



# CHELTENHAM

## BOROUGH COUNCIL

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ask for: Lucy White  
ddi 01242 264315  
number:  
email: lucy.white@cheltenham.gov.uk  
our ref: 19/00916/SCOPE  
date: 12<sup>th</sup> July 2019

Dear Mr Chamberlayne,

**Request for a scoping opinion under Part 4 Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.**

**Application No: 19/00916/SCOPE**

**Location: Land at Oakely Farm, Cheltenham**

**Proposed**

**Development: Residential development of up to 250 dwellings**

I refer to your letter received 7<sup>th</sup> May 2019 in which you request that Cheltenham Borough Council (CBC) as Local Planning Authority to state their opinion in writing on the scope and level of detail of the information to be provided in an environmental statement (EIA) for the proposed development at the location set out above. This request is made under Part 4, Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

A screening request was submitted on behalf of the applicant on 14<sup>th</sup> March 2019. Confirmation of the requirement for an Environmental Impact Assessment (EIA) to accompany a planning application for the above proposed development was issued by CBC on 2<sup>nd</sup> April 2019.

Cheltenham Borough Council provides the following scoping opinion of the information that should be included in the EIA. In so doing, the Council has considered the content of the Environmental Impact Assessment Scoping Report submitted by the applicant on 7<sup>th</sup> May 2019 and has taken account of the specialist advice received from the Council's statutory and non-statutory consultees. For information and ease of reference, copies of all external and statutory consultee responses are attached to this letter and, unless considered necessary, will not be reproduced in full below.

It should be noted that this letter (and any consultee response) should not be taken to imply any acceptance of the planning merits of the proposed development; it simply sets out the Council's Scoping Opinion as it currently stands. In addition, it should be noted that the scope of the EIA could change at any time during the EIA process should the proposals vary or new information comes to light.



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### General Observations

The Council considers the issues, methodologies, structure and extent of the work areas identified in Section 3 of the submitted Scoping Report to be generally adequate in terms of providing the broad framework for the EIA. As such, the Council agrees generally to the methodologies proposed. However, there are EIA topics which, in the opinion of the Council, should be included in Table 1: Environmental Parameters in Section 3 of the report. These are soil and agricultural land quality, transport, waste, pollution and nuisances, light, noise and vibration; although it is noted that some of these topics are listed in paragraph 3.2 and are covered later in the report.

There are also a number of omissions and/or issues which would need a broader or more comprehensive assessment, including consultation with other organisations/authorities. These issues have, in the main, been highlighted by the various consultees, some of which are summarised below.

#### Officer comments

The submitted Scoping Report does not identify or suggest a study area/radius from the boundaries of the site in terms of impact assessments; other than mentioning 'immediate surroundings'.

Further detail will be required of the cumulative effects of the proposed development with other relevant existing or proposed developments within the area; and the interrelationship between issues, particularly with regards to infrastructure and services, traffic generation, flood risk potential and impact on the AONB. A number of the statutory consultees have commented specifically on the need to take full account of the needs and impacts on both existing and planned development within the locality (which should not always be restricted to adjacent land and land users) and refer to the potential 'in combination effects' of the proposals.

There is little reference to the relevant policy guidance set out in Sections 9, 12, 14, 15 and 17 of the NPPF, particularly in terms of potential impact on the AONB, habitats and biodiversity. Paragraph 172 of the NPPF states that *great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations. The scale and extent of development within the AONB should be limited and planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.* The submitted scoping report does not specifically identify or make reference to the 'exceptional circumstances' that would be need to be relied upon to outweigh any potential negative impacts.

In addition to the other documents listed by the Cotswold Conservation Board, the scoping report should reference and consider the relevant sections of Cheltenham Borough Council's 'Landscape, Character, Sensitivity and Capacity Assessment of the Cotswold AONB (2015)' (Oakley Farm Pasture Slopes Character Area) and the Cotswold AONB Management Plan 2018-23.

The Scoping Report (generally) and the Ground Conditions and Contamination section do not appear to consider soil and agricultural land quality. The impacts from the development should be considered in the light of the Government's policy for the protection of the best and most versatile agricultural land as set out in paragraph 170 of the NPPF. The Council also recommends that soils are considered in conjunction with the sustainable use of this land in terms of the benefits they bring to ecosystems. As a starting point, an agricultural land classification and soils survey should be undertaken.



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The Environmental Statement should make reference to any relevant adopted development plan policy to be considered and should take into account of any relevant evidence base associated with the emerging Cheltenham Plan, JCS and JCS review. The evidence base and any JCS updates can be found on the Council's website or contact made with the Council's Strategic Policy team ([john.rowley@cheltenham.gov.uk](mailto:john.rowley@cheltenham.gov.uk)).

The provision of green infrastructure and buffers generally throughout the site will be an important matter to consider and resolve, both in terms of protecting landscape quality, the amenities of neighbouring properties and providing appropriate linkages and connectivity to surrounding development.

The Environmental Statement should include an assessment of the Emergency Services (ambulance, fire and rescue and police) and the Council would expect a Framework/Draft Travel Plan to accompany the Transport Assessment.

The Council has been informed that the applicant has recently entered into pre-application discussions with the County Council (GCC) on the draft Transport Assessment intended to form part of the EIA. The Council has also been provided with a copy of the County Council's response to the draft TA but given that this is a separate exercise involving GCC, this document has not been considered as part of CBC's scoping opinion and is not attached to this letter.

It is also understood that the applicant has been made aware of a condition attached to the 1998 outline planning permission relating to residential development on land adjacent to the site (GCHQ Oakley behind Sainsbury's) (ref 97/00818/PO). The condition reads as follows:

*19. No more than 40 houses shall be served by the access onto Harp Hill at the east end of the site.*

*Reason: the road network in the locality is not capable of accommodating the traffic associated with more than this number of houses.*

The relevance of this condition to the proposed development will need to be discussed with GCC Highways at an early stage and included in any Transport Assessment, particularly when considering the cumulative/wider area effects of the proposals.

A Waste Minimisation Statement (WMS) should be submitted as part of the EIA/outline planning application (required for all major planning applications of 10 dwellings or more). A development of this scale would be expected to adhere broadly to the principles of the Waste Hierarchy. Details of the requirements for a WMS can be found on GCC's website ([gloucestershire.gov.uk/planning-and-environment/planningpolicy/waste-minimisation....](http://gloucestershire.gov.uk/planning-and-environment/planningpolicy/waste-minimisation...)). Similarly, consideration should be given to refuse and recycling; the applicant is advised to contact [Scott.Williams@publicagroup.uk](mailto:Scott.Williams@publicagroup.uk).

The Joint Core Strategy (JCS) has produced an Infrastructure Delivery Plan (IDP) that should be referred to in terms of assessing existing facilities/capacity and likely requirements.

NHS England and the County Council Education/Libraries departments should be consulted to establish the likely demands and facilities required to mitigate the impact of the new population. Contact details for NHS England - [andrew.hughes8@nhs.net](mailto:andrew.hughes8@nhs.net).  
Contact details for County Council – [Jonathan.Medlin@gloucestershire.gov.uk](mailto:Jonathan.Medlin@gloucestershire.gov.uk)

The impacts of climate change and climate change mitigation should be considered. This topic is overarching and should be covered accordingly within the EIA.



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Please note, that at the time of writing no comments have been received from the County Ecologist or Council's Strategic Policy team. The applicant is advised to make direct contact the GCC with regards ecology; albeit the comments received from Natural England and the Cotswold Conservation Board are equally relevant and appear to cover and reference the key documents and matters to be considered.

Any outstanding responses received will be forwarded to the applicant upon receipt.

### **Non Statutory/Internal Consultee Responses**

Responses of all internal/non-statutory consultees are reproduced in full (and are in no particular order of importance) as follows:-

#### 1. Conservation and Heritage

The Scoping Report is sound, it identifies the heritage assets and how these should be considered within an Environmental Impact Assessment. The exception to this is the Scoping Report states all buildings on the site are to be demolished. It should be noted a number of buildings around the Oakley Farm complex are shown on historic maps, specifically referenced was the 2nd edition OS map dated 1894-1903, no other historic map has been referenced. It is not known whether these existing buildings are historic but some appear to share the same footprint. These buildings will need to be identified within any submission and consideration given to whether they are non-designated heritage assets as defined by the National Planning Policy Framework.

#### 2. Trees

Please could the following be submitted within any application to develop this land:-

- 1) BS 5837 (2012) tree survey highlighting all TPO protected trees well as the existence of veteran trees,
- 2) Tree Retention and Removal Plan including any access facilitation pruning,
- 3) Tree Protection Plan,
- 4) Arb Implications Assessment,
- 5) Detailed Landscape Plan,
- 6) Shade Analysis of retained trees projected onto proposed buildings
- 7) Where appropriate Method Statements for all engineering/construction works within the vicinity of retained trees,
- 8) Short, medium and long term future management plans of retained trees where to be situated within public open space,
- 9) Arb supervision proposals.

#### 3. Contaminated Land Officer/Air Quality

I agree that there isn't likely to be anything severe in regards to contaminated land as per the initial assessment in the scoping report, will await the results of the desktop study. Again please feel free to give me contact details to the consultants as required.

I have just reviewed the scoping report and I am pleased to see that both air quality and noise have been included. The proposals are fine but please provide my contact details so that consultants can contact me to discuss baseline monitoring and to confirm scope of the assessments.

The applicant should refer to paragraphs 180-183 of the NPPF.

Contact details:- [alexmason@cheltenham.gov.uk](mailto:alexmason@cheltenham.gov.uk)



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#### 4. Friends of Oakley Farm Pasture Slopes

We are a group of local residents who are concerned about any possibility of a housing estate or similar development on Oakley Farm Pasture Slopes which is located in the Cotswolds Area of Outstanding Natural Beauty.

Having read the Scoping Opinion documents (19/00916), it unfortunately seems that a development application will be forthcoming. We feel it necessary therefore to raise some scoping response points for your consideration.

#### Photographs

Can the applicant's photos of existing conditions be taken during leaf off season and when roadside hedges along the site's Southern boundary are trimmed?

Can the proposed photo viewpoint locations include the following views into the site:

Charlton Kings Footpath 12 OS grid SO98252225

Southam Footpath 102 Cotswold Way OS Grid SO99142352

Southam Footpath 116 Cotswold Way OS Grid SO98552534

Cheltenham Footpath 86 OS Grid SO96822229 & SO96812250: views into and through the site towards the AONB escarpment.

Harp Hill from OS Grid SO96982224 to SO97212221: views into and through the site towards the AONB escarpment and through the site to the Hewlett's Reservoir listed Pavilion.

#### Landscape and Visual Assessment

Can the Scope of the Landscape and Visual Assessment include in its review:

- Cheltenham Borough Council's Landscape Character, Sensitivity and Capacity Assessment of Cotswolds AONB May 2016, specifically 7.1 and 7.2; and
- The Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023.

#### Joint Core Strategy

It is requested that the Scoping Opinion document specifically address SD7 of the Joint Core Strategy.

#### Access

Access to the Eden Villas development from Harp Hill was restricted to 40 houses under planning application CB11954/43. The reason for this limit was "the road network in the locality is not capable of accommodating the traffic associated with more than this number of houses". We request that the ES specifically detail what has changed to now presume that the road network can accommodate access to up to 250 houses from Harp Hill.

If the above points are appropriate in relation to the scoping document, please would you include them in the formal response from the planning department? If they are not then we would appreciate it if you could advise us accordingly.



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### 5. Severn Trent Water

With Reference to the planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- o The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- o The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

The application for developer enquiry can be found at <https://www.stwater.co.uk/building-and-developing/new-site-developments/developer-enquiry/> fill out the relevant information and return to the Developer Services Team.

Information, guidance and applications for building and developing can be found on the Severn Trent Website: <https://www.stwater.co.uk/building-and-developing/overview/>

Please note if you wish to respond to this email please send it to [Planning.apwest@severntrent.co.uk](mailto:Planning.apwest@severntrent.co.uk) where we will look to respond within 10 working days. Alternately you can call the office on 01902 793851.

If your query is regarding drainage proposals, please email to the aforementioned email address and mark for the attention of Rhiannon Thomas (Planning Liaison Technician).

### 6. Cheltenham Civic Society

We support the comments made by public bodies on the Environmental Impact Assessment (EIA) scoping report. We specifically endorse the recommendations of the Cotswold Conservation Board (CCB). These are detailed and far more wide ranging than the scoping report itself, which surprisingly refers only once to the AONB status of the entire site. Although the report says in general terms that the EIA will address a wide range of issues, it does not refer to the need to consult key documents: the NPPF guidance on development in AONBs (a national landscape designation on par with a national park); the statutory Cotswolds AONB Management Plan; detailed landscape assessments undertaken by the CCB, GCC and CBC; and relevant local planning policies, including JCS policy SD7. So, we fear that in undertaking the EIA too little attention will be given to current policy, which is broadly to keep the area clear of development.

We recognise that no plans have yet been put forward, but we consider that any large-scale development of Oakley Farm would be in conflict with national policy towards AONBs and policy in the JCS and local plans. We therefore expect Cheltenham Borough Council to uphold the protection of this area. If developed, it would be very visible from the Cotswolds scarp and would destroy an important visual feature which contributes to the quality of life of people living nearby (as is clear from comments made by objectors).

However, its value would be far greater if it were more accessible. So, we urge the Council to consider treating Oakley Farm as a Local Green Space. It fits the criteria and could be of far greater landscape, ecological and recreational benefit to this part of Cheltenham. The land should remain in agricultural use but be managed (perhaps under an agreement with CBC and CCB) so that it would provide better public access and encourage greater care for landscape and nature. Such an initiative would offer great public benefit to this part of the town and link it better to the rest of the AONB. We would be pleased to discuss with the Council how it might be achieved.



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We have in-principle objections to the development of this site and we agree with the justified concern of many local residents about the infrastructure implications of so much new development, especially additional pressure on local roads ill-equipped to carry even today's traffic.

I trust that the above is of assistance, but should you require clarification on any matters raised in this letter, please contact Lucy White.

Yours sincerely,

David Oakhill  
Head of Planning