



Department
for Transport

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Transport and Works Act Order Unit
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E-mail: transportinfrastructure@dft.gov.uk

Web Site: www.dft.gov.uk

Our Ref: TWA/2/2/0196

27 April 2023

Dear XXXX,

**Transport and Works Act 1992 (“the 1992 Act”)
Transport and Works (Applications and Objections Procedure) (England and Wales)
Rules 2006 (as amended) (“the Applications Rules”)**

Proposed Transport and Works Act Order for the Closure of Yarnton Lane Level Crossing, Sandy Lane Level Crossing and Tackley Level Crossing as Part of the Oxford Phase 2A Enhancement Works.

1. Thank you for your email and attached documents dated 16 February 2023, together with your follow up emails dated 20 February and 27 February, in which you requested a screening decision under rule 7 of the Applications Rules to determine whether an Environmental Impact Assessment (“EIA”) is required in respect of your proposed application for a Transport and Works Act Order associated with the proposed closure of Sandy Lane Level Crossing, Yarnton Level Crossing & Tackley Level Crossing as part of the Oxford Phase 2A Enhancement Works.

2. As set out in my letter of 31 March 2023 (attached as annex 1), the deadline for a response to this request was extended to 28 April 2023 to allow more time for information to be provided regarding the likely significant effects on Oxford Meadows SAC following the response from Natural England dated 24 March 2023. Following your letter of 5 April 2023 Natural England provided a further response of 20 April 2023.

3. Based on the available information, including the responses from Consultees, the Secretary of State considers that the proposals described in your request are a project of a type mentioned in Annex II to Directive 2011/92/EU of the European Parliament and of the Council as amended by Directive 2014/52/EU. Having regard to the characteristics and location of the project and the type and characteristics of potential impact, the Secretary of State considers that this project will not have a likely significant effect on the environment.

4. In accordance with rule 7(13) of the Applications Rules, the Secretary of State's screening decision is that an **EIA is not required** in association with the proposed closure of Sandy Lane Level Crossing, Yarnton Level Crossing & Tackley Level Crossing as part of the Oxford Phase 2A Enhancement Works.

5. In reaching this screening decision, the Secretary of State, under rule 7(8), has consulted the bodies listed below and has considered their responses:

- Natural England
- Environment Agency
- Historic England
- Cherwell District Council
- Oxfordshire County Council
- West Oxfordshire District Council.

6. Responses were received from Natural England, Historic England, Cherwell District Council, Oxfordshire County Council and West Oxfordshire District Council. As stated above, a further response from Natural England was provided on 20 April 2023. Copies of the consultation responses are included with this letter, the contents of which should be noted.

7. The Secretary of State did not receive a response to his consultation from the Environment Agency. The Secretary of State would advise that you seek to engage with the Environment Agency during the application process.

8. In reaching his screening decision, the Secretary of State has had regard to the selection criteria referred to in rule 7(11) of the Applications Rules and has taken into consideration the information within the documentation supplied for the screening opinion request.

9. In accordance with rule 7(14) of the Applications Rules, the Secretary of State notes the features of the proposed works and measures proposed to be taken in order to avoid or prevent what might otherwise have been significant adverse effects on the environment as set out in your screening request letter dated 10 February 2023.

10. As acknowledged in your supporting documents an appropriate level of detail on the scheme's archaeological, drainage & flood risk assessment, and traffic impacts should be submitted with any subsequent application for an order under the 1992 Act.

11. The Secretary of State draws your attention to the comments made by Cherwell District Council which raise potential visual impact beyond the application site which may require appropriate mitigation. An appropriate level of detail on the scheme's visual effects and/or impacts on the landscape should be included with any subsequent application under the 1992 Act.

12. The Secretary of State also draws your attention to Natural England's consultation response dated 24 March 2023 and their advice regarding information that should be provided with any application in relation to biodiversity, landscape and other environmental information.

Distribution

13. Copies of this letter are being sent to those organisations which were consulted on the request for a screening decision, as listed at the beginning of this letter.

14. In accordance with Rule 7(15) a copy of this decision will be placed on our website at: <https://www.gov.uk/government/collections/twa-inspector-reports-and-decision-letters>.

Yours sincerely,

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Annex 1: The Secretary of State's response to the applicant dated 31 March 2023



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31 March 2023

Dear XXXX,

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Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (as amended) (“the Application Rules”)

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2. In accordance with rule 7(8) of the Application Rules, the Secretary of State has consulted with Natural England. Natural England's response, (reference 423139) dated 24 March 2023 is attached. The response sets out that, based on the material supplied with the consultation, there are potential likely significant effects on statutorily designated nature conservation sites or landscapes concerning the Oxford Meadows Special Area of Conservation (SAC), and that further assessment is required.

3. In accordance with rule 7(6) of the Application Rules, the Secretary of State requests that you provide any additional information in relation to the likely significant effects on Oxford Meadows SAC which would address the points raised by Natural England in their response. The additional information should be submitted in support of the EIA screening application by **14 April 2023**. Further information or an update on any discussions with Natural England would also be welcomed.

4. As a result of the above and in accordance with rule 7(13A) of the Application Rules, this letter should be taken as a notification that under rule 26, the Secretary of State has decided that further time is required to make a screening decision. The EIA screening deadline is therefore extended to **28 April 2023** to allow for consideration of any additional information submitted.

Yours sincerely,

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