide scope and broad purpose” (In the Court of Justice of the European Union case (Kraaijeveld v Holland)). The fact that a particular development is not specifically identified in one of the Schedules does not necessarily mean that it falls outside the scope of the Regulations. For example, the Schedule 2.10(b) category, “urban development” (which accounts for by far the largest proportion of Environmental Impact Assessment development in England), includes residential and other development of an urban nature. It can also apply to development in non-urban areas which has an urbanising effect on the local environment, for example, an out-of-town shopping complex.
- 1.1.8 Each application (or request for a screening opinion) is considered on its own merits. There are occasions, however, when other existing or approved development may be relevant in determining whether significant effects are likely as a consequence of a proposed development. ESIA-Consult has had regard to the possible cumulative effects arising from any existing or approved development.

1.2 Sensitive areas

- 1.2.1 The more environmentally sensitive the location, the more likely it is that the effects on the environment will be significant and will require an Environmental Impact Assessment. Certain designated sites are defined in regulation 2(1) as sensitive areas and the thresholds and criteria in the second column of the table in Schedule 2 are not applied. All developments in, or partly in, such areas should be screened. These are:
- Sites of Special Scientific Interest and European sites;
 - National Parks, the Broads and **Areas of Outstanding Natural Beauty**; and
 - World Heritage Sites and scheduled monuments.
- 1.2.2 An Environmental Impact Assessment is more likely to be required if the project affects the features for which the sensitive area was designated. However, it does not follow that every Schedule 2 development in (or affecting) these areas will automatically require an Environmental Impact Assessment. It will be necessary to judge whether the likely effects on the environment of that particular development will be significant in that particular location.

- 1.2.3 In practice, the likely environmental effects of Schedule 2 development will often be such as to require an Environmental Impact Assessment if development is to be located in or close to sensitive sites.
- 1.2.4 In certain cases, local designations which are not included in the definition of “sensitive areas”, but which are nonetheless environmentally sensitive, may also be relevant in determining whether an assessment is required. In considering the sensitivity of a particular location, regard should also be had to whether any national or internationally agreed environmental standards (e.g. Watlington AQMA) are already being approached or exceeded.

1.3 What is the procedure for deciding whether a Schedule 2 project is likely to have significant effects?

- 1.3.1 When screening Schedule 2 projects, the local planning authority must take account of the selection criteria in Schedule 3 of the 2017 Regulations. Not all of the criteria will be relevant in every case. Each case should be considered on its own merits in a balanced way. When the local planning authority issues its opinion they must state the main reasons for their conclusion with reference to the relevant criteria listed in Schedule 3. Where it is determined that the proposed development is not Environmental Impact Assessment development, the authority must state any features of the proposed development and measures envisaged to avoid, or prevent what might otherwise have been, significant adverse effects on the environment (see regulation 5).
- 1.3.2 Local planning authorities will need to consider carefully how such measures are secured. This will usually be through planning conditions or planning obligations, enforceable by the local planning authority which has powers to take direct action to ensure compliance. To aid local planning authorities to determine whether a project is likely to have significant environmental effects, a set of indicative thresholds and criteria have been produced. This table also gives an indication of the types of impact that are most likely to be significant for particular types of development.
- 1.3.3 However, it should not be presumed that developments above the indicative thresholds should always be subject to assessment, or those falling below these thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive location. Each development will need to be considered on its merits. While there is no requirement to use a screening checklist, ESIA-Consult has completed a checklist (Appendix 3) to ensure that the relevant issues are considered and to provide a clear audit trail.

- 1.3.4 Having completed the screening exercise, the local planning authority must provide a screening opinion, indicating either that an Environmental Impact Assessment is required (a 'positive screening opinion') or is not required (a 'negative screening opinion'). A flowchart summarising the screening process is provided in Appendix 4.

1.4 Structure of the Screening Opinion

- 1.4.1 This Screening Opinion is structured as follows:

Section 1 Introduction
Section 2 Information provided on the proposed development
Section 3 Screening Opinion

- 1.4.2 The Screening Opinion is accompanied by the following Appendices:

Appendix 1 Screening Opinion authors
Appendix 2 Documents supplied
Appendix 3 Checklist
Appendix 4 Screening Process Flowchart

2 Information Provided on the Proposed Development

2.1 Introduction

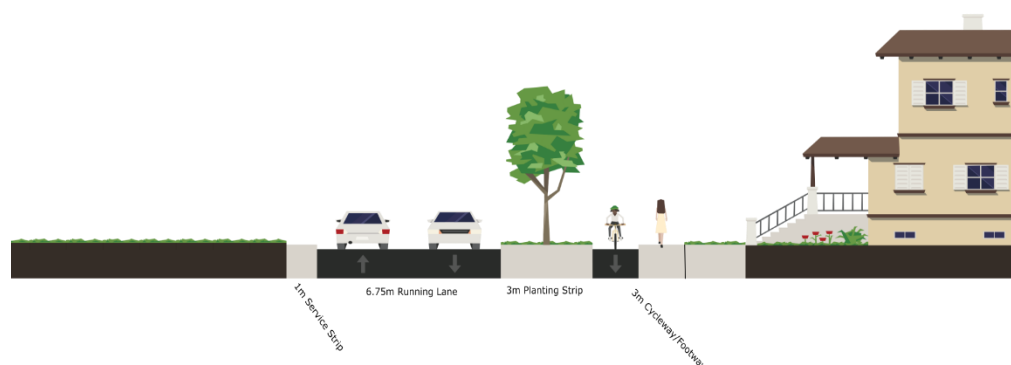
2.1.1 The following is a synopsis of the information on the proposed development and its site and surroundings prepared by OCC and included in their Screening Report. The information has not been confirmed and it has been assumed that the information provided reflects the existing knowledge of the proposed development and the potential sensitive receptors and Valued Environmental Components (VECs).

2.2 The Site and its Surroundings

2.2.1 The proposal is for the provision of three sections of highway infrastructure consisting of carriageway and shared cycleway/footway. The total length of the three sections is approximately 808 metres long. Approximately 243 metres of the road that OCC has to provide is part of the existing highway network whereby only widening is required. The developments adjacent to the infrastructure being provided by OCC is not part of this screening opinion request, as these have or will be carrying out their own screening opinion (see section below).

2.2.2 It is anticipated that the carriageway at its widest point is 7.75m which includes a 1m grass verge service/maintenance strip. With a further 6m set aside for a shared footway and cycleway and grass verge buffer. This is using the latest drawings provided by Bloor homes planning application P17/S3231/O.

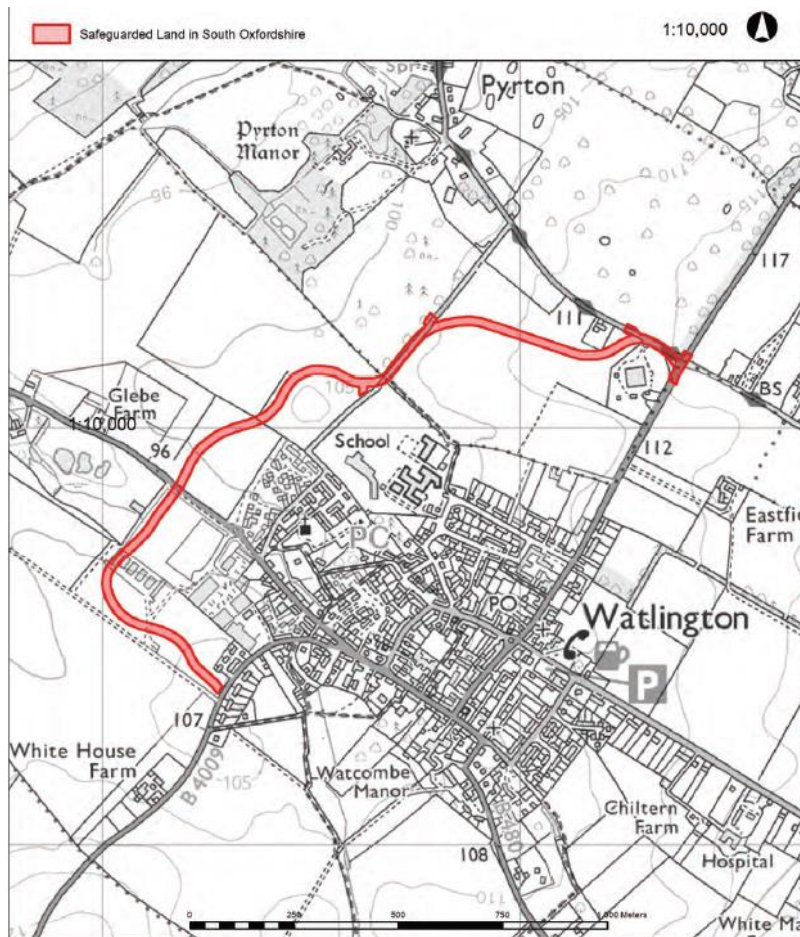
Illustration of a typical cross section:



2.3 The Proposed Development

2.3.1 The total area of the three sections of the highway infrastructure and 2 roundabouts is approximately 13,075m (1.3 hectares).

- 2.3.2 The proposed development is the three sections of highway infrastructure consisting of carriageway, shared cycleway/footway grass verge (with the potential of trees within the verge). The three sections, along with the sections delivered by the developments will form the entire length of the relief road.
- 2.3.3 The three sections of highway infrastructure in addition to highway infrastructure delivered by adjacent developments will form the entire length of the WRR.
- 2.3.4 The WRR is located within the parish of Watlington and Pyrton. It will connect the B4009 (southeast of Watlington) and the B4009 junction with Pyrton Lane/Station Road. The Relief Road will provide direct access to the B4009 whilst alleviating congestion in the town centre and improving air quality. There is a consideration that as to whether the relief road will be classified at the B4009. The Relief Road is safeguarded in the South Oxfordshire's emerging Local Plan. This is shown below.



AONB

2.3.5 The Chilterns AONB (highlighted in green below) lies to the south east of Watlington.



- 2.3.6 One of the three sections of highway infrastructure OCC are requesting a screening opinion is currently shown to encroach onto the highway grass verge (south of the B4009) which forms part of the AONB. During the detailed design stage it would be looked into removing this encroachment.
- 2.3.7 The land for this section of the highway infrastructure is safeguarded in application P18/S0002/O (application under consideration). An indicative layout of this section is shown below (taken from application P18/S0002/O).

AQMA

- 2.3.8 Watlington town centre is designated as an AQMA. Watlington AQMA is the only one within Oxfordshire that is seeing an increase. The scheme would have a positive impact on the air quality in Watlington town centre by reducing the number of vehicles travelling through the town centre. This is asserted in the Watlington Parking study (VISSIM modelling) produced by AECOM:

'The provision of an edge road, even with the addition of Chalgrove Airfield traffic in 2033 would result in less delay, shorter queues and improved journey compared to the existing situation in 2016. The Edge Road would provide significant traffic congestion and air quality benefits.'

ADJACENT DEVELOPMENT SCREENING OPINIONS

WAT A P17/S3231/O

Hybrid application comprising:

(1) Full planning permission for the demolition of the existing pig farm and its associated buildings; the erection of 183 dwellings (Use Class C3); the creation of a new vehicular access from Britwell Road; the creation of a vehicular access from the industrial estate road south of Cuxham Road (to serve the proposed employment area); public open space; sustainable urban drainage system; landscaping; and other ancillary works, including off-site highway works; and the relocation of a telecommunications mast and equipment; and

(2) Outline permission for up to 650sqm of Use Class B1(a) floorspace with access and all other matters reserved. (Amended in accordance with drawings and information accompanying letter dated 3 August 2018 and 14 September 2018)

- EIA not required at planning
- Application currently under consideration
- Developers to deliver their section of the relief road
- Land safeguarded for relief road to be delivered by OCC

Site B/C

P18/S3934/SCR

EIA screening opinion request in relation to up to 130 dwellings with associated open space, car parking and sustainable drainage.

- Decision made EIA not required
- Developers to deliver their section of the relief road

PYR2

P16/S3794/SCR

Screening opinion request for the erection of up to 100 residential dwellings including vehicular access, public open space, car parking, landscaping and drainage (as clarified by additional information accompanying Agents letter dated 24 August 2017).

- Decision made EIA not required
- Developers to deliver their section of the relief road
- OCC to deliver remaining section

PYR1

P18/S0002/O

Outline application for up to 37 Retirement Units for people aged 55 and over, provision of a Care Home and 4 staff accommodation units (all matters reserved for future consideration with the exception of access) As clarified by alternative indicative layout and additional information accompanying Agents letter dated 18 June 2018.

- EIA not required
- Application under consideration

- Land safeguarded for relief road to be delivered by OCC

3 Screening Opinion

3.1 Introduction

3.1.1 The proposal is not Schedule 1 development as defined by the Regulations - therefore, an EIA is not mandatory. It does fall within one of the thresholds of Part 10 - Infrastructure Projects - of Schedule 2 and for this reason is being screened as to whether it is EIA development. The description of development in Part f is: Construction of Roads. The applicable threshold to the proposed development is as follows:

- The overall area of the development exceeds 1 hectare. The total area of the 3 sections of the Relief Road is 1.3 hectares. The NPPG provides guidance where thresholds in Schedule 2 are exceeded (or fall below) and states '*...it should not be presumed that developments above the indicative thresholds should always be subject to assessment, or those falling below the thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive area. Each development will need to be considered on its merits.*' For completeness and as previously stated within Section 2, it is confirmed that the proposals are located - in part - in a 'Sensitive Area' as defined by the Regulations i.e. Chilterns AONB.

3.1.2 Given the exceedance of the threshold, the criteria described in Schedule 3 of the EIA Regulations are considered. The over-riding determination for EIA is whether the proposed development is likely to result in significant impacts on the environment. Schedule 3 of the EIA Regulations set out the screening criteria in relation to proposed developments classified as Schedule 2 developments. These criteria seek to understand the character and complexity of impacts as well as any sensitivities which relate to the site.

3.1.3 In summary, the criteria fall under the following three headings:

1. Characteristics of the development – taking into account the size, use of natural resources, production of waste and emissions and risk of accidents;
2. Location of the development – consideration of environmental sensitivity of geographical areas likely to be affected by development; and
3. Types and characteristics of the potential impact – specifically having regards to the extent, magnitude, complexity, probability, duration, frequency and reversibility of the impact.

3.1.4 To assist in the evaluation of Schedule 3 criteria, an EIA Checklist has been completed that captures the contents of Schedule 3 in a manageable format. A completed copy of the checklist is provided in Appendix 3.

3.1.5 Section 85 of The CRoW 2000¹ requires all relevant authorities to have regard to the purpose of conserving and enhancing the natural beauty of AONBs when performing their functions. In addition, the Planning Practice Guidance states that the duty to 'have regard' extends to consideration of the setting of a National Park or an AONB, when development is proposed outside of but close to a National Park or AONB.

3.2 Cumulative Effects

3.2.1 Schedule 4, paragraph 5(e) of the Regulations state that the likely significant effects on the environment resulting from:

*“the cumulation of **effects with other existing and/or approved projects**, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;”*

Cumulative effects are those that result:

“from additive effects caused by other past, present or reasonably foreseeable actions together with the plan, programme or project itself and synergistic effects (in- combination) which arise from the reaction between effects of a development plan, programme or project on different aspects of the environment”²

3.2.2 Schedule 3 1 (b) of the EIA Regulations requires that effects from the proposed development with those from **existing or approved other developments** are assessed e.g. traffic from a proposed residential development together with traffic from other planned residential development nearby together with the Relief Road could have the potential to cause congestion, noise and air quality impacts.

3.2.3 In the information provided by OCC it states:

*“One of the three sections of highway infrastructure OCC are requesting a screening opinion is currently shown to encroach onto the highway grass verge (south of the B4009) which forms part of the AONB. During the detailed design stage **it would be looked into** removing this encroachment.”*

3.2.4 Committing to just looking into something cannot be viewed as mitigation.

¹ The statutory purpose of AONBs is to conserve and enhance the natural beauty of the area. Where the AONB has a Conservation Board, the Board has an additional purpose, to increase public understanding and enjoyment of the special qualities of the area.

² Martin Broderick, Bridget Durning and Luis E. Sanchez. Chapter 19 Cumulative Effects in Methods of Environmental and Social Impact Assessment 4th Edition Routledge (September 2017).

3.2.5 ESIA-Consult is of the view that cumulatively the WRR in its entirety together with the approved residential developments would give rise to a likely significant effect during operation because the magnitude and spatial extent of the WRR and approved residential developments cumulatively, is likely to be significant. It is important that the objectives of the Chilterns AONB are not compromised and its “special qualities” are protected.

3.3 Screening Opinion Conclusion

3.3.1 Each application (or request for a screening opinion) is considered on its own merits. There are occasions, however, when other existing or approved development may be relevant in determining whether significant effects are likely as a consequence of a proposed development. ESIA-Consult has had regard to the possible cumulative effects arising from any existing or approved development.

3.3.4 The proposal constitutes Schedule 2 (category 10(f) Construction of Roads) and is partly within a sensitive area. Having regard to the characteristics of the development, it is considered that there are likely to be significant environmental effects.

3.3.5 The reason for this decision (statement as required under Reg. 5 (4) and 5 (5) of the EIA Regulations 2017) is that the development proposals have been assessed in relation to the selection criteria for screening Schedule 2 development as set out in Schedule 3 of the EIA Regulations 2017. Based on the information submitted, ESIA-Consult is of the opinion that the submission of an Environmental Statement in connection with this development **is required**.

Appendices

1. **Authors of the Screening Opinion**

Rebecca Crowe – Transport Planner – South and Vale, Growth and Place Communities, Oxfordshire County Council

Martin Broderick – ESIA-Consult Limited <http://www.esia-consult.com/> - Advisor

2. Documents Supplied

Email 1 April 2019:

- OCC screening opinion request sent to Reg3 team.
- A plan for the full length of the relief road.

3 Checklist

4 Flowchart of Screening Process

