

Public Document Pack



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee

Date: Thursday 15 January 2026

Time: 4.00 pm

Venue 39 Castle Quay, Banbury, OX16 5FD

Membership

Councillor Barry Wood (Chair)

Councillor Chris Brant
Councillor Phil Chapman
Councillor Jean Conway
Councillor Ian Harwood
Councillor Fiona Mawson
Councillor Robert Parkinson
Councillor David Rogers
Councillor Dr Kerrie Thornhill

Councillor Amanda Watkins (Vice-Chair)

Councillor John Broad
Councillor Becky Clarke MBE
Councillor Dr Isabel Creed
Councillor David Hingley
Councillor Lesley McLean
Councillor Chris Pruden
Councillor Les Sibley
Councillor Douglas Webb

Substitutes

Councillor Rebecca Biegel
Councillor Andrew Crichton
Councillor Dr Chukwudi Okeke
Councillor Rob Pattenden
Councillor Nigel Simpson
Councillor Linda Ward

Councillor Nick Cotter
Councillor Harry Knight
Councillor Lynne Parsons
Councillor Edward Fraser Reeves
Councillor Dorothy Walker
Councillor John Willett

AGENDA

1. Apologies for Absence and Notification of Substitute Members

2. Declarations of Interest

Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting

3. Requests to Address the Meeting

The Chair to report on any requests to address the meeting.

Requests to address the meeting (including the application, whether you will speak in support of or objection to the application, your contact details) should be submitted to democracy@cherwell-dc.gov.uk

The deadline for requests to address this meeting is noon on Wednesday 14 January 2026.

Addresses can be made virtually or in person. Full details of public participation at Planning Committee meeting is available in the Constitution, [Planning Committee Procedure Rules](#).

4. Minutes (Pages 5 - 24)

To confirm as a correct record the Minutes of the meeting of the Committee held on 4 December 2025.

5. Chair's Announcements

To receive communications from the Chair.

6. Urgent Business

The Chair to advise whether they have agreed to any item of urgent business being admitted to the agenda.

7. Proposed Pre-Committee Site Visits (if any)

The Committee to consider requests for and proposed pre-committee site visits.

Any requests or recommendations for site visits will be published with the written update.

Planning Applications

8. Part OS Parcel 0006 North Of The Moors Kidlington (Pages 27 - 122)
25/01346/OUT

9. 7 Lock Crescent, Kidlington, OX5 1HD (Pages 123 - 137)
25/02114/F

10. OS Parcel 2636 NW Of Baynards House Ardley Green Farm Street To Horwell Farm Baynards Green (Pages 138 - 212)
21/03268/OUT

11. O.S. Parcel 0006 South East Of Baynards House Adjoining A43 Baynards Green (Pages 213 - 249)
21/03266/F

12. **OS Parcel 0006 South East Of Baynards House Adjoining A43 Baynards Green** (Pages 250 - 324) **21/03267/OUT**

13. **Os Parcel 6124 East Of Baynards Green Farm Street To Horwell Farm Baynards Green** (Pages 325 - 434) **22/01340/OUT**

Review and Monitoring Reports

14. **Appeals Progress Report** (Pages 435 - 446)

Report of Assistant Director Planning

Purpose of report

To keep Members informed about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

Recommendations

The Planning Committee resolves:

1.1 To note the position on planning appeals contained within the report.

Councillors are requested to collect any post from their pigeon hole in the Members' Lounge at the end of the meeting.

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or 01295 221534 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

Evacuation Procedure

If you hear the fire alarm, please leave the building via the nearest available exit. The fire assembly point is outside the Premier Inn, adjacent to the canal.

Access to Meetings

If you have any special requirements, such as a large print version of these papers or special access facilities to view a meeting online or attend a meeting in person, please contact the officer named below, giving as much notice as possible before the meeting.

Mobile Phones

Please ensure that any device is switched to silent operation or switched off.

Webcasting and Broadcasting Notice

The meeting will be recorded by the council for live and/or subsequent broadcast on the council's website. The whole of the meeting will be recorded, except when confidential or exempt items are being considered. The webcast will be retained on the website for 6 months.

If you make a representation to the meeting, you will be deemed by the council to have consented to being recorded. By entering the Council Chamber or joining virtually, you are consenting to being recorded and to the possible use of those images and sound recordings for webcasting and/or training purposes.

The council is obliged, by law, to allow members of the public to take photographs, film, audio-record, and report on proceedings. The council will only seek to prevent this should it be undertaken in a disruptive or otherwise inappropriate manner.

Queries Regarding this Agenda

Please contact Matt Swinford / Martyn Surfleet, Democratic and Elections
democracy@cherwell-dc.gov.uk, 01295 221534

Shiraz Sheikh
Monitoring Officer

Published on Wednesday 7 January 2026

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at 39 Castle Quay,
Banbury, OX16 5FD, on 4 December 2025 at 4.00 pm

Present:

Councillor Barry Wood (Chair)
Councillor Amanda Watkins (Vice-Chair)
Councillor Chris Brant
Councillor John Broad
Councillor Jean Conway
Councillor Ian Harwood
Councillor David Hingley
Councillor Lesley McLean
Councillor Robert Parkinson
Councillor Chris Pruden
Councillor David Rogers
Councillor Les Sibley
Councillor Dr Kerrie Thornhill
Councillor Douglas Webb

Substitute Members:

Councillor Nigel Simpson (In place of Councillor Phil Chapman)
Councillor Andrew Crichton (In place of Councillor Becky Clarke MBE)

Apologies for absence:

Councillor Phil Chapman
Councillor Becky Clarke MBE
Councillor Dr Isabel Creed
Councillor Fiona Mawson

Officers:

Ian Boll, Executive Director Place & Regeneration
Paul Seckington, Head of Development Management
Nat Stock, Team Leader - North Area General Developments
Nicola Wheatcroft, Principal Planning Officer
Rob Duckworth, Principal Planning Officer
Daisy Kay-Taylor, Planning Officer
Denzil Turbervill, Head of Legal Services
Matt Swinford, Democratic and Elections Officer
Martyn Surfleet, Democratic and Elections Officer

71 **Declarations of Interest**

8. Land West Of Sibford Road And Quarry House Sibford Road Hook Norton.

Councillor Amanda Watkins, Other Registerable Interest, as a local resident and would leave the meeting for the duration of the item.

10. Hanwell Fields Community Centre Rotary Way Banbury OX16 1ER.

Councillor Chris Brant, Other Registerable Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor David Hingley, Other Registerable Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Dr Kerrie Thornhill, Other Registerable Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Ian Harwood, Other Registerable Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Jean Conway, Other Registerable Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Lesley McLean, Other Registerable Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Robert Parkinson, Other Registerable Interest, as a member of the Executive and would leave the meeting for the duration of the item.

72 **Requests to Address the Meeting**

The Chair advised that requests to address the meeting would be dealt with at each item.

73 **Minutes**

The Minutes of the meeting held on 6 November 2025 were agreed as a correct record and signed by the Chair.

74 **Chair's Announcements**

1. The Chair reminded members of the public that only registered speakers were entitled to speak at the committee meeting at the time instructed by the Chair and members of the public should remain quiet during the meeting and not cause disturbance.

2. The Chair reminded Members that interests should be declared at item 2 of the agenda, however if Members realised that they had not declared an interest before an agenda item started, they should declare their interest at the start of the item. All applications should be considered with an open mind, and decisions should be based on what was before the Committee.

75 **Urgent Business**

There were no items of urgent business.

76 **Proposed Pre-Committee Site Visits (if any)**

There were no proposed pre-committee site visits.

In response to a question from the Committee, the Head of Development Management confirmed that site visits would be arranged around the time that an application would be heard at a Planning committee meeting. It was not possible for officers to comment on the contents of a meeting agenda in advance of publication as they could be subject to change.

77 **Land West Of Sibford Road And Quarry House Sibford Road Hook Norton**

The Committee considered application 25/00591/OUT, an outline planning application (with all matters reserved apart from access) for a development comprising up to 50 dwellings (use class c3) and associated infrastructure including but not limited to sustainable urban drainage system, public open space, landscaping, habitat creation, internal roads/routes and upgrades to the public highway at land west of Sibford Road and Quarry House Sibford Road, Hook Norton for Ashberry Strategic Land and Christopher Gasson.

Liz Sparrow, on behalf of Hook Norton Parish Council, addressed the Committee in opposition of the application

Ben Ward, agent on behalf of the applicant, addressed the Committee in support of the application.

It was proposed by Councillor Rogers and seconded by Councillor Harwood that application 25/00591/OUT be refused against officer recommendation, as the application would cause undue visual harm to the local area, and was contrary to policies ESD10, ESD13, ESD15 of the Local Plan.

The proposal was debated and on being put to the vote the motion was lost and therefore fell.

It was subsequently proposed by Councillor Conway and seconded by Councillor Sibley that application 25/00591/OUT be approved, in line with the officer recommendation.

In reaching its decision the Committee considered the officer's report and presentation, public speakers and the written updates.

Resolved

That, in line with the officer's recommendation, that permission be granted for application 25/00591/OUT subject to conditions set out below (and any amendments to those conditions as deemed necessary).

- i. Naturespace have issued the district licencing certificate;
- ii. The conditions set out at section 11 of the report, and the Conditions suggested by naturespace (and any amendments to Those conditions as deemed necessary); and
- iii. The completion of a planning obligation under section 106 of The town and country planning act 1990, as substituted by the Planning and compensation act 1991, to secure the details set Out at section 11 of the report (and any amendments as deemed Necessary):
 - a) Provision of 35% affordable housing on site
 - b) Payment of a financial contribution of £2,017.03 per dwelling towards off outdoor sports and recreation provision in the locality (index linked)
 - c) Payment of a financial contribution of £2,017.03 towards off indoor sports and recreation provision in the locality of per dwelling (index linked)
 - d) Payment of a public art contribution of £250 per dwelling towards public art in vicinity (index linked)
 - e) Payment of a financial contribution towards public transport provision of £1,364 per dwelling (index linked)
 - f) Payment of £3,840 towards Traffic Regulation Order (index linked)
 - g) Payment of £25,000 public transport contribution (index linked)
 - h) Payment of £944.30 per dwelling towards educational infrastructure (special school provision) (index linked)
 - i) Payment of a financial contribution towards the provision of refuse/recycling bins for the development of £101.88 per dwelling (index linked)
 - j) Payment of a financial contribution towards primary health care provision serving of £906.18 per dwelling (index linked)
 - k) On-site provision of an equipped Local Area of Play and payment of a financial contribution to be confirmed (index linked) towards maintenance or other management provisions thereof.
 - l) Payment of a financial contribution towards the maintenance of on-site Open Space (index linked)

- m) Provision of a Habitat Management and Monitoring Plan (including funding) to secure long-term biodiversity net gain
- n) Payment of the Council's monitoring costs to be confirmed.

CONDITIONS

1. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of one year from the date of this permission and the development hereby permitted shall be begun either before the expiration of two years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

2. Details of the layout, scale, appearance and landscaping (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

3. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out in accordance with the application form and the following plans and documents: 7243 100 - A, 7243 107 - E, 7243 108 - A, DWG-03 Rev B

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the local planning authority and comply with government guidance contained within the National Planning Policy Framework.

4. No development shall commence on a phase identified within an approved phasing plan until full details of the [layout, scale, appearance, access and landscaping] (hereafter referred to as the reserved matters') of the development proposed to take place within that approved phase have been submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in strict accordance with the approved phasing plan.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

5. No development shall commence unless and until full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in strict accordance with the approved details and shall be retained and maintained as such thereafter. Agreed vision splays shall be kept clear of obstructions higher than 0.6m at all times.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. No development shall commence, including any works of demolition until a Construction Environment and Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The statement shall provide for at a minimum:
 - The parking of vehicles of site operatives and visitors;
 - Loading and unloading of plant and materials;
 - Storage of plant and materials used in constructing the development;
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
 - Measures to control the emission of dust and dirt during construction;
 - Delivery, demolition and construction working hours;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To ensure the environment is protected during construction in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

7. Prior to the first occupation of the development hereby approved, a Travel Plan Statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved details.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.

8. Construction shall not begin until/prior to the approval of first reserved matters; a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
 - Full drainage calculations for all events up to and including the 1 in 100 year plus
 - 40% climate change;
 - A Flood Exceedance Conveyance Plan;
 - Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
 - Detailed design drainage layout drawings of the SuDS proposals including cross section details;
 - Detailed maintenance management plan in accordance with Section 32 of CIRIA
 - C753 including maintenance schedules for each drainage element, and;
 - Details of how water quality will be managed during construction and post development in perpetuity;
 - Confirmation of any outfall details.

Reason: Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

9. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
 - (a) As built plans in both .pdf and .shp file format;
 - (b) Photographs to document each key stage of the drainage system when installed on site;
 - (c) Photographs to document the completed installation of the drainage structures on site;
 - (d) The name and contact details of any appointed management company information.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal.

10. If a potential risk from contamination is identified as a result of the work carried out under condition 1, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation

in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the local planning authority. No development shall take place unless the local planning authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

11. If contamination is found by undertaking the work carried out under condition 10, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management (LCRM)" and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

12. If remedial works have been identified in condition 10, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 10. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

13. No development shall commence (including demolition, ground works, vegetation clearance) unless and until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include as a minimum:
- Risk assessment and mitigation of potentially damaging construction activities
 - Identification of 'Biodiversity Protection Zones'
 - Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
 - The location and timing of sensitive works to avoid harm to biodiversity features
 - The times during construction when specialist ecologists need to be present on site to oversee works
 - Responsible persons and lines of communication
 - The role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person
 - Use of protective fences, exclusion barriers and warning signs
 - The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.
- Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

14. Prior to first occupation of the development hereby approved a Biodiversity Enhancement Plan shall be submitted and approved by the Local Planning Authority, the Plan shall include species specific enhancements, including at least one bat or bird box per dwelling, native planting, bee bricks in all dwellings, log piles and hedgehog passes. The development shall be carried out in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

INFORMATIVES

1. Please note If works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council. This is separate from any planning permission that may be informative granted.

2. The reserved matters submission shall include a lighting strategy for bats in line with Bat Conservation Trust (BCT) and Institute of Lighting Professionals (ILP) guidance.

78

Shaws Farm, Station Road, Blackthorn, Bicester, OX25 1TP

The Committee considered application 24/01237/F for the demolition of existing commercial buildings (brownfield site) and residential redevelopment of ten dwellings, associated means of access, car parking, public open space and landscaping, at Shaws Farm, Station Road, Blackthorn, Bicester, OX25 1TP for Fieldview (Blackthorn) Limited.

It was proposed by Councillor Watkins and seconded by Councillor Dr Thornhill that application 24/01237/F be approved, in line with the officer recommendation.

In reaching its decision the Committee considered the officer's report and presentation, and the written updates.

Resolved

That, in line with the officer's recommendation, permission be granted for application 24/01237/F subject to:

- i. The conditions set out below (and any amendments to those conditions as deemed necessary) and
- ii. The completion of a planning obligation under section 106 of the town and country planning act 1990, as substituted by the planning and compensation act 1991, to secure the following (and any amendments as deemed necessary):
 1. Affordable Housing
Total: 3 units (all 2-bed 4-person houses):
2 × Social Rent
1 × Shared Ownership
 2. Community Hall Contribution (CDC)
 3. Outdoor Sport Contribution (CDC)
 4. Indoor Sport Contribution (CDC)
 5. Secondary Education (OCC) – UPDATED
 6. Public Transport Service (OCC)
 7. Public Transport Infrastructure (OCC)
 8. Public Rights of Way (OCC)
 9. Household Waste Recycling (OCC)
 10. Monitoring Fees & Legal Costs
 11. CDC and OCC monitoring fees plus OCC legal fees payable by Developer.
 12. Indexation All contributions indexed as specified in consultee responses.
 13. Triggers Contributions payable on occupation thresholds as set out by CDC/OCC.

CONDITIONS

1. Time Limit

The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Approved Plans

Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out in accordance with the application form and the following plans and documents:

Site context / layout

- 24 - P0256 - CP100 (Site Context Plan)
- 24 - P0256 - 100j (Proposed Site Plan Drawing)
- 24 - P0256 - C100c (Colour Site Plan Drawing)

House type plans and elevations

- 24 - P0256 - 110 (Plots 1 & 2 – Plans & Elevations)
- 24 - P0256 - 111 (Plots 3 & 4 – Plans & Elevations)
- 24 - P0256 - 112 (Plot 5 – Plans & Elevations)
- 24 - P0256 - 113 (Plots 6 & 7 – Plans & Elevations)
- 24 - P0256 - 114 (Plot 8 – Plans & Elevations)
- 24 - P0256 - 115 (Plot 9 – Plans & Elevations)
- 24 - P0256 - 116 (Plots 10 & 11 – Plans & Elevations)
- 24 - P0256 - 117 (Plots 12, 13 & 14 – Plans & Elevations)
- 24 - P0256 - 118 (Plot 15 – Plans & Elevations)
- 24 - P0256 - 119a (Plot 16 – Plans & Elevations)
- 24 - P0256 - 120 (Plot 17 – Plans & Elevations)
- 24 - P0256 - 121 (Plot 18 – Plans & Elevations)
- 24 - P0256 - 123a (Proposed Railings)

Highways / access

- ITB19042-GA-001 H (Site Access Arrangement)

Landscape

- LAS 747 11A Landscape Proposals
- LAS 747 B Arboricultural Impact Assessment Jan 25

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the local planning authority and comply with government guidance contained within the National Planning Policy Framework.

3. Materials

No development shall commence above slab level until a schedule of materials and finishes to be used in the external walls and roofs of the dwellings and garages has been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

Reason: To safeguard the character and appearance of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

4. Boundary Enclosures

No development shall commence above slab level until full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the local planning authority and such means of enclosure shall be erected prior to the first occupation of any dwelling and shall be retained as such thereafter.

Reason: To safeguard the character and appearance of the area, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

5. Landscaping Scheme

The development shall be carried out in strict accordance with the approved landscaping scheme LAS 747 11A Landscape Proposals and LAS 747 B Arboricultural Impact Assessment Jan 25 and the hard landscape elements shall be carried out prior to the first occupation or use of the development and shall be retained as such thereafter.

All planting, seeding or turfing included in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner, and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The approved hard landscaping and boundary treatments shall be completed prior to the first occupation of the development and shall be retained as such thereafter.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of visual amenity of the area and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the

Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

6. Tree Protection

No development shall commence until the existing trees on the periphery of the site have been protected in accordance with the contained within the LAS 747 B Arboricultural Impact Assessment Jan 25. The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development and shall be maintained until the development is completed. Nothing shall be stored or placed within the areas protected by the barriers.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

7. External Lighting

Prior to the first use of the development hereby approved details of the external lighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the local planning authority. The lighting shall be installed in accordance with the approved scheme prior to the first use of the development hereby approved and shall be operated and maintained as such at all times thereafter.

Reason: In the interests of visual amenity and highway safety, to protect the amenities of nearby residents, To ensure that the development does not cause harm to any protected species or their habitats, and to comply with Policies ESD10 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

8. Construction Environmental Management Plan

No development (including any demolition or site clearance) shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- details of construction traffic routes, access arrangements, parking and turning for site operatives and visitors;
- measures to control the emission of dust, dirt, noise and vibration during construction;
- measures to prevent mud and debris being deposited on the public highway;
- details of the location of site compounds and storage of materials;

- hours of construction and delivery; and
- measures to protect retained trees, hedgerows and habitats during construction.

The development shall be carried out in accordance with the approved CEMP.

Reason: In the interests of the amenities of neighbouring residents, highway safety and the protection of the environment during construction, in accordance with Policy ESD15 of the Cherwell Local Plan 2011–2031 Part 1 and government guidance contained within the National Planning Policy Framework.

9. Land Contamination – Remediation

No development (other than demolition to ground level) shall take place until a detailed remediation strategy, informed by the submitted land contamination investigations, has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include details of all remedial works and long-term monitoring and maintenance measures. The approved remediation strategy shall be implemented in full prior to the first occupation of any dwelling on the site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

10. Land Contamination – Verification and Unexpected Contamination

Following completion of the remediation works approved under condition 9, and prior to the first occupation of any dwelling, a verification report that demonstrates the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. If, during the course of development, contamination not previously identified is found to be present at the site, no further development shall be carried out until a remediation strategy for dealing with this contamination has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved remediation strategy.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

11. Surface Water, Drainage and SUDS

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- detailed design drawings and calculations for all SuDS components;
- details of attenuation storage and discharge rates;
- exceedance flow routing;
- evidence of agreement for any outfalls to third-party systems; and
- a timetable for implementation.

The approved drainage scheme shall be implemented in full prior to first occupation of the development and shall be retained and maintained thereafter in accordance with condition 12.

Reason: To ensure that the development is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

12. SUDS Maintenance and Management

No development shall take place until a SuDS Maintenance and Management Plan for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The plan shall identify the responsible organisation(s) for the SuDS components and set out arrangements for their adoption, maintenance and monitoring. The SuDS shall thereafter be managed and maintained in accordance with the approved plan.

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

13. SUDS As-built Record

Prior to the first occupation of the development, an "as built" record of the SuDS, including plans and photographs, shall be submitted to and approved in writing by the Local Planning Authority for deposit on the Lead Local Flood Authority's asset register.

Reason: To assist in maintaining a record of drainage assets and to ensure the system has been implemented as approved, in accordance with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and

government guidance contained within the National Planning Policy Framework.

14. Foul Drainage

No development shall commence until a scheme for on-site foul water drainage works, including connection point and discharge rate, has been submitted to and approved in writing by the Local planning authority. The foul drainage works relating to that Phase must be completed prior to the first occupation of any Phase and shall be maintained as such thereafter.

Reason: To prevent environmental and amenity problems arising from flooding and to comply with government guidance contained within the National Planning Policy Framework.

15. Water Usage

No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

Reason - In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

16. Archaeology – Written Scheme of Investigation

Prior to any demolition (other than to ground level) and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2024).

17. Archaeology - Implementation

Following the approval of the Written Scheme of Investigation referred to in condition 1, and prior to any demolition other than to ground level on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2024).

18. Habitat Management and Monitoring Plan (HMMP) for Biodiversity

No development shall commence until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The HMMP shall include:

- a non-technical summary
- the roles and responsibilities of the people or organisation(s) delivering the HMMP
- the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan
- the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the approved completion date of the development
- the monitoring methodology and frequency in respect of the created or enhanced habitat

Notice in writing shall be given to the local planning authority when the:

- HMMP has been implemented
- habitat creation and enhancement work as set out in the HMMP have been completed.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP or such amendments as agreed in writing by the local planning authority.

Monitoring reports shall be submitted to the local planning authority in writing for approval in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

19. Landscape and Ecological Management Plan (LEMP)

Prior to first occupation of the development hereby approved a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in full accordance with the approved LEMP including any/all timescales set out therein.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local

Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

20. Ecological Enhancement Features

Prior to the first occupation of the development, the scheme for the provision of ecological enhancement features within the site, including (but not limited to) integrated bat and bird boxes (such as swift or universal bird bricks), hedgehog connectivity measures and wildlife-friendly planting, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed prior to the occupation of the dwelling(s) they serve and shall thereafter be retained.

Reason: To enhance biodiversity and deliver ecological enhancements as part of the development, in accordance with Policy ESD10 of the Cherwell Local Plan 2011–2031 Part 1 and government guidance contained within the National Planning Policy Framework.

21. Site Access and Visibility

No dwelling shall be occupied until the vehicular access from Station Road and associated visibility splays have been constructed, surfaced and laid out in accordance with details that have first been submitted to and approved in writing by the local planning authority. The visibility splays shall thereafter be kept free of obstruction above a height of 0.6 metres.

Reason: In the interests of highway safety and to ensure safe and suitable access to the site, in accordance with Policy SLE4 of the Cherwell Local Plan 2011–2031 Part 1 and government guidance contained within the National Planning Policy Framework.

22. Estate Roads, Footways, Parking and Turning

No dwelling shall be occupied until the streets, footways, parking and turning areas serving that dwelling have been constructed, surfaced and drained in accordance with details that have first been submitted to and approved in writing by the local planning authority. Thereafter, the streets, footways, parking and turning areas shall be retained for the purposes specified.

Reason: To ensure a safe and suitable layout for all users, to ensure that adequate off-street parking and turning is provided and retained, and in the interests of highway safety, in accordance with Policy SLE4 of the Cherwell Local Plan 2011–2031 Part 1 and government guidance contained within the National Planning Policy Framework.

23. Public Rights of Way

No development shall take place until a scheme for the protection and, where necessary, improvement of the public rights of way adjacent to the site, including a timetable for implementation, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of

any temporary diversions during construction and permanent surfacing and boundary treatments. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To safeguard and enhance the public rights of way network and to promote sustainable modes of travel, in accordance with Policies SLE4 and ESD17 of the Cherwell Local Plan 2011–2031 Part 1 and government guidance contained within the National Planning Policy Framework.

79

Hanwell Fields Community Centre Rotary Way Banbury OX16 1ER

The Committee considered application 25/02594/CDC for the installation of two external heat pump condensers in rear yard and ventilation grilles to front and side elevations, at Hanwell Fields Community Centre Rotary Way Banbury OX16 1ER for Cherwell District Council.

It was proposed by Councillor Wood and seconded by Councillor Webb that application 25/02594/CDC be approved, in line with the officer recommendation.

In reaching its decision the Committee considered the officer's report and presentation, and the written updates.

Resolved

That, in line with the officer's recommendation, permission be granted for application 25/02594/CDC subject to the conditions set out below (and any amendments to those conditions as deemed necessary).

Conditions

Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the form and following approved plans and documents: the drawings numbered 06425-111 (Site Location Plan at a scale of 1:1250), 06425-112 (Block Plan), 06425-115, and 06425-116, and the submitted planning statement.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

80

Appeals Progress Report

The Assistant Director Planning submitted a report which informed Members about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

Resolved

- (1) That the position statement be accepted.

The meeting ended at 6.40 pm

Chair:

Date:

CHERWELL DISTRICT COUNCIL

Planning Committee – 15 January 2026

PLANNING APPLICATIONS INDEX

The Officer's recommendations are given at the end of the report on each application.

Members should get in touch with staff as soon as possible after receiving this agenda if they wish to have any further information on the applications.

Any responses to consultations, or information which has been received after the application report was finalised, will be reported at the meeting.

The individual reports normally only refer to the main topic policies in the Cherwell Local Plan that are appropriate to the proposal. However, there may be other policies in the Development Plan, or the Local Plan, or other national and local planning guidance that are material to the proposal but are not specifically referred to.

The reports also only include a summary of the planning issues received in consultee representations and statements submitted on an application. Full copies of the comments received are available for inspection by Members in advance of the meeting.

Legal, Health and Safety, Crime and Disorder, Sustainability and Equalities Implications

Any relevant matters pertaining to the specific applications are as set out in the individual reports.

Human Rights Implications

The recommendations in the reports may, if accepted, affect the human rights of individuals under Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. However, in all the circumstances relating to the development proposals, it is concluded that the recommendations are in accordance with the law and are necessary in a democratic society for the protection of the rights and freedom of others and are also necessary to control the use of property in the interest of the public.

Background Papers

For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision notices or letters containing previous planning decisions relating to the application site.

Item No.	Site	Application Number	Ward	Recommendation	Contact Officer
8	Part OS Parcel 0006 North Of The Moors Kidlington	25/01346/OUT	Kidlington West	Approval*	Carlos Chikwamba
9	7 Lock Crescent, Kidlington, OX5 1HD	25/02114/F	Kidlington East	Approval*	Rob Duckworth
10	OS Parcel 2636 NW Of Baynards House Ardley Green Farm Street To Horwell Farm Baynards Green	21/03268/OUT	Fringford & Heyford	Approval*	Tom Webster
11	O.S. Parcel 0006 South East Of Baynards House Adjoining A43 Baynards Green	21/03266/F	Fringford & Heyford	Approval*	Tom Webster
12	OS Parcel 0006 South East Of Baynards House Adjoining A43 Baynards Green	21/03267/OUT	Fringford & Heyford	Approval*	Tom Webster
13	Os Parcel 6124 East Of Baynards Green Farm Street To Horwell Farm Baynards Green	22/01340/OUT	Fringford & Heyford	Approval*	Tom Webster

*Subject to conditions

Cherwell District Council Democratic and Elections Team, 39 Castle Quay, Banbury, OX16 5FD

25/01346/OUT

Agenda Item 8

**Part OS Parcel 0006 North Of
The Moors
Kidlington**



1:7,000

Page 27

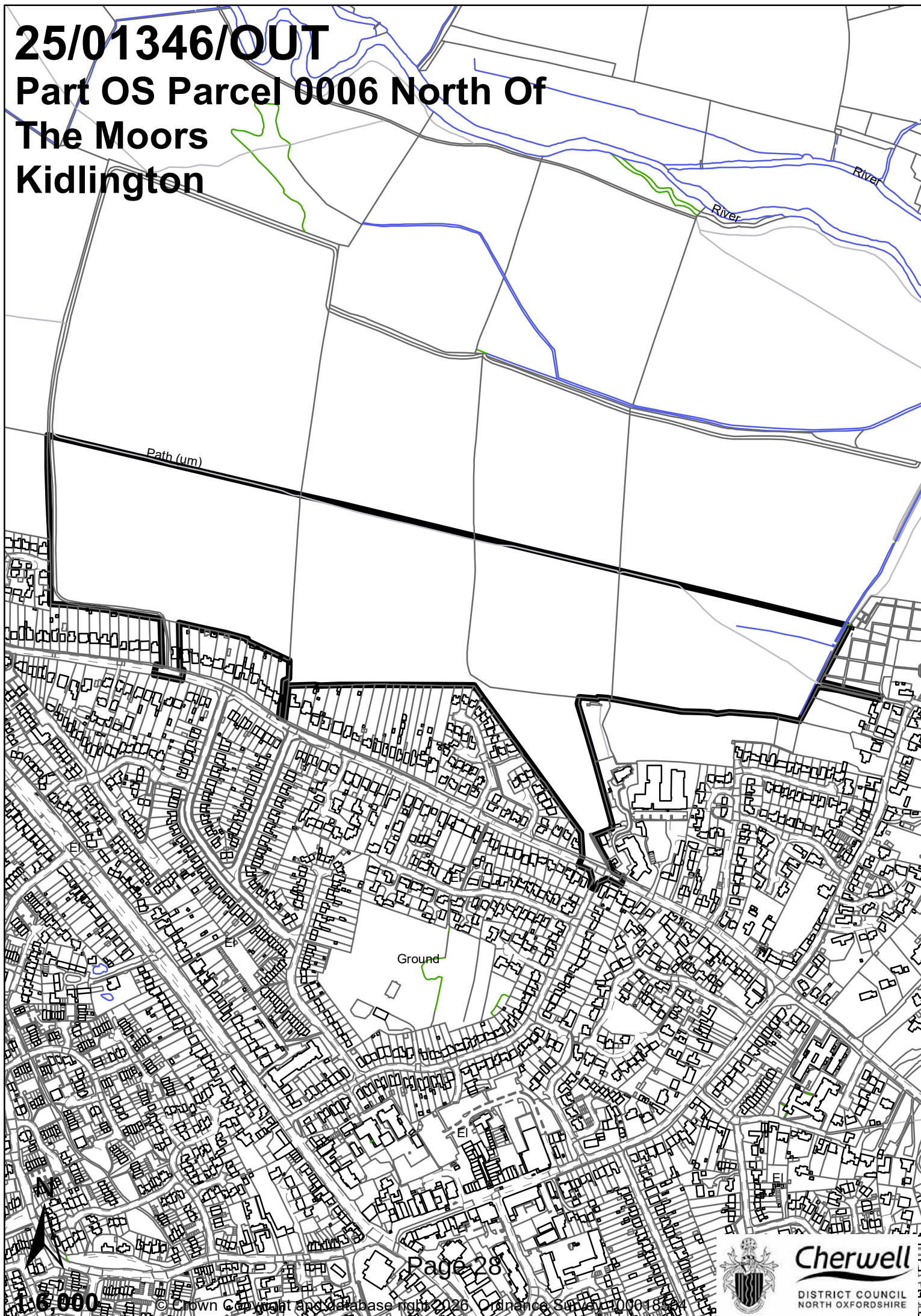
© Crown Copyright and database right 2026. Ordnance Survey 100018504



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

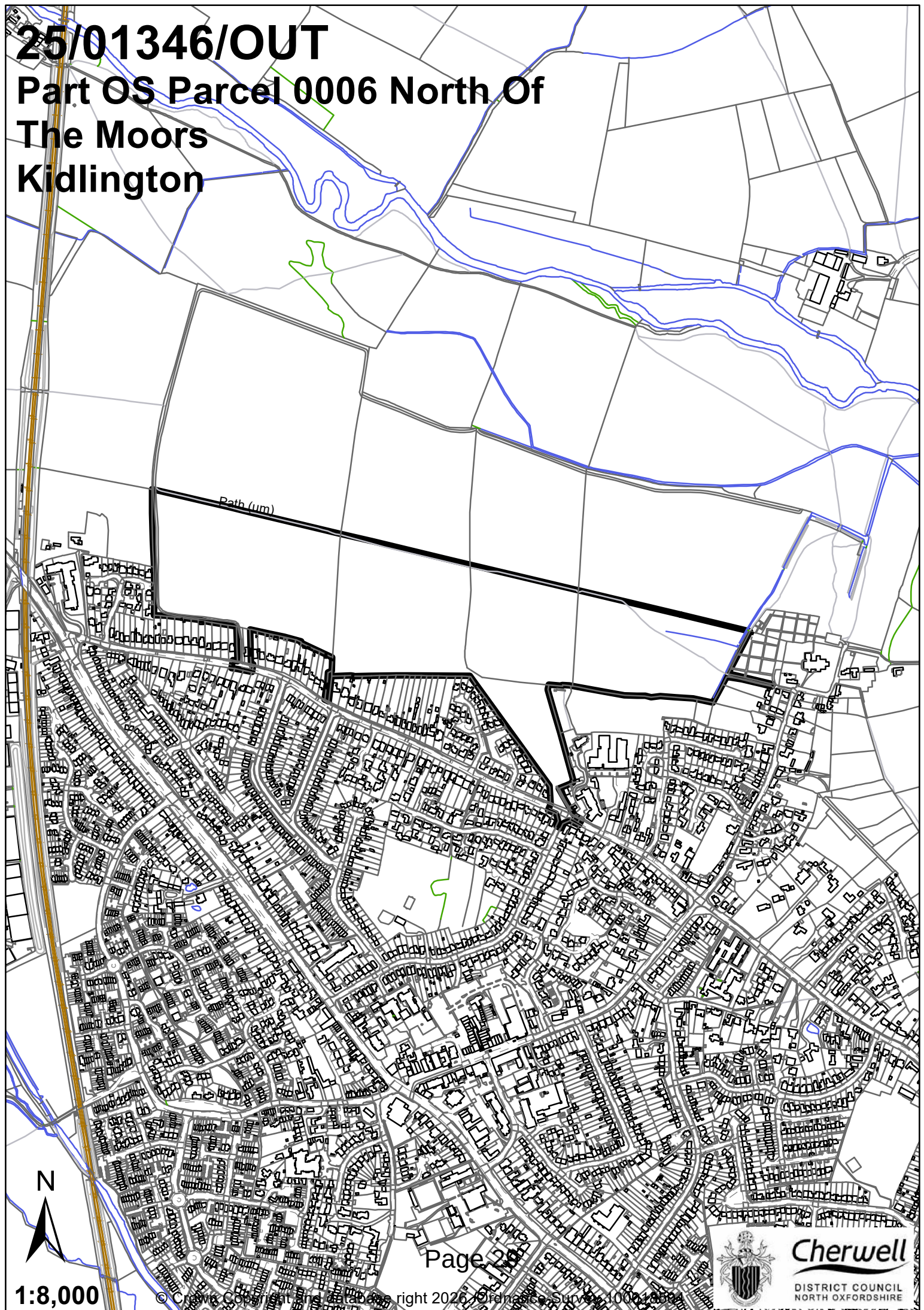
25/01346/OUT

**Part OS Parcel 0006 North Of
The Moors
Kidlington**



25/01346/OUT

Part OS Parcel 0006 North Of
The Moors
Kidlington



Case Officer: Carlos Chikwamba

Applicant: Harper Crewe Bloombridge Ltd

Proposal: Outline planning application with All Matters Reserved (except means of access) for up to 340 dwellings (Use Class C3), land for local community use and pavilion, landscaping, public open space, and associated infrastructure, including demolition of 162 The Moors to enable all modes of access

Ward: Kidlington West

Councillors: Cllr Conway, Cllr Walker and Cllr McLean

Reason for Referral: Major development

Expiry Date: 28 November 2025

Committee Date: 15 January 2026

This application is subject to a Committee Members Site Visit, which is planned to take place on 13th January 2026.

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO A S106 LEGAL AGREEMENT.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

1.1. The application site extends to approximately 21.97 hectares and comprises of several parcels of open, undeveloped arable land. The parcels are separated by hedgerows and planting in between, together with walking trails that serve as permissive paths, although none of the paths are formal public rights of way (PROW). However, the site is crossed by two PROWs, (265/15/10 and 265/17/10) and a third one (265/18/10) follows the northern boundary, with a slight encroachment into the site.

1.2. The site abuts the northern settlement edge of Kidlington, and it is located immediately to the north of The Moors, approximately 0.6 miles from Kidlington village centre, and approximately 7 miles north of the centre of Oxford. To the north, beyond the hedge boundary treatment are fields of open countryside land, characterised by a gentle downslope. To the south are residential properties fronting The Moors with their gardens extending to the edge of the site. The gardens of two properties and the churchyard of the Church of St Mary are located to the east and a mixture of residential properties and a field to the west.

2. CONSTRAINTS

2.1. The application site is located within the Oxford Green Belt and is intersected by 3 PROWs in varying degrees.

- 2.2. To the east, the site boundary abuts the Church Street Conservation Area and is in close proximity to the Grade I listed St Mary's Church, together with other Grade II listed buildings within the conservation area boundary.
- 2.3. The site is located adjacent to the Lower Cherwell Valley Conservation Target Area, north of the site. There are records of other protected and notable species within the locality.
- 2.4. A small proportion of the eastern part of the site is located within Flood zone 2.
- 2.5. Several individual and group TPO trees, ref; 002/1976 within the southeast triangular area of the development site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The development proposal relates to an Outline planning application with All Matters Reserved (except means of access) for up to 340 dwellings (Use Class C3), land for local community use and pavilion, landscaping, public open space and associated infrastructure, including demolition of 162 The Moors to enable all modes access.
- 3.2. The development includes the provision of either one of two options for recreational development within the eastern parcel;
 - Option 1 relates to a cricket pitches with an associated pavilion building.
 - Option 2 relates to a Country Park.
- 3.3. Prior to the submission of the first reserved matters application, the applicant will be required to submit a scheme for approval in writing by the council outlining which option will come forward with the rest of the proposed development. This will be secured within the s.106 agreement for the development.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:

Application ref	Description of development	Decision
23/03414/SO	Screening Opinion for the erection of approximately 300 dwellings, two cricket pitches, a pavilion and associated drainage, access and ancillary infrastructure	Proposal not considered to be EIA Development.

- 4.2. Officers also note that the site was promoted and considered during the formulation of the Partial Review Local Plan to meet Oxford's unmet housing need and the Reg 18

Cherwell Local Plan Review 2042 process. However, in both cases, the site was discounted from allocation.

5. PRE-APPLICATION DISCUSSIONS

5.1. The following pre-application discussions have taken place with regard to this proposal:

5.2. **21/02441/PREAPP** - Residential development and green infrastructure.;

- Inappropriate development in the Green Belt for which 'very special circumstances' need to be demonstrated to outweigh Green Belt harm.
- Potential harm to the setting of the St Mary the Virgin Church, the Church Enclave Character Area of Kidlington Conservation Area and possibly the broader setting of other heritage assets (including listed buildings within Kidlington Conservation Area and other conservation areas). No public benefit demonstrated to outweigh such harm.
- Further advice on the requirements to make the scheme acceptable in other terms, such as Highways, Affordable Housing, planning obligations etc, was also provided as part of the response.

5.3. **23/02459/PREAPP** - Erection of approximately 300 dwellings, two cricket pitches and a sports pavilion, landscaping, public open space and associated infrastructure, with vehicular, cycle and pedestrian access from The Moors;

- Inappropriate development in the Green Belt for which 'very special circumstances' need to be demonstrated to outweigh Green Belt harm.
- Development on this site will need to consider the potential harm to the heritage assets, including the church, the conservation area, and the other nearby Listed Buildings. This should include an assessment of their significance and how the development within their setting may affect that significance.
- Appropriateness of the cricket pitches on the site and implications to cricket provision at Stratfield Brake need to be considered.
- Masterplan needs to consider provision of appropriate scale and parameters, ecological and Biodiversity enhancements, informal open space for normal play and recreation, SUDS and generally be an exemplar development with landscape and sustainable travel choices at the core of the design ethos.
- Other technical responses from Oxfordshire County Council and Cherwell Officers (Highways, Education, Leisure and Rec etc) were included in the response for the applicant to consider in a future application.

5.4. **24/01914/PREAPP** - Outline planning application with all matters reserved except access for up to 340 dwellings (Use Class C3), land for local community use (Use Class F2), landscaping, public open space and associated infrastructure, with detailed means of access from The Moors, Kidlington. Pre-application advice sought regarding ecology (written advice and meeting) and leisure/sport and recreation (written advice and meeting);

- Insufficient evidence to demonstrate that there is a need for or the qualitative enhancement to cricket provision that any new provision could provide.

- On that basis, the council did not consider that cricket provision as part of housing development would meet very special circumstances to justify inappropriate development in the Green Belt (i.e. housing).
- From an Ecology standpoint, it is expected that any future application should be accompanied by surveys which demonstrate appropriate mitigations to safeguard protected species during the construction and operational phase of the development. Furthermore, the proposal would be subject to the mandatory Biodiversity Net Gain (BNG) provisions and other Biodiversity related enhancements in accordance with local policy guidance.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near and around the site and by advertisement in the local newspaper. The final date for comments was **3 October 2025**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. Over 480 representations were received from neighbours, local community groups and other third parties objecting to the application.
- 6.3. The comments have been summarised below;
 - Inappropriate development in the Green Belt, which is not Grey Belt land.
 - Harm to landscape setting of Kidlington.
 - The development site is not allocated in the emerging Reg 19 Cherwell 2042 Local Plan.
 - The site is adjacent to a Conservation Target Area, and it is of crucial importance to Nature Conservation, development risks a detrimental impact and loss to wildlife and protected species habitat.
 - Ecology information submitted fails to address and recognise development's impact on wildlife and protected species.
 - Development disrupts the network of PROWs and footpaths, which run through the site.
 - During winter flooding fields offer refuge to displaced wildlife in the area.
 - Roads insufficient to support construction traffic.
 - Not clear whether carbon offsetting measures are proposed.
 - Inaccurate information in transport assessment in terms of bus services and stops, speed limits and traffic calming measures.
 - Development will impact views towards and the setting of the Grade I St Mary's Church and conservation area.
 - Impact on archaeology.

- Public Open Space and Community Use and other infrastructure improvements not guaranteed and secured in s.106.
- Development will impact the Oxfordshire Nature Recovery Network and St Mary's Field Nature Reserve.
- Negative traffic and amenity impacts during construction phase.
- Inadequate access and parking provisions.
- Uncertainty on open space and SUDS maintenance responsibilities.
- Cricket Pitches not properly considered in transport assessments and statements.
- Site supports a network of mental and physical health wellbeing which provides a nature and tranquil corridor for walking and recreational enjoyment of the countryside for local residents.
- A significant amount of housing is already coming forward in Kidlington (up to 5000 houses). More housing development is not necessary on this basis in the area.
- More housing will also stretch and pressurise local infrastructure (transport, schools, medical services and utilities etc) to the limits, and it will also cause crime related issues.
- Development exacerbates existing flooding issues in the area and inadequate drainage strategy proposed.
- Cricket pitches not necessary and no information on their upkeep. Furthermore, they are not feasible due to their location in the flood plain.
- Incorrect BNG metric.
- Concerns regarding the development's impact on sewage and water supply capacity.
- Significantly detrimental impact on the local road network and highway /pedestrian/cyclist safety.
- More details are required regarding the s.106 offer for local community infrastructure improvements.
- There are concerns regarding the placement of a pavilion (including a car park) in close proximity to the church and the nature reserve.
- Noise and light pollution where the pavilion is to be rented for social events after hours
- Air and noise pollution issues during construction phase.
- Site not allocated for development and conflicts with development plan.
- No information on dwelling sizes.

- TPO trees on-site and loss of important trees with no replacements.
- Loss of privacy.
- Street parking issues.
- Impact to character and appearance of the old village aesthetic.
- Affordability issues of new housing.
- Negative impact on social sustainability and community cohesion.
- Loss of Agricultural land.
- If approved reserved matters application should include construction traffic and environment management measures, and PROW, landscape and Ecology management plans.
- Inadequate community consultation.
- Inadequate information provided regarding heritage, ecology, water, flooding, highways and environment protection details as outlined by some of the relevant consultees for these considerations in their consultation responses.
- Development should cover costs to works to preserve Thrupp woodland, this should be secured as part of s.106 as a local community initiative considered necessary as part of the case for development.

6.4. The above objection points are considered to be material planning considerations which will be addressed in the appraisal section of the report. The following objection points are not considered to be material planning considerations in respect to the determination of this planning application.

- Detrimental effect on property prices in the locality.
- Potential introduction of EV heavy duty buses will damage roads re-routed in and around nearby streets to the development site and will also shake house foundations.
- Recommendation for the site to be designated a Local Green Space.

6.5. A technical transport note was also received from the objecting parties. The main points raised in the report are outlined below;

- Lack of sustainable travel infrastructure.
- Flawed trip methodology.
- Misleading walking distances to facilities and city facilities that are permanently closed and reliance on future transport improvements, which all exaggerate the site's sustainable nature.
- Inappropriate scope of modelling of the highway network.
- Inadequate traffic surveys and junction models.

- The site access layouts have not been demonstrated to be able to cater for the appropriate vehicles.
- No consideration of the implications of operational or construction traffic movements has been undertaken on the highway network immediately around the site.
- The transport note was reviewed in full by OCC Highways Officers, for which comments were provided as outlined in the following consultation response sections.

6.6. 9 Comments were also received supporting the application as summarised below;

- Delivery of new housing.
- Support the delivery of cricket pitches and infrastructure.

6.7. The comments received can be viewed in full on the council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the council's website, via the online Planning Register.

7.2. *Kidlington Parish Council;*

7.3. Background comments related to objections made by the Parish during the Cherwell District Council Local Plan consultation were included in their letter of objection.

7.4. The following comments were made in relation to the current application;

- Loss of defensible Green belt boundary in the current and future local plan.
- Increase in population in an already large built up area.
- The development site is not Grey Belt land as it conflicts with the purposes of the Green Belt as defined in the NPPF. Therefore, inappropriate development in the Green Belt with no case for very special circumstances.
- There is no demonstrable need for more market housing in the area.
- Considerable additional traffic on quiet residential streets.
- The Parish endorses the submission by Kidlington Development Watch for the site to be designated as Local Green Space (LGS) in the draft local plan. The application is wrong to say that it cannot be designated LGS in the Local Plan.
- There are two PROWs and other field boundary paths which are heavily used by residents and visitors who value being able to walk in open countryside.
- The Parish does not support the provision of cricket pitches on the site, and the scale of the pavilion is unacceptable.

- The development would detract significantly from the famous view of the church from the fields to the west.
- Harm identified by Historic England needs to be weighed against the public benefits of the scheme.
- If the application is approved, the Parish recommends that the open land nearest the church should be retained in the Green Belt, cricket pitches and pavilion should be removed, with further discussions of this at a later date, and it is requested that the developer commits the monies provisionally allocated to cricket (c £3 million) separately to any S106 agreement. Lastly, it is requested that the primary road access should be via the site of 162 The Moors and not opposite Benmead Road.

7.5. *OCC Highways;*

7.6. Initial comments outlined below were received from OCC Highways in a consultation response dated 24 June 2025.

- Proposed vehicular, cycle and pedestrian access strategy into the site from the Moors is considered acceptable in principle. Internal road speed limit is also deemed acceptable and in line with the limits along the Moors. However, traffic calming measures, vehicle tracking, and swept path analysis are requested.
- A site access raised table roundabout is also proposed. However, a swept path analysis of refuse vehicles manoeuvring around the roundabout is required. Confirmation is also requested on whether the proposed roundabout is a mini or compact one, informed by the average daily traffic flow, which needs confirmation. Further details regarding visibility splays, surfacing, gradient and markings for the roundabout were also requested.
- There are no clear links with existing footpaths and cycle routes within proximity of the development. A walking, cycling and horse-riding assessment and review (WCHAR) was requested to identify where sustainable transport permeability can be improved.
- A pedestrian crossing was also requested along the A4260/Banbury Road, north of The Moors, between Langford Lane and The Moors, to encourage and promote walking in the area.
- The development impacts the local PROW, and the preference is to retain the legal alignments of the affected PROWs, however, where site design requires diversion, an alternative route may be acceptable. A planning condition will be required to secure OCC's approval on relevant details, including route, width, surface, gradient, structures, signage, and amenity features. Subject to detailed approval, the current proposed alignment is considered reasonable.
- A PROW contribution is sought to fund offsite improvements to PROW infrastructure, including surfacing, signage, and route enhancements, potentially including upgrades to PROW status where appropriate. This ensures appropriate mitigation for the increased usage of the PROW network as a result of the development.
- Due regard by the developer to Standard PROW requirements is also required during the construction phase of the development, this will be secured via planning conditions/obligations.

- Lack of upgrades proposed to the closest bus stops to the development, and there are concerns about the distance to the closest bus stop for the residents living at the furthest part of the development site. OCC Highways requests that an internal site bus stop be explored. On the above basis, public transport contribution is sought after.
- Further to the above, the developer is also expected to upgrade an existing bus stop along the A4260 with provisions made for an informal pedestrian island crossing, which is necessary so that passengers can easily cross the road without needing to use the service road (Banbury Road).
- A44 Mobility Hub contribution is also sought after to help reduce traffic sufficiently, allowing development in the area to come forward.
- Road impact and traffic modelling do not include committed and allocated development in the surrounding area.
- The proportionate contribution towards the £2.2 million Bicester Road east-west highway improvement scheme for the development has been worked out, factoring in the development's traffic peak hour forecasted impact on routes related to the above scheme when compared to the impacts of the committed and allocated development in the vicinity.
- The cricket uses impact on traffic has not been factored into the development's transport assessment.
- Parking provisions to be secured via a planning condition.

Inadequate travel plan documents submitted.

- Measures for the internal road's standards were also outlined for the applicant to note and ensure compliance at the reserved matters stage.
- A construction traffic management plan is recommended.

7.7. In light of the above comments, which included a request for further information to overcome Highways objections and concerns, the applicant submitted a response note dated 29 August 2025 and Points of Clarification note dated 8 October 2025. Furthermore, a Mayer Brown Transport Note (MBTN) dated September 2025 was also submitted on behalf of a local community group objecting to the application.

7.8. OCC Highways reviewed the above additional Highways related information and found that their previous objections and concerns outlined in their initial comments had been satisfactorily addressed. Furthermore, the issues raised in the technical note submitted on behalf of an objecting local community group have also been addressed by the applicant to the satisfaction of the Highway Authority. Overall, the latest consultation response from OCC Highways dated 10 October 2025 raised no objections to the scheme, subject to a schedule of planning obligations and conditions which will be recommended to be added to the planning permission and addressed in latter parts of this report.

7.9. *OCC LLFA;*

7.10. The LLFA initially objected to the scheme, outlining that the applicant had not demonstrated a viable means of surface water disposal in accordance with the drainage

hierarchy due to the lack of infiltration testing and groundwater testing, a drainage strategy which does not adequately demonstrate infiltration feasibility, attenuation sizing, and exceedance routing and no written confirmation from Thames Water accepting the proposed 6.5 L/s connection if infiltration proves unviable

7.11. The applicant provided an updated Flood Risk Assessment & Drainage Strategy Report dated August 2025, and upon re-consultation, the LLFA offered no objections to the scheme, subject to a surface water drainage condition.

7.12. *OCC Education;*

No objection subject to s.106 primary and nursery, secondary, special education and secondary education land contributions, which were revised during the course of the development as detailed in the later parts of this report.

7.13. *OCC Archaeology;*

- Should planning permission be granted, conditions related to the implementation of archaeological investigations are recommended.
- A s.106 contribution was also requested in relation to the storage of archaeological archives related to the development.

7.14. *OCC Waste Management;*

No objections subject to a s.106 waste management contribution.

7.15. *OCC Library Services;*

No objections subject to a s.106 Library expansion and stock contribution.

7.16. *OCC Fire Safety Officer;*

Works are subject to fire related building control regulations.

7.17. *CDC Building Regulations;*

The proposal is subject to the Building Regulations and will require an application to be submitted to a Building Control body.

7.18. *CDC Urban Design*

7.19. Supportive of the proposals, subject to the following amendments and conditions;

- Amend the width of Green Infrastructure to the site's northern edge (Long Way) from 20 meters to 25 meters. This is to ensure the principles shown within the DAS and the illustrative landscape masterplan are deliverable. Note: The Long Way Section on page 106 of the DAS illustrates a 25-metre Green Infrastructure Corridor, and the Landscape Masterplan indicates a 27-metre corridor.
- Amend the width of the two north-south active transport corridors, which follow the line of the existing hedgerow (Middle Green and Cricket Green Character Areas), from the 5 metre nominal width to 16 meters. This is to ensure the principles shown within the DAS and the illustrative landscape masterplan are deliverable (i.e. existing hedge/footpath/conveyancing swale and tree planting). Note: annotation

to the Middle Green corridor on page 117 of the DAS denotes a 16-metre corridor, and the Landscape Masterplan indicates a 25-metre corridor.

- Fix the size and location parameters of the Western Green. This is to ensure a suitable focal amenity, 'Green' is provided for the western neighbourhood. The parameters should reflect the illustrative material – providing sufficient space for the proposed 'classic English village green', including a pond feature, amenity parkland and a play destination. The illustrative landscape masterplan suggests this space needs to be approximately 60 x 60 metres and aligned with the western entrance.
- Amend the parameters and illustrative material to provide a back-to-back perimeter block relationship with existing dwellings on Moorlands. This is to help ensure secure rear boundaries and a positive frontage relationship with the main site entrance.
- Identify important framed views of St. Mary's Church Spire on the parameter plan. Framed views from within the scheme will be essential to aid legibility and create a strong sense of place.
- Provide additional density information and layouts to demonstrate that various housing typologies and densities can be delivered across the site whilst accommodating parking and high-quality public realm and street scenes.
- Conditions required for the appearance and layout of the Longway, the relationship with St. Mary's Church tower and spire and Church Lane Conservation Area and the appearance of the South Brook housing area to follow the principles set out within the DAS.

7.20. In light of the above, the applicant was requested to address the comments by the Urban Design Officer, and they provided updated parameter plans to address the requested amendments by the Urban Design Officer, who was reconsulted on this basis and who provided the following comments;

- Parameter Plan: Please remove the word 'circa' in relation to the Western Green.
- Additional Information: Based upon the illustrative masterplan, please provide a clear indication of the densities proposed across the site and vignettes at key locations to demonstrate the approach to density/parking/ street scene to demonstrate the scheme can be delivered in accordance with policy, guidance, and best practice.

7.21. The applicant provided further information, and a response note to the latest comments by the Urban Design Officer. The parameters plan removed the word circa in relation to the Western Green. However, the requested information on densities was not provided.

7.22. Urban Design had no further comments to add to the scheme based on the latest submitted information.

7.23. *CDC Leisure and Rec;*

No objections subject to s.106 contributions and commuted sums related to community facilities, outdoor and indoor sport, community development worker, community development fund and public art. Comments also received outlining that the cricket

pitches are not required for the development at this present time and more information on their provision also requested and detailed in the later parts of this report.

7.24. CDC Ecology;

- Initial comments from Ecology outlined objections regarding an unreasonable, outdated, and inaccurate BNG metric for the scheme. Furthermore, it was requested that ongoing bird and bat surveys be submitted once completed, and it was also outlined that GCN licences would need to be obtained from Nature Space to mitigate harm to great crested newts, and this needs to be evidenced by a certificate from Nature Space prior to determination.
- The applicant provided updated bat surveys and bird surveys, which outlined that none of the habitats for these protected species will be harmed by the development to an extent that compensation would be required. The ecology information also included general enhancements for bird species, resulting in an overall net gain in suitable bird habitat. CDC Ecology offered no objections to the above information. They further outlined that their previous BNG concerns had been addressed by the submission of a revised metric. The plans remain indicative, therefore, it is expected that a finalised metric, plans and BNG report will be submitted once the layout is finalised at the reserved matters stage.
- Overall, no objections were raised to the revised Ecology information subject to planning obligations related to an HMMP, and monitoring fees and conditions related to a Nature Space certificate, Biodiversity construction environmental management plan (CEMP), precommencement surveys for badgers, a LEMP, and a Biodiversity Enhancement Management Plan (BEMP).
- CDC Ecology also provided comments on third party representations outlining concerns regarding the importance of hedgerows and tree lines for various bat species, and the adequacy of assessments of impacts of those features. The third party comments also outlined that the OUFC application supported a similar number of bat species, yet more details were requested from Ecology in that case.
- Ecology outlined that the stadium site was located within only a few metres from an ecologically important woodland, which is designated as a district wildlife site. In contrast, this application is situated across two agricultural fields and does not directly abut any woodland, instead, it sits up against an already built-up area of housing. This distinction is relevant, particularly in relation to barbastelle bats - the main species of concern in the letter, which are highly reliant on woodland as their core habitat.
- However, the above bat species would still use the site for commuting between nearby woodland areas. The proposed ecology measures to be secured through this permission and conditions will ensure that any impacts on bats are mitigated.

7.25. CDC Arboriculture;

7.26. Initial comments were made outlining the following;

- The Arboriculture Impact Assessment (AIA) did not include a tree constraints and impact assessment plan.
- The tree protection plans also required amending to include clear colour coding.

- Tree categories were also not clearly identified in the AIA.
- Further spacing is also required between proposed housing and existing dwellings, trees, and hedgerows to allow for both retention and enhancement of arboricultural features to both preserve and increase landscape visual buffers.
- As much spacing between dwellings and the site's southern and western boundary is also required to allow for sufficient tree retention, minimising RPA encroachment, and creating opportunity for tree/hedgerow planting.

7.27. The applicant provided an updated AIA and a response note, and CDC Arboriculture offered no objections to the scheme as they deemed that several of their previously raised concerns could be dealt with at the reserved matters stage.

7.28. *CDC Environmental Protection;*

No objections to the submitted air quality and noise assessments. However, pre-commencement conditions related to Land Contamination and a CEMP were recommended.

7.29. *CDC Conservation;*

The proposal, in its outline form and from the indicative plans, is considered to result in a low level of less than substantial harm. It is considered that this harm could be reduced or removed as a result of the final building heights and layout therefore, there are no objections in principle. Furthermore, it may be considered that this low level of harm is outweighed by the public benefit.

7.30. *CDC Strategic Housing;*

Strategic Housing supported the proposal in principle because it has the potential to provide a range of sizes of affordable housing to meet identified needs in Kidlington, however for them to fully support the proposal, the tenures need to be amended to include shared ownership rather than Discount Market Sale and the proposed percentage ranges for dwelling sizes need to be amended to align with the appropriate percentage ranges which reflect needs identified on CDC current housing register.

7.31. *Sport England;*

No Objections subject to a robust business plan prior to the submission of future applications and conditions related to layout compliance and principles, and management of the proposed sports pitches (if proposed). Sport England also outlined that the English Cricket Board and Oxfordshire Cricket Board are supportive of the cricket proposals subject further to the pavilion, cricket nets and pitches being of a satisfactory standard.

7.32. *Environment Agency;*

No comment.

7.33. *Active Travel England;*

No objections, subject to consideration of their standing advice.

7.34. *Historic England;*

- Proposed development is considered to cause less than substantial impact at the lower end of the scale to the Church and Church Street Conservation Area.
- It may be possible to avoid or minimise some of the harm through negotiations over the detailed site layout and landscaping strategy. However, at this stage, in order to achieve the commitments to avoid and minimise harm made within the application, we recommend the council secures the commitments within the Design Principles.

7.35. *Thames Valley Police (TVP);*

No objections raised to the outline permission due to all matters being reserved. However, fundamental concerns in relation to the illustrative plans provided within the DAS and other plans were raised, such concerns would be objectionable were they submitted for approval in their current form. The comments provided by the TVP relate to concerns and considerations regarding the placement of utility metres, allotments, cycle routes, excessive permeability, rear access routes, lighting, public open spaces, bin/cycle stores, layout and design of apartment blocks, defensible space and planting, surveillance, parking provisions and development's general layout principles. It was requested and encouraged that the applicant works with TVP at the earliest, pre-application stage for all forthcoming Reserved Matters applications wherever possible.

A contribution towards improving policing infrastructure to serve the development was also requested by the TVP.

7.36. *Nature Space;*

7.37. No Objections subject to conditions and informatives. It must also be noted that Nature Space reviewed an email correspondence from a third party indicating the presence of GCNs within a garden pond in proximity to the development site. Within their latest response, they outlined that this information will be passed on to the Nature Space technical officer on this case. Furthermore, this would not change their position on the proposed scheme as the works will still be coverable under Cherwell District Council's District Licence Scheme, which the applicant has agreed to enter into.

7.38. *BBOWT;*

7.39. Comments and objections were made as follows;

- Updated bird and bat surveys should be assessed before this planning application is decided upon.
- GCN presence and the requirement for GCN License.
- Potential negative impacts on Lower Cherwell Valley CTA.
- Potential negative impact on the Cherwell River.

7.40. *BOBICB;*

No objections subject to a s.106 contribution towards the creation of additional clinical capacity at The Key medical practice or an identified primary care estates project in the local area to serve the development.

7.41. *Thames Water;*

No objections to the foul and surface water strategies. However, due to the identified inability of the existing water network infrastructure to accommodate the needs of this development proposal, Thames Water requested a pre-occupation condition related to water network upgrades being undertaken to accommodate additional demand related to the development.

7.42. Legal Services Right of Way Officer;

As no Public Rights of Way are directly affected by this proposal and there are no proposed diversions required, CDC Legal Services has no further comments to submit on this application

7.43. CPRE Oxfordshire;

- Open countryside development in the Green Belt.
- The development would cause significant harm to the wildlife and ecology of the area. It is currently opposed by Cherwell district council's senior ecologist, who has flagged up significant shortfalls in site evaluation which must be addressed prior to any decision.
- It has been rejected in the latest Cherwell Local Plan following consultation. There is no need for this housing in addition to the already adopted sites in the area.
- The Land should be designated as a Local Green Space.
- The development of the site will pose a flooding risk to nearby homes.
- It is next to St Mary's Church, a Grade I listed building and heritage asset.
- Traffic safety concerns and access to the site, both during construction and after development.
- Infrastructure capacity limitations in the area.

7.44. CDC Landscape

7.45. Initial comments from the landscape officer outlined the following;

- Generally supportive of the landscape proposal as the landscape design within the site area has overall been well considered, however, as the LVIA is still yet to be analysed, the effect on the wider landscape area is still unclear.
- Further amendments may be required upon assessment of the LVIA.
- More information is required on the location and size of play areas. It was suggested that a LAP should be incorporated into the Western Green (ensuring it is appropriately distanced from the SuDS basin), and a combined LAP/LEAP/MUGA to Eastern POS.
- Solidify the location and size of Western green space, as this will be an important amenity space for residents located on the Western side of the development.

- Include the provisions for Allotments. 0.37 ha per 1000 people with a 10-minute walk (800m), resulting in full size plots of 250sqm or half plots of 125 sqm. A mix of full size and half would also be accepted.

7.46. The applicant provided additional information to address the comments above by CDC Landscape, and upon reconsultation, the Landscape Officer provided the following comments;

- Provide an Illustrative Masterplan to include the Country Park and play locations.
- Update the Design and Access Statement to show the country park as 'Option 1'.

7.47. *Huskisson Brown Associates (HBA) Landscape consultants;*

7.48. The application was accompanied by a Landscape and Visual Impact Assessment (LVIA) document. The council sought external advice from HBA for a review and comments on the LVIA document submitted with the application. Upon review, HBA provided the following comments on the LVIA;

- It was outlined that the LVIA's methodology was not applied in an appropriate manner for the results within the LVIA to be deemed reliable in terms of how the landscape harm for the scheme was quantified.
- The LVIA was also deemed inadequate in many other aspects, in particular, the information and references provided within the document, and this informed the following list of recommendations for further information requested by HBA in the review:
- Establish minimum width for planting belt to the northern boundary together with illustrative planting details and specifications.
- Seek to tighten up tolerances on the built form parameter plan.
- Prove, by a series of cross sections, the effectiveness of the northern planting screen from both low and high viewpoints to the north and northeast, showing the worst case development heights.
- Provide some guidance on lighting, especially with regard to perimeter access ways/footpaths.
- Clarify the extent of landform alterations in the western end of the site and confirm that no land raising is proposed along the northern boundary.
- Provide an outline Landscape and Ecological Management Plan that would form the basis for a fully detailed management plan in the event permission is granted, together with details of how the management would be funded over time.
- No review of Option 2 (Country Park) was provided. It is the reviewer's opinion that, should the application be granted planning permission, Option 2 would be strongly preferred for both landscape and visual reasons, not the least of which would be minimising hedgerow loss and reducing landform effects. To this end, some further illustrative material for Option 2 would be helpful.

7.49. The applicant was sent the LVIA review by HBA and requested to provide the additional information above.

7.50. An addendum to the LVIA was provided by the applicant. In light of this HBA were further consulted and outlined that whilst the additional information was broadly helpful in establishing mitigations and parameters related to landscape harm, concerns were retained in regard to the proposed planting along the sensitive northern boundary. Furthermore, and more importantly, the addendum still did not address the methodology concerns flagged up by HBA in their initial review, in particular the inadequacies in landscape and visual 'values' and 'susceptibilities'. It was concluded that without these attributes being considered and evaluated, it is impossible to accept that the findings of the LVIA have been adequately justified in a transparent manner. Notwithstanding this, HBA did note that the scheme overall would not be significantly harmful in landscape and visual terms, subject to appropriate mitigation.

7.51. In light of the above and on the basis that the scheme would not be significantly harmful and unacceptable in landscape and visual terms, subject to appropriate mitigation, Officers sought a conclusive judgement from HBA on the scheme's fair and balanced landscape and visual effects, and HBA consultant outlined the following;

'If I had to characterise the long-term effects, I think it would more realistically remain moderately adverse to the immediate local landscape of the site (mostly due to the loss of open farmland and rolling landform which are two components of local character) and certain local views but, taken in the round in its wider context, the landscape effects would be likely to be Minor / Moderate to Minor adverse after mitigation. Whilst I consider that the landscape character effects would remain adverse, this would not be unusual or "undue" in the context of housing development on a greenfield site.'

7.52. In terms of mitigation to ensure that the scheme's landscape and visual effects would be minimised, HBA recommended the following conditions;

- Early implementation of the northern planting along the Long Way (as outlined in the Design and Access Statement) and, if possible, a condition to programme development work across the site from south to north so that the northern boundary has time to establish as much as possible before adjacent development takes place.
- Details of the proposed planting treatment along Long Way/Northern boundary and link in with the LEMP.
- A condition to secure the LEMP along the lines of the submitted draft contents list. It will be important to ensure that the main structural planting areas across the whole site (including Option 2) are not devolved to different bodies, but there must be adequate inputs allowed for residents. The basis of long-term funding for management and maintenance needs to be understood and deliverable.
- A lighting condition.
- A condition requiring the submission of an integrated earthworks/grading strategy should be included, tying in with the drainage strategy, with existing and proposed contouring identified at 0.250m intervals. Particular care will be needed in terms of level changes in the Option 1 and 2 scenarios and at the SuDs features.

The applicant was sent the latest comments by HBA to address the particular point about the LVIA's methodology, providing them a chance to re-work this. However, there was a clear difference in professional opinions regarding the application of the methodology by HBA and the applicant. A peer review of the initially submitted LVIA by Macgregor Smith was submitted by the applicant, which validated the findings in the LVIA in terms

of how the methodology was applied and the resultant landscape and visual effects of the scheme, which were quantified as not exceeding Moderate / Minor after mitigation.

7.53. Informal views on the peer review were sought from HBA, and they concluded that this did not alter their views in terms of the fair and balanced opinion on the likely landscape and visual effects outlined in their comments in sections 7.50- 7.51 of this report.

7.54. *Councillor Walker;*

Objections to the development based on the following points;

- Inappropriate development in the Green Belt.
- Impacts on Nature Conservation.
- Inaccurate quantification of the development's impact on the setting of the Grade I listed St Mary's Church.
- Harm to the setting of the above church as noted by Historic England.
- Loss of land which is important to health and wellbeing.
- Flooding related concerns.
- Detrimental travel and transport impacts.

8. RELEVANT PLANNING POLICY AND GUIDANCE

8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The Cherwell Local Plan 2011-2031 (Part 1) Partial Review – Oxford's Unmet Housing Need also forms part of the Development Plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

Policy PSD 1 – Presumption in favour of Sustainable Development

Policy SLE 4 – Transport Connections

Policy BSC 1 – District Wide Housing Distribution

Policy BSC 3 – Affordable Housing

Policy BSC 4 – Housing Mix

Policy BSC 10 – Open Space, Outdoor Sport and Recreation provision

Policy BSC 11 – Local standards of provision – Outdoor Recreation

Policy BSC 12 – Indoor Sport, Outdoor Sport and Recreation provision

Policy ESD 1 – Mitigating and Adapting to Climate Change

Policy ESD 2 – Energy Hierarchy and Allowable Solutions

Policy ESD 3 – Sustainable Construction

Policy ESD 4 – Decentralised Energy Systems

Policy ESD 5 – Renewable Energy
 Policy ESD 6 – Sustainable Flood Risk Management
 Policy ESD 7 – Sustainable Drainage Systems
 Policy ESD 8 – Water Resources
 Policy ESD 9 – Protection of Oxford Meadows SAC
 Policy ESD 10 - Protection and Enhancement of Biodiversity and the Natural Environment
 Policy ESD 11 – Conservation Target Areas
 Policy ESD 13 – Local Landscape Protection and Enhancement
 Policy ESD 14 – The Oxford Green Belt
 Policy ESD 15 – The Character of the Built and Historic Environment
 Policy ESD 17 – Green Infrastructure
 Policy Villages 1 – Village Categorisation
 Policy Villages 2 – Distributing Growth Across the Rural Areas
 Policy INF 1 – Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

Policy H18 – New dwellings in the Countryside
 Policy C23 – Retention of features contributing to the character or appearance of a Conservation Area
 Policy C28 – Layout, design and external appearance of new development
 Policy C30 – Design control

The District Council has prepared a 2042 Review Local Plan that has passed through Reg.18 and Reg.19 consultations and has now been submitted for Examination (31 July 2025). Even though it has not been statutorily adopted, by virtue of its advanced stage of preparation and Council endorsement as adopted emerging strategy worthy of consideration at Examination, some weight must now be afforded to its policies and proposals, with the weight attributable dependent upon the level of objection and/or support offered in representations made in respect to the two rounds of public consultation. Emerging policies of relevance to this proposal are:

Policy SP1 – Settlement Hierarchy
 Policy CSD 1 – Climate Change
 Policy CSD 2 – Net Zero Carbon Residential Development
 Policy CSD 4 – Energy and Carbon Performance
 Policy CSD 5 – Embodied carbon
 Policy CSD 6 – Renewable Energy
 Policy CSD 7 – Sustainable Flood Risk Management
 Policy CSD 8 – Sustainable Drainage Systems (SuDS)
 Policy CSD 9 – Water Resources and wastewater infrastructure
 Policy CSD 11 – Protection and Enhancement of Biodiversity
 Policy CSD 12 – Biodiversity Net Gain
 Policy CSD 13 – Conservation Target Areas
 Policy CSD 15 – Green and Blue Infrastructure
 Policy CSD 16 – Air Quality
 Policy CSD 17 – Pollution and Noise
 Policy CSD 18 – Light Pollution
 Policy CSD 19 – Soils, Contaminated Land and Stability
 Policy CSD 21 – Waste Collection and Recycling
 Policy CSD 22 – Sustainable Transport and Connectivity Improvements
 Policy CSD 23 – Assessing Transport Impact/Decide and Provide
 Policy CSD 22 – Sustainable Transport and Connectivity Improvements
 Policy CSD 23 – Assessing Transport Impact/Decide and Provide

Policy COM 1 – District Wide Housing Distribution
 Policy COM 2 – Affordable Housing
 Policy COM 3 – Housing Size / Type
 Policy COM 5 – Residential Space Standards
 Policy COM 10 – Protection and Enhancement of the Landscape
 Policy COM 12 – The Oxford Green Belt
 Policy COM 14 – Achieving Well Designed Places
 Policy COM 15 – Active Travel – Walking and Cycling
 Policy COM 16 – Public Rights of Way
 Policy COM 17 – Health Facilities
 Policy COM 18 – Creating Healthy Communities
 Policy COM 20 – Providing Supporting Infrastructure and Services
 Policy COM 21 – Meeting Education Needs
 Policy COM 22 – Public Services and Utilities
 Policy COM 23 – Local Services and Community Facilities
 Policy COM 24 – Open Space, Sport and Recreation
 Policy COM 25 – Local Green Space
 Policy COM 26 – Historic Environment
 Policy COM 27 – Conservation Areas
 Policy COM 28 – Listed Buildings
 Policy KID 1 – Kidlington Area Strategy

OTHER MATERIAL CONSIDERATIONS

The National Planning Policy Framework (2024)
 Planning Practice Guidance (PPG)
 Cherwell Residential Design Guide SPD (July 2018)
 Developer Contributions SPD (February 2018)
 National Design Guide
 EU Habitats Directive
 Natural Environment and Rural Communities Act 2006
 Conservation of Habitats and Species Regulations 2017
 Circular 06/2005 (Biodiversity and Geological Conservation)

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Highways and Transport
- Landscape and Visual Impact
- Design and layout principles
- Impacts on heritage assets
- Residential Amenity
- Sustainable Construction and Energy Efficiency
- Ecology and Biodiversity
- Flooding and Drainage
- Affordable Housing
- Noise, Contamination and Air Quality
- Community land
- Planning Obligations
- Other material considerations
- Planning Balance and Conclusion

9.2. Principle of Development

Policy Context

- 9.3. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan relevant to the proposal site is the Adopted Cherwell Local Plan 2011-2031 (Part 1) (CLP 2015), its Partial Review and the saved policies of the Cherwell Local Plan 1996, which contain strategic and non-strategic planning policies for development and the use of land.
- 9.4. The CLP 2015 seeks to allocate sufficient land to meet District-wide housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester, and a small number of strategic sites outside of these towns including an allowance for housing in the rural areas. This is outlined in Policy BSC1 of the CLP 2015, which states that an additional 22,840 dwellings will be delivered between 1 April 2011 and 31 March 2031 (plan period). The delivery strategy for meeting the above housing target is through existing extant planning permissions, local plan allocations and windfall sites. Whilst Policy BSC1 is now out of date insofar as the number of dwellings required to be delivered, the housing strategy remains relevant. The CLP Partial Review was a focussed plan to allocate land to meet Oxford's unmet housing needs.
- 9.5. The development site is an unallocated Green Belt site located beyond the built-up limits of Kidlington. Policy Villages 1 (PV1) identifies the most sustainable villages (Category A) and their 'satellite' villages and identifies that minor development (typically a site of less than 10 dwellings), infilling and conversions within built-up limits is in principle acceptable.
- 9.6. Kidlington is classed as a Category A village under PV1, therefore, housing development in the form of minor development, infilling and conversions is supported. The general local plan direction for villages and rural areas is to protect and enhance the services, facilities, landscapes, and natural and historic built environments within these areas. It does, however, advise that there is a need within the rural areas to meet local and Cherwell-wide needs and therefore allows for an appropriate and proportionate amount of growth in the rural areas. This is reflected in Policy Villages 2 (PV2) of the CLP 2015, which sets out the distribution of growth across the rural area. It states that a total of 750 homes will be delivered at Category A Villages.
- 9.7. Saved Policy H18 of the CLP 1996 refers to the development of dwellings beyond the built up limits of settlements.
- 9.8. Cherwell District Council's latest Annual Monitoring Report, dated December 2025, confirms that Cherwell District Council can only demonstrate a housing land supply of 3.1 years.
- 9.9. This figure accounts for the land supply calculations for deliverable housing sites measured against identified need, including that for Oxford's unmet need, as outlined in the Cherwell Partial Review Plan (2020). The land supply calculations are in light of the revised NPPF (December 2024) and appeal decision ref; APP/C3105/W/23/3326761 (March 2024) and the subsequent High Court decision for the appeal, for which the judge ruled that a single housing land supply calculation for the whole district must be used, incorporating both Cherwell's own need within the CLP (2015) and Oxford's unmet need (PR Plan 2020).

- 9.10. Paragraph 11 (d) of the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless:
- i. The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed;
 - ii. or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.
- 9.11. The policies which are most important for determining the application are out of date, as per footnote 8 of the NPPF, this relates to applications involving the provision of housing in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- 9.12. As outlined in paragraph 9.8 of this report, the council cannot presently demonstrate a 5 year housing land supply. On this basis, the housing policies BSC1, PV1 and PV2, along with H18, cannot be deemed up to date. Therefore, paragraph 11 (d) of the NPPF, which sets out the presumption in favour of sustainable development, is engaged.
- 9.13. Policy PSD 1 of the CLP 2015 sets out the plan's presumption in favour of sustainable development, stating that when considering development proposals, the council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework, therefore, echoing paragraph 11 (d) of the Framework.
- 9.14. As outlined earlier, the development site is in the Green Belt, and it is also within the setting of designated Heritage Assets. Footnote 7 of the NPPF outlines the policies in the Framework which relate to protected areas or assets of particular importance, which include land designated as Green Belt and designated heritage assets.
- 9.15. The key considerations pertinent to the principle of development are therefore;
- whether the application of Green belt and relevant Heritage policies in the Framework provides a strong reason for refusing the development proposed or;
 - whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.
- 9.16. Section 13 (paragraphs 142 to 159) of the NPPF sets out the national Green Belt policy. The NPPF (2024) post-dates the 2015 Cherwell Local Plan, and so the NPPF provides the up-to- date reference point for Green Belt Policy.
- 9.17. Paragraph 142 of the NPPF outlines that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and the essential characteristics of Green Belts are their openness and their permanence. In turn, Paragraph 143 outlines the purposes of the Green Belt, which are as follows;

- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land
- 9.18. Policy ESD14 of the CLP 2015 is consistent with paragraph 143 of the NPPF and states the following Green Belt purposes;
- a) Preserve the special character and landscape setting of Oxford;
 - b) Check the growth of Oxford and prevent ribbon development and urban sprawl;
 - c) Prevent the coalescence of settlements;
 - d) Assist in safeguarding the countryside from encroachment;
 - e) Assist in urban regeneration by encouraging the recycling of derelict and other urban land.
- 9.19. Policy COM 12 of the emerging Reg 19 Cherwell Local Plan Review (CLPR) 2042, whilst it is attributed limited weight given it's the stage of preparation it is at, echoes the NPPF and is similar in approach to the current Local Plan Policy ESD14, in terms of the Green Belt purposes.
- 9.20. Paragraph 153 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 9.21. Paragraph 154 of the NPPF sets out exceptions to development being considered inappropriate in the Green Belt, and none of the exceptions listed relate to the proposed development.
- 9.22. However, as part of the revisions to the NPPF in December 2024, paragraph 155 was introduced, which states the following;
- Development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:*
- a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
 - b) There is a demonstrable unmet need for the type of development proposed;*
 - c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework; and*

d) Where applicable, the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 [of the Framework].

- 9.23. 155(a) above requires an assessment of whether the development would utilise grey belt land, which is defined in Annex 2 of the NPPF as the following;

'For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of the purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.'

- 9.24. Within the planning statement, it is confirmed that the development site is in use as agricultural land, and this was also very evident from the site visit. The definition of previously developed land as identified in Annex 2 of the NPPF excludes agricultural land. However, the site could still fall within the definition of grey belt land as defined above, so long as it does not strongly contribute to any of the purposes (a), (b), or (d) as set out in paragraph 143 of the NPPF. Furthermore, as outlined in paragraph 155(a) of the NPPF, it would need to be demonstrated that development of homes would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.

- 9.25. Lastly, the development site would also not be grey belt land, where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

- 9.26. The Government has provided guidance on assessing the purposes of the Green Belt in the form of an updated Green Belt section within the Planning Practice Guidance (PPG). This sets out guidance on what may be considered a 'strong' contribution, versus a 'moderate' or 'weak' contribution to each of the above purposes. An assessment will be undertaken in the latter part of this report.

- 9.27. Further to the above assessments, it must also be demonstrated against the rest of the provisions in paragraph 155 of the NPPF that;

(b) There is a demonstrable unmet need for the type of development proposed and;

(c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the NPPF and;

(d) The development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 of the NPPF.

- 9.28. Paragraph 156 of the NPPF states that, where major development involving the provision of housing is proposed on land released from the Green Belt or in the Green Belt subject to a planning application, the following contributions ('Golden Rules') should be made:

a. affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 of this Framework;

b. necessary improvements to local or national infrastructure; and

c. the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.

- 9.29. Paragraph 157 of the NPPF outlines that, before development plan policies for affordable housing are updated in line with paragraphs 67-68 of this Framework, the affordable housing contribution required to satisfy the Golden Rules is 15 percentage points above the highest existing affordable housing requirement which would otherwise apply to the development, subject to a cap of 50%. In the absence of a pre-existing requirement for affordable housing, a 50% affordable housing contribution should apply by default. The use of site-specific viability assessment for land within or released from the Green Belt should be subject to the approach set out in national planning practice guidance on viability.
- 9.30. The affordable housing policy BSC 3 within the current adopted CLP (2015) does not account for paragraphs 67-68 of the NPPF (2024), nor does the emerging affordable housing policy COM 2 of the Reg 19 CLPR 2042 (which, in any case, for the reasons outlined earlier, is given limited weight).
- 9.31. Policy BSC 3 of the CLP (2015) outlines a 35% requirement for affordable housing for all major developments outside of Banbury and Bicester. Therefore, for the proposed development, accounting for the 15% uplift outlined in paragraph 157 of the NPPF, the requirement is for 50% provision of affordable housing to satisfy this part of the 'Golden Rules'.
- 9.32. Paragraph 158 of the NPPF outlines that a development which complies with the Golden Rules should be given significant weight in favour of the grant of permission. Lastly, paragraph 159 outlines that;
- 'The improvements to green spaces required as part of the Golden Rules should contribute positively to the landscape setting of the development, support nature recovery and meet local standards for green space provision where these exist in the development plan'*
- 9.33. The proposed development will be assessed in accordance with the above provision with regard to the local standards for green space CLP (2015).
- 9.34. The following section will assess the development's compliance with the Green Belt policies, set out above, to establish its principal acceptability in regard to this footnote 7 Green Belt policies relative to Para 11d (i) of the NPPF. Footnote 7 Heritage policies also apply to the proposed development, and the detailed assessment of such policies will be undertaken in the Heritage section of this report and concluded in the conclusion and planning balance section of the report, in terms of acceptability.
- 9.35. The assessment of Paragraph 11 d(ii) of the NPPF, in terms of the development's adverse impacts and benefits, will be filtered through within the assessment of different considerations outlined in various sections of the report. An overall conclusion on this part of Paragraph 11, as it pertains to the principal acceptability of the development, will be reached in the final conclusion and planning balance section of the report, where a comprehensive weighing exercise of the scheme's impacts and benefits will be undertaken.

Assessment

9.36. Is the site Grey Belt?

9.37. The first stage of paragraph 155 under part (a) is to establish whether the development site is Grey Belt land.

9.38. Para 9.23 of this appraisal sets out the definition of Grey Belt.

9.39. To meet the definition of grey belt a two-part assessment is to be undertaken which requires demonstration that:

- The development site does not strongly contribute to any purposes of (a), (b), or (d) in paragraph 143 of the Framework. Within this assessment and further the Grey Belt definition, it will also be demonstrated whether the development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. Therefore, an assessment of the purposes related to (c) and (e) of paragraph 143 will also be undertaken.
- For this development site in particular does the application of heritage policies provide a strong reason to refuse or restrict development.

9.40. In regard to the first part of the test, the PPG provides useful guidance on establishing whether an assessment area is Grey Belt, as outlined in the table below;

Purpose A – to check the unrestricted sprawl of large built-up areas	
Strong Contribution	Assessment area which is; -Free of existing development. -Lacks physical features in reasonable proximity that could restrict and contain development. -Adjacent or near to a large built-up area. -If developed, results in an incongruous pattern of development (such as an extended 'finger' of development into the Green Belt)
Moderate Contribution	Assessment area which is likely to be adjacent to or near a large built up area and includes one or more features that weaken the land's contribution, such as (but not limited to);

	-Having physical feature(s) in reasonable proximity that could restrict and contain development. -Be partially enclosed by existing development, such that new development would not result in an incongruous pattern of development. -Contain existing development. -Be subject to other urbanising effects.
Weak or no Contribution	Assessment area which is; -Adjacent to or near a large built up area. -Adjacent to or near a large built up area, but containing or being largely enclosed by significant existing development.
Purpose B – to prevent neighbouring towns from merging into one another	
Strong Contribution	Assessment area which is free from existing development and includes all of the following features; -Forms a substantial part of a gap between towns. -The development of which would be likely to result in the loss of visual separation of towns.
Moderate Contribution	Assessment area, which is located in a gap between towns, but include one or more features that weaken their contribution to this purpose, such as (but not limited to): -Forming a small part of the gap between towns. -Being able to be developed without the loss of visual separation between towns. This could be (but is not limited to) due to the presence or the close proximity of

	structures, natural landscape elements or topography that preserve visual separation.
Weak or no Contribution	Assessment area which; -does not form part of a gap between towns, or - forms part of a gap between towns, but only a very small part of this gap, without contributing to visual separation.
Purpose D – to preserve the setting and special character of historic towns	
Strong Contribution	Assessment area which is free of existing development and includes the following features; -forms part of the setting of a historic town; -makes a considerable contribution to the special character of a historic town. This could be (but is not limited to) as a result of being within, adjacent to, or of significant visual importance to the historic aspects of the town.
Moderate Contribution	Assessment area which forms part of the setting and/or contributes to the special character of a historic town but includes one or more features that weaken their contribution to this purpose, such as (but not limited to): -being separated to some extent from historic aspects of the town by existing development or topography -containing existing development. -not having an important visual, physical, or experiential relationship to historic aspects of the town.

Weak or no Contribution	Assessment area which; -does not form part of the setting of a historic town. -have no visual, physical, or experiential connection to the historic aspects of the town.

9.41. The development site was subject to consideration for housing development during the Reg 18 stage of the Cherwell Local Plan Review, and it was also considered in the Cherwell Local Plan Partial Review for Oxford's unmet housing need.

9.42. Such consideration, if followed through, would have necessitated the site to be released from the Green Belt. Therefore, during the local plan making process for the above review plans, the site was appraised as part of the following evidence base documents;

- Cherwell Green Belt Study Additional Green Belt Site Assessments (2023) by LUC.
- Cherwell Green Belt Study and Addendum (2017) by LUC.

9.43. The above documents reviewed the development site against the five nationally defined purposes of the Green Belt as set out in the NPPF at the time (2012 and 2021 versions) to provide clear conclusions on the relative performance of the Green Belt and the potential degree of harm that may result from the site's release from the Green Belt.

9.44. The Green Belt purposes in those NPPFs remain identical to the current purposes outlined in paragraph 143 of the latest NPPF (2024). Therefore, it is considered that the above evidence base is useful in understanding how the development site contributes to purposes a, b and d of paragraph 143 of the NPPF, relative to the Grey Belt assessment for the subject development site.

9.45. Purpose A is intended to check the unrestricted sprawl of large built up areas. Kidlington is defined within the CLP (2015) as a village. The PPG outlines that this purpose relates to the sprawl of large built up areas and that villages should not be considered large built up areas.

9.46. Notwithstanding the above, Officers note that a recent appeal decision ref; APP/C3105/C/25/3360309 (Land adjacent to Hebborns Yard) the inspector outlined following;

'Kidlington is of a significant size, both in terms of geographical area and population. It also has extensive services, education facilities and employment opportunities, which would not all generally be found in a village. In my view, Kidlington being identified as an 'urban centre' and 'local service centre' [within the CLP 2015] shows it is something greater than a village. As such, I find Kidlington is a large built up area.'

9.47. Further to the above, the Oxford United Football Club (OUFC) application ref: 24/00539/F, which has a resolution to grant permission, also located in Kidlington, for the purposes of Grey Belt assessment, considered Kidlington as a large built up area.

Lastly, Policy SP1 (Settlement Hierarchy) of the emerging CLPR (2042) categorises Kidlington as a '*Local Service Centre*', which again symbolises its continued recognition as a large built up area with an extensive range of local services, uncharacteristic of a village.

- 9.48. Based on the above, for the purposes of the development's Grey Belt assessment, Officers consider Kidlington as a 'large built up area'
- 9.49. Based on the assessment criteria within the PPG, the assessment site is adjacent and located north of the settlement edge of Kidlington, which primarily comprises residential properties along the Moors.
- 9.50. In respect to the proposed site's contribution to **Purpose A**, this is weakened by the presence of development west of the site along Briar End, south of the site along the Moors and east of the site along Church Street, although development along Church Street is set away from the east side site boundary, there is a cemetery in between, the separation in general is also considered to still adequately restrict any meaningful sprawl beyond the east side site boundary. Therefore, the site is considered to be partially enclosed by existing development, such that new development would not result in an incongruous pattern of development.
- 9.51. The site's contribution is also physically weakened by a hedgerow that marks the northern edge of the development, whilst this is a weak hedgerow in its current form, it will be enhanced as a result of the development, therefore, consolidating the physical barrier between the site and the fields north of the site. The PPG does not restrict the enhancement of existing physical features to facilitate checking unrestricted sprawl. Furthermore, there is a topographical difference between the west and central parts (where most of the proposed built development is located) of the assessment site and the fields to the north, which have a gentle downslope, therefore, providing a further visible physical distinction between the development site and land to the north.
- 9.52. Lastly, in terms of other urbanising effects, the railway line and development to the west of the site restrict further sprawl beyond the development site.
- 9.53. The PPG outlines that assessment areas that contribute **moderately** are likely to be **adjacent or near to a large built up area**, but include **one or more features that weaken the land's contribution to purpose A**, such as (but not limited to):
- having physical feature(s) in reasonable proximity that could restrict and contain development
 - be partially enclosed by existing development, such that new development would not result in an incongruous pattern of development
 - contain existing development
 - being subject to other urbanising influences
- 9.54. Therefore, the presence of **only one of the 4 features** outlined above is enough to weaken the contribution of purpose A of the Green Belt to an extent that the assessment area only moderately contributes to this purpose. On the basis that the assessment in Sections 9.50 – 9.53 of this report outlines at **least 3 of those features**, it is considered that the site contributes **moderately** to Purpose A of the Green Belt.
- 9.55. In respect to the assessment site's contribution to **Purpose B**, the 2017 and 2023 Green Belt studies outline the following;

'The parcel is not close to any settlement other than Kidlington and so plays no role with respect to this purpose. The small villages of Hampton Poyle and Thrupp to the north are separated from the site by woodland and by the River Cherwell and the railway respectively.'

9.56. The development site does not form any part of a gap and contribute to the visual separation between Kidlington and the nearest town of Oxford. Oxford City is further south of the site, with significant development between the site and Oxford City's administrative boundary. Furthermore, whilst not directly relevant, the development site is also not close to or forms any gaps between Kidlington and nearby villages of Hampton Poyle and Thrupp. Overall, the assessment area contributes **weakly** to Purpose B of the Green Belt.

9.57. With respect to the assessment site's contribution to **Purpose D**, the CLP (2015) and Reg 19 of the CLRP 2042 repeatedly refer to the 'Oxford Green Belt'. Furthermore, supporting text B.256 of the CLP (2015) states;

'The Oxford Green Belt was designated to restrain development pressures which could damage the character of Oxford City and its heritage through increased activity, traffic and the outward sprawl of the urban area. Similarly, the character of Oxford in a rural setting cannot be maintained without the protection of the spatial relationship of Oxford with nearby settlements and the maintenance of the character of the intervening countryside'.

9.58. It is clear from the above that Oxford City formed the basis of the Green Belt designation within the CLP (2015). As such, **Purpose D**, relates to the preservation of the setting and special character of historic towns, is in reference to Oxford City as opposed to Kidlington.

9.59. The 2017 and 2023 Green Belt studies outline the following in regard to Purpose D;

'The area has insufficient relationship with Oxford to be considered to contribute to its historic setting or special character'.

9.60. Officers also note that within the recommendation report for the OUFC application, Purpose D is only applied to the setting of Oxford City, with no reference to the setting of Kidlington in regard to the preservation of the setting and special character of historic towns.

9.61. Overall, the assessment site is not considered to form a part of the setting of Oxford City, nor does it have a visual, physical, or experiential connection to the historic aspects of Oxford City, considering its clear and distinct separation from Oxford City's administrative boundary as outlined in section 9.63 of this report. Overall, the assessment area **does not** contribute to Purpose D of the Green Belt.

9.62. Overall, based on the above assessments, the development site is not considered to strongly contribute to any of the purposes of (a), (b), or (d) in paragraph 143 of the Framework.

9.63. Paragraph 155 (a) of the NPPF outlines that for the proposal to be considered appropriate development in the Green Belt, the development should not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. Therefore, an assessment of the development's implications to the remaining purposes (c) and (e) of paragraph 143 is also required and is outlined below.

- 9.64. **Purpose C** relates to assisting in safeguarding the countryside from encroachment. The PPG provides no guidance in respect of considering Purpose C, but Officers consider that the key factors on whether the site would represent encroachment are whether there is urbanising development within it, whether it is subject to urbanising influence from outside of the site and whether its development would increase urbanising influence on adjacent open land.
- 9.65. The proposal would introduce urbanised development within the site. However, this is limited primarily to the western and central parts of the site, where the majority of the proposed residential development is located. The eastern part of the site, where cricket pitches or a country park is proposed, will remain largely open and predominantly free of development, therefore, limiting the overall development's encroachment into the Green Belt.
- 9.66. In regard to urbanising influence from outside of the site, as already outlined in Sections 9.51 and 9.53 of this report, the site is partially enclosed by existing urban development and features (housing, church and railway line), east, south and west of the site. As outlined in section 9.52 of this report, the site also has adequate physical separation from the northern fields beyond the site, which will be enhanced by planting along the northern boundary as a result of this development. Moreover, woodland and water feature further north and the railway to the west form stronger boundaries which safeguard urbanising influences on adjacent open land.
- 9.67. Lastly, the 2017 and 2023 Green Belt studies outline the following in terms of Purpose C;
- 'Largely sloping towards Kidlington and lacking strong separation from it, the parcel has a relationship with the settlement but also lacks development and forms part of a broader area of farmland. The eastern end of the parcel has a stronger visual relationship with the wider rural area and stronger screening from the urban edge. The parcel, therefore, provides protection against encroachment'*
- 9.68. Overall, based on the above, the site is not considered to have a **strong and strategic role** in the functioning of the Green Belt with respect to Purpose C.
- 9.69. **Purpose E** relates to assisting in urban regeneration by encouraging the recycling of derelict and other urban land. The assessment site is a previously undeveloped green field site which makes **no strategic contribution** to Purpose E.
- 9.70. The 2017 and 2023 Green Belt studies outlined that if the development site was released from Green Belt for future development, the resulting harm to the Green Belt would be *'moderate'*. Overall, based on the above assessments, the development would not fundamentally undermine the purposes (taken together; parts a-e of part 143) of the remaining Green Belt across the area of the plan. Therefore, the assessment site is considered to satisfy the first part of the Grey belt assessment as per the Grey belt's definition and paragraph 155 (a) of the NPPF.
- 9.71. Turning to the second part of the Grey belt definition's assessment, which relates to whether the application of heritage policies provides a strong reason for refusing or restricting development.
- 9.72. The second strand of the Grey belt definition, as outlined in Annex 2 of the NPPF, outlines that;

'For the purposes of plan-making and decision-making..... 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.'

- 9.73. Para 11 b (i) stipulates how for *'plan making'*....strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area.
- 9.74. Whilst Para 11 d (i) outlines that for *'decision making'* where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed.
- 9.75. Based on the above, Officers consider that the application of this second part of the Grey belt's definition is dependent on whether it is being applied for plan making or decision making purposes. Indeed, the reference to footnote 7 originally derives from paragraph 11 of the NPPF, where there is a clear differentiation between *'plan making'* and *'decision making'*.
- 9.76. Based on the above, it is considered that the relevant test in this instance is whether, for the decision making process of this subject development, the application of policies that protect areas or assets of particular importance would provide a strong reason to refuse the development. In this case, the relevant policies relate to heritage assets.
- 9.77. The development's heritage harm to the Grade I listed St Mary's church, Grade II Listed buildings in the vicinity and the adjacent Conservation Area will be assessed in the Heritage section of this report. Should it be concluded that there are no heritage policies that would provide a strong reason to refuse the development, then the second part of the Grey Belt definition would be satisfied.
- 9.78. It is worth noting that the heritage harm to the setting and significance of the nearby heritage assets will be assessed based on the merits of the proposed development and mitigations outlined to offset any harm for this specific scheme. Therefore, should it be considered that no heritage policies would provide a strong reason to refuse the proposal, this conclusion will only apply to the proposed development in its current form and any future development within the site different in form to the proposed development will be subject to a separate grey belt assessment on its own merits
- 9.79. Officers also note within the draft NPPF, published on the 16th of December 2025, there is a proposed change to the definition of 'Grey Belt' to remove reference to the other "Footnote 7" areas. Whilst this document is still at draft consultation stage and, therefore, given limited weight in the determination of the current application, the proposed change outlines the direction of travel in how the 'Grey Belt' test will be applied without consideration to Footnote 7 policies, which already provide protection for the relevant areas in the Framework.
- 9.80. Paragraph 155(b) outlines that there should be a demonstrable unmet need for the type of development proposed. As outlined in section 9.8 of this report, the council has a housing land supply of 3.1 years, which is below the required 5 year supply. Therefore, it is clear that there is an unmet housing need, and on this basis, part b of paragraph 155 is satisfied.

- 9.81. Paragraph 155 (c) requires the development to be in a sustainable location, with particular reference to paragraphs 110 and 115 of the NPPF.
- 9.82. Kidlington is defined as a Category A village. Category A villages are considered to be the most sustainable villages in the District, as outlined in the CLP (2015). Kidlington, however, is considered to be more sustainable than other villages in the District due to its extensive range of services, such as superstores, schools, recreational/community facilities, and excellent transport links to nearby towns such as Oxford, Banbury, and Bicester, which all align with its reference as a Local Service Centre in Policy SP1 (Settlement Hierarchy) of the emerging CLPR (2042). Furthermore, due to planned development in the area, primarily due to the provision of the Partial Review sites to meet Oxford's unmet needs, it is expected that more services will be available, with improved sustainable transport links, further enhancing Kidlington's sustainability.
- 9.83. The development itself will also improve sustainable transport options by enhancing existing active travel (walking and cycling) and public transport infrastructure in the area. Furthermore, safe and suitable access provisions for all users will be incorporated into the development and mitigation measures will also be secured in relation to the development's impact on the transport network. Lastly, the design of streets, parking areas and transport elements at the reserved matters stage will have due regard to the relevant design guidance. Overall, the development aligns with paragraphs 110 and 115 of the NPPF, which seek to promote sustainable transport.
- 9.84. Based on the above, part (c) of part 155 is satisfied.
- 9.85. Paragraph 155 (d) references the 'Golden Rules' set out in paragraph 156 of the NPPF, detailed below;

Criteria	Assessment
a. affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the Policy set out in paragraph 157 of this Framework.	The development proposes 50% affordable housing, which will be secured in a s.106 agreement, along with the appropriate tenure mixes to reflect local need. Therefore, Para 156 (a) is satisfied.
b. necessary improvements to local or national infrastructure.	The development proposes necessary improvements to local infrastructure, which will be secured as planning obligations in a s.106 agreement. Therefore, Para156 (b) is satisfied.

c. the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.	There is a provision of green spaces within the site development that will be publicly accessible. The layout and design of the green spaces will be finalised at the reserved matters stage, and Officers will ensure they accord with local standards in the development plan. Furthermore, as per paragraph 159 of the NPPF, the green spaces are considered to contribute positively to the landscape setting of the development, supporting nature recovery. Therefore, Para 156 (c) is satisfied.

Conclusion

9.86. Based on the above assessment and subject to the consideration of impact upon heritage assets, the proposed development could satisfy the Grey Belt criteria set out in paragraphs 155-159 of the NPPF. Should this be the ultimate conclusion then the development would be considered to be appropriate development in the Green Belt, however this conclusion can only be reached once the consideration of all impacts has been undertaken which will be concluded upon in the conclusion and planning balance section of this report.

9.87. As already mentioned, the assessment of Paragraph 11 d(ii) of the NPPF in respects of a comprehensive weighing exercise of the scheme's impacts and benefits will be undertaken in the final conclusion and planning balance section of the report to establish whether presumption in favour of sustainable development also applied in that instance.

9.88. Highways and Transport

Policy Context

9.89. Policy ESD15 of the CLP 2015 states that new development proposals should be designed to deliver high quality, safe, attractive, durable, and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions.

9.90. Policy SLE4 states that all development, where reasonable to do so, should facilitate the use of sustainable modes of transport and development which is not suitable for the roads that serve the development, and which has a severe traffic impact, will not be supported.

9.91. Paragraph 115 of the NPPF states that, in assessing specific applications for development, it should be ensured that:

- a) sustainable transport modes are prioritised, taking into account the vision for the site, the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision led approach.

- 9.92. In addition to this, paragraph 116 of the NPPF highlights that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Assessment

- 9.93. The development relates to an outline application with access for approval only. To support the transport provisions, the applicant initially submitted a transport assessment and supporting information outlining the development access arrangements, traffic impacts on local roads and local transport infrastructure and travel options for future occupants of the development.
- 9.94. As outlined in Sections 7.5 – 7.8 of this report OCC Highways initially objected to the development.
- 9.95. In light of the Highway comments and objections, the applicant submitted a response note dated 29 August 2025 and Points of Clarification note dated 8 October 2025. Furthermore, a MBTN was also submitted on behalf of local objectors to the development.
- 9.96. OCC Highways were consulted and reviewed the additional information above and found that their previous objections and concerns outlined in their initial comments had been satisfactorily addressed. Furthermore, the issues raised in the technical note submitted on behalf of the objecting local community group had also been addressed by the applicant to the satisfaction of the Highway Authority.
- 9.97. The comments and acceptability of the scheme from a Highways Authority point of view were subject to a final list of conditions and planning obligations which will be included in the application's recommendation. A detailed assessment of the specific highway and transport considerations is outlined below.

Access

- 9.98. It is proposed that the site will be served by 2 vehicular access points, which would be open to all vehicle types, including emergency vehicles, together with pedestrians and cyclists. Both of these access points will come off The Moors. In regard to access for pedestrians and cyclists only, one access point is proposed along The Moors in between the two vehicular access points, and a further access point is proposed along Church Street, east of the site.
- 9.99. A raised-table mini roundabout at the junction of The Moors and Benmead Road is also proposed. The roundabout will form part of the vehicular access arrangements for the scheme, which is opposite this junction. The mini roundabout is considered appropriate relative to the traffic counts and predicted flows under national standards, and the applicant has already undertaken a Stage 1 Road Safety Audit. Its design also includes suitable visibility splays for a 20mph environment and incorporates speed management

measures. Swept-path assessments show that large vehicles and refuse collection vehicles can safely negotiate the junction. The other western vehicular access is also provided with a suitable carriageway width, visibility and calming features within 70 metres.

- 9.100. Overall, the above measures collectively ensure that safe and suitable vehicular access can be achieved, whilst also allowing for pedestrians and cyclists to enter from these points. Further details and materials will be finalised through the s.278 process or conditions as necessary.

Road Impact and Traffic Modelling.

- 9.101. The submitted road traffic impacts estimated that the development would generate 100 new vehicle trips during peak times. The MBTN outlined that the application's trip generation assumptions underestimate the effect of the development. However, the rates and methodology used were agreed with OCC Highways in advance and are consistent with those used for other local plan sites. The applicant has also shown that the difference between using a future baseline and surveyed flows is very small, and well within normal daily traffic variations. On this basis, OCC Highways considered the trip generation and distribution assumptions to be robust.
- 9.102. The traffic modelling for the development included assessment of the performance of key junctions within the local road network (A4260 / Langford Lane and Evans Lane / Bicester Road), which were previously known to be sensitive to traffic.
- 9.103. The initial modelling (undertaken in line with TEMPRO growth factors) confirmed that the development traffic at both site access junctions would operate within capacity in 2023 and 2031 scenarios, although some arms would experience higher queueing and delays. However, the modelling did not factor in committed and allocated development (Partial Review sites) in the immediate area. This should have been factored into cumulative traffic assessments. Furthermore, the MBTN submitted on behalf of objectors outlined the same concerns in relation to modelling.
- 9.104. The applicant provided further information (OCC response, dated 29 August 2025 and Points of clarification letter, dated 8 October 2025, letters by SLR) in relation to the interaction of traffic related to committed and allocated sites in the immediate area and the proposed development within the modelling. This information factored for highway impacts related to the OUFC application. In their latest consultation response, OCC Highways also offered no objection to the traffic modelling information, in particular, it was considered and accepted by OCC that;
- The evidence indicates that stadium and conference trips are expected to route via the A34, A40 and A44, with minimal routing through Kidlington.
 - Importantly, the peak times for stadium and conference activity do not coincide with the peak times from this residential development.
- 9.105. Therefore, on that basis, they concluded that there was no evidence to suggest that the OUFC application would have a material cumulative impact on the local road network. Furthermore, OCC Highways also raised no objections to the information provided by the applicant, which concludes that the use of the potential cricket pitches at the site would attract vehicle movements largely outside of the peak travel periods. Therefore, this use will not have any effect on the results of the modelling that has been undertaken to support the application.

- 9.106. Lastly, a raised-table mini roundabout at the junction of The Moors and Benmead Road is also proposed, which will form part of the vehicular access arrangements for the scheme, opposite this junction, is considered to be a further measure which will mitigate the increase in traffic flows as result of the development along the access road, therefore, reducing delays and also calming speeds within this built up residential road.
- 9.107. Whilst the cumulative traffic impact of this development would not result in a severe impact on the operation of the local transport network, the development will still materially increase traffic flow in the locality. Therefore, a contribution towards the £2.2 million Bicester Road east-west highway improvement scheme, based on an estimated share of traffic generated by this development, is required.
- 9.108. The total cumulative peak-hour trips expected from committed and allocated sites using this corridor is estimated at 630 trips. Therefore, since the development accounts for 15.87% (100 peak hour trips) of the expected traffic impact on those routes, a proportionate contribution of £349,140 towards the Bicester Road improvement scheme will need to be secured via a s.106 agreement as part of this application. This will ensure a contribution towards the delivery of highway improvements to mitigate traffic impacts caused by the development within the local highway network.
- 9.109. Walking and cycling
- 9.110. OCC Highways had previously raised concerns regarding the lack of consideration for sustainable transport permeability improvements. The applicant undertook a walking and cycling audit supported by photographs and schedules of improvements. The audit identified a number of missing tactile paving points, kerb realignments, local signage, and lighting upgrades. The audit demonstrates that the local walking and cycling environment can be improved in a proportionate and deliverable manner. In addition, two new crossing points of the A4260 are proposed with appropriate tactile paving and crossing geometry. These have been presented in sufficient detail to demonstrate feasibility and suitability. The detailed design, topographical checks and further Road Safety Audits will be secured through the s.278 process. On this basis, OCC Highways were satisfied that safe and convenient pedestrian and cycle connections can be provided.
- 9.111. A condition has also been recommended by OCC Highways in relation to the above walking and cycling improvements and crossings to ensure that details are provided for approval and that the improvement is in place before any dwelling is occupied. This will be added to the decision.
- 9.112. In regard to the PROWs, the site is crossed by two of them (265/15/10 and 265/17/10) and a third one (265/18/10) follows the northern boundary, with a slight encroachment into the site.
- 9.113. All the above PROWs are likely to be affected by the development. At this outline stage, for access only, it's difficult to establish how their current legal alignment will be impacted exactly. However, it is expected that if a diversion is required, the alternative route is a logical, accessible through-route with high-quality surface, appropriate gradient, and a well-considered landscape setting. The submitted DAS outlines a commitment to retain and enhance the PROWs, together with connecting them with the network of other informal footpaths to be proposed within the development's overall landscape design strategy. Any alterations to the legal alignment of the existing PROW are subject to a separate legal planning application process under s.257 of the Town and Country Planning Act 1990. Therefore, the applicant would need to make such an application before altering the PROWs, this can be done post determination of the

subject application. Officers note that a planning condition has been recommended by OCC Highways in regard to the relevant details, including route, width, surface, gradient, structures, signage, and amenity features of the additional on-site footpaths proposed. Officers consider that this information will be provided during the reserved matters stage, a specific condition for such details is not necessary.

- 9.114. The development will generate significant additional use of the surrounding countryside access network, effectively shifting the urban edge of Kidlington outwards. Therefore, to mitigate these impacts, a financial contribution of £120,000 has been requested by OCC Highways. The contribution is considered to be directly related to the development, and it will be utilised to improve PROWs within 1-2 kilometres of the site. Such improvement works will include path surfacing, drainage, new or replacement structures, improved signage, etc, subject to landowner consent. The scale of the contribution is based on a desk assessment of likely costs and is considered proportionate to the impacts of the scheme. Officers are satisfied that the above contribution is necessary, therefore, this will be secured via a s.106 agreement.

Public Transport

- 9.115. The applicant provided confirmation that the majority of dwellings will be located within 500 metres of the existing bus services and that they are all within 800 metres. The proposed A4260 crossings will ensure safe access to these stops.
- 9.116. The applicant has also agreed to make contributions towards public transport (£463,760) and public transport infrastructure (£29,728). The funds will be expended on improvements to public transport services in the area, and to also upgrade existing bus stops with real time passenger information units. Lastly, the applicant has agreed to make financial contributions to support the A44 mobility hub, which will reduce traffic sufficiently and allow development in the area to come forward. The contribution in regard to this equates to £437,181.11.
- 9.117. OCC Highways consider that the above package related to the development is acceptable to ensure adequate access to public transport and support sustainable travel choices. All contributions referred to in preceding paragraphs will need to be index linked.

Other matters

- 9.118. The applicant has agreed that parking provision will be capped at the level set by Oxfordshire County Council standards. Provisions for internal layout, including carriageway widths, gradients and swept paths, will be considered at the reserved matters stage and should be designed to create a self-enforcing 20mph environment. This approach ensures that detailed design is appropriately managed through subsequent approvals while securing the principle of compliance with county standards.
- 9.119. The applicant has also agreed to provide a Residential Travel Plan to be updated at the appropriate triggers, to be secured via condition along with the monitoring fee, to be secured in the s.106 agreement and distribution of residential travel information packs, to also be secured via condition. A Construction Traffic Management Plan will be secured by condition prior to commencement of development.
- 9.120. The above measures will ensure that construction impacts are controlled and that sustainable travel options are promoted for residents once the development is occupied.

9.121. Officers note the concerns raised within the MBTN on behalf of the objectors in relation to aspects of the proposed access and technical drawings. The applicant amended the design of the drawings where appropriate, such as repositioning pedestrian crossings and removing the central island at Banbury Road. Where changes have not been made, the applicant has set out technical reasoning referencing relevant design standards. For example, the Moorlands crossing location avoids underground services and is considered proportionate to the scale of the scheme, while the Banbury Road refuge island is consistent with guidance and comparable to existing features that have not shown safety problems. OCC Highways reviewed the proposed designs with due regard to the justifications provided, whilst noting the concerns raised by the objectors and were satisfied that the proposed designs are in accordance with recognised national standards (Manual for Streets and DMRB CD 116) and do not raise unacceptable safety issues.

9.122. Within their latest response, which outlined no objections to the scheme in Transport and Highway terms, OCC Highways also recommended further conditions beyond the ones already outlined above in regard to highway related provisions and the requirement for the site vehicular and pedestrian accesses to be constructed prior to the occupation of any dwellings.

Conclusion

9.123. Overall, Officers consider that the proposals demonstrate that safe and suitable access can be achieved, that pedestrian and cycle links are deliverable, that the site is accessible to public transport with proportionate contributions and improvements secured. Lastly, the residual traffic impacts will also be appropriately mitigated through financial contributions. The application is therefore acceptable in highway and transport terms, subject to the conditions and obligations outlined above.

9.124. Landscape and Visual Impact

Policy Context

9.125. Policy ESD13 of the CLP 2015 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. It goes on to state that proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features, be inconsistent with local character, or harm the setting of settlements or buildings

9.126. Policy ESD15 of the CLP 2015 highlights the importance of the character of the built and historic environment. This Policy states, amongst other things, that successful design is founded upon an understanding and respect for an area's unique built, natural, and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. The Policy continues by stating that new development proposals should, amongst other things, contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features, or views. Development should also respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings should be configured to create clearly defined active public frontages.

9.127. As outlined in the earlier sections, Policy PV2 of the CLP (2015) is a housing policy considered 'out of date' for the purposes of determining the principle of housing development. However, the Policy still provides useful guidance in assessing landscape and visual harm related to development proposals within Villages. Policy PV2 outlines that consideration is required of whether significant landscape and visual impacts can be avoided and whether the development would contribute to enhancing the built environment.

Assessment

9.128. The development site abuts the northern settlement edge of Kidlington, extending beyond the built up limits of this village. The site extends west, adjacent to residential development and a caravan park. Immediately east of the site is the graveyard of St Mary the Virgin church, with the Grade I listed St Mary's church, Grade II listed buildings and the Church Street Conservation Area located further east, set away from the east side site boundary. To the north of the site is arable land falling into the River Cherwell Valley, and south, the site abuts the rear gardens of the residential properties along the Moors.

9.129. Within the Oxfordshire Wildlife and Landscape Study (2004), the predominant landscape type related to the site is 'Rolling Farmland', this landscape character type is described as having prominent rolling landform, large, geometric arable fields enclosed by a weak hedgerow pattern, thinly distributed hedgerow trees, and locally prominent blocks of ancient woodland. The landscape strategy is to conserve and enhance the surviving pattern of woodlands, hedgerows, hedgerow trees and tree-lined watercourses, minimise the impact of built development through appropriate location, choice of building materials, and the use of locally characteristic tree and shrub species.

9.130. The site is not subject to any current landscape designations.

9.131. The development site at present consists of arable fields with intersecting mature vegetation which separate the land parcels within the site. The presence of vegetation in between parcels filters views in some instances, however, key landscape views exist towards the spire of St Mary's church, east of the site.

9.132. Views into the site are mainly from residential development, south of the site, and PROWs, one of which runs from the Moors, south of the site, right through the central parts of the site heading north and extending beyond the site. Views are also experienced from another PROW, which cuts across the north-eastern parts of the site.

9.133. An LVIA was submitted to support the application, which outlines landscape receptors and viewpoints, whilst the identification of receptors was considered largely acceptable by the external landscape consultant (HBA) who reviewed the LVIA, the viewpoints in the LVIA were considered partly appropriate, those from the Moors and the churchyard of St Mary the Virgin being notable omissions. Furthermore, the mapping of the viewpoints and PROW is inadequate.

9.134. The submitted LVIA as a whole was found to be inadequate by the external landscape consultant who reviewed the document, in particular, the application of the methodology was considered flawed. Furthermore, the LVIA was considered to have other shortcomings, such as a lack of detailed assessment of the site's role in providing a setting for the settlement and in containing the existing settlement from the northern area of open countryside, among other omissions. The inadequacies within the LVIA were considered significant to the extent that the development's evaluation and conclusion of landscape visual effects were underestimated and considered to be unreliable.

- 9.135. HBA recommended a list of further information, mainly related to planting along the northern boundary, lighting provisions and clarity parameter plan tolerances.
- 9.136. The applicant provided an addendum to address the requested information, together with a peer review to co-sign the validity of the LVIA's findings. Whilst HBA considered the additional requested information broadly acceptable by the peer reviewer of the LVIA, the peer review nor any of the additional information addressed the other shortcomings within the LVIA, in particular, the application of the LVIA's methodology, therefore, the reported landscape visual effects of the development were still considered to be unbalanced and unreliable.
- 9.137. Notwithstanding the shortcomings in the LVIA, HBA were of the view that the scheme overall would not be significantly harmful in landscape and visual terms, subject to appropriate mitigation.
- 9.138. Therefore, Officers sought a balanced and reasonable characterisation of the development's landscape and visual effects, from HBA based on their professional judgement, review of the landscape and visual baseline, site inspection and the indicative development proposals.
- 9.139. HBA concluded that, subject to appropriate mitigation, the development's long term effects would be moderately adverse to the immediate local landscape of the site, due to the loss of open farmland and rolling farmland, which are key elements of the local character, these effects would also extend to certain local views. However, taken in the round in its wider context, the landscape effects would likely be minor/moderate to minor after mitigation. Furthermore, it was outlined that while the landscape effects would remain adverse, this would not be unusual or "undue" in the context of housing development on a greenfield site.
- 9.140. HBA recommended conditions as outlined in Section 7.52 of this report to mitigate the development landscape and visual effects. Officers consider these conditions reasonable and necessary, therefore, they will be incorporated into the condition's list at the end of the report.
- 9.141. Overall, Officers consider that whilst the submitted LVIA was not of an appropriate standard, a balanced view on the development's landscape and visual harm has been reached through the professional input and judgement of HBA. Whilst harm to the immediate and wider local landscape character will be moderately adverse after mitigation, it would not be uncharacteristic for housing development in the open countryside, and it wouldn't be considered to equate to significant harm. Indeed, policy ESD13 of the CLP (2015), outlines that appropriate mitigations should be secured where damage to local landscape character cannot be avoided and, in this instance, mitigations will be secured.
- 9.142. The mitigations in particular the retention and strengthening of the northern boundary with structural planting will visually contain the development from the fields, beyond the site, which extend further north, ensuring that the harm primarily remains localised. The retention of the eastern parcel within the site for green infrastructure also mitigates for undue harm to the nearby setting of buildings of heritage importance and the settlement in general.
- 9.143. Officers also acknowledge that important landmark views currently visible within the site, in particular views east to the church spire, will be impacted by the development. However, is expected that the appearance and layout of the development is sensitively

designed in a manner that retains views where possible and generally provides a positive relationship with this important landmark within the landscape setting.

- 9.144. Overall, whilst the development is not directly contrary to the CLP's primary landscape policy ESD13, harm to the local landscape's character has been identified nevertheless and this will be weighed against the scheme's benefits in the planning balance and conclusion section.

9.145. **Design and layout principles**

Policy context

- 9.146. Section 12 of the NPPF relates to achieving well-designed places and advises that the creation of high-quality buildings and places is fundamental to what planning and the development process should achieve. At paragraph 131 it advises that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities' and at paragraph 135(b) it further advises that planning decisions should ensure that *'developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping'*.
- 9.147. Local Plan 2011-2031, Policy ESD15 advises that design standards for new development, whether housing or commercial development, are equally important and seeks to provide a framework for considering the quality of the built development which reflects and respects the urban or rural context within which it sits. The adopted Cherwell Local Plan 1996 contains saved Policy C28 which states that *'control will be exercised over all new development to ensure that the standard of layout, design and external appearance, including choice of materials are sympathetic to the character of the urban or rural context of that development'*. Saved Policy C30 states that *'design control will be exercised to ensure...(i) that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity and...(iii) that new housing development or any proposal for the extension (in cases where planning permission is required) or conversion of an existing dwelling provides standards of amenity and privacy acceptable to the Local Planning Authority'*. These are all relevant to the proposals considered here.
- 9.148. Designated Heritage Assets are also protected by the Planning (Listed Buildings and Conservation Areas) Act 1990, of particular relevance to this development is Section 66 of this act, which states that; in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess.

Assessment

- 9.149. The proposed development relates to an outline application for access only, with all matters regarding layout, scale, appearance, and landscape reserved for approval at a later date.
- 9.150. The current development will, however, establish the development parameters which will inform any future reserved matters application. To this effect, the proposed development has been accompanied by the following parameter plans;
- Land use and access parameter plan.

- Density parameter plan.
 - Tree and vegetation retention/removal parameter plan.
 - Building heights parameter plan.
- 9.151. The land use and access parameter plan outlines the placement of development within the site. Residential development is primarily located along the western and central parcels of the site, with intersecting green infrastructure encompassing the development parcels, most notably along the northern and western site boundaries, where a minimum 25 metres wide buffer is retained between the edge of the proposed residential parcels and the site's north and west side boundaries. Within those buffers, existing and new planting is expected to be proposed, along with pedestrian and cycle routes. The west and north boundaries play an important role in visually containing the development, whilst still providing links to the wider countryside beyond the site. Pedestrian access routes are outlined along these boundaries to reflect this, which is welcomed.
- 9.152. New public open space is indicatively located west of the site, surrounded by residential development, and measures a minimum of 0.36ha. The residential parcels are also intersected by 16 metre wide green infrastructure corridors. It is expected that these will form part of the access roads for the development, where new street planting will be expected to be incorporated into the streets and any other roads within the development parcels not identified in the land use and access plan.
- 9.153. The above parameter plan further outlines additional green infrastructure corridors along the southern stretch of the residential properties, providing a buffer between the resultant residential development and the rear of the existing residential properties along the Moors.
- 9.154. The eastern parcel of the site will primarily comprise of further green infrastructure expected to be in the form of some of form of recreation, at this stage it is unknown whether cricket pitches or a country park will primarily occupy this area, the design and access statement (DAS) provides illustrative plans of both these options and both of them would appear to assimilate well with the rest of the development.
- 9.155. The details of what will be proposed for the eastern parcel of land will be provided for approval prior to the submission of any reserved matters application, a scheme for approval will be secured in the s.106 agreement. At this stage, the land use and access parameter plan, subject to approval, does not detail either of these options, instead, the eastern part of the site is simply marked as land for green infrastructure.
- 9.156. The design and access statement elaborates on the parameters set out in the above plans in greater detail. At this stage, the contents in the DAS are indicative, however, Officers and the Urban Design Officer are keen to see some of the principles in the DAS carried over within the reserved matters submission, and to this effect, a design code condition will be added to the permission, which will require general accord with such principles.
- 9.157. During the course of the application's determination period, the applicant amended the scheme to incorporate comments made by the Urban Design Officer and Landscape Officers. Most of the comments were incorporated, however, the request to provide a clear indication of the densities proposed across the site and vignettes at key locations to demonstrate the approach to density/parking/ street scene was not addressed by the applicant. Officers note this and acknowledge that higher densities would not be

acceptable in this area, the density parameter plan outlines a density range of 25-35 dph. Whilst there is value in demonstrating that the quantum of development proposed would be deliverable at the appropriate densities whilst incorporating road and green space infrastructure, the proposal is an outline scheme for which the layout, design, scale, and landscape elements are to be dealt with at the reserved matters stage.

- 9.158. Therefore, it would be at that stage that the development's density would be considered more comprehensively. Furthermore, a design code condition will be added to the application, which specifically requires the appropriate densities to be incorporated across the development, among other relevant design principles.
- 9.159. The urban design officer also recommends several conditions which will be added to the application.
- 9.160. In their latest comments, the landscape officer requested that the locations of the country park and play areas be provided in an illustrative masterplan. Officers don't consider it necessary to provide a separate master plan for the country park, as the DAS already provides illustrations for this. Furthermore, the country park or the alternative cricket pitches are not for consideration at this stage of the development; therefore, details of either of these elements will be dealt with at the reserved matters stage. Regarding the play areas, Officers note that the land use and access plan, subject to approval at this stage, outlines that the play areas will be provided within the residential or green infrastructure land parcels. Therefore, such provisions at this outline stage for play areas are deemed adequate.
- 9.161. Tree and vegetation retention/removal parameter plan outlines that most of the tree/vegetation planting along the prominent site boundaries will be retained, which is welcomed, also considering the forthcoming enhancements. As the site is generally free of any meaningful vegetation due to its arable use, not a significant amount of planting will be lost as a result of the development. The majority of the planting to be removed will be to facilitate vehicular and pedestrian access points. Several individual and group TPO trees fall within the southeast triangular strip of the development site, where one of the site accesses will be located, however, only two Ash trees within a group TPO will be removed and as per the submitted AIA these trees are dead/dying and becoming unsafe. Therefore, their removal is deemed acceptable, considering that the Arboricultural Officer raised no objections to their removal.
- 9.162. The Arboricultural Officer also reviewed the AIA accompanying the above tree retention/removal plan, in full. Initial concerns were raised regarding the lack of constraints/impact plans, illegible tree protection plans, and poor tree categorisation. Furthermore, it was requested that further spacing be provided between existing neighbouring dwellings and the proposed dwellings, trees, and hedgerows, to allow for both retention and enhancement of arboricultural features and to minimise RPA encroachment.
- 9.163. The applicant provided an updated AIA and a response note, and CDC Arboriculture offered no objections to the scheme, as they deemed that several of their previously raised concerns could be addressed at the reserved matters stage. On this basis, an Arboriculture Method Statement will be conditioned as part of the application.
- 9.164. Lastly, the building heights parameter plan outlined that the majority of dwellings will be up to two storeys with a ridge height of up to 9 metres. However, a portion of residential dwellings will rise up to 14 metres, reaching up to 3 storeys in height. The placement of these taller building right on the edge of the eastern parcel reserved for recreational development is not ideal. However, this only forms a small proportion of

the overall residential development proposed, moreover, the scale and appearance of any resultant building (s) would still be subject to further assessment and approval at the reserved matters stage. Therefore, on balance, this would be acceptable. The building heights parameter plan also includes a single storey community use building (pavilion) with a height of up to 7 metres. This is only proposed to come forward if the cricket pitches are proposed at reserved matters. This building is located within the eastern parcel of land related to the recreation provisions; however, its reasonably modest maximum ridge of 7 metres is considered to be appropriate. Furthermore, its design and scale will also be further assessed to ensure acceptability at the reserved matters stage.

9.165. Overall, the parameter plans together with the DAS and illustrative material provided demonstrate a good basis for the design, layout, landscape, and scale principles which will inform any future reserved matters application.

9.166. **Impact on Heritage assets**

Policy and legislative context

9.167. Paragraph 212 of the NPPF outlines that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 213 goes on to say that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

9.168. Paragraph 215 outlines; Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

9.169. Policy ESD 15 of the CLP outlines that new developments should conserve, sustain and enhance designated and non-designated 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG. C23 of the CLP (1996) outlines a presumption in favour of retaining positive features within a Conservation Area.

9.170. Designated Heritage Assets are also protected by the Planning (Listed Buildings and Conservation Areas) Act 1990, of particular relevance to this development is Section 66 of this act, which states that; in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess.

- 9.171. Paragraph 207 of the NPPF outlines that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Furthermore, as a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

Assessment

- 9.172. In terms of heritage considerations, the development site's east side site boundary is directly adjacent to the Church Street Conservation Area and is in close proximity to the Grade I listed St Mary's Church and other Grade II listed buildings.
- 9.173. In the wider setting context, Hampton Poyle, Hampton Gay, Shipton on Cherwell and Thrupp Conservation Area also lie to the north.
- 9.174. Whilst, the site lies outside the Church Street Conservation Area, due to its sensitive location and the significance of the heritage assets within the conservation area, the relationship between the site and the conservation area has to be considered when assessing the potential impact of the development on the heritage asset.
- 9.175. The development site's significance primarily lies in the contribution it makes to the setting of the Church Street Conservation Area and the Grade I Listed Church.
- 9.176. The development site's setting relative to the above heritage assets is characterised by agricultural and rural landscape, therefore, the proposed development which will introduce a suburban built form within this current setting will reduce the sense of rurality around these designated heritage assets, in particular along the western part of the site where the residential development with the maximum heights outlined in section 9.127 is proposed.
- 9.177. CDC Conservation outlined some concerns regarding the 3 storey buildings proposed within the area of residential development closest to the eastern part of the site. However, the eastern part of the site, nearest to the conservation area boundary and the listed Church, is primarily free of built development, except for a potential modest pavilion building to support the cricket pitches (if proposed). Therefore, minimising built development within this area, which forms part of the immediate setting of the heritage assets, reduces the development's impact on the conservation area, helping maintain the character of the broader setting of this historic part of the village.
- 9.178. The church spire is a key landmark currently visible from parts of the development site. The built development will inevitably mean that the church will not be visible from all parts of the site in the same way. However, as the built development is primarily located at the western end of the site away from the area that forms the more immediate part of the Church's setting, the prominence of the church, and its spire will be retained. Furthermore, the spire will also remain visible in the wider landscape from various other viewpoints, beyond the site. Lastly, Officers also consider that the development should be sensitively designed to retain views and to maintain a meaningful relationship with this prominent landmark feature, which contributes to the Church's significance.
- 9.179. CDC Conservation outline that the development may be visible in the wider landscape from other conservation areas, encroaching on and visually altering the setting of St Mary's Church. Officers also acknowledge that the proposed development would result in notable changes to the landscape, and this may be harmful in landscape and settlement character terms, but this does not necessarily equate to harm to the

significance of the heritage assets through development within their setting. In this instance, Historic England's comments are agreed with in that there is potential for minor, less than substantial harm in relation to St Mary's Church, however this may be reduced once building heights, design and final layout is established.

- 9.180. Officers note that there would be an opportunity at reserved matters to ensure that the appearance, scale, layout, and landscape of the development is designed in a sensitive manner that reduces the harm to the above heritage assets.
- 9.181. Regarding the designated heritage assets in the conservation areas (other than the Grade I Listed St Mary's Church), these relate to Grade II listed buildings east of the site and within the wider conservation area. These assets are largely positioned within existing built development, which provides separation and screening from the development. Furthermore, the setting of the Grade II listed buildings closest to the development site is primarily their residential gardens and the neighbouring dwellings, this area forms part of the church enclave character area. A separation is maintained, between the development site and the Grade II listed buildings therefore minimising any impact of the proposed built development and as their setting is their immediate surroundings this is contained within the conservation area. As a result of this, the proposal is considered to result in no harm to the significance of these Grade II Listed Buildings.
- 9.182. CDC Conservation conclude that, in heritage terms the proposal in its outline form and from the indicative plans is considered to result in a low level of less than substantial harm. They consider that this harm could be reduced or removed as a result of the final building heights and layout therefore there are no objections in principle. Officers note the harm identified by CDC Conservation and Historic England, such harm will be weighed against the scheme's benefits in the planning balance and conclusion section, with due regard to paragraph 215 of the NPPF (2024).
- 9.183. The development site is also located in an area of archaeological interest and potential on the northern side of Kidlington. A geophysical survey and archaeological evaluation were conducted during the pre-application period, and the reports for these have been submitted with the application. The geophysical survey recorded anomalies suggestive of a possible trackway, enclosures, pit features and furrows, and these were recorded in the following trenched evaluation (Cotswold Archaeology 2024).
- 9.184. Within the trenches, Iron Age, Roman and Saxon pits were recorded, as well as the trackway and some possible enclosures as indicated by the geophysical survey. Though the trackway remains undated, it is possible that it is contemporary with the Iron Age and Roman occupation on the site. Development on the site will negatively impact these remains.
- 9.185. On the above basis, OCC Archaeology within their consultation response outlined that should planning permission be granted, the applicant should be responsible for ensuring the implementation of archaeological investigation works and retention measures, during the development's construction phase. To this effect planning conditions related to an Archaeological Written Scheme of Investigation were recommended by OCC Archaeology. Officers consider these conditions necessary and required to make the development acceptable in planning terms. Therefore, they are recommended.
- 9.186. **Residential Amenity**

Policy Context

- 9.187. Paragraph 135(f) of the NPPF (2024), Policy ESD15 of the CLP (2015) and Saved Policy C30 of the CLP 1996 seek to ensure development proposals provide a good standard of amenity for both existing and proposed occupants of land and buildings relating to privacy, outlook, natural light, and indoor and outdoor space.

Assessment

- 9.188. The proposed development relates to an outline application with layout, scale and landscape measures reserved for approval at a later stage. Therefore, a comprehensive amenity related assessment will also be undertaken at that stage. However, from the submitted illustrative information it is clear that there is an intention for the proposed development to retain landscape buffers along the site boundaries adjacent to existing neighbouring properties, south, west, and east of the site.
- 9.189. As such, it appears unlikely that the development will cause amenity issues to the surrounding neighbouring properties. No information to aid any form assessment for the future occupiers of the development has been provided.
- 9.190. Overall, as already mentioned amenity is a reserved matter issue. As far as can be assessed at this outline stage, the proposal is considered to be acceptable.

9.191. Sustainable Construction and Energy Efficiency

Policy Context

- 9.192. Policy ESD1 of the CLP 2015 states that measures should be taken to mitigate the impact of development within the District on climate change, and Policy ESD2 of the CLP 2015 seeks to achieve carbon emission reductions. Policy ESD3 encourages sustainable construction methods. The reference to allowable solutions in Policy ESD2 and 'zero carbon' are no longer being pursued by the government so are no longer relevant. However, the water usage requirements of ESD3 are still required to be met. In regard to energy efficiency, this is generally secure via the Building Regulations which now secure a good standard, however the inclusion of renewable energy infrastructure is important. Lastly, Policy ESD5 outlines that developments which propose over 100 dwellings should consider the provision of on-site renewable sources, with a feasibility assessment highlighting the most viable options.

Assessment

- 9.193. The proposed development is accompanied by an outline sustainability statement that highlights renewable energy measures, such as solar PV panels and air source heat pumps, which are deemed feasible and appropriate for the site. Furthermore, the statement indicates the adoption of a fabric first approach to ensure that the residential proposal meets or exceeds the Part L Building Regulations U Values related to energy efficient construction measures within building elements such as walls, roofs, floors, and windows. The statement concludes that the reserved matters application(s) are expected to be informed by the details specified in the sustainability statement. Therefore, a planning condition will be added to the permission to ensure that such sustainability principles are reflected in later submissions.
- 9.194. Ecology and Biodiversity**

Legislative context

- 9.195. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.196. Under the Regulations, competent authorities i.e., any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.197. A mandatory 10% net gain on-site would be required for this development in accordance with the requirements of Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

Policy Context

- 9.198. Paragraph 187 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.199. Paragraph 193 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
- 9.200. Paragraph 198 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location considering the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes, and nature conservation.
- 9.201. Policy ESD10 of the CLP 2031 Part 1 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.202. Policy ESD11 is concerned with Conservation Target Areas (CTAs) and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity

survey and a report identifying constraints and opportunities for biodiversity enhancement.

Assessment

9.203. The application site is located within a rural area along Kidlington's northern settlement edge. Therefore, the site is surrounded by mature planting in particular along the northern boundary.

9.204. The development site is also adjacent to the Lower Cherwell Valley Conservation Target Area (CTA).

9.205. The applicant initially submitted an ecological assessment, ecology technical note and BNG information. This information was assessed by CDC Ecology and objections were raised in regard to the lack of conclusive bird and bat surveys, which required submission once completed. Furthermore, it was outlined by CDC Ecology that GCN licencing would need to be obtained from Nature Space to mitigate harm on GCN and this required evidenced certification prior to determination.

9.206. Lastly, in regard to BNG, CDC Ecology expressed concerns in relation to the points below;

- The application was supported by an old metric, and the statutory metric must be used to demonstrate BNG.
- Not all baseline on-site habitats within the site's redline boundary had been included in the metric.
- Habitats plan should be provided to outline baseline and proposed habitats.
- Illustrative plans outline species rich grassland in small strips across the development, alongside hedgerow and developed land. It seems unreasonable to assume that this grassland will represent a 'good example of its habitat type' - which is required to achieve moderate condition.
- Concerns were raised on how the above areas will be managed in line with the conditions assessment criteria, it would be unreasonable for habitats proposed in this form to be created and maintained for 30 years. It is more likely that these areas will have a lot of disturbance from bikes/pedestrians/dogs and will be more accurately described as modified grassland.
- On this basis, the metric should be amended to reflect a more realistic habitat type.

9.207. In response to the above, the applicant provided an Ecology response note, to address the bird and bat survey requirements, along with BNG related plans and a metric. Furthermore, certification from Nature Space was also provided to ensure mitigations for the application's potential impacts on GCNs can be dealt with under a district licence scheme. In light of the submission of the above documents CDC Ecology were consulted and outlined;

- No objections to impacts on bats as the trees within the site with bat roost potential would be soft felled. Soft-felling measures would need to be included within a Biodiversity CEMP and secured via condition.

- The breeding bird survey identified two skylark territories but concluded that compensation isn't necessary due to the abundance of open space in the wider area. While this isn't fully aligned with guidance, which generally expects compensation for lost territories, on balance, specific skylark compensation is likely to be disproportionate in this case. Furthermore, the site proposals include enhancements for a wide range of other bird species, resulting in an overall net gain in suitable bird habitat. As such, the justifications provided are acceptable.
- BNG related concerns have been addressed. Whilst the plans are indicative, it is expected that a finalised metric, plans and BNG report will be provided once the layout of the scheme is finalised. Furthermore, measures in relation to a BNG Habitat Management and Monitoring Plan (HMMP) and monitoring fees will need to be secured within the s.106 agreement for the scheme.
- Conditions in relation to a Nature Space district licence scheme, CEMP, lighting strategy, precommencement surveys for badgers and a Biodiversity Enhancement Management Plan (BEMP), were also recommended.

9.208. Officers are satisfied that development does not impact any protected species and measures during the construction phase of the development to safeguard such species will be secured via precommencement CEMP and badger survey conditions.

9.209. In terms of the two skylark territories which would be impacted by the development, it is agreed that compensatory measures would be disproportionate due to the open space and rural landscape surrounding the site, which provide refuge for any displacement. Furthermore, the provision of enhancements for a wide range of other bird species by virtue of new committed habitat creation which supports and provides a range of new nesting and foraging opportunities, will mitigate for skylark impact. Such enhancement would be integrated within bat and bird boxes at an equivalent 1:1 ratio for new built form, targeting species such as swifts, house sparrows and house martin.

9.210. Officers acknowledge that the plans submitted at this outline stage are indicative (apart from the parameter plans) and a finalised BNG metric, plan and report will be provided once the layout for the scheme has been finalised. However, noting the CDC Ecology's previous concerns about how the created BNG habitats would interact with built development, it is expected that by Officers that the resultant layout reflects the following BNG commitments outlined in the applicant's latest Ecology response note;

- 6.73 habitat units (+12.36% gain)
- 1.53 hedgerow units (+14.67% gain)
- 0.2 watercourse units (+10.51% gain)

9.211. Subject to the above net gain measures being reflected within the resultant layout at reserved matter stage, the proposal together with the other biodiversity enhancements proposed (1:1 bat/bird box ratios) would lead to significant biodiversity improvements, which would positively impact the biodiversity on-site and adjacent Lower Cherwell Valley Conservation area.

9.212. Lastly, by virtue of the applicant's commitment to enter into Nature Space's district licence scheme, the proposal would also not impact GCNs in a negative manner.

- 9.213. Comments from the BBOWT in regard to updated bird and bat surveys, GCN licences, potential negative impacts on the Lower Cherwell Valley CTA are noted. However, as per the above, these issues have been appropriately considered and satisfactory resolved. The BBOWT also outlined the development's potential negative impacts on the Cherwell River in relation to pollution risks. It's not clear to Officers how the development would pollute the Cherwell River. Therefore, in the absence of evidence to substantiate any pollution issues it would be unreasonable to request the applicant to provide any further assessments to address this objection. Furthermore, the Environment Agency were consulted and provided no comments nor objections related to river pollution.
- 9.214. Third party concerns were also raised in regard to the importance of hedgerows and tree lines for various bat species, and the adequacy of assessments of impacts of those features. Furthermore, third party comments also outlined that the OUFC application supported a similar number of bat species, yet more details were requested from Ecology in that case.
- 9.215. CDC Ecology outlined that the stadium site was located within only a few metres from an ecologically important woodland, which is designated as a district wildlife site. In contrast, this application is situated across agricultural fields and does not directly abut any woodland, instead, it sits up against an already built-up area of housing. This distinction is relevant, particularly in relation to barbastelle bats - the main species of concern in the objection letter, which are highly reliant on woodland as their core habitat. However, the above bat species would still use the site for commuting between nearby woodland areas. The proposed ecology measures to be secured through this permission and conditions will ensure that any impacts on bats are appropriately mitigated.
- 9.216. It must also be noted that Nature Space reviewed email correspondence from a third party indicating the presence of GCNs within a garden pond in proximity of the development site. Within their latest response, Nature Space outlined that this information will be passed on to the Nature Space technical officer on this case. Furthermore, they outlined that this would not change their position on the proposed scheme as the works will still be coverable under the GCN licence scheme, which the applicant has agreed to enter into and would be secured via condition.

Conclusion

- 9.217. Overall, officers are satisfied, on the basis of the advice from the Council's Ecologist and Nature space, and subject to conditions and planning obligations, that the proposed development will not cause harm to any protected species. Furthermore, the on-site biodiversity enhancements will achieve the required legislative biodiversity net gain for a development of this scale. Therefore, the proposed development is considered to be compliant with the NPPF, relevant legislation and Policies ESD10 and 11 of the CLP (2015).

9.218. Flooding and Drainage

Policy Context

- 9.219. The NPPF states at paragraph 181 that when determining applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment. Policies ESD 6 and ESD 7 of the CLP 2031 Part 1 together resist new development where it would increase flood risk or be unduly vulnerable to flooding. They also seek

to ensure that the proposals incorporate sustainable drainage systems in order to prevent increased risk of flooding.

Assessment

- 9.220. The site lies primarily within Flood Zone 1, which is land which has less than 1 in 1,000 annual probability of river or sea flooding. A small portion of the eastern open space area, proposed for recreation with no built development, encroaches into Flood Zone 2. All residential and built development associated with the development is located entirely within Flood Zone 1. Therefore, in light of this, a sequential test is not required as per the guidance in Section 14 of the NPPF.
- 9.221. In regard to surface water flooding, the majority of the site is in a very low surface water flood risk area meaning that each year this area has a chance of pluvial flooding of less than 0.1%. However, approximately less than 10% of the total site area is at medium to high risk from flooding from surface water as outlined in the EA's flooding maps.
- 9.222. The Environment Agency were consulted and offered no comments to the scheme in flooding terms. However, during the development's determination period, the LLFA initially objected to the scheme, outlining that the applicant had not demonstrated a viable means of surface water disposal in accordance with the drainage hierarchy due to the lack of infiltration testing and groundwater testing, a drainage strategy which inadequately demonstrates infiltration feasibility, attenuation sizing, and exceedance routing. Lastly due to no written confirmation from Thames Water accepting the proposed 6.5 L/s connection if infiltration proves unviable.
- 9.223. The applicant provided an updated Flood Risk Assessment & Drainage Strategy Report dated August 2025, to address the above concerns and upon reconsultation the LLFA offered no objections to the scheme subject to a detailed surface water drainage condition.
- 9.224. Thames Water were also consulted on the scheme, and they raised no objections to the development in regard to the proposed foul water strategy, and surface water strategy (subject to satisfactory review by the LLFA). However, due to the identified inability of the existing water network infrastructure to accommodate the needs of this development proposal, they requested a pre-occupation condition related to water network upgrades being undertaken to accommodate additional demand related to the development. This condition is recommended.
- 9.225. Overall based on the submitted flood and drainage information at this outline stage, the development, subject to further drainage details at a later stage is not considered to increase the risk of flooding at the site and can be drained appropriately using SUDs techniques. Therefore, the proposals are considered to be satisfactory in this regard, in accordance with the requirements of policy ESD6 and ESD7 of the CLP 2031 Part 1 and Section 14 of the NPPF.

9.226. **Affordable Housing**

Policy Context

- 9.227. If the proposal is considered to be 'Grey Belt' development then, 50% affordable housing is required for the proposal which will meet Cherwell's needs (in contrast to the PR sites which are to meet Oxford's needs at first let). In terms of tenure splits, Policy BSC3 of the CLP (2015) and Policy COM 2 of the emerging CLPR (2042)

outlines that it is expected that major development will provide 70% of the affordable housing as affordable/social rented dwellings and 30% as other forms of intermediate affordable homes.

- 9.228. The Developer Contributions SPD (2018) also sets out further guidance on affordable housing provisions.

Assessment

- 9.229. The development proposes a tenure split of 60% social rented and 40% shared ownership (intermediate) rather than the 70/30 split outlined in Policy BSC 3 of the CLP and Policy COM 2 of the emerging CLPR (2042). CDC Strategic Housing outlined that they would be comfortable with the split as proposed primarily due to the provision of a higher percentage (50%) of affordable housing relative to market housing as a result of the 'Golden Rules' requirements, as opposed to the standard 35% provision outlined in the relevant policies. This therefore ensures that a higher quantum of social rent is still secured irrespective of a stray away from the tenure splits outlined in the adopted and emerging affordable housing policies.
- 9.230. Furthermore, the policies also outline that the 70% of affordable housing should be proposed as either affordable rent or social rent dwellings, in this instance the development proposes 60% social rent, with no affordable rent proposed. Social rent is more affordable than affordable rent relative to market rent prices. Therefore, this is considered to be an additional factor which mitigates the departure (which is not significant) from the policy tenure splits as for affordability reasons, social rent is more preferred to affordable rent.
- 9.231. Lastly, the uplift from 30% to 40% in terms of intermediate affordable housing is also deemed acceptable as the type proposed in the form of shared ownership is considered to be in reasonable demand and need based on the information provided by CDC Housing. Therefore, shared ownership units would assist in attracting Registered Provider (RP) interest, this is prescribed by supporting text B.108 in the CLP which outlines that; *'The Housing Strategy recognises the need for affordable homes and aims to ensure that Cherwell is well-placed to maximise investment by Registered Providers and to respond to opportunities as they arise'*.
- 9.232. Based on the above, the proposed tenure splits are considered to be acceptable and the stray away from the Policy tenure split provisions is deemed to be significant. The above tenure mixes will be secured within the s.106 agreement for the scheme, together with the rest of the affordable housing provisions in respect of sizes, standards, and cascades etc.
- 9.233. Overall, the proposed development subject to a satisfactory s.106 agreement is considered to meet the NPPF's 'Golden Rule' at para 156 a) and CLP (2015) affordable housing provisions.

9.234. Noise, Contamination and Air Quality

Policy context

- 9.235. Policy ENV1 of the Cherwell Local Plan 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other types of environmental pollution will not normally be permitted. The policy states that

the Council will seek to ensure that the amenities of the environment and in particular the amenities of residential properties are not unduly affected by development proposals which may cause environmental pollution including that caused by traffic generation. Policy ENV12 of the Cherwell Local Plan 1996 relates to contaminated land and states that development on land which is known or suspected to be contaminated will only be permitted if adequate measures can be taken to remove any threat of contamination to future occupiers of the site.

Assessment

9.236. The Environmental Protection Team were consulted and found that the submitted Air Quality and Noise assessments submitted with the application were acceptable. It was recommended that the dust control measures during the construction phase, as outlined in Appendix B of the Air Quality Assessment will need to be incorporated in the CEMP. Furthermore, precommencement conditions related to land contamination, and a non-biodiversity Construction Environment Management Plan (CEMP), to ensure that construction works do not adversely affect residential properties adjacent to or surrounding the site were recommended. Officers consider the recommended conditions necessary, together with a compliance condition related to the Air Quality Assessment.

9.237. Given the above assessment, it is considered that environmental risks can be adequately dealt with via the imposition of conditions. This will ensure compliance with Policies ENV1 and ENV12 and ensure that the amenities of the residential properties are not unduly affected by environmental pollution.

9.238. Community Land – Cricket Pitches/Country Park

9.239. As outlined in the earlier sections of the report, the proposal includes an option for cricket pitches, with an associated pavilion or a country park. At the present moment, according to the Playing Pitch and Outdoor Sport Strategy (2023) there is not a need for cricket pitches in the district as there is adequate provision. However, it is understood that Kidlington Cricket Club, who are currently based at Stratfield Brake in Kidlington, are interested in relocating and this site offers an opportunity for this.

9.240. The above relocation could potentially free up provision of the existing cricket pitches to be utilised for other outdoor sport provisions needed within the district. However, since Stratfield Brake is not owned by the council, it is not guaranteed that Kidlington Cricket Club's relocation would lead to a repurposing of the cricket pitches there for alternative outdoor sport uses. Therefore, at reserved matters stage it will be clearer whether there or not there is a need for cricket pitches in the district depending on how the situation at Stratfield brake with Kidlington Cricket Club evolves.

9.241. The above will then inform whether cricket pitches or a country park would be proposed at the development site at that stage.

9.242. Prior to the submission of the first reserved matters application, the applicant is expected to submit a scheme for approval in writing by the council outlining which option will come forward with the rest of the proposed development. This will be secured within the s.106 agreement for the development.

9.243. The s.106 will therefore have provision for both the above recreational facilities in terms of the future maintenance and management, together with the relevant commuted sums and specific requirements to support both provisions, whichever option is chosen.

9.244. Further to the above, the CDC Leisure and Recreation team outlined that details of ownership, management, maintenance and sustainability of the facilities would be required, together with a 10-year development plan from Kidlington Cricket Club with regards to future growth of the club, details of how the pitch space will be utilised. Lastly, further details would need to be provided with regards to supporting infrastructure such as the pavilion and car parking etc to meet relevant standards.

9.245. Officers are in support of the above requests and consider it necessary for this information to be submitted at reserved matters stage if the cricket pitches are proposed together with an evidenced need and clear pathway for the facilities at Stratfield Brake to be repurposed for other alternative outdoor sports provision, if required, in the district at that stage.

9.246. **Planning Obligations**

Policy Context

9.247. A s.106 legal agreement will be required to secure mitigations resulting from the impact of the development both on and off site as outlined in the above sections of the report. A legal agreement will ensure that the requirements of Policy INF1 of the CLP (2015) can be met, which seeks to ensure that the infrastructure improvements/provisions (transport, community facilities, recreational) are secured for developments. Furthermore, if the development is concluded to be appropriate development in the Green belt under the 'Grey belt' provisions, infrastructure related to the 'Golden Rules' set out in paragraph 156 of the NPPF will apply.

9.248. The council is also required to ensure that any contributions sought meet the following legislative tests, set out at Regulation 122 of the Community Infrastructure Regulations 2010 (as amended):

- Necessary to make the development acceptable in planning terms;
- Directly relate to the development; and
- Fairly and reasonable related in scale and kind to the development

Assessment

9.249. The details of the planning obligations secured for the development are outlined in Appendix 1 of this report, this includes a consideration against the requirements of the CIL regulations tests. The planning obligations and contributions provided are also considered to align with the requirements of the 'Golden Rules' as per para 157 of the NPPF.

9.250. **Other material considerations**

9.251. The development would lead to the loss of Agricultural land, which is considered to be the best and most versatile land. Whilst this loss cannot be mitigated for, the development's benefits as outlined in the planning balance section will be weighed against any harm caused by the loss of this agricultural land.

9.252. Officers consider that the appropriate and statutory consultations were undertaken by the local planning authority by publicising the development via the erection of several site notices around the site perimeter, directly accessible to the public and publishing an advert in the Bicester Advertiser.

9.253. Planning Balance and Conclusion

9.254. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social, and environmental) are not undertaken in isolation but are sought jointly and simultaneously.

9.255. As mentioned earlier in the report the proposal, after mitigation, would cause moderate adverse harm to the existing site's landscape character by introducing an urban form of development within an area characterised by open arable farmland. Lastly, the site will lead to the loss of agricultural land considered to be the best and most versatile land.

9.256. As already mentioned, in the principle of development section the council cannot demonstrate a 5-year land housing supply, therefore, the tilted balance is engaged as per paragraph 11 (d) of the NPPF. In this instance, the presumption in favour of development applies, unless;

- i. The application of policies in this Framework that protect areas of assets or particular importance provides a strong reason for refusing the development proposed;
- ii. or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places, and providing affordable homes, individually or in combination.

9.257. Heritage related policies are relevant for this scheme in respects to part 11d (i) and in the Heritage section it is concluded that the development would cause less than substantial harm, on the lower scale, to the nearby heritage assets adjacent to the site. However, paragraph 215 of the NPPF outlines; that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

9.258. Officers consider that the public benefits related to this scheme are as follows;

Public benefit	Weight attribution in favour of the scheme.
Up to 340 housing units to meets a demonstrable need for housing in the district. Furthermore, 50% of that housing is affordable housing, which is a significant proportion of the total housing proposed. Furthermore, 60% of the affordable housing will be delivered as social rented units, which is the affordable housing tenure most needed in the District.	Significant weight.

Creation of publicly accessibly open space/recreational space within the site beyond what is reasonably required for the development to benefit the occupants related to the development and the wider existing community.	Significant weight.
Highways and transport infrastructure improvements secured in the form of off-site provisions and financial contributions secured as part of the s.106 for the development. Furthermore, other financial contributions related to improvements of health care, education and community infrastructure in the area have also been secured. The infrastructure improvements will not only benefit the residents of the development but the wider existing community.	Moderate weight.
Temporary construction jobs will be created during the development's implementation period. Further jobs will be directly	Moderate weight.
Commitment to exceed the 10% mandatory BNG provisions.	Moderate weight.

9.259. The above benefits are collectively considered to amount to significant weight in favour of the development.

9.260. Paragraph 212 of the NPPF outlines that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

9.261. The development will impact the setting of the adjacent Conservation Area and Grade I listed St Mary's church. In regard to St Mary's church, this is a Grade I listed buildings with signifies exceptional interest, at the highest level of national importance, exceeding the "special interest" of a Grade II or even Grade II* (more than special, particularly important) listed buildings.

- 9.262. The development's impact on the setting of this Grade I listed building as described in the Heritage section is not considered to be significant and is largely mitigated by the distance and separation of the proposal's built development from the listed building. Therefore, the most significant areas of its setting within the development site will be primarily retained free of built development. The development will impact views of the church's spire, however, the spire is visible from other parts of the wider landscape, which will be retained. Furthermore, it is expected that the proposal's layout and scale at reserved matters is sensitively designed to mitigate the visual impacts on the church.
- 9.263. Considering the above mitigating factors the proposed development is not considered to change the setting of the Grade I listed St Mary's Church, even when having regard to its significance of '*exceptional interest*', in such a way that the degree of harm would amount to significant weight against the scheme. Furthermore, the development's harm to the significance of the conservation area's setting is also minimised by the separation of the built development from the boundary which abuts the conservation area.
- 9.264. Lastly, the level of harm outlined by CDC Conservation and Historic England amounts to less than substantial harm on the lower end of the scale, which is the lowest level of harm that a development proposal can have on the significance of a designated heritage asset.
- 9.265. Based on the above, the harm the development will have on the significance of the identified designated heritage assets, considering the mitigating factors, is considered to equate to moderate weight against the scheme. Therefore, Officers consider that the public benefits outlined in section 9.258 of this report, which attract significant weight would outweigh harm to heritage assets identified in this report. Therefore, on this basis, the development would accord with the heritage policies relative to footnote 7 of the NPPF and meet the provision of paragraph 11d (i) of the NPPF.
- 9.266. Based on the above assessment, it is also clear that in regard to the second part of the 'Grey Belt' definition, the Footnote 7 Heritage policies would not provide a strong reason to refuse the development. Therefore, on this basis and combined with the assessment in the 'Principle of Development' section of this appraisal, the scheme as a whole is considered to meet the NPPF's Grey Belt tests, therefore, the development is considered to be appropriate development in the Green Belt.
- 9.267. In regard to Paragraph 11 d(ii) of the NPPF, it is outlined that the presumption in favour of development applies, unless; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.
- 9.268. Heritage harm has already been identified for the scheme, such harm is considered to amount to moderate weight against the scheme. Furthermore, the development's landscape and visual impacts are considered to amount to a moderately adverse impact, which as outlined in the landscape section would not amount to significantly harmful effects, after mitigation and would not be uncharacteristic of housing development a greenfield site adjacent to a settlement edge. Therefore, on this basis the weight attributed to landscape and visual harm against the scheme is considered to be moderate.
- 9.269. In regard to the loss of agricultural land, whilst this loss has not been mitigated, the development is considered to be appropriate development in the Green Belt, and the

'Grey Belt' definition does not restrict the consideration of previously undeveloped agricultural land for development. Therefore, limited weight is attributed to the loss of best and most versatile agricultural land.

- 9.270. Overall, the collective weight attributed to the landscape and heritage harm, and loss of agricultural land as a result of the scheme would amount to moderate weight against the development. The scheme's benefits outlined in Section 9.258 of this report outline a wider range of collective benefits relative to any collective adverse impacts. Furthermore, the weight attribution related to the benefits amounts to significant weight in favour of the scheme mainly by virtue of the quantity of housing provided, which comprises of a significant proportion of affordable housing.
- 9.271. This weight attribution is supported by the paragraph 158 of the NPPF (2024) which outlines that; *'a development which complies with the Golden Rules should be given significant weight in favour of the grant of permission'*.
- 9.272. The development complies with the 'Golden rules'. Furthermore, the proposed development also satisfies national and local plan policies related to directing development to sustainable locations, securing well designed places (principles to be approved in this development will contribute to this objective at reserved matters stage). Whilst the site will not necessarily *'make effective use of land'* by utilising previously developed land, development of green field sites is supported within the Grey belt provisions.
- 9.273. Based on the above, it is clear that the adverse impacts identified for the scheme would not significantly and demonstrably outweigh the scheme's benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for making effective use of land, securing well designed places and providing affordable homes, individually or in combination. Therefore, in this instance the proposed development also satisfies paragraph 11d (i) of the NPPF and as a whole there is a presumption in favour of granting the subject development in this instance.
- 9.274. Overall, based on the considerations and assessment undertaken in this report, the application is deemed to be in general accordance with saved policies of the adopted Cherwell Local Plan 1996 and adopted Cherwell Local Plan 2011-2031 and Government guidance within the NPPF. Therefore, subject to conditions and a s106 agreement, the application is recommended for approval.

10. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING TO GRANT PERMISSION, SUBJECT TO

- i. THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- ii. THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**
 - a) Provision of 50% affordable housing on site based on the 60:40 social rent and shared ownership tenure splits.
 - b) Payment of financial contributions towards improvements to off-site community and healthcare, policing services and infrastructure.
 - c) Payment of contributions towards education provisions.

- d) Payment of contributions to Health infrastructure.
- e) BNG provisions related to HMMP and monitoring fees.
- f) Appropriate monitoring fees for the delivery of the s106.
- g) Commuted sums and maintenance provisions for open spaces/recreational facilities.
- h) Off-site transport improvement works.
- i) Payment of contributions towards archaeology storage, library enhancement and waste services.
- j) Payment of contributions towards transport and public transport enhancements.

FURTHER RECOMMENDATION: IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED WITHIN 6 MONTHS OF THIS RESOLUTION AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions and provisions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to contrary to Policies BSC3, BSC10, BSC11, BSC12, SLE4 and INF1 Cherwell Local Plan 2015 and the aims and objectives of the National Planning Policy Framework.

Conditions;

1. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission and the development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

2. Details of the layout, scale, appearance, access (other than the approved accesses on plan xx - TBC) and landscaping (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory

Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

3. Details of the layout, (hereafter referred to as "the reserved matters") (including surface water drainage/disposal, street trees, vehicular parking including visitor parking all in strict accordance with OCC's parking standards, turning head(s), street lighting, PRow routes (width, route, surface, infrastructure, signing etc), EV charging facilities and secure and covered cycle parking facilities all within the site) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in accordance with the approved plans.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraphs 115 and 117 of the National Planning Policy Framework.

4. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out in accordance with the following plans and documents:

List TBC.

5. Prior to the commencement of development or as part of the first Reserved Matters submission a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The Phasing plan shall include full details of the development parcels (including affordable housing), open space and recreational facilities, roads, cycleways and footpaths, including construction access, play facilities, allotments/new orchard and new landscaping of the development proposed to take place within that approved phase. The development shall be carried out in accordance with the approved phasing plan.

Reason: To ensure that the development is delivered in an appropriate manner and to ensure that on-site facilities are delivered in an appropriate manner and at a time to deliver facilities and infrastructure to the benefit of future residential occupiers. The ensure the proposals would be in accordance with Policies SLE4, BSC3-4, BSC10-12, ESD10, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 Part 1 (and the aims and objectives of the National Planning Policy Framework.

6. Prior to the first submission of Reserved Matters, a Design Code for the development shall be submitted to and approved in writing by the Local Planning Authority. The Design Code shall include illustrations, sections and block testing to demonstrate the development principles. The Design Code shall include development principles and guidelines in accordance with the illustrative design principles in the Design and Access Statement and shall cover the following matters:

- a) Landscape, open space, play areas, public realm, SUDs and levels strategy and principles
- b) Street types and design principles including services, drainage, tree planting for various road and street types
- c) Building typologies
- d) Block principles (including density and development and parcel division / size)
- e) Built form and massing including scale and height
- f) Car and cycle parking strategy
- g) Secure by Design principles
- h) Boundary treatments, street furniture and material palette for buildings and surfaces for each Phase
- i) Means of enclosure and boundary treatments in relation to all existing adjoining properties
- j) Sustainable construction
- k) Waste disposal and utilities Each reserved matters application shall demonstrate in an accompanying Design and Access Statement how it accords with the approved Design Code.

Reason: To ensure that the design of the development accords with the NPPF, National Design Code and Policies xx of the Cherwell Local Plan (2015).

7. No development shall take place until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed strictly in accordance with the approved levels.

Reason: To secure an acceptable standard of development that safeguards the visual amenities of the area and the living conditions of existing and future occupiers and to ensure compliance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

8. Prior to the submission of the first application for approval of Reserved Matters relating to the first Development Parcel including residential development within each Phase a housing mix strategy shall be submitted to and agreed in writing by the Local Planning Authority. The submitted strategy shall set out in relation to that Phase:

- i) Anticipated housing mix for the development shall be for delivery of affordable homes as set out in the completed legal agreement unless otherwise agreed through the Reserved Matters submission.

- ii) The submitted market mix shall also be agreed with the Local Planning Authority through the Reserved Matters and shall not substantially differ from the affordable housing mix.

Reason: To achieve a balance of housing and to ensure that the affordable housing proposals appear tenure blind to market housing, in accordance with Policy BSC3-4 of the Cherwell Local Plan (2015) and the aims and objectives of the National Planning Policy Framework.

9. The development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the

development. The pack shall be provided to each resident at the point of the first occupation of the dwelling.

Reason: To reduce vehicle movements and promote sustainable access.

10. Prior to first occupation a Full Residential Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include measures, monitoring and targets to promote sustainable travel and then should be updated upon occupation of 170th dwelling once a robust survey opportunity is available and shall thereafter be implemented.

Reason: To encourage sustainable travel choices and reduce reliance on the private car.

11. The A4260 crossings and the local walking and cycling improvements identified in the submitted updated drawing pack Appendix C shall be implemented in full prior to the first occupation of any dwelling unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure safe and convenient pedestrian and cycle access between the site and local facilities

12. No dwelling shall be occupied until the vehicular and pedestrian accesses from The Moors, and the western access have been completed in full accordance with the approved drawings and any further details agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority.

Reason: To ensure safe and suitable access to the site for all users.

13. As part of the Reserved Matters submission a strategy shall be set out for the car parking ratio in accordance with maximum levels set out in Oxfordshire County Council Parking Standards. The submitted Strategy shall be based on:

- i. Reducing car parking provision below the maximum ratio based on location in relation to facilities and type of housing.
- ii. The provision of electric vehicle charging points to all properties and to include a minimum of 50% to communal car parking and to all disabled parking spaces.
- iii. For residential purposes cycle parking should be within a covered, lockable enclosure in a convenient, secure location, with visitor parking located as near as possible to the main entrance of buildings.
- iv. All cycle parking should be designed and located to minimise conflict between cycles, pedestrians and vehicles.

The approved scheme shall be implemented in accordance with the agreed strategy relevant to each reserved matters submission.

Reason: To provide appropriate levels of parking for the development in accordance with the aims and objectives of the National Planning Policy Framework.

14. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The approved CTMP shall be implemented for the duration of construction. This should identify;

- The CTMP must be appropriately titled, including the site and planning permission number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access to the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities to prevent mud/debris, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for onsite works to be provided.
- The use of appropriately trained qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity, details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot, contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for the person to whom issues should be raised in the first instance need to be provided and a record kept of these and subsequent resolutions.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.

15. No development shall commence above slab level unless and until a scheme for electric vehicle infrastructure to serve each dwelling has been submitted and

approved in writing by the Local Planning Authority. The approved electrical vehicle charging infrastructure shall be provided in accordance with the approved details prior to the first occupation of the dwelling it serves.

Reason - To maximise opportunities for sustainable transport in accordance with Government guidance contained within the National Planning Policy Framework

16. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2024).

17. Following the approval of the Written Scheme of Investigation referred to in condition 16, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2024).

18. Prior to commencement of development (excluding site clearance), detailed design information for the proposed surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

The submitted details shall include:

- BRE365-compliant infiltration testing and seasonal groundwater monitoring undertaken at the exact locations and depths of each proposed infiltration feature, confirming infiltration rates and clearance to the prevailing groundwater level;
- Updated drainage calculations and layout drawings based on the verified infiltration data; and
- Confirmation that any discharge to the public sewer remains restricted to the agreed rate of 6.5 l/s, as confirmed by Thames Water.

The development shall thereafter be carried out in accordance with the approved details prior to occupation.

Reason: To ensure that the proposed drainage strategy is supported by site-specific infiltration testing and groundwater monitoring in accordance with BRE365, and to prevent the increased risk of flooding both on and off-site, in accordance with Policy ESD7 of the Cherwell Local Plan 2011–2031 and the National Planning Policy Framework.

19. No development shall be occupied until confirmation has been provided that either:

- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or
- a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied.

Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

20. Allotments/New Orchard condition or S106 – to be agreed

21. Early implementation condition of the northern planting along the Long Way and south to north programme of works to enable northern boundary has time to establish as much as possible before adjacent development takes place – exact wording TBC.

22. Integrated earthworks/grading strategy condition tying in with the drainage strategy, with existing and proposed contouring identified at 0.250m intervals for which, details to account for level changes of whichever of option 1 or 2 is proposed at reserved matters stage and at SUDS features – exact wording TBC.

23. The Reserved Matters submission which includes the Neighbourhood Equipped Area of Play (NEAP), and Local Equipped Areas of Play (LEAPs) and Local Area of Play (LAP) play areas related to the development shall include details of site levels, play features and facilities for an appropriate age of children and youth provision, seating, pathways, planting and landscaping relating to that play facility and a strategy for its implementation and management.

The development of the play areas shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure that the proposals deliver an appropriate amount and variety of recreational opportunities for all ages in accordance with the submitted outline application and in accordance with, Policies BSC10, BSC11, ESD6, ESD7, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

24. In the event that Option 1 related to the cricket pitches is proposed, then prior to or concurrently with the Reserved Matters submission for the cricket pitches, details of the related pavilion building and associated infrastructure for such sports facilities shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include:

- i. A building with changing rooms and facilities to Sport England standards.
- ii. Social space with bar and facilities for the community and cricket teams
- iii. Car parking, including disabled parking provision, minibus parking and electric vehicle charging points with ability to adapt spaces to accommodate further minibus parking.
- iv. Cycle parking provision including provision for e-scooter and e-bike charging
- v. Storage for sports and training equipment
- vi. Measures to reduce energy, heating and water consumption and adapt to the requirements as a minimum of the equivalent of BREEAM Very Good and mitigate for climate change.

The development of the pavilion building and parking shall be carried out in accordance with the approved details and to an agreed timescale and retained thereafter

Reason: To ensure that the proposals deliver an appropriate standard of cricket infrastructure to support recreational opportunities for all ages in accordance with the requirements of Policies BSC10, BSC11, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework.

25. In the event that Option 1 related to the cricket pitches proposed, the pitches shall not be laid out unless and until:

a) a detailed assessment of ground conditions of the land proposed for the cricket pitches has been undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and

b) based on the results of the assessment to be carried out pursuant to (a) above of this condition, a detailed remediation scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) and which sets out an implementation strategy for the works and approach to public access has been submitted to and approved in writing by the Local Planning Authority

c) Detailed submissions with regard to the layout, lighting (including light spillage details), permanent sports equipment and practice areas have been submitted to and approved in writing by the Local Planning Authority.

The development of the cricket pitches shall be carried out in accordance with the approved scheme and retained thereafter.

Reason: To ensure that the proposals deliver an appropriate standard of pitches to facilitate recreational opportunities for all ages in accordance with the submitted outline details and in accordance with the requirements of Policies ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework.

26. In the event that Option 2 related to the country park is proposed, a scheme for the park shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include the provision of a network of routes and their proposed surface treatment, a planting schedule, programme for implementation and areas of interest for people to dwell, including picnic areas.

The country park shall be implemented in accordance with the approved scheme and shall thereafter be retained as such for the lifetime of the development.

Reason: In the interests of biodiversity enhancement and visual amenity in accordance with Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

27. As part of the Reserved Matters submission in any phase of development a scheme of hard and soft landscaping works in that Development Parcel will be submitted for the approval of the Local Planning Authority. The details relation to the submission will include but not be limited to the following:

- Identification of existing trees, shrubs and other vegetation to be retained
- Wildlife habitat creation of potential benefit to protected species. The extent, location and design of such habitat shall be shown clearly and fully described.
- The creation of a visually attractive and stimulating environment for the occupiers of the future development, and other users of the site.
- Details of street furniture including bins, seating, dog bins, and boundary treatment.
- The replacement of trees proposed to be lost in site clearance works.
- Details of the future management of the landscape scheme.
- Ground preparation measures to be adopted.
- Full botanical details, numbers, locations, planting specifications and densities/seeding rates of all plant material included within the landscape scheme.
- Existing and proposed levels.
- Programme for delivery of the approved scheme

The approved scheme shall be implemented in accordance with the relevant approved programme for delivery forming part thereof and shall be managed for at least 5 years from the completion of the relevant scheme, in accordance with the approved management details. Any trees or planting which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and protect wildlife in accordance with Policies ESD10, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework.

28. Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the site shall be managed in accordance with the details of the approved LEMP.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

29. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of 'Biodiversity Protection Zones';
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs
- i) Badger surveys
- j) Soft felling measures for trees with bat roost potential

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

30. Prior to the commencement of development, an arboricultural method statement, which includes tree protection measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the statement's recommendations.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity in accordance with Policies ESD10 and ESD13 of the Cherwell Local Plan Part 1 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

31. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential or other sensitive properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with the occupiers of those properties shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall be carried out in accordance with approved CEMP.

Reason: To ensure the development do not adversely impact the amenities of existing residents in the locality in accordance with Saved Policies ENV1 and ENV1 of the Cherwell Local Plan (1996) and Government guidance in the National Planning Policy Framework.

32. No part of the development hereby permitted shall take place until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out by a competent person and in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management (LCRM)" and has been submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

33. If a potential risk from contamination is identified as a result of the work carried out under condition (32), prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management (LCRM)" and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

34. If contamination is found by undertaking the work carried out under condition (33), prior to the commencement of the development hereby permitted, a scheme of

remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management (LCRM)" and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

35. If remedial works have been identified in condition (32), the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition (32). A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

36. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

37. Pre-commencement Biodiversity Enhancement Management Plan (BEMP) condition – wording TBC.

38. No occupation shall take place on any phase of the development until a detailed lighting strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details. The details to be submitted shall include:

- i. Lighting for play
- ii. Lighting for public realm and walking and cycling routes
- iii. Landscape and ecological areas where lighting will be prohibited.
- iv. A strategy for roads and development parcels.
- v. A strategy for mitigation to reduce light pollution during construction.

Reason: To minimise light pollution from the construction and operational phase of development and to ensure that the proposals are in accordance with Policies BSC10, BSC11, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework

39. As part of the Reserved Matters submission for any Development Parcel or Phase of Development, a strategy shall be submitted to and agreed in writing by the Local Planning Authority to demonstrate the completion of infrastructure to facilitate the provision of fibre optic cabling to each Development Parcel upon the completion of the infrastructure in accordance with the approved site wide strategy. The scheme shall be implemented in accordance with the agreed details and timescales and retained thereafter.

Reason: To provide appropriate and sustainable infrastructure for high speed internet connection in accordance with the aims and objectives of the National Planning Policy Framework.

40. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR150, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved in writing by the Local Planning Authority and the Authority has provided authorisation for the development to proceed under the district newt licence. The delivery partner certificate must be submitted to this Local Planning Authority for approval prior to the commencement of the development hereby approved.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML OR150, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006

41. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR150, or a 'Further Licence') and with the proposals detailed on plan "Land North of The Moors: Impact plan for great crested newt District Licensing (Version 1)", dated 1st September 2025.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML OR150, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

42. As part of any submission for reserved matters, full details of a renewable energy and sustainable construction strategy for the site in accordance with the principles outlined in the approved Sustainability Statement by Savills Earth and policies ESD1-5 of the Cherwell Local Plan (2015), shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of any building the renewable energy serves.

Reason: To encourage the use of renewable and low carbon energy and incorporation of sustainable construction in accordance with Policy ESD1-5 of the Cherwell Local Plan 2011-2031 Part 1

43. The Reserved Matters submission shall include details of proposed refuse and waste recycling facilities for the proposed building(s) in that submission.

The approved scheme for any individual building shall be implemented before that building is brought into use and shall be thereafter retained.

No materials, goods or refuse shall be stored or deposited in the open on any part of the site at any time, other than as may be associated with construction on the site.

Reason: To ensure the satisfactory appearance and functioning of the development, and to promote recycling in accordance with the requirements of Policies ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

APPENDIX 1- Heads of Terms for Section 106 Agreement/undertaking

Planning obligation			Regulation 122 Assessment
Detail	Amounts, where applicable (all to be Index linked)	Trigger points	
Affordable Housing	50% Affordable Housing Based on an overall mix of 60% social rent and 40% shared ownership Submission of a site wide affordable housing scheme for approval by the District council.	Suitable trigger points for the delivery of affordable housing alongside the delivery of market dwellings to be agreed.	Necessary: The site is subject to the NPPF's 'Golden Rules' affordable housing provisions under paragraph 157 of the NPPF. Directly related: The affordable housing will be provided for the need identified in the Local Plan and NPPF. Fairly and reasonably related in scale and kind: The contribution is the level of the expected affordable housing.
BOBICB	£308,104.00 (Price base September 2025)	Trigger to be agreed.	Necessary: The proposed development of 340 dwellings will increase the population by an estimated 816. This will impact on primary health care infrastructure where there is insufficient capacity to accommodate the additional patients. The requested financial contribution will support the creation of additional clinical capacity at The Key Medical Practice or an identified primary care estates project in the local area to

Planning obligation			Regulation 122 Assessment
			serve the development. Directly related: The proposals would be used towards the creation of consultation space. Fairly and reasonably related in scale and kind: Yes
Thames Valley Police	£65, 689.00 (Price base TBC)	Trigger to be agreed.	Necessary: Towards provision of additional Policing Infrastructure required to mitigate development impacts. Directly related: Development will increase population and necessitate policing infrastructure to ensure safety with development and wider community. Fairly and reasonably related in scale and kind: Yes

Planning obligation			Regulation 122 Assessment
Public Art, Public Realm and Cultural Wellbeing	£85, 680.00 (SPD Price base – Q2 2017). This also could be delivered through a public art strategy as part of the approval	First occupation or an alternative agreed trigger.	Necessary: In accordance with the Council's Adopted SPD. Public Realm, Public Art and Cultural Well-being. Public realm and public art can play an important role in enhancing the character of an area, enriching the environment, improving the overall quality of space and therefore people's lives. SPD 4.132 The Governments Planning Practice Guidance (PPG) states public art and sculpture can play an important role in making interesting and exciting places that people enjoy using and for neighboring communities. Directly related: The recommendation is to engage a lead artist/artist team to develop a series of bespoke and creative way markers or landmark features around the site or within a specific area. The design of these should seek to be interactive and encourage imaginative play and stimulate curiosity about the natural and historic environment. It is also recommended that the design and execution of the artwork embed participatory activity for local schools and community groups to ensure the work is meaningful and inspires cultural wellbeing.

Planning obligation			Regulation 122 Assessment
			Fairly and reasonably related in scale and kind: Based on £250 for market and £200 for affordable dwellings which includes a 12% for management and maintenance (£) is deemed proportionate to the scale and location of the development.
Outdoor Sports Provision	£955, 305.00 (Price base TBC). This is only payable if the country park is proposed at reserved matters, as opposed to the cricket pitches which would negate the need for this contribution.	An appropriate trigger will be agreed through the drafting of the s106 Agreement.	Necessary: The proposed development will lead to an increase in demand and pressure on existing outdoor sport services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD. Contributions would go towards the provision of new and/or improved facilities in the locality. Directly related: The future occupiers will place additional demand on existing facilities.

Planning obligation			Regulation 122 Assessment
			Fairly and reasonably related in scale and kind: Calculations will be based on the xx based on the final mix of housing and number of occupants.
Indoor Sports Provision	£361, 941.00 (Price base – TBC).	An appropriate trigger will be agreed through the drafting of the s106 Agreement.	Necessary: The proposed development will lead to an increase in demand and pressure on existing indoor sport services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD. Contributions would go towards the provision of new or improved facilities in the locality. Directly related: The future occupiers will place additional demand on existing facilities. Fairly and reasonably related in scale and kind: Calculations will be based xx based on the final mix of housing and number of occupants.

Planning obligation			Regulation 122 Assessment
Community Hall	£374, 682.72 (SPD Price base – Q2 2017).	An appropriate trigger will be agreed through the drafting of the s106 Agreement.	Necessary: Required in accordance with Policy BSC 12 and the Developer Contributions SPD. Contribution will go towards improvements to community hall facilities in the locality. Directly Related: The future occupiers will place additional demand on existing facilities. Fairly and Reasonably related in scale and kind: Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.
Community Development Worker	£37, 449.61 (SPD Price base – Q2 2017).	An appropriate trigger will be agreed through the drafting of the s106 Agreement.	Necessary: Community development is a key strategic objective of the Cherwell Local Plan. The Local Plan includes a series of Strategic Objectives and a number of these are to facilitate the building of sustainable communities. SO10 is a strategic objective to provide sufficient accessible good quality services, facilities and infrastructure including green infrastructure, to meet health, education, transport, open space, sport, recreation, cultural, social, and other community needs, reduce social exclusion and poverty and address

Planning obligation			Regulation 122 Assessment
			inequalities in health, maximising well-being. Paragraph B.86 of the Local Plan states that the Council wishes to ensure that new development fully integrates with existing settlements to forge one community, rather than separate communities. Directly Related: The contribution shows how the developer will support the initial formation and growth of the community through investment in community development, which enhances well-being and provides social structures through which issues can be addressed. Fairly and Reasonably related in scale and kind: Yes

Planning obligation			Regulation 122 Assessment
Community Development fund	£15, 300.00 (SPD Price base – Q2 2017).	An appropriate trigger will be agreed through the drafting of the s106 Agreement.	Necessary: The NPPF (December 2024) at Paragraph 98 states that planning should “take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community”. Directly Related: The contribution towards community development work which will include initiatives to support groups for residents of the development. Fairly and Reasonably related in scale and kind: Yes
A public transport services contribution	£463, 760.00 (RPIX Price base October 2024) – to improve public transport services near the site. £29, 728.00 (Baxter Price Base October 2024) – to improve Bus stop infrastructure near the site.	First Occupation or alternative agreed trigger.	Necessary: The contribution is necessary to provide sustainable transport options to the site and as part of the overall public transport provision Directly related: The proposal provides for residential which should be reasonably accessible via public transport modes to ensure occupiers have options to use sustainable modes of transport. It is therefore directly related to the development.

Planning obligation			Regulation 122 Assessment
			Fairly and reasonably related in scale and kind: The level is at an established rate and based on number of dwellings.
Sustainable Transport Infrastructure	£437, 181.11 (Baxter Price Base June 2022) – towards the costs of the A44 Mobility Hub.	First occupation or alternative agreed trigger.	Necessary: The contribution is necessary to provide mobility hub which will mitigate traffic related impacts caused by the development. Directly related: The proposal provides causes an increase to traffic in the locality which needs to be mitigated for. Therefore, the contribution is directly related to the development. Fairly and reasonably related in scale and kind: The level is at an established rate and based on number of dwellings.
Bicester Road highway improvement scheme	£349, 140.00 (Baxter Price base July 2023).	First occupation or alternative agreed trigger.	Necessary: The contribution is necessary to improve highway infrastructure to mitigate road traffic impacts caused by the development. Directly related:

Planning obligation			Regulation 122 Assessment
			The proposal provides causes an increase to traffic in the locality which needs to be mitigated for. Therefore, the contribution is directly related to the development. Fairly and reasonably related in scale and kind: The level is at an established rate and based on number of dwellings.
Travel Plan Monitoring contribution towards the cost of monitoring travel plans over the life of the plans	£2, 035.00 (RPIX Price base April 2025)	An appropriate trigger will be agreed through the drafting of the s106 Agreement.	Necessary: The site will require a framework travel plan. The fee is required to cover OCCs costs of monitoring the travel plans over their life. Directly related: The contribution is directly related to the required travel plans that relate to this development. Monitoring of the travel plans is critical to ensure their implementation and effectiveness in promoting sustainable transport options. Fairly and reasonably related in scale and kind: The amount is based on standard charging scales which are in turn calculated based on the Officer time

Planning obligation			Regulation 122 Assessment
			required at cost.
Public Rights of Way	£120,000.00 (Price base Baxter/BCIS Q1 2025)	An appropriate trigger will be agreed through the drafting of the s106 Agreement.	Necessary: There is expected to be an increase in numbers of residents and visitors using the rights of way network around the site, simply due to the size of the development in a rural edge environment, effectively shifting the urban edge of Kidlington outwards. Even with the POS and green infrastructure provision onsite these users will create more use pressures on the rights of way network. It is considered necessary to extend mitigation measures outside of the site to provide better connectivity and useability for more people. Directly related: Related to rights of way and improvements arising from the development to support public rights of way enhancement. Fairly and reasonably related in scale and kind: Calculated on the basis of the impact arising from the development and the scale of the development.

Planning obligation			Regulation 122 Assessment
Primary and Nursery Education	£720, 534.00 (BCIS TPI = 390 Price base)	An appropriate trigger will be agreed through the drafting of s106 Agreement.	Necessary: To deliver on Primary and Nursery education provision serving the development. Directly related: Related to the pupils generated by the development Fairly and reasonably related in scale and kind: Calculated on the basis of pupil yield and cost per pupil.
Secondary Education	£3, 270, 780.00 (BCIS TPI = 390 Price base)	An appropriate trigger will be agreed through the drafting of the s106 Agreement.	Necessary: To deliver on Secondary education provision serving the development. Related to the pupils generated by the development Directly related: Related to the pupils generated by the development Fairly and reasonably related in scale and kind: Calculated on the basis of pupil yield and cost per pupil

Planning obligation			Regulation 122 Assessment
SEN Development	£306, 899.00 (BCIS TPI = 390 Price base)	An appropriate trigger will be agreed through the drafting of the s106 Agreement.	Necessary: To deliver Special school education capacity serving the development. Directly related: Related to the expected pupils generated by the development Fairly and reasonably related in scale and kind: Calculated on the basis of pupil yield and cost per pupil
Open and Recreational Space Maintenance	LAP; LEAP; NEAP; Cricket Pitches; Informal Public Open Space; Community Orchard; Hedgerow; New Woodland;	On transfer of the landscaping/phased contribution payment or payment to ESCROW accounts to provide security in the event that transfer is to a Management Company	Necessary: Policy BSC 11: Local Standards of Provision- Outdoor Recreation, Table 7: Local Standards of Provision - Outdoor Recreation If Informal open space/landscape typologies/ play areas are to be transferred to CDC for long term management and maintenance, the following commuted sums/rates covering a 15-year period will apply. The typologies are to be measured and multiplied by the rates to gain the totals. Directly related: Commuted sums/rates covering a 15-year period on open space and play facilities on site.

Planning obligation			Regulation 122 Assessment
	Mature Trees; Balancing Pond; Swale; Ditch; Allotments; These figures are the latest available to Officers and may be increased to reflect current rates in consultation and during the drafting of the s106.		Fairly and reasonably related in scale and kind: Contributions are sought in relation to the scale and amount of open space on site.
Library Services	£25, 579.00 (BCIS TPI 390 Price base) – towards expansion of library capacity at Kidlington Library.	On first occupation or alternative agreed trigger	Necessary: To improve the capacity and stock of Kidlington Library which will serve the development. Directly related: Kidlington Library is the nearest public

Planning obligation			Regulation 122 Assessment
	£12, 416.00 (RPIX Price base January 2025) – towards library stock at Kidlington Library.		library to the application site and is within walking distance of the site. Fairly and reasonably related in scale and kind: Contributions are sought in relation to the scale of the development.
Waste and Recycling (OCC)	£35, 190.00 (BCIS TPI 390 Price base)	On first occupation or an alternative agreed trigger	Necessary: Expansion and efficiency of Household Waste Recycling Centers (HWRC) to serve the development. Directly Related: Will be towards providing waste services arising from the development. Fairly and reasonably related in scale and kind: Calculated on a per dwelling basis total land required for current dwellings

Planning obligation			Regulation 122 Assessment
Other on-site Facilities to be provided on site	Allotments and/or Community Orchard. Either one of the two or a combination of both subject to the appropriate sizes would be acceptable and contribute towards food production objectives, healthy lifestyles, enhance biodiversity and community strengthening initiatives.	To be agreed and in accordance with the Phasing and delivery of the on-site works.	Necessary: Ensure that the development provides and delivers all the onsite facilities required across the site in accordance with Policy BSC 11 of the Local Plan. Directly Related: A development of this size and scale requires provision of such facilities to support food production and healthy lifestyles. Fairly and reasonably related in scale and kind: Ensures that the proposal delivers all the onsite facilities proposed across the site in a fair and equitable manner.
BNG	Submission of habitat monitoring and maintenance plan/reports and monitoring fee over the course of the 30-year maintenance period. Monitoring fee of £550.00 per report (Price base TBC)		Necessary: Site is subject to the mandatory legislative BNG requirements under the Environmental Act 2021. Directly Related: Development will create BNG-related landscape and ecological features which will require to be monitored over the 30-year maintenance period to ensure that they achieve the intended

Planning obligation			Regulation 122 Assessment
	The above figure is the latest available to Officers and may be increased to reflect current rates in consultation and during the drafting of s106.		uplift in BNG. Fairly and reasonably related in scale and kind: The monitoring fee is based upon the CDC agreed Fees and Charges Schedule.
OCC Archaeology	£2, 333.00 (RPIX Price base October 2023) – towards enhanced display capability at the Museum Resource Centre at Standlake near Witney. £1,376.00 (RPIX Price base October 2023) – towards the storage of archaeological archives at the Museum Resource Centre.	To be agreed	Necessary: To ensure historic evidence is appropriately recorded and stored, as appropriate. Directly Related: Yes, this is related to archaeological works and investigations on the site. Fairly and reasonably related in scale and kind: Contributions are sought in relation to the scale of the development.

Planning obligation			Regulation 122 Assessment
CDC Monitoring Fee OCC Monitoring Fee	CDC: A bespoke monitoring fee will be required based on the scale of development. OCC: To be confirmed and a bond will be required in accordance with OCC bond policy.	On completion of the S106	The CDC charge is based upon its agreed Fees and Charges Schedule and OCC based on its adopted OCC scale of fees and charges and bond policy.

25/02114/F

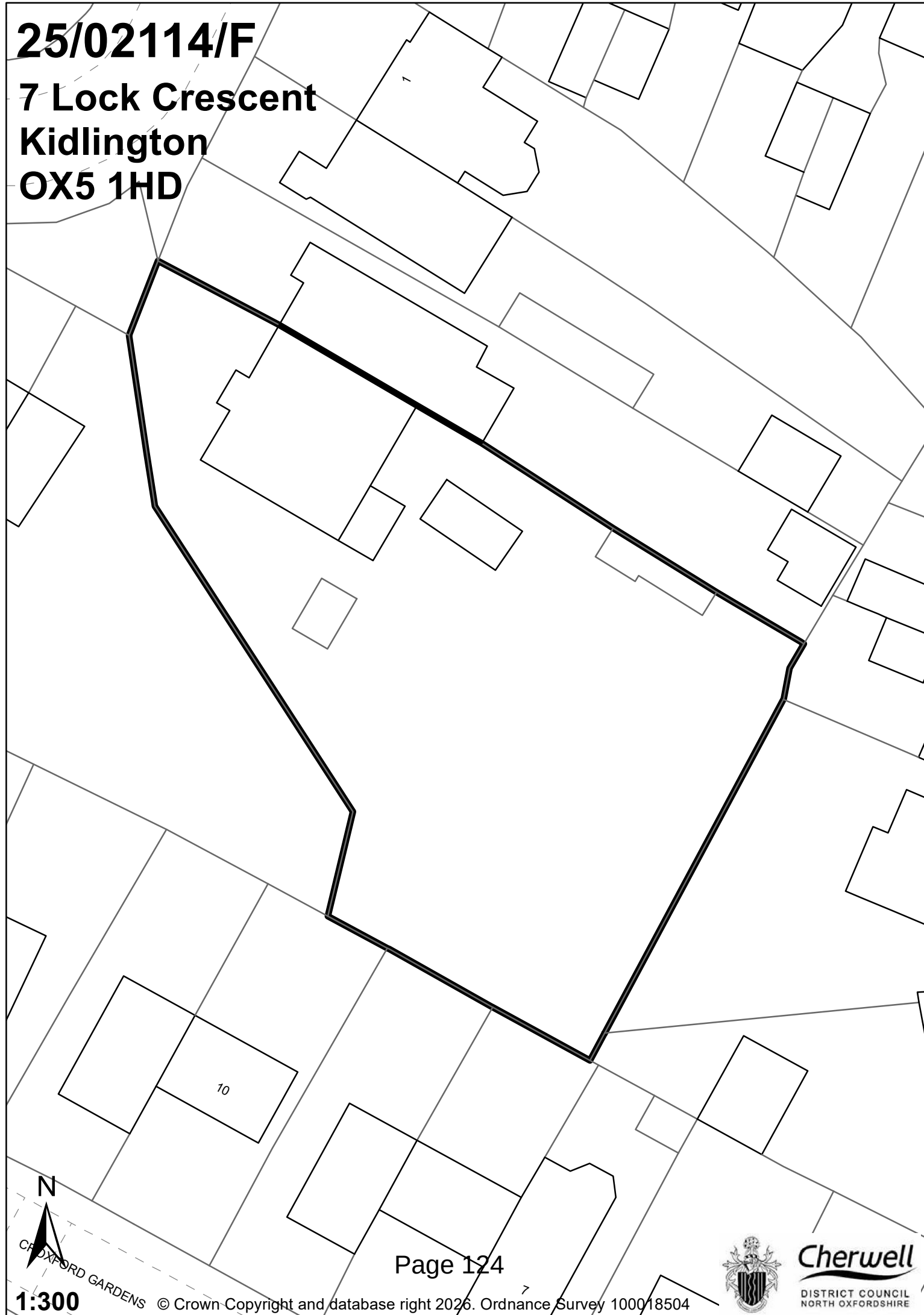
**7 Lock Crescent
Kidlington
OX5 1HD**

Agenda Item 9



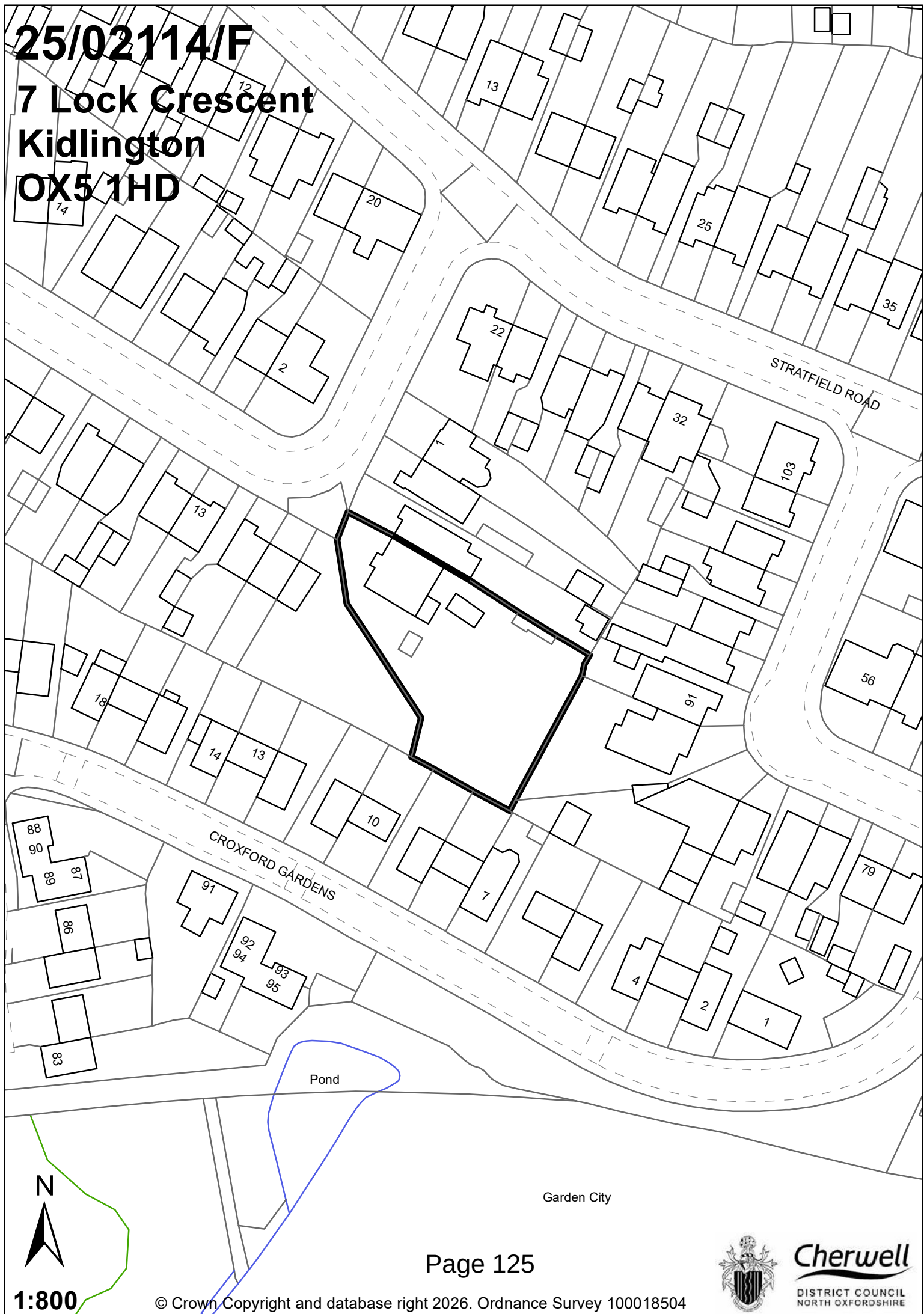
25/02114/F

**7 Lock Crescent
Kidlington
OX5 1HD**



25/02114/F

7 Lock Crescent
Kidlington
OX5 1HD



Case Officer: Rob Duckworth

Applicant: Co-Living Capital 2 Ltd

Proposal: Change of Use from a residential dwelling (Use Class C3) to a 10 bedroom House in Multiple Occupation (Use Class Sui Generis) and associated works including installation of bike and bin stores; single storey rear extension

Ward: Kidlington East

Councillors: Cllr. Mawson, Cllr. Middleton and Cllr. Ward

Reason for Referral: Called in by Councillors Mawson and Middleton for the following reasons: Concerns about the intensification of use and parking impacts.

Expiry Date: 31 October 2025

Committee Date: 15 January 2026

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. No. 7 Lock Crescent is a semi-detached dwelling within an established residential area of Kidlington. The surrounding area comprises predominantly family housing in a suburban layout, with residential roads, private drives and on-street parking. The property benefits from a corner plot location resulting in a wedge shaped plot with the rear garden widening significantly.
- 1.2. The site is not within a conservation area and no listed buildings are affected. The main constraints relevant to the assessment are the relationship with neighbouring dwellings, local parking conditions, and known localised surface water / sewer capacity concerns raised by residents.

2. CONSTRAINTS

- 2.1. Key planning constraints are limited and typical of an established residential street:
 - Residential character and sensitivity to intensification.
 - On-street parking conditions in the locality.
 - Localised surface water / drainage matters (raised locally and by consultees).

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposal involves the change of Use from a residential dwelling (Use Class C3) to a 10 bedroom House in Multiple Occupation (HMO) (Use Class Sui Generis) and associated works including installation of bike and bin stores; single storey rear extension.

- 3.2. A 10-bedroom HMO falls outside Use Class C4 (which is limited to small HMOs of up to 6 unrelated individuals) and is therefore sui generis. The proposal therefore constitutes development requiring planning permission.
- 3.3. The proposal provides 10 bedrooms for individual occupants, communal space, and associated external works. The amended parking layout provides 5 off street parking spaces with 4 to the side / rear.
- 3.4. An 'Introduction to Ox Living' has been submitted that outlines how the company manages its properties and the benefits they provide to the community with other similarly sized and located HMOs being very well received by residents of the surrounding communities.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:
 - 25/01605/HPA – prior approval not required for a single storey rear extension (rear sunroom demolition and replacement extension).
 - 25/01728/CLUP – refused certificate for a proposed dormer (not permitted development).
 - 95/01712/F – permission for a two-storey extension and detached double garage.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place with regard to this proposal

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **7 October 2025** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **7 October 2025**.
- 6.2. The application was called in to Planning Committee by local members due to concerns about the intensification of use and parking impacts.
- 6.3. The application received 15 objections from local residents and a response from Kidlington Parish Council.
- 6.4. The main issues raised can be summarised as:
 - Intensification of use in a family housing area and effect on character.
 - On-street parking pressure, highway safety, and potential overspill parking.
 - Noise and general disturbance associated with a large HMO.
 - Fear of crime / anti-social behaviour and security concerns.
 - Refuse storage and servicing impacts.
 - Surface water flooding history and foul sewer capacity concerns.
 - Construction impacts (temporary).
 - Impact on property values (not a planning matter).
- 6.5. The comments received can be viewed in full on the Council's website, via the online Planning Register

7. RESPONSE TO CONSULTATION

7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

7.1. Kidlington Parish Council raised the following concerns:

- **Parking:** The proposal will place additional pressure on an area where parking is already limited, creating further difficulties for residents and visitors.
- **Flooding:** The location is already at high risk of flooding, and additional development could increase surface water run-off, worsening existing problems.
- **Foul Sewage System:** The existing foul sewage system is at capacity, and further development would place additional strain on this infrastructure.

For these reasons, Kidlington Parish Council requests that these issues be fully addressed before any decision is made.

7.2. Cherwell District Council (Drainage): No objections on flood risk or drainage grounds, subject to any comments from Thames Water regarding sewer capacity.

7.3. CDC Local Land Drainage / Building Control & Flood Risk: Notes surface water risk mapping in the wider area, but advises the site is elevated relative to where flooding principally occurs. No sustainable reason for objection is identified. Emphasises the need for appropriate finished levels and drainage detailing

7.4. Thames Water: No response received.

7.5. CDC Environmental Health: No objections in relation to noise, air quality, contaminated land, odour or light.

7.6. CDC Housing Standards (Private Sector Housing): Initial concerns related to en-suite layout and HMO standards. Revised plans resolve the previously raised issues

7.7. CDC Ecology: Holding objection seeking clarification on (i) whether development would impact more than 25m² of habitat and (ii) whether roof/loft works could affect bats. The proposal is a domestic property, and the works are within the residential curtilage; protected species legislation applies in any event. The assessment below addresses this in the planning balance and informatives/conditions as appropriate

7.8. Thames Valley Police (Designing Out Crime Officer): Holding objection raising security-by-design matters (including secure doors, postal strategy, visitor entry system, secure cycle storage) and requesting controls around parking management (suggesting a comprehensive travel/management approach). These matters attract limited weight where they overlap with other control regimes but can be addressed through planning conditions where they meet the six tests.

8. RELEVANT PLANNING POLICY AND GUIDANCE

8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. The Cherwell Local Plan 2011-2031 - Part 1 (CLP 2015) was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

- PSD1 – Presumption in Favour of Sustainable Development
- BSC1 – District Wide Housing Distribution
- BSC4 – Housing Mix
- ESD1 – Mitigating and Adapting to Climate Change
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15 – The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, Design and External Appearance of New Development
- C30 – Design of New Residential Development
- ENV1 - Development likely to cause detrimental levels of pollution

CHERWELL LOCAL PLAN REVIEW 2042

- Policy COM7 (Sub-Division of Dwellings and Homes in Multiple Occupation).

8.3. This carries limited weight at this stage but is a relevant material consideration given it deals directly with HMOs and intensification of residential occupation.

NEIGHBOURHOOD PLANNING

8.4. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site lies within the parish of Kidlington. There is currently no made Neighbourhood Development Plan covering Kidlington, and there is no draft Neighbourhood Plan for the village at pre-submission or examination stage. Accordingly, no Neighbourhood Plan policies form part of the development plan for the purposes of determining this application.

8.5. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- NPPF Revision
 - On the 16 December 2025, the Government published its revised draft NPPF. The consultation on the proposed changes is set to run until 10 March 2026.
 - The proposed changes set out in the draft NPPF go beyond amendments and, instead, propose a complete restructure. However, given the infancy of the draft, which is at the start of the consultation process, the draft document no weight, at the time of writing this report.
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- Cherwell Council Home Extensions and Alterations Design Guide (2007)

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of Development
- Character and appearance

- Residential amenity
- Highway safety and parking
- Drainage, flood risk, and sewer capacity
- Crime prevention and security (Police comments)
- Ecology Impact

Principle of development

- 9.2. The proposal seeks permission to intensify occupation of an existing dwellinghouse by changing its use to a 10-bedroom HMO (*sui generis*). The key planning question is whether this intensified residential occupation is acceptable in this location, having regard to:
- the residential character of the area;
 - the effect on neighbouring living conditions;
 - the adequacy of parking/access and servicing;
 - the living conditions of future occupiers; and
 - whether any identified harms can be avoided or suitably mitigated through conditions.
- 9.3. The site lies within the built-up area of Kidlington where residential development is established and where a range of housing types and tenures are expected. A HMO remains a residential use in broad land use terms, but the planning impacts can differ from a single family dwelling due to:
- a higher number of independent occupants;
 - different patterns of activity across the day and week;
 - higher turnover and visitor activity; and
 - increased demand for parking, refuse storage and cycle storage.
- 9.4. The adopted development plan does not include a specific policy that resists HMOs in principle in Kidlington. The proposal must therefore be assessed against the plan's general design and amenity policies.
- 9.5. Policy ESD15 requires new development to deliver high quality places and to consider the amenity of both existing and future development, including privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. The policy is not limited to built form. It applies equally to changes of use where the effect of the use would materially alter the way the site functions and how it affects neighbours.
- 9.6. The Council's emerging policy position is set out in the Proposed Submission Cherwell Local Plan Review 2042. While it carries limited weight, Policy COM7 is a relevant material consideration as it is specifically directed at sub-division and HMOs. In summary, COM7 supports proposals for sub-division or HMOs requiring planning permission only where they would be unlikely to cause demonstrable harm to the amenities and privacy of neighbouring properties. It also expects compliance with parking standards, and requires regard to:
- the site's location in relation to the town centre and public transport;
 - existing street parking conditions in the locality.
- 9.7. At national level, the NPPF seeks to achieve healthy, inclusive and safe places (paragraph 96) and requires developments to create safe, inclusive and accessible places with a high standard of amenity for existing and future users, and where crime and disorder do not undermine quality of life (paragraph 135).
- 9.8. In principle, the re-use of existing housing stock to meet housing needs, including through the delivery of shared accommodation, can contribute to a more flexible housing offer. HMOs can provide smaller, more affordable rooms in high demand areas. That benefit is not determinative, but it is a relevant part of the overall planning balance.

- 9.9. In land use terms, the proposal remains residential. It does not introduce a commercial use. The principal planning question is whether the increase in the number of unrelated residents – and the associated patterns of movement, parking and servicing – would be compatible with the character of the area and the living conditions of neighbours.
- 9.10. The proposal is therefore acceptable in principle subject to the detailed assessment of impacts, with particular focus on residential amenity, parking and servicing. Those matters are addressed below.

Character and appearance

- 9.11. The proposal includes a single storey rear extension and modest external changes associated with bin and cycle storage and parking layout. The works remain domestic in scale and do not alter the street scene in a way that would conflict with the prevailing residential character.
- 9.12. Subject to control by condition to ensure the works proceed in accordance with the approved plans, the proposal accords with Policy ESD15 and saved Policy C28.

Residential amenity

A. Amenity impacts on neighbouring occupiers

- 9.13. The application has generated significant local concern. The central issue is whether the intensified occupation of the property would cause a level of harm to neighbouring occupiers that would be unacceptable when assessed against Policy ESD15, saved Policy C30, and the relevant NPPF requirements.
- 9.14. A change from a single household to a 10-bedroom HMO typically increases the number of independent occupants and the potential for activity outside standard family patterns. That can lead to:
- more frequent arrivals and departures;
 - increased vehicle movements, car door noise and short-stay parking;
 - higher levels of refuse generation and collection activity;
 - greater use of outdoor space at different times; and
 - increased potential for neighbour disputes and anti-social behaviour.
- 9.15. These outcomes are not inevitable. The planning judgement must focus on what is likely on this site, in this street, and whether the impacts would be materially worse than could reasonably be expected in a residential area.
- 9.16. The surrounding area is residential in character. The proposal remains residential in character in land use terms. The key compatibility issue is therefore not whether residential use is acceptable, but whether the likely level of activity, parking/servicing and disturbance would erode the residential character or cause unacceptable nuisance when assessed in terms of character and compatibility as considered by Policy C30.
- 9.17. Noise in residential areas arises from normal day-to-day living, including children and adults, visitors, deliveries and domestic activities. HMOs can increase the frequency of these activities. However, planning cannot and should not seek to regulate everyday domestic noise. The threshold is whether the proposal would be likely to cause a material increase in disturbance such that it becomes unacceptable for neighbouring occupiers.
- 9.18. The proposal does not include external alterations that would significantly change overlooking, a sense of enclosure or loss of daylight. The potential harm therefore relates primarily to activity and servicing rather than physical built form.

- 9.19. In this case, the Council can secure a clear and enforceable control over intensity by imposing:
- a requirement for suitable refuse storage and cycle storage (to reduce on-street impacts)
 - a requirement for parking and access arrangements to be provided and retained (to manage on-street parking pressure).
- 9.20. Whilst conditions cannot fully eliminate the risk of neighbour disturbance, they provide a material level of control and clarity over what has been approved and what would be subject to enforcement action.
- 9.21. Increased use of the rear garden can lead to noise and overlooking concerns. The extent of likely harm depends on existing separation distances, boundary treatment, and typical patterns of use in the locality. The proposal retains the existing domestic curtilage and does not introduce balconies, raised terraces or similar features. A condition can secure appropriate boundary treatment and the location of bin/cycle stores to avoid adverse visual intrusion.
- 9.22. HMOs generate higher volumes of refuse. Without adequate storage, bins can spill into frontages and footways, creating visual harm, odour and obstruction. This is a material planning consideration. The proposal must therefore demonstrate adequate bin storage capacity which avoids harm to the street scene and neighbouring amenity – a condition is therefore recommended.
- 9.23. Parking impacts can translate directly into residential amenity impacts, including congestion, obstruction of driveways, and increased noise from manoeuvring. The latest submitted parking arrangement (Site Plan Rev B) is therefore central to the amenity assessment as well as the highways assessment. Securing the revised parking/access arrangements by condition is necessary to reduce the likelihood of overspill parking and consequent neighbour impacts.
- 9.24. On the evidence available, and subject to conditions, the proposal is not considered likely to result in demonstrable harm of a level that would justify refusal on amenity grounds.

B. Amenity for future occupiers

- 9.25. Planning decisions must also have regard to the living conditions of future occupiers. This is reflected in Policy ESD15 (amenity of future development) and the emerging Policy COM7, which highlights the importance of satisfactory living conditions for HMO occupiers.
- 9.26. The submitted plans indicate a layout capable of functioning as shared accommodation, with dedicated bedrooms and shared facilities. Matters such as minimum room sizes, fire safety and specific management arrangements sit primarily within the separate HMO licensing and Building Regulations regimes. However, the planning system must still be satisfied that the use would provide acceptable living conditions in broad terms. It should be noted that Housing Standards initially responded stating that room sizes were too small, but this has now been amended, and all rooms are adequate to meet minimum standards
- 9.27. The property benefits from an established residential setting with access to private outdoor space. The proposal also includes (or can be conditioned to include) secure cycle storage, refuse storage and safe access, all of which contribute to the functional quality of the use.
- 9.28. A condition requiring the cycle and refuse stores to be provided prior to occupation and retained thereafter is therefore justified not only to protect neighbours, but also to provide acceptable standards for residents.

C. Community safety and crime (Police consultation)

- 9.29. The Police response raises concerns around crime, anti-social behaviour and security. The NPPF is clear that planning should aim to achieve safe places where crime and disorder do not undermine quality of life (paragraphs 96 and 135).
- 9.30. Some aspects of these concerns relate to the day-to-day management of occupants, which is not effectively controlled through planning conditions and is addressed through licensing and general law. However, planning can appropriately secure measures that relate to the physical environment and the ability to manage the site, such as:
- external lighting details (to avoid dark corners and to protect amenity from light spill);
 - secure cycle storage and refuse storage (to reduce theft and reduce street clutter);
 - basic management arrangements such as a single point of contact for complaints and a commitment to a refuse and parking management approach.
- 9.31. These controls, other than in respect of external lighting which cannot be justified, can be secured by condition in a way that is reasonable, enforceable and proportionate to the development. Subject to these safeguards, the Police concerns are not considered to justify refusal.

Highway safety and parking

- 9.32. Local concern focuses on overspill parking and congestion. Highways required 0.5 spaces per bed being provided so in this instance that equates to 5 dedicated off street car parking spaces. The parking layout has been revised, and the assessment proceeds on the basis that the Highway Authority has no objection, subject to conditions securing the parking and access arrangements as shown on the approved site plan prior to first occupation as an HMO.
- A condition is required to ensure the parking spaces are provided and retained;
 - access is kept available; and
 - cycle parking is provided to support non-car travel.
- 9.33. With these controls, there is no sustainable highway reason for refusal.

Drainage, flood risk, and sewer capacity

- 9.34. Residents and the Parish Council raise concerns regarding surface water flooding and foul sewer capacity in the wider area. CDC Drainage raises no objection, subject to Thames Water capacity comments (no response received). Local Land Drainage advises that the site is elevated relative to where flooding principally occurs, and that an objection could not reasonably be sustained.
- 9.35. The proposal sits within an existing residential curtilage and does not create a new dwelling. Any increase in activity does not, in itself, demonstrate a material increase in flood risk.
- 9.36. On the evidence available, drainage considerations do not justify refusal.

Crime prevention and security (Police comments)

- 9.37. The Police comments refer to Secured by Design principles and specific security measures. These matters overlap with Building Regulations and HMO licensing, but

NPPF paragraph 135(f) supports reasonable measures to ensure places are safe and that fear of crime does not undermine quality of life.

- 9.38. A proportionate condition requiring submission and implementation of a site-specific Security Strategy (covering access control, cycle store security, and postal security) is reasonable and enforceable.

Ecology Impact

- 9.39. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law.
- 9.40. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.41. Paragraphs 180, 186 and 191 of the NPPF all direct that developments should consider their context, including protected species and biodiversity.
- 9.42. Policies ESD10 and ESD11 of the Cherwell Local Plan 2015 list measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.43. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.
- 9.44. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development
- 9.45. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site consists of a well-managed, closely mown lawn with fencing and semi-established hedgerow to the boundaries. There are a number of trees close by and in the boundary of the site which would not be affected by proposals. There are no buildings to be removed or altered due to the proposed development.
- 9.46. Having considered Natural England's Standing Advice and taking account of the site constraints, it is considered that the site has limited potential to contain protected species and any species present are unlikely to be adversely affected by the proposed development. As such no formal survey is required and in the absence of which this does not result in a reason to withhold permission. An informative reminding the applicant of their duty to protected species shall be included on the decision notice and is considered sufficient to address the risk of any residual harm.
- 9.47. The application concerns an existing residential property and associated small-scale works. No designated sites are affected. The Ecology Team requested clarification on

habitat loss and any roof/loft works which could affect bats. The proposal can be controlled by condition/informative to ensure compliance with protected species legislation and to secure any necessary checks where works could affect roosting bats or nesting birds. This is appropriate given the fact that the property is a domestic property where substantial works can be carried out with permission that would not be subject to ecological surveys and review – the protected species legislation (see informatives) is considered sufficient for such a development.

9.48. On this basis, ecology matters do not justify refusal.

10. PLANNING BALANCE AND CONCLUSION

10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.

10.2. The proposal would provide an additional form of residential accommodation within a sustainable, built-up residential location. The main potential harms relate to the intensified pattern of occupation and the associated impacts on neighbouring amenity and local parking.

10.3. Having regard to the development plan policies, the NPPF, and the limited-weight emerging Policy COM7, it is considered that the proposal can be made acceptable through conditions securing:

- the revised parking/access arrangements;
- appropriate refuse and cycle storage and management measures; and
- drainage controls for altered hardstanding.

10.4. On that basis, the proposal accords with Policy ESD15 and saved Policy ENV1 and C30, and no adverse impacts are identified that would significantly and demonstrably outweigh the benefits when assessed against the NPPF. The application is therefore recommended for approval, subject to conditions.

10.5. The proposal delivers professionally managed shared accommodation within a sustainable settlement location, without creating a separate dwelling. The principal concerns relate to residential amenity and parking impacts arising from intensified occupation

10.6. Subject to conditions securing:

- (i) parking/access provision,
- (ii) refuse and cycle storage, and
- (iii) proportionate security measures, the impacts can be controlled to an acceptable level.

10.7. There are no technical objections from Environmental Health or Drainage, and the Highway Authority position is treated as no objection following amendments. The proposal therefore accords with the development plan when read as a whole and with relevant NPPF provisions.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)

1. The development to which this permission relates shall be begun not later than

the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms and the following plans and documents:

- Existing Plans and Elevations 101
- Proposed Plans OXL-2512-103 F
- Lock Crescent OXL-2512-201 B Rev B Site Plan
- Lock Crescent OXL-2512-202 Rev A SLP and Block
- Lock Crescent OXL-2512-203 Rev A
- LOCK CRESCENT- REVISED FULL SCHEME- OXL-2512-201 REV A Proposed Floor Plans

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. **Parking and access to be provided (pre-occupation)**

Prior to the first use/occupation of the development hereby approved, the parking and manoeuvring area shall be provided in accordance with the approved plan (7 LOCKCRESCENT – SITE PLAN REV B, received 28.11.2025) and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter, the parking and manoeuvring areas shall be retained in accordance with this condition and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.

Reason: In the interests of highway safety and flood prevention and to comply with Policies ESD7 and ESD15 of the Cherwell Local Plan 2011–2031 Part 1 and government guidance contained within the National Planning Policy Framework.

4. **Cycle parking (pre-occupation)**

Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall have first been submitted to and approved in writing by the local planning authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of promoting sustainable transport modes in accordance with Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

5. **Refuse and recycling storage (pre-occupation)**

Prior to the first use/occupation of the premises as a House in Multiple Occupation, details of refuse and recycling storage (including siting, enclosure/screening and capacity) shall be submitted to and approved in writing by the local planning authority. The approved refuse and recycling

storage shall be provided prior to first occupation as a House in Multiple Occupation and shall thereafter be retained as such.

Reason: To ensure satisfactory refuse storage and collection arrangements, to safeguard the amenities of neighbouring occupiers and the appearance of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

Secured by Design

6. The development hereby approved shall not be occupied until details of how Secured by Design measures have been incorporated into the development have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the details of how the scheme accords with the secure by design principles shall include: details of all bedroom doors being certified to PAS24, with a door viewer installed; details of a secure postal strategy; and details of a visitor notification system (doorbell) for each bedroom. The Secure by Design measures shall be implemented in accordance with the approved detail and be retained and maintained in perpetuity.

Reason: In order to ensure the safety and security of any future occupants of the site and to comply with Government guidance contained within the National Planning Policy Framework and the Crime and Disorder Act 1998.

INFORMATIVES

1. HMO licensing and Building Regulations

This planning permission does not remove the need to obtain any consents or licences required under other legislation. The operator should contact the relevant licensing authority regarding HMO licensing requirements. Building Regulations approval may also be required for works and/or for change of use.

2. Drainage and sewerage (statutory undertaker)

The applicant is advised to contact the statutory undertaker (Thames Water) where new or altered connections are required, and to ensure that works do not compromise the existing public sewerage network.

3. Protected species and nesting birds

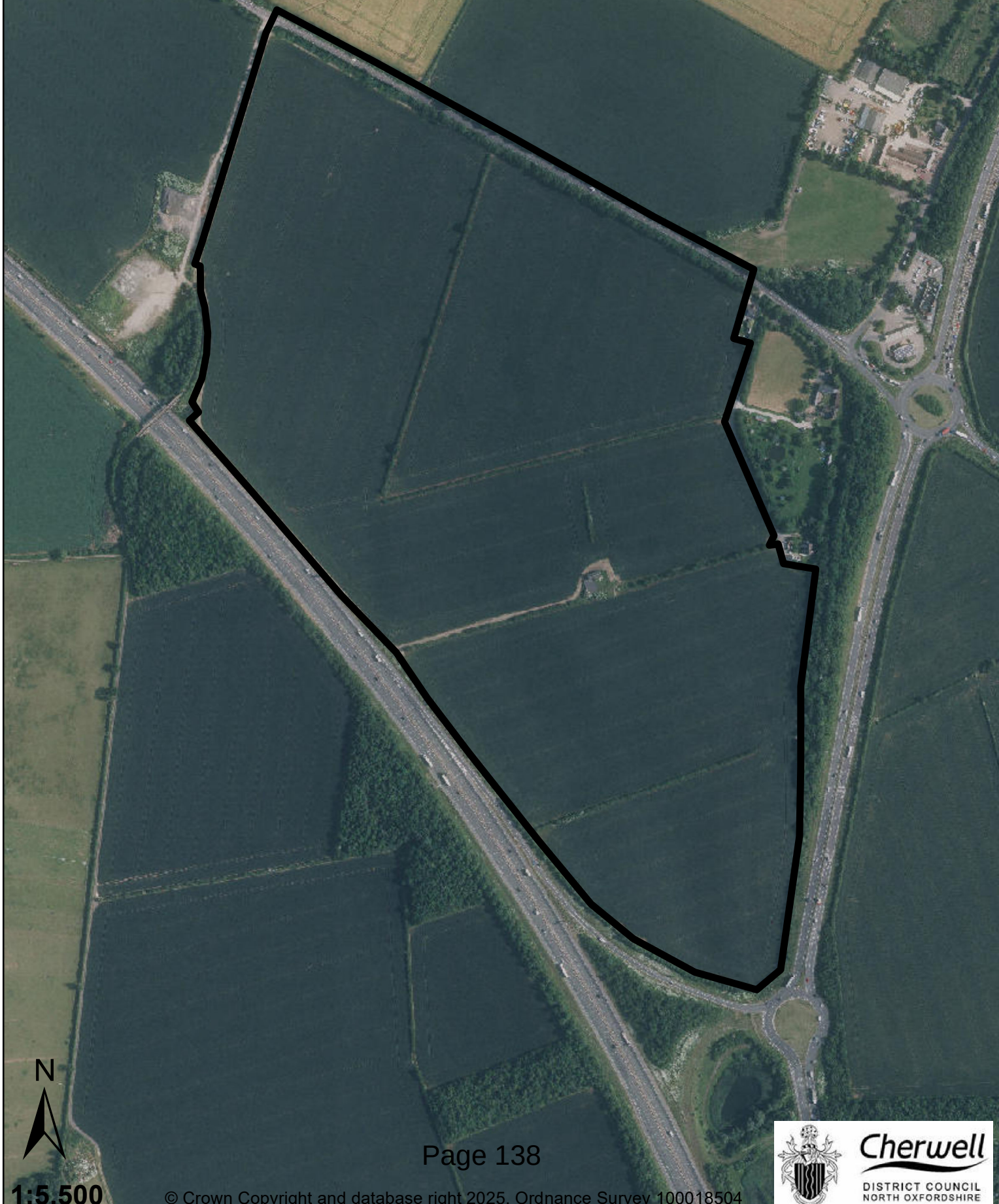
Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered, you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution.

4. Highways works

No works shall be carried out within the public highway without the appropriate permissions. The applicant should contact Oxfordshire County Council if any works are required within the highway.

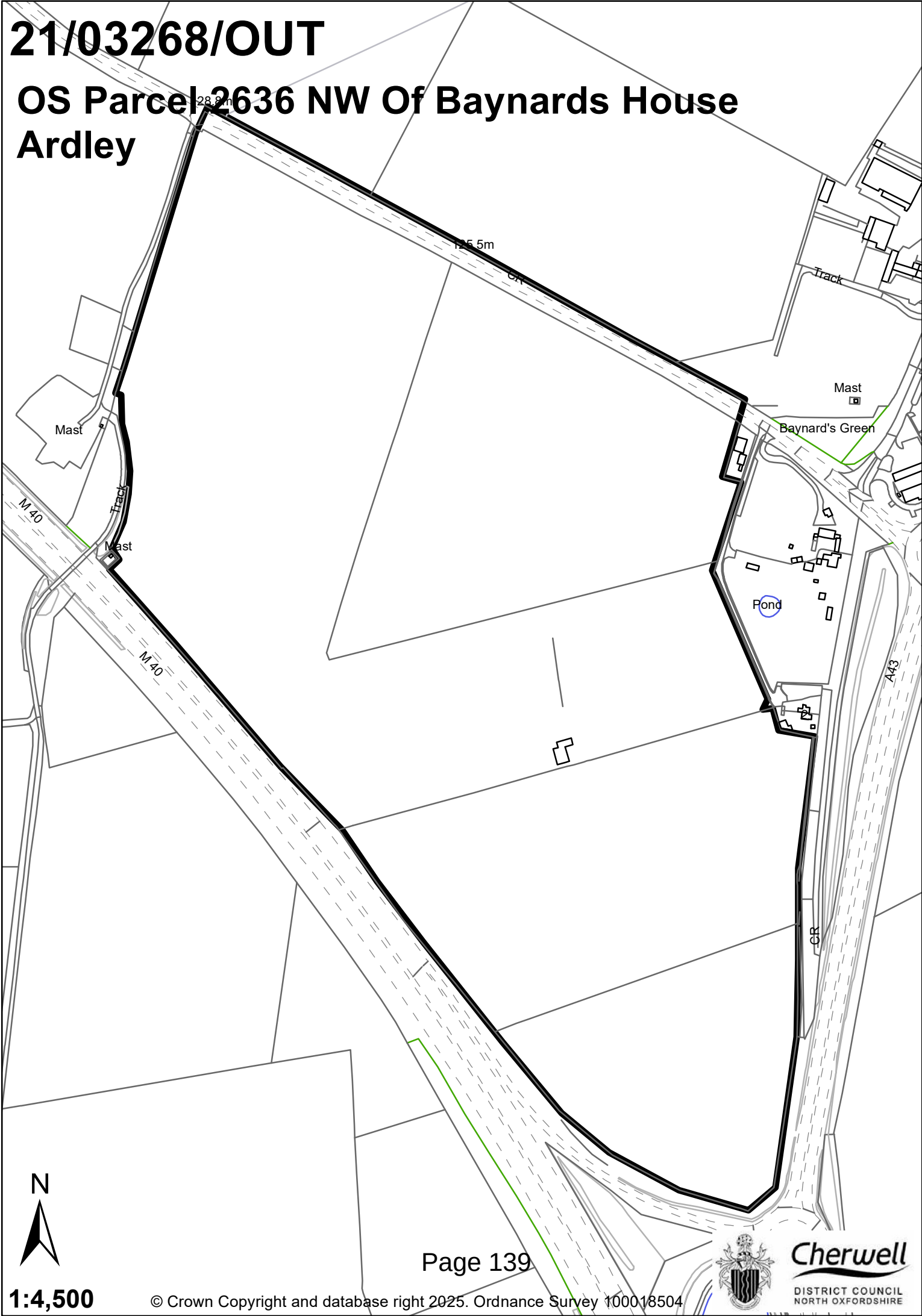
CASE OFFICER: Rob Duckworth

**OS Parcel 2636 NW Of Baynards House
Ardley**



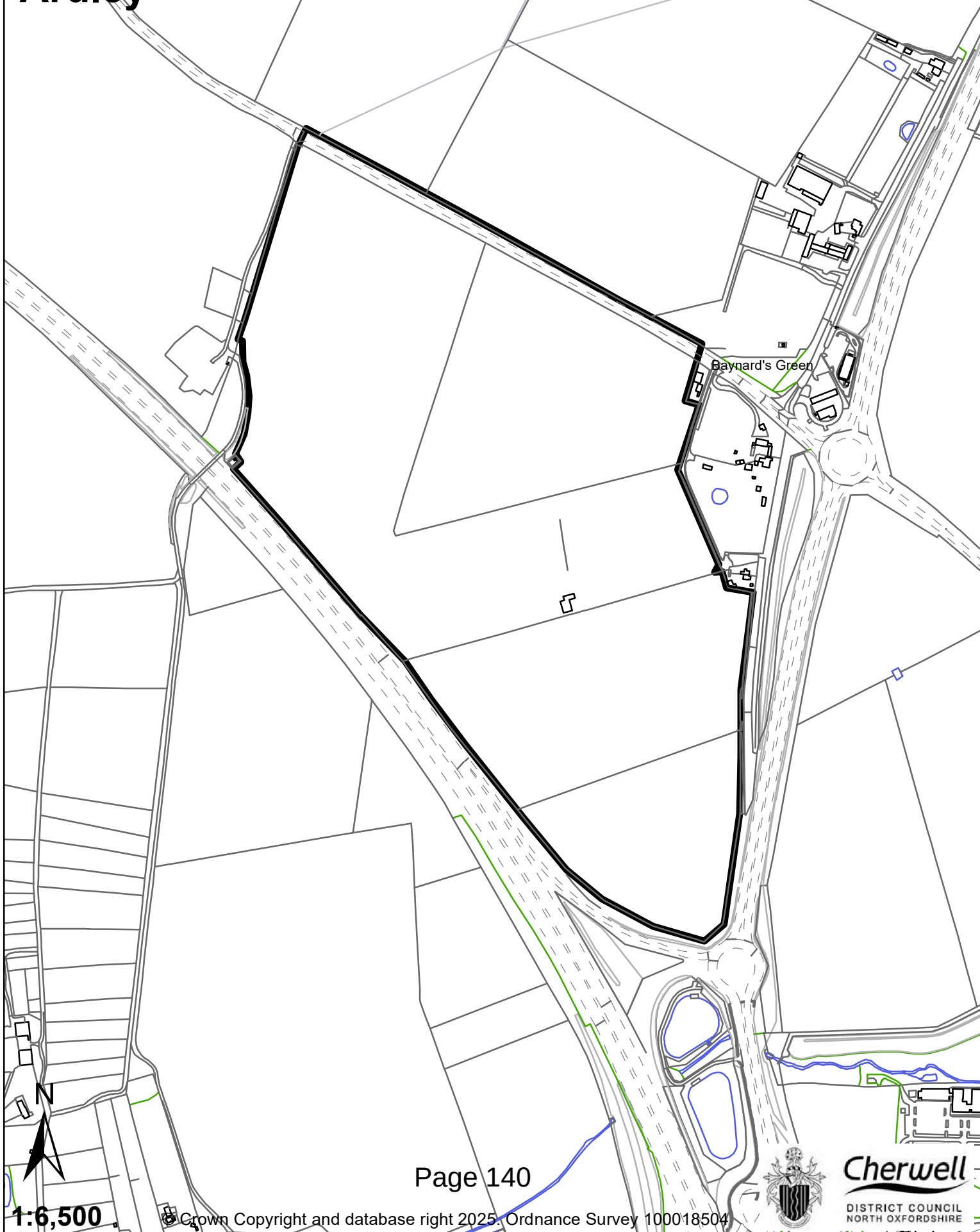
21/03268/OUT

OS Parcel 2636 NW Of Baynards House
Ardley



21/03268/OUT

OS Parcel 2636 NW Of Baynards House Ardley



Case Officer: Tom Webster

Applicant: Albion Land.

Proposal: Outline planning permission (all matters reserved except for access) for the erection of buildings comprising logistics (Use Class B8) and ancillary Office (Use Class E(g)(i)) floorspace; construction of new site access from the B4100; creation of internal roads and access routes; hard and soft landscaping including noise attenuation measures; and other associated infrastructure

Ward: Fringford & Heyford

Councillors: Cllr Grace Conway-Murray, Cllr Nigel Simpson, Cllr Barry Wood

Reason for Referral: Major Development/Departure from Plan

Expiry Date: 16 January 2026

Committee Date: 15 January 2026

SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS AND SECTION 106 LEGAL AGREEMENT

1. APPLICATION SITE AND LOCALITY

- 1.1. The site, which sits just north of Junction 10 of the M40 and west of the A43, comprises 43.9ha of arable farmland. The farmland is divided by low-clipped hedgerows (with some loss/gaps in places) into six separate fields. An overhead power cable crosses over the site.
- 1.2. The site is bounded by the B4100 to the north, the A43 to the east, the M40 & M40 southbound slip road to the south/southeast, and a farm track and hedgerow to the west (with arable fields beyond). The land is relatively flat with a gently undulating nature. The highest point is 126m above ordnance datum (AOD) on the northwestern part of the site and gradually slopes down to 114m AOD.
- 1.3. The site is also in close proximity to Baynard's Green roundabout which forms the junction of the B4100 and the A43. Three residential properties separate the junction from the site and sit along the north-eastern corner of the site, opposite an Esso petrol station/shop and McDonalds restaurant.
- 1.4. Public Right of Way 109/5/10 runs down the eastern part of the site but then cuts through a third of the site and continues along the western boundary.
- 1.5. The northern, eastern and western boundaries are distinguished by mature tree belts and hedgerows, which partially screen the site. The southern part of the site, close to

the M40 is more open in nature, which the level and density of planting increasing in parallel with the slip road.

- 1.6. There are no structures on site other than a small building in agricultural use.

2. CONSTRAINTS

- 2.1. Two Public Rights of Way extend along the eastern and western boundaries of the Western Albion Site (refs. 367/28/10 and 109/2/40). They are linked by a Public Right of Way that extends south westerly across the Western Albion Site (ref. 105/5/10).
- 2.2. The Agricultural Land Classification for the site is predominantly 3b (Moderate quality agricultural land) with the remainder being classed as 3a (Good Quality Agricultural Land) albeit the Grade 3a Good Quality land is not consistent and is mixed in with the 3b Moderate quality land.
- 2.3. There are no listed buildings on site, and the site is not inside a Conservation Area. The closest listed buildings are the Grade II buildings of Medkre, which is just beyond the SE site boundary, beside the Baynards Green junction, and Baynard's Green Farm which is 200m away.
- 2.4. The Grade II listed Manor Farmhouse and Fewcott Farmhouse are located approximately 800m and 900m south of the Site boundary respectively, on the opposite side of the M40.
- 2.5. The closest Conservation Areas are Ardley & Fewcott (800m, respectively) and Fritwell (1.2km)
- 2.6. The site is entirely in flood zone 1, i.e. land that is least likely to flood.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 This application was previously presented at Planning Committee on the 3 July 2025. During that Planning Committee, Officers recommended that the application be approved, subject to appropriate conditions and a s.106 agreement. The Committee endorsed that recommendation and resolved to grant outline planning permission.
- 3.2 Since then and with no determination of the application, there have been several material changes in circumstances. They are:
 1. The Cherwell Local Plan Review 2042 was submitted to the Secretary of State for Examination on the 25 July 2025. An Examination of soundness is due to be held in February 2026 and, if found broadly sound, Examination of all Plan policies and proposals and the objections made to them, will take place in the summer.
 2. On the 30 October 2025, the Council issued a Town and Country Planning (Environmental Impact Assessment) Regulations 2017 Regulation 25 request for further information in respect of the Application. The Regulation 25 letter requested that the Oxfordshire Strategic Rail Freight Interchange ("SRFI") be included in an amended ES, as part of an updated cumulative impacts assessment. The Council are of the opinion that this is required to ensure the legal adequacy of the ES. The Applicant has undertaken this work and submitted the conclusions.
 3. The Regulation 25 Letter also recommended that the following supplementary information be submitted (which it has been):

- Updated Dormouse survey results to go into the addendum;
 - Updated Breeding bird survey results to go into the addendum;
 - Outline farmland bird mitigation strategy to include details of the requirements being delivered offsite (the final strategy will need to specify off-site details and include baseline surveys for the mitigation site);
 - Commitment that the farmland bird strategy will be in perpetuity;
 - Confirmation in the addendum that a minimum 10% BNG can be achieved;
 - Confirmation of purchase of hedgerow units from a BNG habitat bank (the closer the site is to the development, the better);
 - Finalised Impact Assessment for habitats and protected species based on updated survey results;
 - Mitigation and enhancement strategy; and
 - Updated biodiversity metric and HMMP.
4. The Council received letters of objection from Richard Buxton Solicitors, acting on behalf of Stoke Lyne Parish Council and The Tusmore Estate, alleging, amongst other things, that the applicants' ES was inadequate, that Officers had misdirected Members at Committee, that all the Baynards Green applications should be considered concurrently and should be presented again at Planning Committee for redetermination, exceptional circumstances had not been demonstrated to justify any approval and the Council's own economic evidence in support of its emerging Review Local Plan shows there to be sufficient employment land already. The letters are published in full online, and they have been summarised in the 'Consultation' part of this report under Stoke Lyne Parish Council.
5. The wording of the planning conditions and s.106 agreement has progressed – it is anticipated that an agreed list of recommended conditions and an agreed draft s.106 agreement will be in place by the time of Planning Committee
- 3.3 The actual description of development remains unchanged: the applicants are seeking permission for an outline planning application where EIA is required, the description of the development must be sufficient to enable the requirements of the EIA Regulations to be fulfilled, and in particular, to enable the potential significant effects of the development to be identified.
- 3.4 This application seeks outline planning consent (all matters reserved except means of access) for 170,000sqm GEA of logistics (Use Class B8) and 10,000sqm of ancillary office (Use Class E(g)(i)) floorspace, and the construction of associated parking, servicing, hard and soft landscaping.
- 3.5 A new access from the B4100 is also proposed via a new roundabout (which is the subject of a separate full application Ref: 21/03266/F). A second new roundabout would also be developed inside the site leading to two separate phases of development, either side of a central access road.
- 3.6 As part of the s.106 mitigation measures, the applicants are, in conjunction with Tritax Big Box, proposing to make the following changes to Baynard's Green Roundabout:
- The full signalisation of the roundabout junction of the A43 and B4100;
 - Widening on the approaches and circulatory carriageway; and
 - the introduction of active mode infrastructure to ensure pedestrians and cyclists are able to navigate the junction.
- 3.7 Albion Land and Tritax Big Box have both agreed that all the Baynard's Green highway improvement works necessary to accommodate their proposals will be tied

down in the s.106 agreement and will come forward, prior to the commencement of development, even if only one of these logistics developments were to come forward.

3.8 It is also proposed to create a cycle/pedestrian link along the south side of the B4100 between the site and Braeburn Avenue, Bicester along with a financial contribution to turn the existing number 500 bus service from an hourly service into a 30-minute service, for a subsidised period of 8 years, as requested by OCC Highways.

3.9 The applicants have also offered the alternative scenario where they increase the level of bus contribution to ensure a 15-minute bus service for 8 years. This scenario would either be instead of the cycle/pedestrian path or in the event that it is not practically possible to deliver the cycle/pedestrian route and is the applicants' preferred option. My understanding is that there are a couple of potential pinch points along the route that could restrict the width of any such route at those points.

3.10 The distribution of development would be guided by three parameter plans:

Parameter Plan 1: Land Use. This plan identifies 3 build zones, areas of soft and enhanced landscaping, the existing public right of way and where the public right of way would be diverted;

Parameter Plan 2: Building Heights. This plan caps the maximum height of the buildings at 23m; and

Parameter Plan 3: Vegetation and retention and removal: This plan establishes which hedgerows would be lost, which would be strengthened and the 3 trees which would be lost.

3.11 The applicants have also submitted an illustrative Landscape Strategy Plan, an illustrative Masterplan (which includes Albion's neighbouring eastern parcel on the eastern side of the A43) and illustrative elevations.

3.12 The illustrative Landscape Strategy Plan depicts

- Multiple SuDS ponds, swales and wet woodland areas
- Semi natural screening/woodland along the northern boundary
- Southern eastern boundary hedgerow protected and enhanced
- Western boundary hedgerow protected and enhanced
- Landscaped parking areas

3.13 However, it should be noted that the illustrative Landscape Strategy Plan is not a formal plan and is submitted for illustrative purposes only to demonstrate how the proposed development could potentially be accommodated on the site.

3.14 CBRE, in their supporting 'Logistics Marketing and Land Availability Report', anticipates that this site, along with the eastern parcel, would lead to the creation of 400 temporary construction jobs and 3,000 permanent jobs. My understanding is that DHL, a leading Logistics company, are intending to lease two of the buildings on this western parcel, if permission were to be granted.

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history on this site directly relevant to the proposal. However, the following planning applications (submitted by Albion Land) on the neighbouring sites are considered relevant to the current proposal:

O.S. Parcel 0006 South East of Baynards House, Adjoining A43, Baynards Green

21/03267/OUT - Outline planning permission (all matters reserved except for access) for the erection of 100,000sqm buildings comprising logistics (Use Class B8) and ancillary Office (Use Class E(g)(i)) floorspace and associated infrastructure; construction of new site access from the B4100; creation of internal roads and access routes; and hard and soft landscaping – *to be determined*.

O.S. Parcel 2636 NW of Baynards House, Ardley

21/03266/F - Site clearance, construction of new site access from the B4100, permanent and temporary internal roads, an internal roundabout and a foul drainage station, diversion of an existing overhead power cable and public right of way, and soft landscaping – *to be determined*.

- 4.2. Additionally, the following application was submitted by Tritax Big Box on the 6 May 2022:

O.S. Parcel 6124 East of Baynards Green Farm, Street To Horwell Farm, Baynards Green

22/01340/OUT - Application for outline planning permission (all matters reserved except means of access (not internal roads) from B4100) for the erection of 300,000sqm buildings either side of the B4100 comprising logistics (use class B8) and ancillary offices (use class e(g)(i)) floorspace; plus energy centre, hgv parking, construction of new site access from the B4100; creation of internal roads and access routes; hard and soft landscaping; the construction of parking and servicing areas; substations and other associated infrastructure – *to be determined*.

O.S. Parcel 8233, South of Baynards Green Farm, Street to Horwell Farm, Baynards Green OX27 7SG

- 4.3. Additionally, the following application was submitted by Brunel Securities LLP and The Curtis Family on the 17 April 2018:

18/00672/OUT - Outline development for up to 7,161sqm of B2 and/or B8 industrial development with ancillary offices (B1a), access and landscaping – refused on the 21 September 2018.

- 4.4. The 18/00672/OUT refusal was subsequently dismissed on appeal under Ref: APP/C3105/W/19/3225084 – see **Appendix A**) with the Inspector concluding the development would be in conflict with Policies SLE, ESD1, ESD 13 and ESD 15 of the Local Plan and saved policy C8 of the Cherwell Local Plan 1996.

- 4.5. In reaching his decision, the Inspector concluded, amongst other things, that this employment application would be in an “*inappropriate location*” and that:

“Irrespective of the final configuration of the buildings on the site, even if set back from the road, the proposal would lead to an urbanisation of the site with the built development being of a notable scale and bulk given the size of the plot and the amount of floorspace proposed. This is regardless of whether it is deemed large or small in scale.”

- 4.6. The Inspector also concluded that the appeal proposal would cause less than substantial harm to a neighbouring Grade II listed barn currently in commercial use and would be in conflict with development plan policies that seek to protect heritage assets. The Inspector also noted that the appellant had identified the creation of 150 jobs as a benefit of the scheme, *“and this does weigh in favour of the development. However, it is outweighed by the harm I have identified.”*
- 4.7. Also of note, is that on the 22 July 2025, the planning inspector dismissed appeal ref APP/C3105/W/24/3352512, which related to a proposed 140,000sqm logistics park at Land east of Junction 11 of the M40 and southwest of Huscote Farm, Daventry Road, Banbury, Oxfordshire OX17 2BH. The Inspector dismissed the proposal on the grounds that the unresolved highway impacts would result in substantial harm which outweighed the (acknowledged) economic benefits of the development. I consider this decision to be a material consideration whilst noting that it was a different scheme which would not have provided the same number of jobs as this proposal, and was determined in a different context regarding the Council's employment land position.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions took place with respect to proposals for almost 300,000sqm of logistics buildings either side of the A43, north of M40 J10 and south of the B4100:

Part of M40 In O.S. Parcels 1800, 5680, 5633, 7648, 0068, 5656 and 4300
Part of M40 through Ardley Parish, Ardley

21/01708/PREAPP - Logistics Development - Pre-application advice issued on the 26 November 2021.

- 5.2. The case officer concluded that she could not support the suggested development for the following reasons:

“The application is likely to be unacceptable in principle because it appears that it would conflict with policies SLE1, SLE4, ESD1, ESD13 and ESD15 of the Cherwell Local Plan 2031, saved policy C8 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

Development of the form and scale proposed on either or both sites would be likely to generate significant volumes of HGV traffic on the adjoining highways – the B4100, A43 and M40, exacerbating congestion on the Baynards Green and M40 J10 road junctions;

The western site affects the setting of a listed building (‘Medkre’) and would therefore need to be designed sensitively to take account of this, including using high quality materials;

The adjoining properties Baynards House, Baynards Barn and the grade II listed Medkre are all very close to the site boundary of the western plot and therefore the development could result in a serious loss of residential amenity for neighbouring occupants;

Development, particularly on the eastern site would be prominent in the landscape and substantially impact its open rural character

6. RESPONSE TO PUBLICITY

- 6.1 This EIA application has been publicised multiple times by way of Site Notices displayed near the site, by advertisements in the local newspaper and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments on the latest submissions is the **3 January 2026**.
- 6.2 A total of 129 letters of objection were received since the application was validated. Those comments are summarised below:
- This proposal is vastly over scaled especially when added to other proposals at Baynards Green and Heyford for warehousing and a freight depot. Taken together, these proposals will industrialize the Cherwell Valley.
 - The proposed development will encroach on Stoke Wood, which is the only natural woodland within six miles of Bicester.
 - With another 22,000 houses coming to Bicester in the coming years it would be far more sensible to link the entrance to the dual carriageway of the A43 rather than the already busy single carriageway B4100.
 - All employees would have to commute by car.
 - It is not an allocated site.
 - Employment land is allocated elsewhere in the district through the Local Plan.
 - This area is open countryside and the proposed development would significantly change the characteristics of the area and local vicinity.
 - The landscape has already been harmed by the approval of the garage.
 - The site is within close proximity to at least 12 Grade-2, Grade-2* and Grade-1 listed buildings and the ancient woodland Stoke Wood, owned by the Woodland Trust.
 - The proposal will lead to increased traffic causing traffic to divert using local road arteries for cut-throughs, including Stoke Lyne.
 - Cumulatively, this application, along with the Albion Land proposals and the Oxford Strategic Rail Freight Interchange will lead to light pollution, environmental pollution & nature conservation harm.
 - Cumulatively, these proposals would be 4 x the size of the warehouse scheme dismissed at appeal (18/00672/OUT).
 - The B4100 is a very busy road and at rush hour there are long delays going toward the M40. The warehouse use will add to these delays.
 - The application is also flawed as it fails to recognise the significance of Stoke Woods, a medieval coppice very popular with dog walkers in close proximity to the proposed development and a number of listed buildings within Stoke Lyne and Bainton Parish.
 - The proposed development is in the wrong place. The materials and design are not in keeping with the countryside. The proposal would be incredibly disruptive and increased traffic and emissions would diminish the air quality for local people, putting public health at risk.

- The proposal would ruin the tranquillity of the countryside and mental health of residents.
- There is no need to provide extra jobs in the local area as very low unemployment rate.
- The journey from the M40, along the A43 and then down the B4100 (heading South-East) would be akin to driving in a roofless tunnel.
- The proposal would generate significant number of HGVs attempting to join the roundabout from the B4100 south would only exacerbate the problem of long tail-backs forming along the B4100 (currently, often as far down as the Stoke Lyne turning).
- The development site is within sight of St Peter's Church, Stoke Lyne, a Grade-2-star listed building which would be harmed as a result of the development.
- Increased jobs would lead to pressure for more houses.
- There is no public transport available to this site & cycling along the surrounding roads is extremely dangerous as they are either dual carriageway or have a high volume of traffic.
- Inappropriate design, appearance and materials.
- Would result in overlooking and a loss of privacy and light and also overshadowing.
- Impact on the conservation area.
- Would cause flooding.
- Would harm the wildlife.
- Noise impact on the residents of Stoke Lyne and Hardwick.
- The removal of agricultural land and is at odds with the drive towards a plant-based diet.
- Ironically, the ES statement lists agriculture as being the second highest in the applicants' assessment of Gross Value Added per worker. Transportation and storage are 9th on the list.
- Not satisfied that the applicant has adequately demonstrated that there will no impact to great crested newts and/or their habitat as a result of the development being approved.

6.3 The comments received can all be viewed in full on the Council's website, via the online Planning Register

7. RESPONSE TO CONSULTATION

7.1 Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2 Ardley with Fewcott Parish Council: No comments received.

7.3 Piddington Parish Council: No comments received.

7.4 Fritwell Parish Council: **Objects**

1. Precedence
2. Traffic & Congestion
3. Conversion of Agricultural land into industrial use
4. Pollution
5. Flooding
6. Low skilled jobs -limited employment opportunities for local residents

7.5 Somerton Parish Council – **Objects** for the following reasons

1. *Any honest cumulative assessment of impacts in the M40 J10 area must therefore consider not only highways and emissions but also the combined effect of OxSRFI, the Heyford “new town”, Baynards Green logistics and Puy du Fou on the setting and experience of Rousham House and Garden.*
2. *Failure to assess residual cumulative impacts, contrary to the NPPF.*
3. *Environmental Impact Assessment (EIA) – unlawful segmentation and inadequate cumulative assessment.*
4. *Highway safety and network operation at M40 Junction 10.*
5. *Increased Traffic Volume Estimates – over 30 million vehicle trips per annum within 3 miles of M40 J10.*

7.6 Stoke Lyne Parish Council: - **Objects** for the following reasons:

“The Parish Council would submit that the current proposals do not accord with the policies contained in the Local Plan, in that

1. *they are proposing development outside the limits of the development_areas of Bicester, Banbury and Kidlington, and that the proposals will not_bring with them the higher technology industries described in the plan SO1)_or can be considered to support the development of a knowledge-based_economy to create the desired support the creation of a globally competitive_and lower carbon economy*
2. *They do nothing to protect and enhance the natural environment or to_minimise pollution in a rural area (SO15)*
3. *It will not help strengthen the rural economy or increase employment_opportunities*
4. *The proposals are outside the boundaries of development proposals for_either Bicester or Banbury and are situated on land where no development_has been allocated in the Local Plan.*

5. It is contrary to Policy SLE1 in that it is not an existing site, it is not within the built up limits of the settlement with no access by sustainable modes of transport, and the application being of a rural nature, fails to comply with requirement to respect the rural nature of the area and the local villages, it will, by significantly increasing road use, have a detrimental effect on the highway network, at a time when other proposals – HS2, East/West Rail etc will also put pressure on the road network around J 10 of the M40 motorway.

Under the same policy the proposal will have a severe impact on the appearance and character of the landscape and the environment generally including on any designated buildings or features including the effect on the area around Juniper Hill, with the historical significance enhanced by Flora Thompson in Lark Rise to Candleford. It will also give rise to excessive or inappropriate traffic and will do nothing to contribute to the general aim of reducing the need to travel by private car.

Stoke Lyne Parish Council supports the principles of the NPPF which seeks to promote the role of planning in achieving sustainable economic growth, in building a strong, responsive and competitive economy, and by ensuring that sufficient land of the right type, and in the right places, is available to allow growth and innovation, but would suggest that the current proposals are not the right type of proposal, on the right land or in the right place.

The CDC Local Plan has an acknowledged urban focus, and the Parish Council submits that there is no reason to depart from this principle. The Parish Council also has concerns that the proposal to create this development outside the built-up area of the Bicester could, if approved, encourage other landowners to make similar applications. The Council accepts that fear of establishing a precedent is not a proper planning consideration as each case has to be considered on its own merits, but the Parish Council fears that should development on this site be approved it could become a material consideration encouraging other landowners with land outside the Bicester development area and in similar rural locations to make similar applications for development.”

Update: Of major concern is:

1. The proposal would lead to the creation of a significant amount of commercial floor space in a geographically unsustainable location. The development is not in accordance with Local plan proposals, and the applicant has not demonstrated any exceptional circumstances for the development as required by Policy SLE1. The development should be in a more sustainable locations.

2. The proposal would be visually intrusive and result in unjustified adverse landscape and visual harm to the locality.

3. The traffic impacts of the development are not robustly assessed within the Transport Assessment particularly in regard to the impact on the junction into the site when approach along the westbound carriageway of the B4100. This is a highway which is already over used, leading onto junction 10 of the M40. The road network at this point cannot accommodate more traffic into the area.

The overall impact now needs to be assessed in conjunction with all the other proposed developments in the area - the new town at Upper Heyford, the Strategic rail freight interchange at Ardley, The 7500 house proposed residential development near Bucknell, the application currently under consideration by Puy du Fou and a proposed 900 house development adjacent to the A44

The 3rd July Committee Report was materially misleading in several respects:

- The provision of jobs does not amount to exceptional circumstances to justify employment development under policy SLE1 and, if allowed, would set a precedent that would undermine the spatial strategy and the local plan
- The Cherwell Local Plan Review 2024 Employment Topic Paper July 2025 makes clear that the supply of employment land with the district exceeds, even at the upper Level
- LUC identify significant landscape impacts which further conflicts with policy SLE1
- Committee were not given any advice on potential conflict with emerging policy
- The application has not been assessed against the Emerging local plan policies LEC3 & there is conflict
- The development would not be on previously developed land
- The applicants have not offered alternative land
- The Council's Ecologist and the Wildlife Trust are clear that without information explaining where and how species losses would be compensated, it is not possible to properly assess the impacts of the scheme
- The application would result in the destruction of 2.46km of species rich hedgerow and loss of habitat for brown hairstreak butterfly and w wide range of wild birds including skylarks
- In a recent appeal decision (APP/I3245/W/24 the Inspector concluded that a condition for a farmland bird strategy would not provide sufficient certainty.
- Therefore, the proposal does not comply with Natural England's Advice for Wild Birds, Natural England's Standing Advice and para 193(a) of the NPPF 2024
- Inadequate breeding birds surveys, many of which are out of date
- Members were misdirected by officers of Anglian Water response
- Not the most sustainable location
- Absence of SRFI, Puy Du Fou and Heyford 'New Town' from the ES Cumulative impact assessment

MK Ecology, on behalf of Richard Buxton Solcitions, who are acting on behalf of Tusmore Estate and Stoke Lyne Parish Council were also instructed to review the documents for the 'Albion' (21/03268/OUT, 21/03266/F and 21/03267/OUT) and 'Tritax' (22/01340/OUT) applications.

The conclusion of their letter dated 27 October 2025 is as follows (the full letter is published on public access):

Surveys have been undertaken to a high professional level but the material considerations involving key species, notably birds and especially skylark, at the Albion site are not accurately understood due to the age of the data evaluation and the inference that more recent surveys at the neighbouring Tittrax site alone have suggested a greater population of Skylark than was present in the 2022 surveys, which were undertaken at both sites. Baseline surveys for Brown hairstreak have not been undertaken on the Albion site in contradiction of local planning policy requiring that such surveys are forthcoming and in spite of their presence at the neighbouring site and one affected hedgerow within the Albion development footprint providing suitable habitat for this species. All ecological surveys are out of date for the Albion site.

The ornithological assemblage at the proposed receptor site at Piddington is not understood and its promotion as a mitigation site for the loss of farmland assemblage cannot be reliably taken forward without an understanding of the baseline. Moreover, proposed restoration of this site has not evaluated the baseline soil composition and may not be achievable given a conversion from arable to neutral grassland for anything beyond poor condition.

The impact of changes of land use at Piddington have not considered the farmland bird assemblage present (as it is not known due to an absence of surveys) and the need for a farmland bird strategy reviewing such potential conflicts is required together with an understanding of short-term impacts on key species and medium-term outcomes. The outcome of these omissions is that the present mitigation strategy does not have a reliable baseline assessment, leading to a potential under estimation of population size and impacts on key species. The proposed mitigation is thus potentially inaccurate, and its effectiveness simplified and potentially overstated. In essence, the biodiversity material considerations for the development have not been fully addressed rendering consent presumptuous until such issues are addressed.

STATUTORY CONSULTEES

7.7 Anglian Water: - **Object** due to the lack of capacity to accommodate the additional flows that would be generated by the proposed development. Recommends a pre-commencement Grampian condition, in the event of approval.

7.8 CDC Arboriculture: No comments received.

7.9 OCC Archaeology: – **No objection**: No archaeological deposits which will require further mitigation were recorded in the western land parcel.

7.10 BBO Wildlife Trust: **Objection**:

1. Loss of hedgerow priority habitat

2. Insufficient evidence that populations of farmland bird species will be maintained, contrary to the NPPF, Cherwell Local Plan, and the Conservation of Habitats and Species Regulations 2010 as amended by paragraph 9a of the Conservation of Habitats and Species (Amendment) 2012 Regulations).

3. The importance of a net gain in biodiversity being in perpetuity

4. Further justification required to illustrate how net gain in biodiversity will be achieved

5. Cumulative effects on farmland birds in the context of other infrastructure proposals for the area.

7.11 Campaign to Protect Rural Oxfordshire – **Objection**

- Harm to the character and appearance of the area
- Loss of agriculture
- Landscape harm & village setting
- Could be located on other parts of the M40
- A land grab would be needed for the cycle/pedestrian route
- Significant loss of biodiversity on the site
- The applicant should show how the site in Piddington will provide the complementary habitat green corridors that will be lost to Baynards Green.

7.12 CDC Conservation: **No objection**

“The Listed barn at Baynards Farm to the north of the site is part of a farm complex that has now been converted to business use. These buildings are located adjacent to the A43 and behind a modern petrol station and fast-food outlet. It is therefore considered that the setting of the Listed barn is somewhat compromised by the existing buildings in its immediate surroundings. The Listed dwelling Medkre sits within extensively landscaped grounds and is separated from the application site by two other dwellings and the A43. Because of this the proposed development of this site is unlikely to further harm the significance of the Listed Buildings through development within their setting. It is noted that the indicative plans show the land surrounding Baynards House not to be developed and landscaping to the north of the site around the site entrance.

The two village conservation areas closest to the site are Ardley and Fewcott, and Fritwell. From within these conservation areas the development site is not considered to be visible and Fritwell conservation area in particular is surrounded by more modern development on the east side that is not part of the conservation area. In both cases once you are well outside the village on the footpaths the logistic sheds may be visible in the wider landscape, however the views and countryside setting are considered to be interrupted by the existing road infrastructure. Because of this and the distances involved the proposals are not considered to be harmful to the significance of the conservation areas. “

7.13 CDC Drainage: **No objection**, subject to conditions

Both sites (east and west of A43) are shown to be at very low risk of fluvial and surface water flooding and not affected by any other source. Therefore, no comments on Flood Risk at this time.

Update: No comments.

7.14 CDC Ecology:

The previous comments were:

- Insufficient provisions for badger population present.
- Loss of priority hedgerow habitat in contrary to NPPF and Cherwell Local Plan.
- Further information required for Biodiversity Net Gain.

- Impact on farmland birds onsite and in cumulation contrary to NPPF and Cherwell Local Plan.
- Impact on brown hairstreak butterfly contrary to NPPF and Cherwell Local Plan.

Updated comments: Albion's updated surveys all look ok. I've attached the three documents with comments for the ecology conditions for the Albion site. Let me know if you have questions about anything I've said – or if you have trouble viewing the comments.

Regarding the edits they made in Appendix 1 of the ES addendum that you sent over (red strikethroughs) - I am confused about their addition of 'except for the enabling works approved under 21/03266/F' to some of the conditions for 21/03268/OUT. I am not sure why the 'except for the enabling works...' statement is necessary, and it makes it seem like these requirements (CEMP, badger mitigation, BNG, etc.) aren't needed for the enabling works. However, maybe I'm just reading it wrong? The enabling work themselves (21/03266/F) would be subject to conditions for these things as well, so I suppose that's covered – I'm just not sure why they would add that caveat in (what scenario would this allow works to go ahead for?).

As discussed, we also need the S.106 to secure:

- HMMP and monitoring fees secured for onsite BNG
- Finalised Farmland Bird Mitigation Strategy
- For clarity, the conditions required are:

21/03268/OUT (WEST)

- LEMP
- CEMP: Biodiversity
- BEMP/BNG
- Protected Species
- Badgers Mitigation
- Seasonal removal
- Lighting

7.15 CDC Economic Growth:

Whilst there would be a significant number of jobs created, it is unclear where the workforce would be drawn from in an area of existing high economic activity, where higher paid residents are already generally required to commute out of the area to access higher paid jobs.

The density of the jobs in relation to developed greenfield land would also be expected to be lower than for other employment uses (e.g. offices and manufacturing). Whilst it is accepted that there are technical, office and managerial roles in modern logistics operations, the majority of posts would be expected to be in lower skilled roles, and it would need to be established how many of those roles could be filled locally.

It is therefore unclear how a local labour force would be recruited and maintained. A realistic skills and employment plan would be essential, implemented well in advance of both the construction and operational phases.

The risk is that, if the skills and employment plan is ineffective, the limited local labour pool would lead to a significant amount of commuting to and from locations beyond the beyond the district and county boundaries.

Even if labour could be drawn from nearby towns, the geographical location of the site - far from residential neighbourhoods and sustainable transport options - would mean that personal vehicular access would predominate. Investment in sustainable and permanent solutions would be required.

Whilst the operations of the Large Goods Vehicles would have efficient access to the strategic road network, there would be likely to be localised issues adjacent to the site. Indeed, the masterplan does not indicate improvements to the already congested access onto the roundabout on the A43. Unless enhanced, this could impact negatively upon local businesses and residents, and on the long-distance traffic passing through.

7.16 Environmental Agency: Comment

"The submitted amendments include an area of off-site habitat compensation proposed to demonstrate how the development will deliver a net biodiversity gain. The proposed off-site compensation area lies within an area at risk of flooding and part of the boundary adjoins the Muswell Hill Brook main river. The applicant should be asked to update the Flood Risk Assessment and provide further details of the proposed works in this area to confirm that flood risk will not increase."

7.17 CDC Environmental Protection: No objection, subject to conditions

General: Although a framework CEMP is mentioned in the ES, I have been unable to find a copy of the document and therefore I would advise that the following condition is placed on any permission granted:

Noise: Having read the updated noise chapter of the ES with regards to the Eastern Development I am satisfied with the contents and findings and am pleased to see the improvement made by the 2m high fence as mitigation but would like to see further mitigation such as the low noise road surfacing's included in the scheme to give the best possible outcomes for the nearby residential receptors.

Contaminated Land: At this stage as no further information has been provided, I see no reason to alter my earlier comments, namely: Consideration should be given to a supplementary investigation once the proposed layouts are finalised and watching brief should be maintained on potential hotspots on the site. Should contamination be found then a remediation strategy should be supplied to and agreed with the LPA before further work is carried out.

Air Quality: Having read the AQ chapter of the ES I am satisfied with the contents and findings and have no further comments at this stage.

Odour: No comments.

Light: Having read the light report provided I am satisfied with its findings and the proposed mitigation.

7.18 Oxfordshire Fire & Rescue Service: No Objection

It is taken that these works will be subject to a Building Regulations application and subsequent statutory consultation with the fire service, to ensure compliance with the functional requirements of The Building Regulations 2010. You should review and ensure suitable water supply for firefighting is provided prior to consultation.

7.19 OCC Highways – No objections, subject to conditions and a s.106 agreement

The updated Environmental addendum does not change the local highway authorities' (LHA) position other than to recommend additional conditions. The LHA'S full comments are included in the 'Highways' chapter of this report.

It is important to reiterate that the Albion/Tritax proposed improvements to Baynards Green Roundabout (on which all three developments rely to make them acceptable) rely on small amounts of land on the Tritax and Albion E site, needed to provide sufficient forward visibility to signals. This means that the S106 agreements for each will need to include the other respective landowners. At the time of writing, S106 agreements are being drafted, and we understand this point has been agreed.

In our previous response we raised an objection regarding the proposed condition restricting last mile delivery to 20% of floor area, because it hadn't been shown that the trip generation was calculated on this basis. I understand an alternative wording is being considered but this has not been agreed. It is not addressed in the current consultation materials. In the absence of a justification for the 20% I recommend a condition setting out that there shall be no last mile delivery providers on the site (see **condition 46**).

7.20 Historic England: **No Objection**.

7.21 OCC Local Lead Flood Authority: **No objection**, subject to conditions.

7.22 Mid-Cherwell Neighbourhood Forum: **Objection**

- Not clear how diverse the range of jobs would be
- Loss of agriculture
- Harm to the existing landscape
- The scale of development will have an adverse effect on the surrounding environment.
- Not enough detail re the volume of traffic
- Both the Conservation Areas are entirely within this zone, and therefore – theoretically – the development could cause harm to the setting of the Conservation Areas. The applicants should be required by CDC to carry out detailed analysis of views and vistas in order to ascertain the extent of visibility affecting these Conservation Areas. Only then is it possible to determine whether the requirements of Policy PD4 can be met.
- Concern that the development could be contrary to the Neighbourhood Plan policy PD4 -potentially to the character of a village and its setting or of the wider countryside; and its ability to avoid light pollution
- The Inspector refused the employment appeal scheme to the north of this site
- Prematurity -coming forward before the new Local Plan
- Unproven demand.

7.23 Natural England: **No Objection**

Update: Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.

- 7.24 National Highways: **No objections, subject to conditions** - in particular the requirement to deliver the scheme of works to improve the highway as shown in general accordance with SLR Consulting drawing ref: **216285-A-14A**, titled Baynards Green General Arrangement, prior to the commencement of development.

The Concept Site Levels & Drainage drawing (FRA and Drainage Report Appendix H), includes the comment “Emergency overflow into Local ditches (TBC),” adjacent to the roundabout at the end of the A43 S/B exit slip road.

Please note that under paragraph 59 of DfT Circular 01/2022:

To ensure the integrity of the highway drainage systems, no new connections into those systems from third party development and proposed drainage schemes will be accepted. Where there is already an existing informal or formal connection into the highway drainage system from a proposed development site, the right for a connection may be allowed to continue provided that the flow, rate and quality of the discharge into the highway drainage system remains unaltered or results in a betterment. The company may require a drainage management and maintenance agreement to be entered into to secure this requirement in perpetuity

Update: We have reviewed the 216285 - N02 - ES Sensitivity Tests-V2 (003) document produced by SLR Consulting for planning application 22/01340/OUT, 21/03266/F, 21/03267/OUT and 21/03268/OUT. It is noted that the sensitivity tests have been undertaken following the application 22/01340/OUT's refusal on landscape grounds and on the request from Cherwell District Council (CDC) for them to be undertaken. A sensitivity test was requested by CDC to include the potential cumulative effects of the Oxfordshire Strategic Rail Freight Interchange (OxSRFI). It should be noted that OxSRFI is still at a pre-application stage and therefore Tritax Big Box Developments (TBBB) did not feel the development was reasonably foreseeable and should be included in the original assessment. However, they have since undertaken the sensitivity tests.

SLR Consulting (on behalf of TBBB) have undertaken two sensitivity tests, one that considers OxSRFI and TBBB development and one that additionally considers Heyford Park (25/02190/HYBRID), Puy du Fou (25/02t232/OUT) and North West Bicester (21/04275/OUT) planning applications. It is noted however that a change of modelling assessment tool has been used for this application from modelling evidence previously presented. A LinSig model assessment has been used, based on the LinSig model output reports in the draft SRFI documents, rather than VISSIM modelling previously reviewed for this application.

From a transport perspective, our previous comments on the original application, as set out in our updated response of 13 January 2025, stand and National Highways has no objection to the sensitivity tests outlined above.

We would also note that in the event of any future development in the area, further assessment would be required into the cumulative impact on the A43 Barley Mow roundabout.

7.25 West Northamptonshire Council: - **No objection**.

Update: Original Comment: TA and ES demonstrate negligible impact to traffic flows in Aynho and Croughton.

Response: The applicant has noted this comment and agrees no further details are required.

Original Comment: ES states construction traffic will be mitigated via a Construction Traffic Management Plan. This should be conditioned and WNC should be consulted in order to review magnitude of impacts on our network, programming and mitigation measures.

Response: The applicant had accepted and agreed, however, this has not been provided. This has been acknowledged, and it should be sent to WNC to ensure minimal impacts.

Officer comment – a planning decision notice has not been issued yet, which means the need for the applicants to submit a Construction Traffic Management Plan has not yet been triggered.

7.26 Legal Services Rights of Way – **Object**

Thank you for consulting us on this application, Ardley Public Footpath 109/5/10 is affected by these proposals, and our comments on the previous consultation dated 19/1/2021 still remain relevant and must be abided by.

We note that the updated parameter plan shows a proposed diverted route, has this new footpath alignment been agreed with Oxfordshire County Council's Countryside Service? As the legal team will need to receive a copy of correspondence confirming the formal approval of the new route please.

Furthermore, under section 7 of the planning application form the final box refers to a drawing list as well as parameter plans, we are unable to identify a drawing list from the documents shown on the planning portal, can the drawing list be provided to us also?

We will send you an extract of the Definitive Map for Oxfordshire showing the legal alignment of Ardley Public Footpath 109/5/10 for your information under separate cover as this will not attach to the portal page.

7.27 National Planning Casework Unit: No Comments received.

7.28 CDC Policy: **No Objection** CDC Policy commented that the proposal was not an allocation in either the adopted 2011-2031 Local Plan or the emerging review 2020-2042 Local Plan. Accordingly, the proposal was advertised as a departure. Notwithstanding this departure, CDC Policy has not raised objection to the application proposals on economic needs grounds, on the grounds that they consider it to be broadly compliant with the criteria listed in adopted SLE1 policy that relates to speculative, unallocated employment developments and to the adopted 2015 Local Plan overall.

Update:

Previously, CDC Policy commented that the proposal was not an allocation in either the adopted 2011-2031 Local Plan or the emerging review 2020-2042 Local Plan. Accordingly, the proposal was advertised as a departure. Notwithstanding

this departure, CDC Policy has not raised objection to the application proposals on economic needs grounds, on the grounds that they consider it to be broadly compliant with the criteria listed in adopted SLE1 policy that relates to speculative, unallocated employment developments and to the adopted 2015 Local Plan overall.

CDC Policy were re-consulted and made the following comments:

The Cherwell Local Plan Review 2020-2042 was submitted for examination, in July 2025 but there have yet to be any hearing sessions. The initial sessions are currently scheduled for February 2026. At this point in time, the emerging Plan and its policies is therefore considered to carry limited weight. It is also not considered that a reasonable argument could be made on prematurity at the point of writing.

The most relevant emerging Local Plan policies to these applications are;

- Policy LEC 1: Meeting business and employment needs
- Policy LEC 3: New employment development on unallocated sites
- Policy COM 10: Protection and enhancement of the landscape

As indicated earlier, limited weight should be attached to the emerging Plan. The Plan, its evidence and the representations have yet to be explored independently at an Examination in Public.

Policy COM 10: Protection and enhancement of the Landscape attracted fewer representations than those related to employment. This policy resulted in 11 separate comments, the majority of which were in support. Other comments included concerns about the need to submit a Landscape and Visual Impact Assessment, that all development would result in a change local character and so the policy aims could not be met, and that the coalescence between settlements should not be a reason to not permit development.

It is not considered that these proposals, individually or cumulatively, materially prejudice the emerging Local Plan, including its spatial strategy. The applications would make a positive contribution towards the employment needs of the district over the plan period

NB: The policy officers' comments on emerging policies LEC 1 and LEC 3 are set out in the 'Principle of Development' chapter of this report.

- 7.29 Thames Water: Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that a prior to occupation Grampian condition be added to any planning permission to ensure that either all the water network upgrades required to accommodate the additional demand to serve the development have been completed; or

a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

OTHER CONSULTEES

7.30 Bicester BUG:

B4100/A43 Junction

We would advise providing crossings over all junction arms to include the north arm. This will enable pedestrians on the NE corner of the junction to cross to the services on the NW corner by making only 2 crossings. At present they will be required to cross 6 very slow and indirect crossings.

B4100 Road

Along the frontage of the site, segregated and buffered pedestrian and cycle paths should be provided on both sides of the B4100 to facilitate foot and bike movements within and between the development. This is essentially now a spine road. See the Oxford Cycle Design Standards.

Pedestrians and cycle crossings over minor junctions need to be set back a minimum of 5m for reasons of safety, particularly given the paths are bi-directional.

Albion West Access

There is a shared path on one side of the road, but a pedestrian only path on the other. It is inevitable as arranged that cyclists will ride on the pedestrian path to avoid the need to make the crossing. Better to ensure that there are shared paths on both sides of the access road.

Cycle Path

Priority needs to be continuous across access points.

There needs to be access and egress points from the cycle path near to where there are junctions off the B4100 to other destinations to allow cyclists to join and exit the path.

The bus stop bypass design is quite fussy and complicated. Better to provide a wide section of shared area adjacent to the bus stop to enable pedestrians and cyclists to pass without risking collisions.

Metal rails / fencing is proposed at various points. Note that this effectively reduces the width of the path by 0.5m so the path will need to be widened in these areas.

It is not clear where the cycle path ends in Bicester. It should be continuous until it joins onto the cycle provision at the new Banbury Road junction.

The path runs along the back of the large layby near Bicester. Either the layby needs to be redesigned, or the path needs to run in front of the layby for safety and security, even if this requires two (setback) crossings over the mouths of the layby.

Albion Land Site Western Parcel

The shared paths seem incoherent and only lead into carparks, rather than close to the entrances of the buildings. The shared paths should lead all the way to the entrance to the buildings where the cycle parking should be located to enable effective surveillance of valuable e-bikes.

The shared paths seem only to be shown on one side of the internal road with a narrow pedestrian path on the other, and similarly to the bus stop. Cyclists will inevitably ride on the pedestrian paths as currently designed, causing conflict and annoyance. It would be preferable to have shared paths on both sides of the carriageways.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 (CLP 2015) was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 replaced several of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

- PSD1 – Presumption in Favour of Sustainable Development
- SLE1 – Employment Development
- SLE4 – Improved Transport and Connections
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Landscape Protection
- ESD15 – The Character of the Built and Historic Environment
- INF1 – Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- EMP4 – Employment generating development in rural areas
- TR1 – Transport
- TR10 – Heavy Good Vehicles
- C8 – Sporadic development in the open countryside
- C9 – Scale of development compatible with a rural location
- C28 – Layout, design and external appearance of new development

EMERGING CHERWELL LOCAL PLAN REVIEW 2042 (CLP 2042)

The weight afforded to different policies is always a matter for the decision maker, and in the case of the emerging Cherwell Local Plan Review 2042, this weight should be determined in line with NPPF para 49, which states:

“Local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."

The Cherwell Local Plan Review 2020-2042 was submitted for examination, at the end of July 2025, but there are a number of objections to the policies and there has yet to be any hearing sessions. The initial sessions are currently scheduled for February 2026.

Therefore, at this point in time, the emerging Plan (and its policies) is considered to carry limited weight. For the ease of reference, the relevant emerging policies of the Local Plan Review 2042 are set out below:

Policy SP 1: Settlement Hierarchy
 Policy CSD 1: Mitigating and adapting to Climate Change
 Policy CSD 3: Achieving net zero carbon development, non residential
 Policy CSD 5: Embodied carbon
 Policy CSD 7: Sustainable flood risk management
 Policy CSD 8: Sustainable drainage systems
 Policy CSD 9: Water resources and wastewater infrastructure
 Policy CSD 11: Protection and enhancement of biodiversity
 Policy CSD 12: Biodiversity Net Gain
 Policy CSD 14: Natural Capital and Ecosystem Services
 Policy CSD 15: Green and Blue Infrastructure
 Policy CSD 16: Air quality
 Policy CSD 17: Pollution and Noise
 Policy CSD 18: Light pollution
 Policy CSD 21: Waste collection and recycling
 Policy CSD 22: Sustainable Transport and Connectivity Improvements
 Policy CSD 23: Assessing Transport Impact/Decide and provide
 Policy CSD 24: Freight
 Policy LEC 1: Meeting Business and Employment Needs
 Policy LEC 3: New employment development on Unallocated sites
 Policy LEC 5: Community Employment Plans
 Policy COM 10: Protection and enhancement of the landscape
 Policy COM 11: Cherwell Local Landscape Designations
 Policy COM 14: Achieving Well Designed Places
 Policy COM 15: Active Travel – Walking and Cycling
 Policy COM 16: Public Rights of Way
 Policy COM 18: Creating Healthy Communities
 Policy COM 20: Providing supporting infrastructure and services
 Policy COM 22: Public services and utilities

8.3. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF, Dec 2024)
- Planning Practice Guidance (PPG)
- Developer Contributions
- Conservation of Habitats and Species Regulations 2017

Draft NPPF

On the 16 December 2025, the Government published its revised draft NPPF. The consultation on the proposed changes is set to run until 10 March 2026.

The proposed changes set out in the draft NPPF go beyond amendments and, instead, propose a complete restructure. However, given the infancy of the draft, which is at the start of the consultation process, I afford the draft document no weight, at the time of writing this Committee report.

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Landscape/impact on the character of the area
- Highways Impact
- Ecology
- Drainage
- Energy
- Heritage
- Residential Amenity
- Archaeology
- Loss of Agricultural Land
- Air Quality
- Public Right of Way Diversion
- Planning Obligations
- Other Matters

Principle of Development

9.2. Section 38(6) of the Planning and Compulsory Purchase Act outlines that the starting point for the consideration of a planning application is the Local Plan unless material considerations dictate otherwise.

9.1. The Cherwell Local Plan outlines the Council's policies for the period 2011- 2031. These policies include the allocation of sites for employment purposes to meet the district's needs.

9.2. The overall spatial strategy within the adopted 2015 Local Plan has an urban focus with the bulk of the district's strategic growth to 2031 directed to Banbury and Bicester.

9.3. In the rural areas growth is much more limited and is focussed on meeting local community and business needs. It is directed towards the larger and more sustainable villages. Development in the open countryside is strictly controlled.

9.4. A key objective of the adopted local plan (SO 1) is to facilitate economic growth and employment and a more diverse local economy with an emphasis on attracting and developing higher technology industries.

9.5. Paragraph B.30 of the plan explains that the aim is to secure

- business-friendly and well-functioning towns
- an eco-innovation hub along the Oxford – Cambridge technology corridor
- internationally connected and export driven economic growth
- investment in people to grow skills and the local workforce
- vibrant, creative and attractive market towns
- family housing

- measures to reclaim commuters where possible
 - measures to increase labour productivity.
- 9.6. Paragraph B.31 continues by listing the types of employment development the district wants to attract, including advanced manufacturing/high performance engineering, the green economy, innovation, research and development. Paragraph B.32 states support for well-designed logistics development in recognition of the areas attractive transport links.
- 9.7. Paragraph B.43 sets out that that land is allocated taking account of economic evidence base matching growth in housing and to cater for company demand, particularly for logistics.
- 9.8. Policy SLE 1 helps to deliver the Plan's strategy to locate strategic employment proposals at Banbury, Bicester and Kidlington. The adopted Local Plan allocated approximately 175 hectares of employment land at Banbury and Bicester.
- 9.9. The application is inconsistent with, and a departure from, the Local Plan strategy in this regard. The Plan has an urban focus, and justification is needed for new sites in the rural areas.
- 9.10. Paragraph B.44 states that to ensure employment development is located in sustainable locations, to avoid problems such as traffic on rural roads and commuting, employment development in the rural areas will be limited.
- 9.11. The site is located in the rural area, including in the context of Policy SLE1, and, therefore, the third part of Policy SLE1 applies. For completeness, the relevant criteria of this policy is set out in full, further on in this chapter, where an assessment of the scheme is made against each criterion.
- 9.12. The emerging review Local Plan for Cherwell, which seeks to provide sufficient land for housing and local employment up to 2042, has been submitted for examination. Notwithstanding that the Policy Officer gives limited weight to the emerging local plan policies, she has provided the following comments on emerging policies LEC 1 (Meeting Business and Employment Needs) and LEC 3 (New employment development on Unallocated sites) in context with this proposal:

"Policy LEC 1 attracted 32 comments directly to the policy. The policy is concerned with the level of employment need for the district over the plan period and how this will be delivered. It refers to the committed employment sites and new allocations, which together with other commitments and completions provide sufficient delivery of employment land to 2042.

These comments include a mix of support and objection. Those objecting to the policy question the deliverability of the committed sites, insufficient reference to the Oxford-Cambridge corridor and overall concerns about the level of supply. Some respondents criticise the level of supply for warehouse/distribution uses claiming it is too high, others consider that the provision of research and development should be increased. Spatially there is reference to a lack of provision in the Oxford hinterland/Kidlington area and indicates that there could be more provision within Banbury and in close proximity to the M40.

Policy LEC 3 is directly relevant to these proposals as it is concerned with employment development on unallocated land. This policy attracted 15 representations with mixed views regarding its purpose, with some support and criticism for its flexible approach to unallocated land. Where the policy is supported

some of those representations include reference to specific locations in the district for additional employment land, including capitalising on M40 junctions and Oxford hinterland.

The emerging plan's spatial strategy directs development to Banbury, Bicester and to a lesser extent in the Kidlington area. Whilst these proposals lie outside these immediate areas within the open countryside it is not considered that they would materially undermine this strategy.

NPPF paragraph 87 states

"Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for:
a) clusters or networks of knowledge and data-driven, creative or high technology industries; and for new, expanded or upgraded facilities and infrastructure that are needed to support the growth of these industries (including data centres and grid connections);
b) storage and distribution operations at a variety of scales and in suitably accessible locations that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain, transport innovation and decarbonisation; and c) the expansion or modernisation of other industries of local, regional or national importance to support economic growth and resilience."

The plan seeks to meet identified employment needs in full. The emerging Local plan allocates 97.5 hectares for employment, but it is not expected that the delivery of these sites will be adversely impacted by development proposed. The need for employment land in the district to 2042 is estimated to be in the range of 274-359 hectares. Given the inherent uncertainty of long term projections, it is considered appropriate to plan for the mid point of the range of 274-359 hectares. Given the inherent uncertainty of long term projections, it is considered appropriate to plan for the mid point of the range of 316 hectares. These applications, if approved, would enable the supply to be at the top end of the range.

Indeed, following the earlier resolutions to approve the potential contribution of these sites towards employment land need has already been factored into the local plan land supply calculations. It is therefore considered that the plan is not prejudiced by bringing these sites forward."

- 9.13. Paragraph 85 of the NPPF states, *"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. **Significant weight** (my emphasis) should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development"*
- 9.14. Paragraph 86 of the NPPF (which applies to preparing policies) goes on to set out a number of criteria to encourage Councils positively and proactively plan for growth. Sub-section c of this paragraph explains that *"Planning policies should pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying **suitable locations for uses such as logistics** (my emphasis).*
- 9.15. Paragraph 87b of the NPPF (which applies to both preparing policies and decision making) reinforces this point by making clear that, *"Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for storage and distribution operations at a variety of*

scales **and in suitably accessible locations** (my emphasis) that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain, transport innovation and decarbonisation”.

9.16. Paragraph 87c of the NPPF adds that, *“Planning policies and decisions should also include the expansion or modernisation of other industries of local, regional or national importance to support economic growth and resilience*

9.17. The PPG also recognises the importance of logistics development in the employment sector, stating:

The logistics industry plays a critical role in enabling an efficient, sustainable and effective supply of goods for consumers and businesses, as well as contributing to local employment opportunities, and has distinct locational requirements that need to be considered in formulating planning policies (separately from those relating to general industrial land)”.

9.18. Albion are proposing to deliver three ‘XXL’ units on this parcel of land, each with a floor area of 500,000sqft per unit (46,451sqm)) and, as such, require at least 11ha of land. Although the precise floorspaces for each unit are not fixed on the parameter plan, they would have a maximum height of 23m.

9.19. The applicants’ planning statement states that being immediately adjacent to the strategic highway network is a fundamental requirement of logistics operators (DHL), adding that *“there are no other suitable sites capable of accommodating development of the scale proposed.”*

9.20. CBRE, on behalf of the applicants, submitted a Logistics Market Assessment and Land Availability Report and an update to that report in February 2025. This report considers that all other committed or allocated sites in Cherwell DC, either currently existing or potentially coming forward, are smaller or of irregular shape and not capable of delivering the ‘XXL’ units Albion are proposing.

9.21. I am inclined to agree with this viewpoint: developing this scale of development next to Junction 11, for example, would result in landscape harm and severe highways safety issues (both National Highways and Oxfordshire County Council Highways objected to the recent appeal application APP/C3105/W/24/3352512); and Junction 9 is currently unallocated (albeit it has land allocated in the emerging plan for district scale B2/B8 development). Moreover, this scale of development would not be appropriate for this scale of development to be located on the edge of Category A Villages.

9.22. The other part of CBRE’s assessment is their review of the existing principal logistics schemes on the M40, predominantly, but not limited to, the Cherwell District.

9.23. The Council instructed Lambeth Smith Hampton (LSH) to review CBRE’s evidence to help establish the actual level of need and supply at both district and the wider PMA level. LSH are in agreement with CBRE that there is a regional/national demand for XXL units. For the ease of reference, I have included LSH’s assessment of CBRE’ evidence, in the paragraphs below:

“Overall, we consider the evidence provided by CBRE shows that there is high demand for XXL units from businesses requiring premises from which to serve regional and national requirements. This is distinct from the market for units serving a more local market; and whereas both will favour locations with easy

access to the strategic highway network, the drive time advantages make this part of the country of particular interest to businesses wanting XXL units.

As the level of occupier enquiries demonstrates, the M40 corridor meets the locational criteria of businesses with XXL requirements by providing proximity to the strategic highway network, access to workers, and sites with the capacity and topography to accommodate the largest requirements that are not within Green Belt or constrained by other national designations that would prevent development. Baynards Green is within this area and meets these criteria

The need for XXL units is difficult to estimate at a district level using typical forecasting methods, due to the very small number of units of this size which makes establishing trends at a local level difficult. Additionally, the catchment areas covered by distribution units of this size are generally regional or even national in scale. These factors mean that defining the need for XXL units at a district level is not practicable or advisable.

Ideally, there would be a strategic logistics study which examines the need for these large-scale logistics at a regional scale, however at present there is a lack of such strategic evidence. It is not within the scope of this commission to quantify need at this scale and due to the size of the catchment areas, these XXL units are not included within the Cherwell ENA which is focused on district need.

Whilst the evidence presented by CBRE does not constitute a full strategic study, in our opinion the evidence they have presented in relation to demand for XXL units is compelling. Based on the evidence presented from CBRE alongside our own market knowledge, we are in agreement that there is a high demand for XXL units in this area. Given the very large catchments, it is not possible to conclude that this need is specifically required within Cherwell district, however it is clear that the district is a very attractive location and therefore demand is high.

Whilst the focus of CBRE's evidence is XXL (with some analysis of XL units over 350,000sqft), it is noted that the layout of the site and therefore the unit sizes are indicative at this stage and to be determined at reserved matters stage. Two options are presented within the CBRE report, with only Option 2 providing unit sizes. For Option 2 the unit sizes range between 386,000sqft and 1,179,000sqft and although not stated the unit sizes for option 1 appear to be smaller with the majority below the XXL threshold.

Given the focus of their evidence on XXL units, it is assumed that Albion wish to develop units of this size and therefore if the Council are minded to grant permission, the indicative nature of the unit sizes and the options presented may need to be considered and discussed further.

- 9.24. Despite some minor differences in approach, and whilst no survey has been undertaken to establish the exact level of national need, LSH agree with CBRE that there is a high need/demand for this type of development, for regional and national needs, noting that the scheme would also bring a range of economic benefits to the local and wider economies.
- 9.25. Moreover, I am advised by LSH that the Cherwell Economic Needs Assessment (ENA) 2025 has led to an increased estimate of need, reflected in the draft review Local Plan 2042. The 'upper end' of the range of employment need figure is now much more closely aligned with the level of need identified by Savills (in respect to the Tritax proposals), despite the differences in methodology.

- 9.26. The plan seeks to meet identified employment needs in full. I am also advised by the Council's Policy Officer that the emerging Local plan allocates 97.5 hectares for employment, but it is not expected that the delivery of these sites (Tritax and Albion) will be adversely impacted by development proposed. The Policy Officer advises that the need for employment land in the district to 2042 is estimated to be in the range of 274-359 hectares. The policy officer adds that , "given the inherent uncertainty of long-term projections, it is considered appropriate to plan for the mid-point of the range of 316 hectares. These applications (Albion and Tritax applications), if approved, would enable the supply to be at the top end of the range."
- 9.27. The delivery of new employment land, in a sustainably suitable location, is a very significant benefit of this scheme. However, I attach even more weight to the benefits of this scheme in the context of LSH's conclusions and the Policy Officer's comments.
- 9.28. I note in some of the representations received it is alleged that the previous committee report did not take into account the Council's own Cherwell Local Plan Review 2042 Employment Topic Paper, dated July 2025, which appeared to show exceedance of need by supply. However, and firstly, the Topic paper was published after the 3rd July 2025 Planning Committee. Second, the evidence underpinning the report erroneously assumed that Members had resolved to grant permission for the Tritax application. Therefore, the employment floorspace of that application was already factored into the assessment of supply but should not have been.
- 9.29. Consequently, with the conclusions of the LSH report and the Council's Employment need background paper for the emerging Local Plan, the scheme's compliance with the current NPPF paragraphs, the proposal in my view overall complies with the criteria of the policy SLE1. For the ease of reference, I have set out my assessment of the scheme against the criteria of this policy:

Policy SLE 1:

- 9.30. ***"Unless exceptional circumstances are demonstrated, employment development in the rural areas should be located within or on the edge of those villages in Category A (see Policy Villages 1)."***
- 9.31. I consider there to be exceptional circumstances. These exceptional circumstances arise from a consideration of the planning balance as a whole, which I undertake below, taking into account all material considerations assessed in this report. However, the key points which I would highlight at the present time are as follows:
- LSH have concluded that CBRE have provided compelling evidence that there is high demand for XXL units from businesses requiring premises from which to serve local, regional and national requirements
 - The applicants' planning statement confirms that there are no other suitable alternative sites or opportunities for large scale logistics buildings of this nature along the M40 corridor
 - Collectively, there would be 3000 permanent jobs across Albion's two sites (East & West) + 400 temporary construction jobs created
 - Para 85 of the NPPF advises that there should be "Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development"
 - Para 86 of the NPPF states: "Planning policies should pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying suitable locations for uses such as logistics"
 - Para 87 of the NPPF acknowledges the importance of 'suitably accessible locations' - this site is next to the Motorway, away from villages

- The development would bring a range of economic benefits to the local and wider economies and help support the modern economy
- Established occupiers (DHL) lined up, so a big part of the site could come forward quickly
- This site sits inside the Oxford – Cambridge corridor. The Government wishes this corridor to be an economic engine for the whole of the UK. For further info, see: <https://www.gov.uk/government/news/minister-vallance-underlines-how-oxford-cambridge-corridor-ambitions-can-boost-whole-uk>

9.32. ***“New employment proposals within rural areas on non-allocated sites will be supported if they meet the following criteria:***

- ***They will be outside of the Green Belt, unless very special circumstances can be demonstrated.***

9.33. Officer Comment: Complies.

- Both Albion east and west parcels are outside the Green Belt

- ***Sufficient justification is provided to demonstrate why the development should be located in the rural area on a non-allocated site.***

9.34. Officer Comment: Complies for the following reasons:

- Para 322 of the LSH report: “As the level of occupier enquiries demonstrates, the M40 corridor meets the locational criteria of businesses with XXL requirements by providing proximity to the strategic highway network, access to workers, and sites with the capacity and topography to accommodate the largest requirements that are not within Green Belt or constrained by other national designations that would prevent development. Baynards Green is within this area and meets these criteria”
- This site will help plug a potential shortfall in B2/B8 use at the upper end of the estimated employment range, as concluded by LSH
- Also, whilst in the rural area, the sites are close to the motorway and therefore wouldn’t comprise sporadic development.
- There are no sites on the edge of Category A Villages capable of delivering schemes of this scale, and they are not as close to the motorway. Also, development on this scale would harm the setting of Category A villages, if they were located on the edge.
- ***They will be designed to very high standards using sustainable construction and be of an appropriate scale and respect the character of villages and the surroundings***

9.35. Officer Comment: Complies

- The delivery of a very high quality of design for the buildings and the internal landscaping scheme, can be secured through robust pre app discussions and reserved matters applications.
- The buildings would not impact on the character of the neighbouring villages, which are significantly set back from the site.
- The buildings, with appropriate screening, would respect the urban character of the surrounding M40, B4100, the garage & MacDonalds and the A43
- Sustainable construction conditions will be imposed, which require the development to be completed to BREEAM Very Good/Excellent as offered by the applicants in their planning statement.

- ***They will be small scale unless it can be demonstrated that there will be no significant adverse impacts on the character of a village or surrounding environment.***

9.36. Officer Comment: Partial compliance

- The buildings would not be small in scale. However;
 - They wouldn't impact on the setting of Ardley, Fritwell or Fewcott, the three closest villages. Nor would they be out of keeping with the urban nature of the M40, the A43, and the garage and the MacDonalds to the North of the site.
 - There would be significant adverse harm on the character and appearance of the area when viewed from the vantage points identified in LUC's assessment and set out in the Landscape and Visibility chapter of this committee report, noting that this landscape is of 'modest' value.
- ***The proposal and any associated employment activities can be carried out without undue detriment to residential amenity, the highway network, village character and its setting, the appearance and character of the landscape and the environment generally including on any designated buildings or features (or on any non-designated buildings or features of local importance).***

9.37. Officer Comment: Complies

- The scheme can be carried out without undue detriment to residential amenity or the highways network.
 - The site is not near a village and would not affect the setting of the closest village
 - The scheme will not unduly impact on the setting of any listed and non-designated buildings (no objections Historic England or CDC Conservation).
 - There would be some harm to the character of the landscape, the majority of which can be mitigated through robust landscaping plans.
- ***The proposal will not give rise to excessive or inappropriate traffic and will wherever possible contribute to the general aim of reducing the need to travel by private car. There are no suitable available plots or premises within existing nearby employment sites in the rural areas".***

9.38. Officer Comment: Complies

- National Highways and OCC Highways have, subject to conditions and planning obligations, no objections to the scheme from a highway's safety point of view.
- The provision of either an improved or new bus service and cycle/pedestrian path would contribute to the general aim of reducing the need to travel by private car.
- There are no suitable alternative sites within Bicester or Banbury which are in close proximity to the M40 that could absorb a scheme of this scale. J11 is not appropriate from a landscape or highways perspective and J9 does not currently have any allocated sites (albeit there are some employment sites in the emerging Local Plan Review).

9.39. Whilst the proposal does not fully comply with every criteria of this policy, it complies with the majority of them and, taking the policy as a whole, I consider that the proposal overall complies with this policy.

- 9.40. Overall, this proposal would contribute to the provision of logistics to meet the needs of a modern economy (as supported by NPPF para. 86(c)) and generate a great number of jobs (with various salaries): from the temporary construction workforce to the long-term annual jobs, including Warehouse workers, drivers, cleaners, office staff (IT etc) and managerial staff. This is a very significant benefit of this scheme.
- 9.41. A point has been raised in third party representations about whether there would be local demand for these jobs. Officers' views are that not allowing new economic development on this basis is not supported by national or local policy and, moreover, there are a number of settlements in the area, some of the residents of which might obtain jobs on this site during the lifespan of the development.
- 9.42. These significant job projections are, I note, not theoretical – LSH consider them to be accurate, helping to create a diverse employment base in the district. The XXL units would also have the added benefit of not only serving the district and the region, but serving at a national level as well, given their position in a 'suitably accessible location'.
- 9.43. The development, with the improved landscaping proposal, along with the proposed training and apprenticeships scheme, complies with the majority of the criteria of policy SLE1 and partially complies with the remaining criteria. Therefore, my view is that the revised scheme now complies with this policy overall.
- 9.44. Several third-party representatives have observed that this proposal would not comply with emerging policy LEC3 of the proposed draft Cherwell Local Plan Review 2042 and I agree with that as the site is not in or on the edge of a main town, local service centre or Category A village criteria i) – vi) to LEC3 do not apply. In terms of criteria vii) – ix), which relate to sites within smaller villages and in the open countryside, it would not comply with criteria vi of emerging policy LEC3 because the site does not constitute previously developed land. It would, however, comply with the other criteria because there is currently an employment need, there are not alternative available sites to deliver employment schemes on this scale in Banbury or Bicester, after 15 years the impact on the local views would not be significantly harmful and the site is not inside the Green Belt. Also, the proposal for XXL-sized warehousing is not designed to meet local business and community needs but is instead focussed primarily on addressing regional and national needs, resulting in conflict with criterion vii). However, as the Council's policy officer has stated, there have been numerous objections made to this proposed policy during the representations stage; and the policy has not yet been through the rigour of an Examination in Public. Therefore, whilst some weight can be attached to the policy the weight is still very limited and not enough for this application to be determined against this policy.

Landscape & Visual Impact

- 9.45. The two emerging local plan policies relevant to this part of the application are policies COM 10 (Protection and Enhancement of the Landscape) and COM 11 (Local Landscape Designations). Emerging policy COM 10 seeks to protect and enhance the landscape and, as well as requiring all major developments proposals to be supported by a Landscape and visual Impact Assessment, it sets out criteria that, if triggered, would result in a development not being supported from a landscape (and Heritage) perspective. Those criteria are:

- i. Cause an unacceptable visual intrusion into the open countryside;*
- ii. Be inconsistent with local character;*

- iii. *Introduce disturbances to areas with a high level of tranquillity;*
- iv. *Cause coalescence between settlements;*
- v. *Harm the setting of natural, built and historic landmark features, or*
- vi. *Reduce the historic significance of the landscapes.*

9.46. Emerging policy COM 11 not only lists the seven Local Landscape Designations (LLD) included in the Local Plan Review 2042, it also requires development proposals “within or affecting a designated local landscape” to be assessed “based on its specific landscape and visual impact on the valued characteristics of the designated landscape.”

9.47. One of the LLD’s listed is North Ploughley, which covers land east of the A43 and mostly north of the B4100. Cherwell Landscape Designation Assessment (2024), which forms part of the evidence base to the draft Cherwell Local Plan Review 2042 describes the North Ploughley LLD as comprising a series of shallow limestone valleys with a rural, well wooded character with some long views across areas of larger scale arable farmland. The site sits outside within this LLD.

9.48. The emerging policy COM11 goes on to add that development must have regard to the Cherwell LLD and should study and avoid loss or harm to the aspects of landscape value and qualities of the designated landscape. Another aspect of this policy is that development will be required to respond appropriately to the recommendations for managing the designated local landscape.

9.49. To this end, the Council instructed Land Use Consultants (LUC) to assess this application (both in isolation and cumulatively with the neighbouring Albion East and Tritax proposals) against these two emerging local plan policies (COM 10 and COM 11).

9.50. LUC’s full report can be found on public access, but, in short, the conclusions are that the Albion proposals would not be fully compliant with all of Policy COM 10 due to the significant effects on landscape character due to the proposals’ size, scale and character. LUC’s Landscape Architect writes:

“The development of Albion Land’s proposal would affect the openness of the landscape, and views, in a localised area around the proposed development. This is inevitable for a development of this type and scale.

Whether the proposed development complies with Policy COM 10 (criterion i) depends on whether the level of visual intrusion is deemed to be acceptable. Acceptability can only be judged in a planning balance exercise because the landscape and visual impact would not be acceptable unless there were a need for the development, or other benefits from implementing it. There would be significant adverse effects on views and these would persist into the long term, but they would be localised. It is recommended that the acceptability of the development is judged as part of the planning balance exercise, acknowledging this long term adverse visual effect in a localised area.

There would also be significant effects on landscape character of the site and locality due to the proposal’s size, scale and character and so for this reason the proposal would not be fully compliant with Policy COM 10 (criterion ii). The way in which the reserved matters applications are brought forwards (including the detailed design of, and materials used for, the buildings and landscape proposals) would be influenced by the way in which the development fits with landscape character. This should aim

to use materials that are sympathetic to local character, and provision of a minimum of 35m locally appropriate (and climate resilient) woodland screen planting for the development edges that adjoin the existing rural landscape/ B4100 / Baynard's Green"

- 9.51. LUC's report also concluded that Albion's proposal to the east of the A43 is just outside this designated area (the other side of the B4100) and, therefore, would be visible from the Local Landscape Designation (LLD) but would not directly affect the land within it.
- 9.52. LUC commented that the Albion Land proposal east of the A43 *"would affect the sense of rurality and farmland fields on the south-western boundary of this LLD and views from the south-western edge of the LLD, but this is not considered to result in loss or harm to the aspects of landscape value and qualities of the landscape for which it is designated or the integrity of the designation. The proposal would therefore comply with COM 11"*
- 9.53. LUC also concluded that "Tritax would have a greater influence on the LLD than Albion Land's proposal and the combined effect of both would be very similar to the effect of Tritax alone".
- 9.54. LUC's conclusions, notwithstanding, it is important to acknowledge that whilst the emerging Local Plan policies now carry more weight than they did at the 3 July 2025 Planning Committee, the emerging Local Plan has not been through the rigour of an Examination in Public. There remain objections to these policies whilst they await examination. Therefore, only limited weight can be applied to these emerging policies, at this stage. By contrast, the NPPF 2024 and the Local Plan: Part 1 2031 do still carry full weight.
- 9.55. Paragraph 187 of the NPPF requires planning policies and decisions contribute to and enhance the natural and local environment by, amongst other things:
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and*
 - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- 9.56. Policy ESD13 states that development will be required to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.
- 9.57. The policy goes on to list 6 criteria where proposals will not be permitted. An assessment of the proposals against the 6 criteria is contained in table 1 below.
- 9.58. Policy ESD15 opens with, *"Successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. All new development will be required to meet high design standards. Where development is in the vicinity of any of the District's distinctive natural or historic assets, delivering high quality design that complements the asset will be essential."*

- 9.59. Sitting underneath this paragraph is a list of design criteria, including the requirement for new development to be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. This part of the policy adds that development of all scales should be designed to improve the quality and appearance of an area and the way it functions.
- 9.60. Strategic objective 12 of the Cherwell Local Plan seeks to focus development at Cherwell's sustainable locations, making efficient and effective use of land, conserving and enhancing the country and landscape and the setting of its towns and villages.
- 9.61. Paragraph B.87 of the Cherwell Local Plan explains that Cherwell's countryside, landscape and green spaces are important natural resources. It goes on to state that they form the setting of our towns and villages, contribute to their identity and the well-being of Cherwell's communities. The countryside's intrinsic character and beauty is important to the quality of life in Cherwell and remains an economically important agricultural resource.
- 9.62. The Cherwell District Council proposals map does not identify the site as falling within the Area of Outstanding Natural Beauty or being within a locally designated valued landscape area. However, it does not automatically follow that development on it would be acceptable and, for reasons set out below, there are several factors that would, together, result in harm to the character and appearance of the area.
- 9.63. Saved policy C8) of the Cherwell Local Plan 1996 seeks to resist development "*if its attractive, open, rural character is to be maintained*". It explains that this policy "*will apply to all new development proposals beyond the built-up limits of settlements including areas in the vicinity of motorway or major road developments but will be reasonably applied to accommodate the needs of agriculture. There is increasing pressure for development in the open countryside particularly in the vicinity of motorway junctions. The Council will resist such pressures and will where practicable direct development to suitable sites at Banbury or Bicester.*"
- 9.64. In paragraph 35 of the recent Caversfield Appeal decision (PINS Ref: APP/C3105/W/24/3355576), the Inspector addressed Saved Policy C8 as follows:
- Saved CLP 1996 policy C8 seeks to resist development beyond built up limits. Whilst the intention of protecting the countryside is clear this policy is at odds with the Framework given the land supply situation in this area and, as such, it can only be accorded limited weight, other more specific policies referred to above are of greater weight given they do not relate to such an 'in principle' objection outside of built up limits.*
- 9.65. Although the Inspector with that appeal was dealing with a housing application and five-year housing land supply, there are parallels with this application because, at present, the Council does not have adequate employment space at the upper level; and the Council's policy officer advises, in the latest consultation response, that
- "Indeed, following the earlier resolutions to approve the potential contribution of these sites towards employment land need has already been factored into the local plan land supply calculations. It is therefore considered that the plan is not prejudiced by bringing these sites forward."*
- 9.66. Policy DM4 of the Mid Cherwell Neighbourhood Plan 2018 -2031 makes clear that "*development proposals within the plan area must demonstrate sensitivity to the important views and vistas described in Table 4 and illustrated by photographs in the documents referred to in that Table, by including an assessment of the significance*

of the views and the effect of the proposed development on them. Proposals which cause significant harm to any of these views will only be acceptable where the benefits of the proposal clearly outweigh any harm. “

Development proposals must also be designed such that there is no adverse impact on the sensitive skylines identified in Fig. 8 and referenced in Table 4.

- 9.67. Of the two Albion applications, this western parcel is the least sensitive location. It is well screened along the A43 and along much of the B4100. The most open views are from the motorway where cars move quickly.
- 9.68. That said, at circa 43.9 ha hectares, the combined fields form a very large site and, given the site's proximity to three residential properties, public rights of way, and the views from the M40 and parts of the A43 and B4100, it is nonetheless a prominent and sensitive site.
- 9.69. In this context, the introduction of large-scale buildings, associated large-scale lorry and car parking spaces, along with the presence of the lorry's, and, in some places, significant earth bunds, there will be an impact on the landscape and the character and appearance of the area. The key questions then, are what is the extent of the harm? Will the character of the area be compromised and undermined as part of that harm? Can harmful effects be adequately mitigated?
- 9.70. Tyler Grange, on behalf of the applicant has viewed the site from 15 different viewpoints in their Viewpoints and the Zone of Theoretical Visibility (ZTV). Their ZTV covers a radius of 2km from the centre of the site.
- 9.71. Tyler Grange considers the Fritwell and Middleton Stoney LCAs, in which the Western and Eastern Sites lie, to have a high/medium susceptibility to the Development and a localised importance (medium / low landscape value) resulting in a medium overall sensitivity to proposals. LUC, on behalf of the Council, broadly agree with this assessment, noting that, *“noting that Cherwell Council's published Landscape Sensitivity Assessment (September 2022) identifies assessment unit LS M40 J10_2 (equivalent to the (Albion) Eastern site) as having a slightly higher sensitivity to logistics development (moderate-high sensitivity to logistics development and moderate sensitivity to commercial development) than the Western site (assessment unit LS M40 J10_3) which is stated as having a moderate sensitivity to commercial and logistics development. LUC's view is that the sensitivity rating of moderate is about right, with sensitivity increasing with distance from the M40/A34 junction.*
- 9.72. LUC's position is that *“Given the height and scale of the proposed development parameters there will be a number of significant adverse effects on landscape and visual receptors”* for 15 years and beyond...
- 9.73. As part of their assessment LUC reviewed the viewpoints in Tyler Grange's ZTV and made the following comments:

If only the western site were to be developed then then the area of landscape that will experience a change to character will be reduced, with the area to the east of the A43 being unaffected, and the significant effects on users of the bridleway abutting the southern boundary of the Eastern site, users of footpaths around Stoke Lyne, the local community of Stoke Lyne and motorists on the A43 would fall away. Also, a shorter stretch of the B4100 would be urbanised. The remaining key significant (long terms) effects would be on:

- *Users of local public rights of way, and particularly the footpath crossing the western site (Photo viewpoints 8 and 9) which will need diverting between the new buildings.*
- *Users of the PRow network abutting the site i.e. the bridleway abutting the western edge of the Western Site (Photo viewpoint 7).*
 - *To a slightly lesser extent, users of the footpaths and bridleway network in the vicinity of the sites including the footpath south of Tusmore Park (Photo viewpoints 2 and 3) due to views of the building in the western development; users of the PRow west and northwest of A43 (Photo viewpoints 10, 18 and 20) due to views of the Western development, and users of the PRow to the west and southwest of the Site on the edges of Fewcott and Fritwell (Photo viewpoints 12 and 13) due to views of the buildings in the western development.*
- *The local community of Baynard's Green (Viewpoint 8) comprising Medkre, Baynard House, cottages to the south of Baynard House, Baynard's Green Farm and Baynard's Barn - these are the properties closest to the Site and are open to the Western Site so will experience a big change in views, particularly Medkre and the cottages to the south of Baynard House (but no residential visual amenity threshold breaches);*
 - *and to a lesser extent the local communities of Fritwell (Viewpoint 12) and Ardley/ Fewcott (Viewpoint 13) – from these communities most views will be from edges or upper storeys of individual properties, and they will be more distant than at Baynard's Green.*
- *Urbanisation of a section of the B4100, west of the A43 roundabout and views into the development site from here;*
 - *To a lesser extent users of the M40 who, although they will experience clear views of buildings on the western site, the motorists will be passing at speed and have lower interest in their views than on local roads.*

9.74. This application will lead to long-term significant adverse harm on the receiving local environment with a medium overall sensitivity.

9.75. When assessed against the criteria of Policy ESD13, there is conflict:

Policy Requirement	ESD13	My Response	Accordance with ESD13 Bullet Points
Bullet point 1. Cause undue visual intrusion into the open countryside.		This scheme would urbanise 8 open, gently undulating arable fields and would have a dominating effect from the Motorway and a neighbouring field, post 15 years. However, the impact would be reduced by a robust landscaping plan and it would be well screened from the A43 and the B4100.	Partial Compliance

Bullet point 2. Cause undue harm to important natural landscape features and topography	The undeveloped character of the application site contributes positively to a medium sensitive landscape setting. This proposal would alter the character of the landscape. The gently undulating topography landscape would not be as visible. However, the landscape is not valued or of historical importance and not readily visible at present from surrounding roads. So, in that sense, it would comply with this part of the policy	Yes - complies
Bullet point 3. Be inconsistent with local character	The loss of longstanding hedgerows and the urbanisation of the site would be at odds with the rural site and because of the scale and massing, would jar with it without landscape mitigation in those areas where the site is visible. However, the local character also includes the M40, the A43 and B4100 which their tarmac, noise, lights and traffic.	Partial Compliance
Bullet point 4. Impact on areas judged to have a high level of tranquillity	Map 4.4 of The Landscape Character Assessment (2024) identifies the tranquillity of the site as being medium to low.	Yes - complies
Bullet point 5. Harm the setting of settlements, buildings, structures or other landmark features, or	It wouldn't harm the setting of any settlements or landmark features or the closest residential properties, which are already largely screened by hedgerows and trees ~~is 205m~~ away.	Yes - complies
Bullet point 6 Harm the historic value of the landscape.	It is not a landscape with historic value	Yes - complies

- 9.76. Overall, I consider that there is partial conflict with the Cherwell Local Plan 2015, the Mid-Cherwell Neighbourhood Plan policies and the NPPF in relation to the issue of landscape impacts. The landscaping scheme proposed on the parameter plan and phased landscaping schemes, secured through detailed reserved matters applications would provide mitigation rather than enhancement of the site and the local landscape.
- 9.77. However, it is my view, and LUC's, that this application site would be the most suitable location of all the logistics applications around Baynards Green: it is a far less visible location and less sensitive site than the neighbouring logistics planning application sites: Albion eastern parcel (the east of the A43) and Tritax Big Box (to the northeast of the Baynards Green roundabout – part of which has a high tranquillity rating on the CBRE Tranquillity Maps 2006). The adverse landscape harm will not be as keenly felt here given the surrounding road network.
- 9.78. I would also expect any reserved matters application to include a robust layout strategy for that phase (to be secured via **Condition 17**). As noted in the 'Highways' chapter, the amount of urban tarmac and parking bays shown on the illustrative plans are 780 bays which, when measured against OCC maximum standards of 1000 bays per 300,000sqm of employment space, represents a 78% exceedance. A robust landscaping scheme with significantly less parking would need to be secured by condition, if approved.
- 9.79. Cumulatively, all four applications around Baynards Green roundabout, subject to conditions, would be broadly compliant with policies ESD 13, ESD 15 and the NPPF.

Highways

- 9.80. In response to the Council's Regulation 25 Letter, the applicants have submitted an updated Environmental Statement which includes 'the Oxfordshire Strategic Rail Freight Interchange (OxSRFI) as part of the updated cumulative impacts assessment.
- 9.81. Although not requested in the Council's Regulation 25 letter, the applicants also looked at other existing and/or proposed schemes coming forward with a 5 km study area, which identified the following additional schemes that fall within 5 km of the site:
- Dorchester's Heyford Park new town (application ref: 25/02190/HYBRID)
 - Hallam Land's NW Bicester urban extension (application ref: 21/04275/OUT)
 - Puy du Fou's historic theme park at Bucknell (application ref: 25/02232/OUT)
- 9.82. The Council did not require the above applications to be included in the applicants' cumulative assessment on the grounds that there are objections and holding objections to all three applications from OCC Highways and National Highways (and other consultees) and significant changes may well be required to the respective Transport Assessments. By contrast, OCC Highways are of the opinion that the trip generation and modelling information from the OxSRFI, from an OCC Highways perspective, can be relied upon at this stage.
- 9.83. The Applicant, in their updated Planning Statement, dated November 2025 commented that they do not agree *"that CDC's request for this further environmental information was fully justified Albion Land has updated the Planning Applications by virtue of this Planning Statement Addendum and the submission of a further Environmental Statement*

Addendum comprising Non-Technical Summary and Transport, Ecology, Landscape and Visual Impacts, Socio-Economics and Cumulative Effects chapters.

Though not requested by CDC, and substantially less advanced / certain than the Proposed Development, the ES Addendum additionally reflects the submission of planning applications for / advancement of other development proposals in the vicinity of the sites that have the potential to interact with the Proposed Development.

Together, these documents ensure that CDC has sufficient, proportionate and up to date information on which to reconsider the applications at a forthcoming meeting of the Planning Committee.”

9.84. The applicants’ sensitivity testing, based on the available information, concludes that there would be no additional likely significant cumulative effects.

9.85. OCC Highways have reviewed this information and made the following comments:

The ES Addendum transport topic is addressed through a sensitivity test carried out by SLR Consulting on behalf of the current Albion Land and Tritax applications at Baynards Green, as set out in the ES Sensitivity Tests document, which I have reviewed. The assessment focusses on peak-hour traffic at M40 J10 and the junction of A4095 and B4100 at Bicester, reflecting the scope of the original TA.

To meet the Regulation 25 requirement, cumulative traffic assessment is provided including OxSRFI traffic, with its mitigation, on top of Albion, Tritax, and background traffic including traffic from committed development. Further cumulative assessment has been carried out and included within the Sensitivity Tests document, adding in traffic from speculative development proposals currently under consultation at Heyford Park and Bucknell (Puy du Fou). However, I am not considering these further assessments in my response because a) at this time those developments are not considered to have sufficient certainty of coming forward to require the assessment and b) OCC is not yet satisfied with the transport assessment of either of these developments, so in my opinion the information regarding their traffic flows cannot be relied upon.

In line with guidance, the original ES considered increases in traffic across the day arising from the development on a number of road links. The ES Addendum now submitted does not provide a revision of this assessment. However, taking into account the links that were assessed, and the low sensitivity ascribed to them in the ES, I think this is reasonable. The B4100 southeast of Baynards Green, and the B430 through Ardley are predicted to see net reductions in traffic as a result of the OxSRFI embedded mitigation (Ardley bypass and Middleton Stoney Relief Road). The additional traffic on the B4100 west of Baynards Green associated with the OxSRFI, Albion and Tritax applications is unlikely to exceed the guidance thresholds requiring further environmental assessment, although this does rely on HGV routing restrictions being adhered to, preventing the use of the route by HGVs from the proposed developments.

Although the B4100 has been classified as low sensitivity in the original ES, to the west it routes past Souldern, where there are properties very close to the road and adjacent to the carriageway. It then proceeds towards Aynho where traffic could turn right through Croughton to get to the A43 N. The route through Croughton village has properties including a primary school fronting directly onto the road. Traffic proceeding towards Banbury would pass through Aynho village, where there are properties fronting directly onto the road, and pedestrian crossing demand. It would then pass through Adderbury, where there is primary school frontage on the B4100 and crossing demand. We have requested a condition for an HGV Routing Strategy to complement

the legal routing agreement, acknowledging that routing agreements are difficult to enforce when there are a number of operators. In the routing strategy we will be looking for strong measures to prevent HGVs using routes other than the permitted routes. This should be comparable to the measures proposed by OxSRFI, which includes ANPR cameras.

The methodology of the Sensitivity Tests is set out in the SLR document. It is based on a model scenario run by OxSRFI as part of their assessment, referred to as scenario DS3A. This is a 2034 scenario including the SRFI full development and their full package of embedded mitigation, including the proposed improvements to M40 Junction 10/Baynards Green. It also includes the Albion Land (21/03267/OUT and 21/03268/OUT) traffic because those applications already had a committee resolution to approve. The mitigation scheme for Baynards Green included in this scenario is the OxSRFI 'Alternative scheme' which is a widening of the mitigation scheme to be delivered by Albion and Tritax prior to first occupation of their sites, to provide additional lanes.

The B4100/A4095 junction was also assessed as part of the Albion and Tritax planning applications (including all of these developments). OxSRFI, with its mitigation package, is predicted to reduce traffic at this junction because of their proposed Middleton Stoney Relief Road, such that there would be a net reduction in flows at the junction.

OxSRFI have assessed J10 using a linked LinSig model of the junction including Ardley Roundabout in the south and Baynards Green Roundabout to the north. Further testing as recommended by National Highways is being carried out by OxSRFI using the NH VISSIM microsimulation model of the junction but is not yet available. SLR (for Albion and Tritax) have copied OxSRFI's LinSig DS3A scenario (taking the details from the consultation materials) and added in the agreed predicted traffic flows for the Tritax development proposal.

The LinSig results predict that the junction, with the improvements provided by OxSRFI and Albion/Tritax, as well as the wider OxSRFI mitigation package, is likely to operate within capacity in 2034. The model also includes the Albion Eastern site access, which is also predicted to operate within capacity.

Separately an ARCADY model of the Tritax site access roundabout on the B4100 has been provided demonstrating that it is also predicted to operate within capacity with OxSRFI.

9.86. National Highway were reconsulted and advised that from a transport perspective, their previous comments on the original application, as set out in their updated response of 13 January 2025, stand and National Highways has no objection to the sensitivity tests outlined above.

9.87. The emerging Local Plan policy CSD 23 (Assessing Transport Impact/Decide and Provide) encourages development to:

i. Contribute towards the improvement of public transport and the improvement and delivery of walking and cycling routes that serve the site. This could be achieved through the design of development and/or through financial contributions appropriate to the scale and impact of the development;

ii. Be expected to provide, or make a proportionate contribution to the provision of, new and/or improved public transport infrastructure and services considering cumulative impacts of other approved developments

in the area;

iii. Limit motor vehicle trips and identify and deliver highway safety measures at and around the development site, including temporary measures during the construction phase. This measure should reduce road danger and facilitate safer movements for all users and transport modes, and

iv. Comply with the latest Oxfordshire guidance on design, cycle and car parking provision, servicing facilities and electric charging infrastructure. Development which improves or provides new public transport infrastructure and facilities will be supported subject to:

v. Being acceptable in terms of impact on the environment including townscape, public realm and amenity of adjoining areas;

vi. Being designed to be safe, convenient, attractive and accessible for use especially for people with disabilities and specific mobility needs, and

vii. Providing adequate cycle parking and safe and suitable access on foot and by bicycle, including consideration of pedestrian and cycle desire lines.

9.88. For reasons set out in the policy chapter, I afford limited weight to this policy at present. Nonetheless, subject to planning conditions and an agreed s.106 agreement, and reasons set out above and below, the proposal would in my view comply with this emerging policy.

9.89. Paragraph 115 of the NPPF states that in assessing specific applications for development, it should be ensured that:

- a. appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b. safe and suitable access to the site can be achieved for all users;
- c. the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d. any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

9.90. Paragraph 116 of the NPPF makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

9.91. Policy SLE4 of the Local Plan reflect the NPPF policy: it states that development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported.

9.92. Paragraph 117 of the NPPF states inter alia that within this context, applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

- 9.93. Paragraph 118 of the NPPF requires all developments which generate significant amounts of movement to provide a Travel Plan, and the application should be supported by a vision-led transport statement or Transport Assessment so the likely impacts of the proposed development can be assessed and monitored.
- 9.94. National Highways had originally (September 2022) requested that planning permission was not granted for a period of 3 months to allow time for the applicant to provide the additional information required to help National Highways better understand trip generation and the level of impact on the national road network, including Baynards Green roundabout.
- 9.95. In March 2023, National Highways requested another 3 months pause to allow for further information to assess the potential impact on a similar extent of the SRN, including the Baynards Green roundabout and establish the level of mitigation that would be required at this junction, as the Growth Fund scheme was no longer in place as originally expected. This holding objection was repeated several times and remained in place until April 2024 following the applicants' scheme to improve the Baynards Green Roundabout with additional north-south highway capacity on the A43 and enhanced signal controls, as shown in general accordance with SLR Consulting drawing ref: 216285-A-14A, titled Baynards Green General Arrangement.
- 9.96. National Highways were satisfied by the mitigation plans and subsequently withdrew their holding objection on the basis that a stringent pre-occupation of development condition is imposed to ensure that the highway improvement plan, as shown on SLR Consulting drawing ref: 216285-A-14A, titled Baynards Green General Arrangement, is completed and open to traffic. National Highways then subsequently recommended an additional condition for a Construction Environmental Management Plan (CEMP).
- 9.97. OCC Highways are also satisfied with the principal of the proposed capacity improvement works to Baynards Green Roundabout, particularly now that it will be secured through the s.106 agreement. This means that in the event that the Tritax scheme or one of the two Albion Schemes comes forward in advance of the others, one applicant/landowner cannot prohibit the other from carrying out the agreed works in full. OCC Highways' concern comes from a need for Tritax and the Albion Land East parcel to provide land outside the highways boundary (East of the A43 and South of the B4100) to allow for adequate forward visibility to the roundabout when approaching along the B4100 from the east. Therefore, this agreement is required to ensure that the scheme can come forward prior to the first occupation of any of the application sites.
- 9.98. Notwithstanding the support in principle for the Baynard's Green mitigation measures, OCC Highways also have to be satisfied that the application is not going to unduly impact on the local road network from an increased journey time and highways safety perspective and ensure that any impacts are not severe.
- 9.99. Following an OCC Highways objection in August 2024, and a request for further information in March 2025, the applicants, along with Tritax Big Box, have jointly submitted the following additional documents:
- Transport covering letter on behalf of applicants, Albion Land and Tritax; and
 - Transport Modelling Appendix A Topic Paper Addendum providing summary of current situation, details of cycle facility and an appendix with details of a

test to address OCC's previous concerns regarding modelling of B4100 junctions.

9.100. The updated information sets out the following:

- How the scheme would integrate with the proposed cycle route to Bicester.
- How the crossing facilities at the southern arm have been amended to a parallel crossing arrangement.
- How the splitter island has been increased in width at the access and at the B4100.
- Confirmation that detailed highway boundary has been obtained to confirm land ownerships.
- Further details regarding the design of the bus stop areas which aim to reduce conflict between cyclists and waiting bus passengers.
- Transport Modelling work

9.101. For completeness, I have set out OCC's key concerns (written in italic font) in 2024 and OCC's response, following receipt of this additional transport information:

9.102. *Lack of commitment to providing the cycle route between the sites and Bicester, with the applicants seeking to justify not providing it:*

"This is now offered as mitigation, as set out in Transport Topic Paper Addendum Appendix C, drawings DTA 17213-30-GA- 0-6 Rev N, and further work has been done by the applicant to demonstrate its feasibility, including a Road Safety Audit Stage 1, to the point where OCC highways is satisfied that it could be delivered, albeit with constraints requiring narrowing in places. Points raised in the RSA can be addressed through detailed design. Since the submission of this additional material, there has been further discussion as to how the route could safely transition into Braeburn Avenue, and the works are likely to require some changes to the geometry of the junction, to tighten up the radii. There is insufficient agreed-carriageway facilities but cycling on carriageway in Braeburn Avenue is considered acceptable due to the low traffic volumes (it is not a through road because of the bus-only link at the northern end of Charlotte Ave) and 20mph speed limit. OCC remains firmly of the opinion that this mitigation is required alongside public transport improvements as part of the sustainable transport strategy for the site, and in order to provide safe access for all users. (NB: For OCC's full justification please see their response of November 2024). There would be some loss of vegetation including overgrown hedgerow, and possibly some complete loss of hedgerow along parts of the route. However, in my opinion this should be considered in the context of the significant loss of hedgerow arising from the developments themselves and the mitigation scheme at Baynards Green."

9.103. *Aspects of the access arrangements required revision for safety reasons:*

"these have been largely addressed (see Appendix E of 'Topic Paper Addendum' dated 3 February 2025), and the proposed access for the Albion Land eastern plot (to the east of the Baynard Green Roundabout) has been changed from a roundabout to traffic signals, which is considered acceptable. The revised junction arrangements for the Albion Land E site have been subject to RSA1 and are considered acceptable in combination with one other in terms of safety."

The accesses E of the B4100 accommodate the proposed cycle/pedestrian link to Bicester, which has been subject to a separate Road Safety Audit Stage 1 (Appendix C of the Topic Paper Addendum). The detailed design stage of the accesses must be carried out in conjunction with detailed design of the ped/cycle facility.

Accesses for Albion E and Tritax are shown in combination, together with their required bus stop laybys and crossing, on drawing SLR 216285_PD12 Rev A. Drawing DTA 17213-35-GA Rev D shows the signalized junction for Albion E.

For the Albion Land W site, an additional footway has been added to the W side of the access road and an informal crossing at the roundabout junction with the B4100. I would prefer to see the crossing set back from the roundabout for safety reasons and therefore a condition is requested. Consideration will also need to be given to cycle access to the western plots. The arrangements are the subject of a separate full application, ref: 21/03266/F.

Careful consideration will need to be given to the construction phase, and it is expected the CTMP will consider the construction of the junctions. The highway works necessary for each application site will be secured through the respective S106 agreements. For each site this will include continuous footway and cycleway linking to the Baynards Green junction improvement scheme and to Bicester (Braeburn Avenue), bus stop facilities including laybys and crossing of B4100. Completion of these works will be required prior to first occupation. “

9.104. *Concern that the assessment of the B4100/A4095 junction in Bicester was underestimating the traffic impact of the development at that junction.*

Further modelling work has since been undertaken which is discussed further below.

9.105. *Assessment of impact on villages to the north in Northamptonshire.*

It is noted that WNC concluded that there would be negligible impact on traffic flows in Aynho and Croughton. Difference plots from the Bicester Transport Model show that approximately 14% of the development traffic would route via the B4100 west, which would result in a change of less than 5% on the B4100 through Aynho, which could not be considered severe in NPPF terms. The increase in traffic will be from cars, not HGVs, which would be subject to a routing agreement prohibiting them from travelling north on the B4100.

9.106. *Concern about the level of car parking at the developments.*

“Whilst this is only indicative and would be agreed at reserved matters stage, from the layouts provided it is evident that the number of car parking spaces envisaged (these are marked on the plans – not just a general area indicated for parking) is far in excess of OCC’s parking standards. If parking levels were to be allowed as shown, this would potentially undermine travel plan objectives to promote sustainable travel and car sharing. The travel plan is especially important here since the applicant’s traffic modelling of the A4095/B4100 junction relies on significant modal shift away from single occupancy car trips between the site and Bicester. “

9.107. I agree with OCC regarding the concern over the considerable exceedance of the parking bays (the illustrative plan suggests 1780 bays against OCC maximum standards of 1000 bays per 300,000sqm of employment space -a 78% exceedance).

Not only would such a proposal result in further landscape harm and, potentially, a reduced quality internal layout, it would also run counter to the aims and aspirations of the Travel Plan and its ability to help encourage a modal shift from driving to cycling and walking.

- 9.108. OCC's Highway obligations are set out in the 'Infrastructure' chapter below. Subject to those contributions being agreed, along with the conditions, then this aspect of the proposal complies with national and local planning policy. The improvement works to Baynards Green roundabout will now be secured through the s.106 agreement instead of condition, this is to ensure that all the relevant parties (landowners and applicants) are signed up to it.

Ecology

- 9.109. Policy ESD10 (Protection and Enhancement of Biodiversity and the Natural Environment) seeks to protect and enhance biodiversity and the natural environment.
- 9.110. Policy ESD10 sets out 12 criteria for how biodiversity and the natural environment will be achieved. The criteria include achieving a net gain in biodiversity, protection of existing trees, increasing the number of trees through planting of new trees and incorporation of features to encourage biodiversity.
- 9.111. Policy BL11 states that all development shall be encouraged to respect the local character and the historic and natural assets of the area. Policy BL11 goes on to state that development should take opportunities to protect and wherever possible enhance biodiversity and habitats.
- 9.112. These policies are both supported by paragraph 187 of the NPPF which states that planning policies and decisions should contribute to, and enhance, the natural and local environment by minimising impacts on and providing net gains for biodiversity.
- 9.113. Cherwell Local Plan policy ESD11 states: *"Development which would prevent the aims of a Conservation Target Area being achieved will not be permitted."*
- 9.114. Moreover, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.115. The PPG dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.
- 9.116. Tyler Grange, on behalf of the applicants, have conducted an Ecology Appraisal and provided additional foraging information and a HHMP.
- 9.117. This information confirms that 2.6km of hedgerow (some of it species rich) across this and Albion's Eastern parcel on the other side of the A43 would be lost and a general loss of habitat for farmland birds (Lapwing, Skylark, Yellowhammer) and the hairstreak butterfly.
- 9.118. The applicants are proposing on-site mitigation measures through the provision of Enhanced Areas of Landscape Zones (shown on the Land use plans) which would be areas designated for retention and strengthening of existing vegetation.

- 9.119. The applicants have also acquired 20ha of arable land located near Piddington. This site will be used for the creation of neutral grassland (comprising grassland with a high proportion of flowering grasses) and hedgerows.
- 9.120. The applicants have also submitted a draft Habitat Management and Monitoring Plan (HMMP) which sets out measures to maximise the biodiversity potential of retained and newly created habitats through appropriate management covering a period of 30 years.
- 9.121. Collectively, through on-site and the off-site measures, the applicants anticipate that this development would be able to achieve a BNG of 16% for habitat units and 11% for hedgerow units.
- 9.122. I note that there have been several objections to the scheme on ecology grounds including, but not limited to, residents, Fritwell Parish Council, CPRE, Tusmore Park Estate, Stoke Lyne Parish Council, BBOWT and MKA Ecology Ltd who do not think the BNG proposal is policy compliant. The Environmental Agency had also previously raised concerns that a 20ha off-site area near Piddington, which the applicants had been proposing to use, was in Flood Zones 2 and 3 and, therefore, at risk of flooding.
- 9.123. In November 2025 the applicants submitted the updated Ecological Survey Results (badger, dormouse, breeding birds, a Draft Habitat Management and Maintenance Plan (HMMP) and an updated statutory BNG metric.
- 9.124. CDC's ecology officer is happy with the update information (2024 surveys), which explains that the conclusions of the 2022 assessment of effects presented within the ES Chapter remain unchanged (no dormouse present on Albion East and no conclusive evidence of hazel dormouse on the western site etc). The additional information also explains that the applicants are no longer proposing to use the 20ha site near Piddington. Instead, for BNG, they would be achieving net gain through both onsite habitat creation and off-site unit purchase.
- 9.125. The Council's ecology officer has advised me that the Council needs to ensure that both methods are secured, not just the off-site units. Albion have enough significant habitat onsite that the Ecology officer strongly recommends securing the Habitat Management and Monitoring Plan (HMMP) and associated monitoring fees via a Section 106 agreement. If this were a much smaller site, or if Albion were only delivering low-distinctiveness habitats, a condition could be appropriate. However, the onsite habitats here are significant and will require ongoing management and monitoring. Without this, the site will not achieve the agreed net gain, even though they are purchasing off-site units to cover the remainder of the requirement. Therefore, it is imperative that the HMMP and monitoring fees are secured through Section 106.
- 9.126. The Council's previous ecology officer had initially raised concerned about the impact the proposal would have on the existing badger set and fears that due to the loss of so much foraging areas for them, they would essentially become landlocked and would like to see further buffer habitat for badgers as well as wildlife tunnels beneath all roads. The applicants have responded that, due to the size of the buildings and the foundations it will not be possible to provide further on-site buffer habitat. However, crucially, badgers are protected species and will need to be safeguarded. Consequently, a pre commencement planning condition (**14**) requiring a mitigation strategy prior to site clearance is recommended. This strategy shall include details of a recent survey (no older than six months) and identify whether a development licence is required and the location and timing of the provision of any protective fencing

around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority.

- 9.127. I do consider that the loss of so much species rich hedgerow, and the reduction in farmland birds and hairstreak butterfly, conflicts with local plan policies, and it is a harmful aspect of the development. However, I also think that, whilst the harm cannot be completely compensated, the provision of robust ecology conditions to ensure the delivery of on-site replacement hedging and off-site wildlife and planting provision, this element of the scheme would not warrant a refusal in itself. In the planning balance below, I give modest negative weight.

Drainage

- 9.128. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 181 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

- 9.129. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.

- 9.130. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.

- 9.131. The applicants, in their submission documents, have included an updated Flood Risk Assessment (September 2024), prepared by Bailey Johnson Hayes Consulting Engineers.

- 9.132. This report recommends that the following drainage measures are put in place to mitigate the impacts of the development: *“Raising thresholds and building levels outside of design flood levels, providing safe access and egress around the development, directing overland flows towards areas of low risk, implementation of SuDS to manage runoff at sources thus reducing flood volume, installation of pollution prevention features to prevent contamination at discharge locations, tree planting to increase biodiversity and absorption of water, management and maintenance to ensure correct operation of all drainage systems and managing residual risks post development.”*

- 9.133. The report goes on to recommend the following SuDS features:

- Swales
- Infiltration Basins
- Permeable Paving

- Petrol Interceptors
- Catchpits, Gullies and Line Drains
- Flows control devices

9.134. It concludes by stating that, *“Further design will be required to establish the detailed drainage network and to ensure no flooding is created on the site during the 30-year event and flooding is contained on site safely during the 100-year + 40% event.”*

9.135. On the 6 March 2025, Anglian Water, who hadn't objected to the proposal previously, objected to the scheme connecting to their foul network due to capacity constraints and pollution risk. Anglian Water also made the following comments:

Wastewater Treatment

- *The proposed development is situated within the catchment area of the Stoke Lyne Water Recycling Centre (WRC), which is currently classified as a Descriptive Works – a small WRC with a descriptive permit. There is no planned investment in this catchment and any additional flow poses an environmental risk to the watercourse.*
- *To overcome our objection the applicant should carry out 12 months of flow monitoring to measure the total daily volume of treated effluent being discharged from the WRC. The data should be shared with us and if it is proven that the total volume, with the addition from the proposed development, does not exceed the permitted volume for this WRC then our objection could be removed.*
- *Prior to carrying out flow monitoring the applicant needs to contact Anglian Water to discuss how this must be undertaken.*

Used Water Network

- *In order to overcome our objection we require that the applicant consults Anglian Water in a form of a Pre- Development enquiry (PPE) in order to define a Sustainable Point of Connection (SPOC). This will avoid the constrained network which could cause pollution and flood risk downstream. The developer is to be responsible for the infrastructure to convey foul water flows from the proposed development to the receiving network. Once a SPOC has been identified and a strategy has been agreed with Anglian Water, we would expect the applicant to submit this PPE as part of their submitted documents for this application, we will then review and respond appropriately.*

Anglian Water is committed to supporting sustainable growth and in doing so we must continue to meet the statutory obligations whilst balancing factors such as climate change as environmental protection. However, if the LPA are minded to approve the application, despite our objection and risk of pollution, we recommend the following condition is applied:

9.136. Whilst Anglian Water has objected to the proposal, as noted in their comments, they have said that in the event that the Council were minded to approve the application, they would require a condition to be imposed which prohibits the development from commencing until a strategic foul water strategy has been submitted to and approved in writing by the Local Planning Authority, in consultation with Anglian Water.

9.137. Consequently, the pre commencement nature of this condition would ensure that the concerns raised by Anglian Water do not come to pass because their concerns will have to be addressed/overcome before any development can take place.

9.138. Similarly, Thames Water, in their consultation response, have advised that, following initial investigations, they have identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. As a consequence, they have requested a condition be imposed which prohibits any of the buildings from being occupied until confirmation has been provided that demonstrates that either:- *“all water network upgrades required to accommodate the additional demand to serve the development have been completed; or – a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied.”*

Subject to conditions, including Anglian Water’s Grampian condition (35) Thames Water pre-occupation Grampian condition (34), neither the CDC Drainage officer, nor OCC, as the LLFA, have raised any objections to the proposal. Therefore, with the appropriate stringent conditions attached, the proposal would accord with relevant Local and National Planning policies and I give neutral weight to this matter in the planning balance.

Energy

9.139. Planning plays a vital role in ensuring that developments minimise their contribution towards climate change. This is recognised by the Government and why one of the NPPF’s core principles is that *“the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure (paragraph 152)”*.

9.140. Cherwell District Council is committed to tackling climate change. For many years Cherwell District Council has been at the forefront of developing and implementing robust and innovative planning policies and standards to tackle climate change. In July 2019 it declared a Climate Change Emergency.

9.141. When the 2011-2031 Local Plan was adopted, it strengthened previous planning policies relating to energy in order to ensure that the Council continues to take a robust and ambitious approach to minimising carbon emissions in the district, which is why policies ESD 1 – 5 were introduced.

9.142. Policy ESD1 of the CLP 2015 covers the issue of Mitigating and Adapting to Climate Change and includes criteria under which application for new development will be considered. Included in the criteria is the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts. These requirements will include the consideration of, taking into account the known physical and environmental constraints when identifying locations for development. Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling. Minimising the risk of flooding and making use of sustainable drainage methods and reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).

- 9.143. Policy ESD5 of the CLP 2031 Part 1 requires new commercial development of over 1000sqm floorspace and for new residential development for 100 dwellings or more to provide a feasibility assessment of the potential for significant on-site renewable energy provision. This is expected to then be provided if it is shown to be deliverable and viable. Policy ESD4 of the CLP 2031 Part 1 also requires a feasibility assessment to be carried out for such developments to consider whether District Heating/ Combined Heat and Power could be incorporated.
- 9.144. Policy ESD3 of the CLP 2031 Part 1 requires that all non-residential development will be expected to meet at least BREEAM 'Very Good' standard. It also requires development to reflect high quality design and environmental standards and for water, it is expected that a higher level of water efficiency than required by the Building Regulations be sought to achieve a limit of 110 litres/ person/ per day (this applies to residential uses too).
- 9.145. The applicants' Environmental Statement (prepared by Quod) advises that based on measures detailed in the Travel Plan, inherent design measures to minimise energy consumption, along with the use of PV (to ensure GHG emissions from energy use of office and core areas of buildings are zero) their scheme could achieve the ESD 3 requirement of "Very Good" under BREEAM, and remove the need for any form of decentralised energy supply.
- 9.146. Although officers are aware of concerns over energy capacity issues in/around Bicester, NG has been consulted repeatedly and has not voiced any objection to the schemes, and it is their responsibility to supply adequate electricity to the development. On that basis, officers are not minded to consider this a reason for refusing the scheme.
- 9.147. Based on the above points, and the imposition of a condition (10), it is considered that the proposal would comply with the requirements of Policies ESD1, ESD2 and ESD3 of the CLP 2015.

Heritage

- 9.148. Policy ESD15 of the CLP 2015 makes it clear that new development to, or near, non-designated heritage assets, should: "Conserve, sustain and enhance designated and non-designated 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG."
- 9.149. Paragraph 207 of the NPPF states that *"the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*
- 9.150. The applicants have included a Cultural Heritage Report in the ES, prepared by RPS. This appraisal concludes that there would not result in any adverse effects on the closest heritage assets, which are:

- Barn at SP 5487 2940, Grade II listed (List entry number: 1046400);
- Manor Farmhouse, Grade II listed (List entry number: 1369564); and
- Fewcott Farmhouse, Grade II (List entry number: 1046880).

9.151. This is a view shared by the Council's Conservation Officer, who has concluded that, overall, in terms of Heritage Assets, the development is considered to have limited direct impacts. She commented, *"The Listed barn at Baynards Farm to the north of the site is part of a farm complex that has now been converted to business use. These buildings are located adjacent to the A43 and behind a modern petrol station and fast-food outlet. It is therefore considered that the setting of the Listed barn is somewhat compromised by the existing buildings in its immediate surroundings. Because of this the proposed development of this site is unlikely to further harm the significance of the Listed Building through development within its setting. It is noted that the indicative plans show the land surrounding Baynards House not to be developed and landscaping to the north of the site around the site entrance."*

9.152. The Council's Conservation Officer also considered the relationship between the proposal and the closest conservation areas to the site, which are Ardley and Fewcott, and Fritwell: *"From within these conservation areas the development site is not considered to be visible and Fritwell conservation area in particular is surrounded by more modern development on the east side that is not part of the conservation area. In both cases once you are well outside the village on the footpaths the logistic sheds may be visible in the wider landscape, however the views and countryside setting are considered to be interrupted by the existing road infrastructure. Because of this and the distances involved the proposals are not considered to be harmful to the significance of the conservation areas."*

9.153. Sub-section vii) of emerging Local Plan policy COM 10 makes clear that new developments should not "Reduce the historic significance of the landscapes". The proposal would comply with this part of the policy as well.

9.154. I note in one of the objection letters from Somerton Parish Council there is concern that this application, along with the Albion, Heyford 'New Town' and Puy du Fou applications, would result in a national heritage impact on Rousham House & Garden - a Grade I listed house set within a Grade I Registered Park and Garden. I requested the views of the Council's Conservation Officer on this point. Her advice was:

"In respect of Rousham House and The Registered Park surrounding it, the significance of these heritage assets is recognised. However, because of the location of Rousham in relation to the proposed developments it is considered that there will be no direct harm to significance. It is acknowledged that the developments will visually alter the wider landscape, but this does not necessarily equate to heritage harm."

9.155. For these reasons, this aspect of the proposal would not unduly impact of the views set out in table.4 of the Mid Cherwell Neighbourhood Plan (2018 - 2031) and is policy compliant.

Archaeology

9.156. RPS, on behalf of the applicants, carried out an archaeological desk-based assessment (DBA) in June 2021. This was followed by a geophysical survey between May and August 2021, which, in turn, was supplemented further by a field evaluation comprising evaluation trenches between November 2022 and January 2023.

9.157. Based on the conclusions of this work, RPS do not anticipate there would be any archaeological remains present that would preclude development or form a material design consideration.

9.158. Similarly, OCC'S Archaeologist has commented that "no archaeological deposits which will require further mitigation were recorded in the western land parcel" and raised no objection.

9.159. For this reason, this element of the scheme accords with the local planning policies and the NPPF.

Residential Amenity

9.160. The NPPF identifies, as a core planning principle, that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.

9.161. This core principle is reflected in Policy ESD15 of the CLP 2011-2031 Part 1, which states that new development proposals should: "*consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.*"

9.162. The three closest residential properties to the application site, which are close to the south-eastern boundary, would be the only residential properties affected by the proposal. Their views would undoubtedly be altered which is a shortcoming of the development, although Tyler Grange, in Appendix 13/11A of the ES concludes that would be no effects on residential properties above the residential visual amenity threshold (NB: this threshold is not prescriptive but is in place to ensure developments are as neighbourly as possible).

9.163. However, given the significant setback between the closest building shown on the parameter plan, and these properties (205m) and intervening landscape screening, I do not anticipate that the neighbours would experience a loss of daylight/sunlight or privacy.

9.164. Although there would be a great deal of lorry, van and car movement on the site, the Council's environmental protection officer has not objected on noise grounds, subject to conditions which also secure the proposed barrier in para 10.7.25 of the ES and the low noise road surfacing to achieve a further noise reduction of 3dB in para 10.7.29be.

9.165. Similarly, the Lighting Assessment (prepared by Light Pad) concludes that although there would be no impact to residential amenity as a result of glare arising from the lighting installation– baffles would still be used as an extra protection. On page 17, several lighting mitigation measures are proposed. The Council's Environmental Protection officer advises that these are acceptable and can be secured by condition.

9.166. Therefore, subject to conditions, this element of the proposal complies with policy ESD15 of the CLP 2011-2031 Part 1 and Policy PD6 (Control of light pollution) of the Mid Cherwell Neighbourhood Plan 2018 – 2031.

Loss of Agricultural Land

9.167. Paragraph 187b states that planning policies and decisions should contribute to and enhance the natural and local environment by:

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

9.168. Best and most versatile agricultural land' is defined in the Glossary on page 70 of the NPPF (Dec, 2024) as being Land in grades 1, 2 and 3a of the Agricultural Land Classification.

9.169. The Agricultural Land Classification (ALC) system sets out what it considers to be the Best and Most Versatile Agricultural Land, in the following order:

- *Grade 1: Excellent quality* agricultural land, with very few or negligible limitations to agricultural use.
- *Grade 2: Very good quality* agricultural land, with minor limitations that affect the range of crops or level of yield.
- *Grade 3: Good to moderate quality* agricultural land, with moderate limitations.
This grade is subdivided:
 - *Subgrade 3a: Good quality* agricultural land, which falls under the BMVAL definition.
 - *Subgrade 3b: Moderate quality* agricultural land, which does not fall under the BMVAL definition.
- *Grade 4: Poor quality* agricultural land, with severe limitations that significantly restrict the range of crops.
- *Grade 5: Very poor quality* agricultural land, with very severe limitations.

9.170. Emerging policy LEC 7 (Best and Most Versatile Land) makes clear that Best and most versatile agricultural land will be protected from unplanned development to maximise opportunities for food and other agricultural production. The policy goes on to state that:

"Development resulting in the loss of the best and most versatile agricultural land will only be supported if all of the following criteria are met:

- a) the development meets a demonstrable essential need in the public interest;*
- b) there is insufficient lower grade land available in other suitable locations;*
- c) the contribution to the achievement of sustainable development outweighs the need to protect the land, and*
- d) the likely impact on existing agricultural operations has been minimised.*

An agricultural land classification report will be required and will require independent verification on behalf of the Council which must be paid for by the applicant."

9.171. The limited weight that should be applied to this emerging policy notwithstanding, proposal would comply with parts a, c and d.

9.172. The applicants have submitted an Agricultural Land Assessment, prepared by Askew Land & Soil Limited. This report concludes that the site is predominantly 3b (Moderate quality agricultural land) with the remainder being classed as 3a (Good

Quality Agricultural Land) albeit the Grade 3a Good Quality land is not consistent and is mixed in with the 3b Moderate quality land.

- 9.173. Therefore, in developing this site, the district would be losing a small amount of the lower end of the 'best and most versatile' agricultural land (Grade 3a) which is tempered with Grade 3b (Moderate Quality land). This is a minor harm of the development. However, this harm would be countered by the creation of a great number, and a wide variety, of jobs on a short-term and long-term basis which outweigh the harm which would be fairly limited, in any event.
- 9.174. I also note in the Tritax's Agricultural Land Classification report, submitted under 22/01/out, sets out that the majority of agricultural land (67%) within the Cherwell District is either Very Good (Grade 2) or Good (Grade 3a) to Moderate (grade 3b) agricultural land, a percentage that is significantly higher than the national average.

Air Quality

- 9.175. Policy ESD 1: Mitigating and Adapting to Climate Change Measures contained within the Cherwell Local Plan 2011-2031 Part 1 states that measures will be taken to mitigate the impact of development within the District on climate change. At a strategic level, this will include: Distributing growth to the most sustainable locations as defined in this Local Plan; and delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.
- 9.176. Policy ESD 10: Air quality assessments will also be required for development proposals that would be likely to have a significantly adverse impact on biodiversity by generating an increase in air pollution.
- 9.177. Saved policy ENV1 contained within the Cherwell Local Plan 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted.
- 9.178. The Site does not lie within an Air Quality Management Area (AQMA) – the closest AQMA is 6.5km to the southern east of Bicester.
- 9.179. The applicants commissioned Isabel Stanley to carry out an Air Quality Assessment which concludes that the impacts of dust on the environment and people is 'low risk'. It also concludes, having used 25 existing receptors, that impacts of Nitrogen Dioxide concentrations would be negligible for 25 out of 25 receptors during the construction stage, and negligible for 24 out of 25 receptors during the development stage, where one receptor would change to 'moderate adverse'. The impact on particular matters receptors is thought to be negligible.
- 9.180. The conclusions of the Air Quality Assessment are that:
- "The assessment has demonstrated that the overall air quality effect of the Development on human health receptors will be 'not significant'; the Development will not cause any exceedances of the air quality objectives, or lead to any impacts that would be described as significant. Therefore, further mitigation measures are not proposed in this regard."*
- 9.181. The Council's Environmental Protection Officer agrees with the conclusions and raises no objection.

9.182. Moreover, having spoken with the Environmental Protection Officer (23 December 2025), he has confirmed that, subject to conditions, cumulatively (the Tritax and Albion applications combined), Air quality impacts would be of an acceptable level and that the schemes are policy compliant and he raises no objection.

9.183. Therefore, this aspect of the proposal complies with policies of ESD 1 and ESD10 of the Cherwell Local Plan:2015 and Saved policy ENV1 of the 1996 Cherwell Local Plan.

Public Right of Way

9.184. I note the comments from the Council's Legal Rights of Way officer (which is listed as an objection) makes reference to the updated parameter plan that shows a proposed diverted route of Ardley Footpath 109/5/10. The Legal Rights of Way officer has queried whether OCC's Countryside Service have agreed to the new alignment of the Public Right of Way (PROW).

9.185. The indicated route has remained consistent since the application was first submitted in 2021 and, my understanding is that it is largely influenced by, a), the development plot and, b), the nature of the intended use of the buildings and their associated service yards. Therefore, there is limited scope for adjustment.

9.186. Moreover, the OCC Public Rights of Way Officer has raised no objections with the principle of the PROW diversion. In fact, OCC responses suggest a draft condition which requires the submission and approval of details of the PROW improvements, in addition to requests for contributions (see 'Planning Obligations' section of this report, below) towards enhancing the nearby existing PROWs. These contributions and conditions are included in the S106 Heads of Terms and draft conditions, and the applicants have agreed to them.

9.187. In the event of approval, a formal PROW Diversion Order will be required. Further detail can be found here:

<https://www.cherwell.gov.uk/info/115/planning-process/953/public-rights-of-way>

Planning Obligations

9.188. The use of planning obligations to address the impact of development and ensure they are acceptable in planning terms is well established in legislation and national, regional, and local planning policy. The NPPF and Cherwell District Council's Local Plan: Part 1 2015 both recognise the importance of addressing the impacts of development and having effective mitigation in place to ensure that development can be accommodated sustainably

9.189. Policy INF1 requires development proposals to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.

9.190. Oxfordshire County Council have requested the following contributions, which will be subject to indexation:

- Highways works contribution 1 - Signalisation of Charlotte Ave/B4100 junction - **£56,643.24**
- Highways works contribution 2 - Traffic management in Caversfield/Aunt Emm's Lane - **£14,900**
- Public Transport – Bus service serving the site - **£2,133,133**

- Public transport infrastructure (if not dealt with under S278/S38 agreement) - Bus real time information (other bus stop infrastructure to be provided as part of S278/on site highway works - **£11,352**
- Traffic Reg Order (if not dealt with under S278/S38 agreement) - Consultation on change to speed limit on B4100 - **£4,224**
- Travel Plan Monitoring - To cover the cost to OCC of monitoring the travel plan over its life - **£3,265** for each site's framework Travel Plan & 3,265 for each unit.
- Public Rights of Way - Improvements to public rights of way in the vicinity of the sites - **£54k**
- Off-Site Highways Works - Improvements to Baynards Green roundabout, including widening, additional lanes and active travel infrastructure, as per drawing SLR 216285/A/14 Rev B. This scheme will be required prior to first occupation of any of the sites. Note that this is also a requirement of National Highways.
- Footway/cycleway link to Bicester - For all three application sites: Required for any one of the application sites prior to first occupation: footway/cycleway link to Braeburn Ave, Bicester, as shown in Appendix C
- Access Arrangements - Site access roundabout junction with B4100 and footway/cycleway link to footway/cycleway facilities forming part of Baynards Green roundabout improvements. Internal access road linking to timetable case, ducting) on internal access road (to enable the site to be served by public transport). Note that this is a combination of on and off-site highway works, and is the subject of a separate full planning application, ref 21-03266-F.

NOTE: The above represents the overall contributions required for applications 21/03267/OUT, 21/03268/OUT (Albion Land) and 22/01430/OUT (Tritax), which are considered together in this response. Those marked with an asterisk (highway works 1 and 2, and PRow) could be split proportionately between the sites. The public transport contribution is required in full by any one of these developments coming forward, as it is needed in full to provide an adequate bus service. Likewise, the Traffic Regulation Order contribution is required in full. Travel Plan monitoring contribution is as explained above.

9.191. In their consultation response, Oxfordshire County Council Highways have provided detailed information to justify the need for their contributions and demonstrate how they meet the three tests contained in paragraph 58 of the NPPF.

Other Matters

9.192. I note the advice received from Bicester BUG, as part of their consultation response and, having sought the advice of the OCC Highways officer, I shall address each point in turn:

B4100/A43 Junction

9.193. B4100/A43 junction – my understanding is that the possibility of a crossing on the A43 north arm was ruled out early in the design process by National Highways. There isn't the available highway space, particularly on the NW corner of the roundabout by the service station. There are crossings proposed on the other three arms of the roundabout, allowing access between the sites and the facilities at the PFS.

B4100 Road

- 9.194. The OCC Highway officer's disagree that this is like a normal spine road in terms of the requirements for movements. All likely movements between the sites and the petrol filling station and the bus stops would be catered for, and in the only place where there would be significant pedestrian movements (between the sites and the bus stops on the B4100) pedestrians would be segregated from cyclists. Elsewhere shared use is considered acceptable.
- 9.195. Crossing setbacks can be adjusted at detailed design stage if necessary.

Albion West Accessibility

- 9.196. OCC Highways have requested a condition to deal with how cyclists access the western units.

Cycle Pathway

- 9.197. Cycle path: priority across access points will be given where it is safe to do so, noting points above about set back – not always sufficient land to set the crossing back far enough, in which case it may not be safe to give priority to cyclists – this will be looked at detailed design stage.
- 9.198. Access and egress points, and bus stop bypass design can be addressed at detailed design stage.
- 9.199. Noted re rails and fencing, but we have accepted that there will be narrowings in places where there are constraints.
- 9.200. The proposed cycle path ends at Braeburn Avenue, where it is considered safe for cyclists to join the carriageway. The developers have shown (to OCC) a design where the junction radii are reduced to allow a safe transition onto the carriageway. Unfortunately, there isn't enough highway land on Braeburn avenue for a segregated cycle facility. On the B4100 south of Braeburn Avenue, there is a building close to the carriageway near the bend, which makes it unsuitable for an off-carriageway route alongside the B4100 to the A4095 junction.
- 9.201. The details of how the cycle path goes through the layby can be addressed at detailed design stage.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Sustainability is the golden thread that runs through the National Planning Policy Framework, and this is reflected in the policies of the adopted Cherwell Development Plan. The three strands of sustainability are economic, social and environmental as set out at Paragraph 8 of the NPPF.

Positive Benefits

Economic

- 10.2. The proposals will contribute significantly to the Council's Employment Land Supply, especially at a period of time when LSH has identified a potential shortfall of 22.5ha at the upper level. Moreover, a further benefit is that the scheme would be providing logistics use in line with the aspirations of paragraphs 86 and 87 of the NPPF which

seek to meet the needs of a modern economy, support economic growth and in a suitably accessible location.

- 10.3. LSH has also concluded that a benefit of the scheme would be helping to make a contribution towards national, regional and sub-regional strategic employment requirements.
- 10.4. The proposals would provide a forecast of 400 temporary construction jobs and a great number of permanent jobs (3,000, if combined with the eastern parcel).
- 10.5. It will also help the Government realise its's ambitious plans to ensure that the Oxford – Cambridge corridor is an economic engine for the whole of the UK.
- 10.6. Very significant weight should be attached to the economic benefits of the scheme.

Social

- 10.7. As already noted above, there is an economic benefit arising from the provision of jobs. The proposals will provide a range of job types with a variety of different salaries. Although not every post is likely to be taken by people living locally, the job provision is still a very significant benefit, and, given its proximity to a number of nearby settlements, there will be local residents who are likely to work there during the lifespan of the development. This is reflected above in the provision of very significant weight to the economic benefits.

Environmental

- 10.8. The proposals committing to a minimum of 10% biodiversity net gain, through a combination of on-site replacement habitat creation and off-site unit purchase land, also carries significant weight although it is balanced out by the loss of a significant number of species rich hedging.
- 10.9. There is an existing bus service – the 500, but it is hourly, doesn't extend into the early morning and late evening, and is only funded for a limited time (until 2027) from development in Brackley. The s106 contribution, although needed to make the development less car reliant, would cover a new bus service in the event the existing service ceases to be, or be used to top it up – in which case the money would last longer. I consider this to be a neutral benefit because it is required to help make a modal shift and ensure that the development is as sustainable as is possible.
- 10.10. Similarly, the cycle and pedestrian route connecting the site with Braeburn Avenue is necessary to help reduce the need for the car. Therefore, I give this neutral weight.

Negatives

- 10.11. No development or construction site is silent and dark and, therefore, the development will result in impacts on the area in terms of noise and disturbance, as the development is completed. There would also be disruption through the implementation of the traffic mitigation. This is minimised through the development and implementation of construction management plans. However, some disturbance is expected. This carries moderate negative weight.
- 10.12. The development, once built, would have a significant adverse harm from a small number of views. As the most harmful view would be from the Motorway, where cars are moving at speed, I consider this harm to be modest negative rather than significant negative.

- 10.13. Cutting into the well-established hedgerow along the B4100 will also be harmful, but a lot of screening will be retained, and the buildings are well set back. Therefore, I afford the harm modest negative weight rather than significant negative.
- 10.14. I do consider that the loss of so much species rich hedgerow, and the reduction in farmland birds and hairstreak butterfly, conflicts with local plan policies, and it is a harmful aspect of the development. However, I also think that, whilst the harm cannot be completely compensated, the provision of robust ecology conditions to ensure the delivery of on-site replacement hedging and off-site wildlife and planting provision, this element of the scheme would not warrant a refusal in itself. Therefore, I give the level of harm modest negative weight when weighed against the mitigation measures.
- 10.15. A new 4.5km cycleway, required to make the scheme acceptable from a safety and sustainability point of view, will result in further urbanisation of the area. However, this is likely to predominantly result in the loss of scrubs and overgrown hedges that have grown out over the embankment. It wouldn't be the same level of harm as the new access points on the B4100, for example. I give moderate negative weight to this harm.
- 10.16. The loss of a mixture of Class 3a and 3b Agricultural Land would also be a relatively modest shortcoming of the scheme especially when weighed against the number and variety of jobs provided. Therefore, I would give modest negative weight to its loss.

Conclusion

- 10.17. Exceptional circumstances, as required by local policy, have been demonstrated. On balance, the very significant benefits of creating a substantial amount of wide-ranging jobs in a suitably accessible location, through logistics development which will support the modern economy at national, regional and sub-regional levels, in line with National and Local Plan policies, outweigh the harms caused by developing this particular site. Although I have identified some local policy non-compliance as set out above, overall, I consider the proposal to accord with the development plan when taken as a whole, and material considerations do not justify a departure from the plan. For this reason, I respectfully recommend that planning permission be granted.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING TO GRANT PERMISSION, SUBJECT TO

- i. **THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- ii. **THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**
 - a. Payment of financial contributions towards Signalisation of Charlotte Ave/B4100 junction
 - b. Payment of financial contributions towards Traffic management in Caversfield/Aunt Emm's Lane
 - c. Payment of financial contributions towards Bus service serving the site and on site highways works
 - d. Payment of financial contribution towards Traffic Reg Order

- e. Payment of financial contributions towards improvements to public rights of way in the vicinity of the sites
- e. BNG provisions related to HMMP and monitoring fees.
- f. Appropriate monitoring fees for the delivery of the s106.
- h. Off-site transport improvement works.
- i. The provision of a cycle route to Bicester
- j. Provision of agreed site access arrangements

FURTHER RECOMMENDATION: IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED WITHIN 6 MONTHS OF THIS RESOLUTION AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions and provisions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to contrary to Policies BSC3, BSC10, BSC11, BSC12, SLE4 and INF1 Cherwell Local Plan 2015 and the aims and objectives of the National Planning Policy Framework.

Conditions

Phasing Plan

1. No development shall take place except for the enabling works approved under 21/03266/F until a phasing plan covering the entire application site has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved phasing plan and each reserved matters application shall be submitted in accordance with the terms of the approved phasing plan and refer to the phase (or phases) it relates to as set out in the approved phasing plan.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

2. No development shall commence on any phase identified within an approved the phasing plan approved under condition 1 except for the enabling works approved under 21/03266/F until full details of access (insofar as not approved by this decision), layout, scale, appearance, and landscaping (hereafter referred to as

reserved matters) of the development proposed to take place within that phase have been submitted to and approved in writing by the Local Planning Authority.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Reserved Matters timings

3. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). A longer period is considered appropriate to ensure the development is viable and can progress in phases though should be restricted to eight years to ensure that the assessments made of the development's impacts as part of considering the application are still robust.

Quantum of Development and Use Class

4. The development hereby permitted shall be used only for purposes falling within B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order and for no other purpose(s) whatsoever.

Reason: In order to retain planning control over the use of the site and in accordance with Government guidance contained within the National Planning Policy Framework.

5. Notwithstanding Condition 4, none of the floorspace hereby approved shall be occupied for the purposes of 'Last Mile Parcel Delivery Services'.

'Last Mile Parcel Delivery Services' means the movement of goods by parcels to residential and business users where product is moved from the warehouse shelf (or distribution centre) to the customer's doorstep by Light Goods Vehicle (LGV), as distinct from a retail warehouse and distribution centre where goods are distributed on pallets by Heavy Goods Vehicle (HGV).

Reason: To ensure, taking account of the material difference in traffic generation and impacts of last mile parcel delivery by LGV as compared to more traditional Use Class B8 uses with delivery by HGV, the traffic impact of which (above 20% occupancy) has not been assessed on the surrounding road network, in accordance with saved Policy TR1 in the Cherwell Local Plan 1996.

6. No more than 170,000sqm GIA of employment floor space shall be provided across the site as demonstrated on the 'Parameters Plans' and there shall be no units of less than 46,452sqm (500,000sqft) GIA.

Reason: To ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement, and sustainable development is achieved in accordance with Government guidance contained within the National Planning Policy Framework.

7. Notwithstanding the provisions of section 55 (2A) of the Town and Country Planning Act 1990 (as amended by Section 49 of the 2004 Act), Part 10 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Part 7, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no internal operations or extensions increasing the floor space of any buildings hereby permitted shall be carried out without the prior planning permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the provision of additional floorspace in order to maintain a satisfactory layout and sustain an adequate overall level of parking provision and servicing, and traffic generation on the site in accordance with Policy SLE4 of the Cherwell Local Plan 2011 – 2031 Part 1 and paragraph 116 of the National Planning Policy Framework.

Approved Plans

8. Except where otherwise stipulated by condition, the development shall be carried out in accordance with the following plans and documents:
- 20005-TP-002 Revision A Parameter Plan 01 Land Use
 - 20005-TP-003 Parameter Plan 02 Building Heights
 - 20005-TP-004 Parameter Plan 03 Vegetation Retention and Removal
 - 14047_P16 Rev A Landscape Parameter Plan

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework and Planning Practice Guidance.

Ground Levels

9. All reserved matters submissions relating to a phase shall be accompanied by details of the existing and proposed ground levels as well as finished floor levels of all proposed buildings within that phase. Where the proposed ground and floor level details are approved as part of the reserved matters approval for that phase, the development in that phase shall be undertaken in accordance with those approved levels.

Reason: To ensure that the proposed development is in scale and harmony with its surroundings and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Energy

10. All applications for approval of reserved matters shall be accompanied by details of the on-site renewable energy provision to be incorporated into that phase, including the provision of solar PV. Development within that phase shall take place in accordance with the approved details of on-site renewable energy provision and no

unit shall be occupied until the approved on-site renewable energy provision serving that unit is operational and shall be retained as such thereafter. Each phase shall deliver, as a minimum, a BREEAM 'Very Good' standard.

Reason: In the interests of ensuring that major development takes all reasonable opportunities to operate more sustainably in accordance with the requirements of Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1.

Ecology

LEMP

11. Prior to the first occupation of any part of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

Reason: To ensure the maintenance and management of open space areas, to secure a high standard of amenity for the site and to protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Environmental CEMP

12. Development shall take place in full accordance with the Construction Environmental Management Plan (CEMP included at Appendix 6.2 of the Environmental Statement (May 2024). No development shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) based on the measures outlined in the Ecology Appraisal has been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The CEMP: Biodiversity shall include as a minimum:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of 'Biodiversity Protection Zones';
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to

commencement of the development as it is fundamental to the acceptability of the scheme.

BEMP

13. The development shall not commence until a Biodiversity Enhancement and Management Plan (BEMP) and a completed Statutory BNG metric for enhancing biodiversity on the site and/or elsewhere within the Cherwell District so that an overall net gain of at least 10% is achieved has been submitted to and approved in writing by the Local Planning Authority. This shall also include a timetable for provision of measures. The BEMP should also include bat and bird boxes. Thereafter, the biodiversity enhancement scheme shall be carried out and retained in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Reserved Matters Ecological Surveys

14. No reserved matters application shall be submitted unless the ecological surveys supporting this outline permission remain valid in accordance with current CIEEM guidance. Where surveys are considered out-of-date by the Local Planning Authority, the reserved matters application shall include an updated ecological walkover survey and any further species-specific surveys identified as necessary.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

Protected Species:

15. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by an ecologist (Member of CIEEM or equivalent professional organisation) to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any new protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Badgers Mitigation

16. Prior to the commencement of the development hereby approved including any demolition and any works of site clearance, a mitigation strategy for badgers, which shall include details of a recent survey (no older than six months), whether a

development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Seasons

17. No removal of hedgerows, trees or shrubs nor any site clearance work (including vegetation removal) shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

PD Rights

18. Notwithstanding any provisions contained within the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any Order or Statutory Instrument amending, revoking or re-enacting that order), all water supply, foul water, energy, power and communication infrastructure to serve the development shall be provided underground and retained as such thereafter except where specifically approved otherwise as part of a grant of reserved matters approval for a phase or discharge of other conditions forming part of this permission.

Reason: In the interests of ensuring that such above ground infrastructure is not constructed in unsuitable locations on the site where it would be harmful to visual amenity and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Landscape

19. The submission of any Reserved Matters for each phase shall be accompanied by a scheme of hard and soft landscaping works in that Development Parcel will be submitted. The submitted detail will be in general accordance with the Illustrative Strategy (Landscape).

The submitted details will include the following in relation to that phase:

- Identification of existing trees, shrubs and other vegetation to be retained;
- Wildlife habitat creation of potential benefit to protected species. The extent, location and design of such habitat shall be shown clearly and fully described;
- The creation of a visually attractive and stimulating environment for the occupiers of the future development, and other users of the site;

- Details of street furniture including bins, seating, dog bins, and boundary treatment;
- The eradication of Japanese knotweed or other invasive species on the site, if applicable;
- The replacement of trees proposed to be lost in site clearance works;
- Details of the future management of the landscape scheme;
- Ground preparation measures to be adopted;
- Full botanical details, numbers, locations, planting specifications and densities/ seeding rates of all plant material included within the landscape scheme;
- Existing and proposed levels;
- Programme for delivery of the approved scheme.
- A colour study and photomontages to inform the selection of colours, cladding, fenestration, signage and roof appearance;
- Detailed landscape design proposals that reflect the landscape strategy and include integration of car parking and employee amenity areas;
- Full details of drainage features to be designed in accordance with the landscape strategy to provide multiple benefits – wildlife, amenity, seasonal cooling and drainage; and
- Full details of all auxiliary buildings and structures including boundary treatments gatehouse, bin and bike stores.

The approved scheme shall be implemented in accordance with the relevant approved programme for delivery forming part thereof and shall be managed for at least 5 years from the completion of the relevant scheme, in accordance with the approved management details.

Reason: To ensure the satisfactory appearance of the development and protect wildlife in accordance Policies SLE1, ESD10, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework.

Arboricultural Method Statement

20. Prior to the commencement of development, except the enabling works approved under 21/03266/F, an Arboricultural Method Statement, which includes tree protection measures shall be submitted to and improved in writing by the Local Planning Authority. The development shall be carried out in accordance with the statement's recommendations and shall be retained in place for the duration of the construction of the development.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity in accordance with Policies ESD10 and ESD13 of the Cherwell Local Plan Part 1 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

Contaminated Land

21. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out on that part of the site until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy

ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

Lighting

22. Prior to the installation of any external lighting, the design, position, orientation, any screening of the lighting and a full lighting strategy to include illustration of proposed light spill and which adheres to best practice guidance in relation to ecological impact, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved document.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage and harm to the environment from light pollution in accordance with Policy ESD10 of the Cherwell Local Plan 2011- 2031 Part 1, Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Fire Hydrants

23. No above ground works shall commence on any phase identified within the approved phasing plan, except the enabling works approved under 21/03266/F, until full details of the fire hydrants to be provided or enhanced within that phase have been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development in that phase, the fire hydrants shall be provided or enhanced in accordance with the approved details for that phase and retained as such thereafter.

Reason: To ensure sufficient access to water in the event of fire in accordance with Government guidance contained within the National Planning Policy Framework.

Highways

Baynards Green Improvement works

24. Prior to first occupation of the development hereby permitted, the scheme of works to improve the highway as shown in general accordance with SLR Consulting drawing ref: 216285-A-14A Rev B titled Baynards Green General Arrangement, shall be completed and open to traffic.

Reason: To mitigate any severe or unacceptable impact from the development on the A43 Baynards Green junction in accordance with paragraph 115 National Planning Policy Framework (December 2023) and paragraph 40 DfT Circular 01/2022.

Public Right of Way Improvements

25. The development shall not commence, except the enabling works approved under 21/03266/F, until full specification details have first been submitted to and approved in writing by the local planning authority of permanent improvements to the existing public footpath through the site and including its connection to the adjacent bridleway and its proposed diversion route through the site including route, width, surfacing, drainage, boundary treatments, gates and landscaping, together with a timetable for their implementation. Thereafter the improvements shall be provided in accordance with the approved details.

Reason: to ensure that the public right of way is usable and attractive.

Access

26. The access arrangements to the public highway, including pedestrian and cycle infrastructure connecting the parcels east of the proposed access road to the proposed improvement scheme at Baynards Green, incorporating a safe crossing point of the access road, shall be constructed in accordance with Drawing ref 17213-13 Revision O. Thereafter the access arrangements shall be provided prior to first occupation of the site in accordance with the approved details. Agreed vision splays shall be kept clear of obstructions higher than 0.6m at all times.

Reason: In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Details

27. No development shall commence on any phase identified within the phasing plan approved under condition 1 unless and until full specification details (including construction, layout, surfacing and drainage) of the turning areas HGV and car parking spaces within that phase have been submitted to and approved in writing by the Local Planning Authority. The car parking provision shall as a minimum be in accordance with Oxfordshire County Council's Parking Standards or New Developments, or such standards as may replace it. The turning area and parking spaces shall be constructed in accordance with the approved details prior to the first occupation of the development in that phase.

Reason: In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

HGV Routing

28. The development shall not commence until details have first been submitted and approved in writing of an HGV Routing Strategy which shall set out measures to prevent HGVs travelling to and from the site during the operational phase from using routes other than approved HGV routes, which shall be in accordance with Oxfordshire County Council's Freight and Logistics Strategy. And for the avoidance of doubt these shall not include the B4100 northwest of the site access.

Reason: In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Construction details

29. No development shall commence on any phase identified within the phasing plan approved under condition (1) except the enabling works approved under 21/03266/F, unless and full specification details (including construction, layout, surfacing and drainage) of the internal access roads, footways and segregated cycle facilities within that phase, have been submitted to and approved in writing by the Local Planning Authority. The roads, footways and cycle facilities shall be constructed in accordance with the approved details prior to the first occupation of the development.

Reason: In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Cycle Parking Details

30. Prior to the first use or occupation of any phase of the development hereby permitted, cycle parking facilities shall be provided for that phase on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be in accordance with Oxfordshire County Council's Parking Standards for New Developments, or such standards as may replace it. Thereafter, the cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

Electric Vehicle Charging Points

31. Prior to the first occupation of any phase of the development, a scheme for the provision of vehicular electric charging points to serve that phase of the development, which shall be in accordance with the Oxfordshire Electric Vehicle Infrastructure Strategy, shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of the unit they serve and retained as such thereafter.

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

CTMP

32. Prior to commencement of the development hereby approved, except the enabling works approved under 21/03266/F, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority for the A43. This shall include details of phasing of the highway works. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP.

Reason: In the interests of highway safety and the residential amenities of neighbouring occupiers and to comply with Government guidance contained within the National Planning Policy Framework and to mitigate any adverse impact from the development on the A43 in accordance with DfT Circular 01/2022.

Signage

33. The development shall not be occupied until a signage strategy for the site including off-site signage on nearby routes has been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be completed and signage installed in accordance with the approved details prior to the first use of any building on the site.

Reason: To ensure that traffic is directed along the most appropriate routes and to comply with Government guidance contained within the National Planning Policy Framework.

Travel Plan

34. Prior to the first occupation of the development hereby approved, a Framework Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved details.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.

Site Travel Plan

35. Within three months of the first occupation of each unit at the site a Site Travel Plan prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and based on the Framework Travel Plan approved under Condition 32, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved details.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.

Drainage

Water Supply

36. No development shall be occupied until confirmation has been provided that either:
- all water supply network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

Foul Water

37. No development shall commence, except the enabling works approved under 21/03266/F, until a strategic foul water strategy has been submitted to and approved in writing by the local Planning Authority, in consultation with Anglian Water. This strategy will identify what public foul network capacity improvements are required to accommodate the flows from the development, a strategy and programme for their delivery and confirm a sustainable point of connection. Prior to occupation within any phase, the foul water drainage works for that phase must have been carried out in complete accordance with the approved strategy.

Reason: To protect water quality, prevent pollution and secure sustainable development having regard to paragraphs 7/8 and 180 of the National Planning Policy Framework.

Surface Water Drainage

38. No development except the enabling works approved under 21/03266/F, shall commence until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
- Full drainage calculations for the following storm events: 1 in 1 year, 1 in 30 year and all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive Infiltration testing across the site to BRE DG 365 (if applicable), sufficient to confirm the design;
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction for the lifetime of the development; and post development in perpetuity;
- Confirmation of any outfall details;
- Consent for any connections into third party drainage systems.

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

SuDS As Built and Maintenance Details

39. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- (a) As built plans in both .pdf and .dwg file format;
- (b) Photographs to document each key stage of the drainage system when installed on site;
- (c) Photographs to document the completed installation of the drainage structures on site;
- (d) The name and contact details of any appointed management company information.

Reason: To ensure that the development does not increase risk of flash flooding in an extreme storm event in accordance with the requirements of Policy ESD7 of the

Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.

40. Each reserved matters submission for any phase shall be accompanied by a detailed Surface Water Management Scheme. The scheme shall be in accordance with the details approved as part of the strategic scheme approved pursuant to Condition 36 and include all supporting information as listed in the Condition. The scheme shall be implemented in accordance with the approved details and timetable.

Reason: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards.

21/03266/F

Agenda Item 11

**OS Parcel 2636 NW Of Baynards House
Ardley**



N



1:6,000

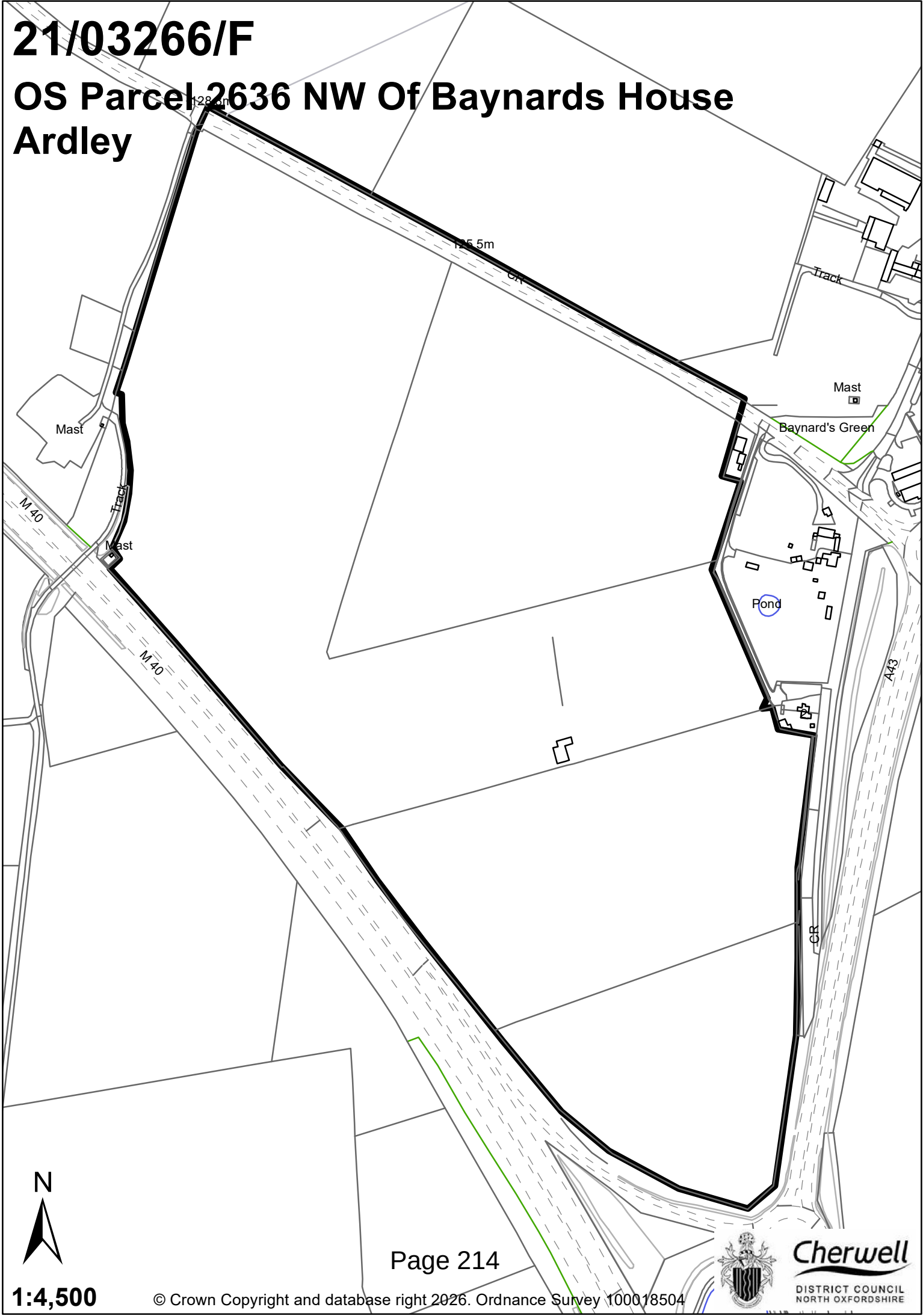
Page 213

© Crown Copyright and database right 2025. Ordnance Survey 100018504



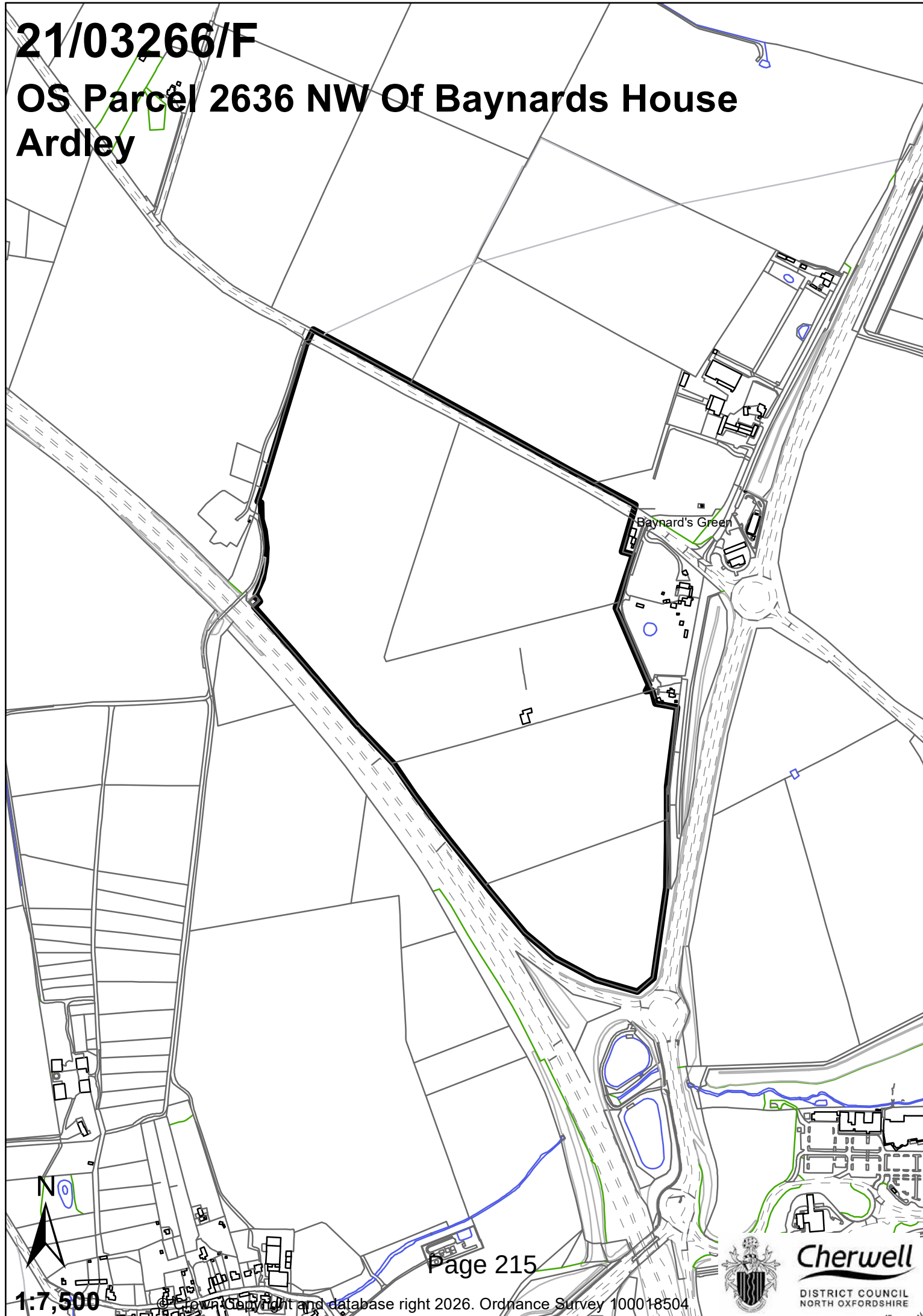
Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

21/03266/F
OS Parcel 2636 NW Of Baynards House
Ardley



21/03266/F

OS Parcel 2636 NW Of Baynards House
Ardley



Case Officer: Tom Webster

Applicant: Albion Land

Proposal: Site clearance, construction of new site access from the B4100, permanent and temporary internal roads, an internal roundabout and a foul drainage station, diversion of an existing overhead power cable and public right of way, and soft landscaping

Ward: Fringford & Heyford

Councillors Cllr Grace Conway-Murray, Cllr Nigel Simpson, Cllr Barry Wood

Reason for Referral Major Application

Expiry Date: 16 January 2026

Committee Date: 15 January 2026

**SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO
CONDITIONS AND SECTION 106 LEGAL AGREEMENT**

1. APPLICATION SITE AND LOCALITY

- 1.1. The site to which this application relates, and which would afford access to, comprises 43.9ha of arable farmland and sits just north of Junction 10 of the M40 and west of the A43. The farmland is divided by low-clipped hedgerows (with some loss/gaps in places) into six separate fields. An overhead power cable crosses over the site.
- 1.2. The site is bounded by the B4100 to the north, the A43 to the east, the M40 & M40 south-bound slip road to the south/southeast, and a farm track and hedgerow to the west (with arable fields beyond). The land is relatively flat with a gently undulating nature. The highest point is 126m above ordnance datum (AOD) on the northwestern part of the site and gradually slopes down to 114m AOD.
- 1.3. The site is also in close proximity to Baynard's Green roundabout, which forms the junction of the B4100 and the A43 trunk road linking the M40 and M1 motorways. Three residential properties separate the junction from the site and sit along the north-eastern corner of the site, opposite an Esso petrol station/shop and a McDonalds restaurant.
- 1.4. Public Right of Way 109/5/10 runs down the eastern part of the site but then cuts through a third of the site and continues along the western boundary.

- 1.5. The northern, eastern and western boundaries are distinguished by mature tree belts and hedgerows, which partially screen the site. The southern part of the site, close to the M40 is more open in nature, with the level and density of planting increasing in parallel with the slip road.
- 1.6. There are no structures on site other than a small building in agricultural use.

2. CONSTRAINTS

- 2.1. Two Public Rights of Way extend along the eastern and western boundaries of the Western Albion Site (refs. 367/28/10 and 109/2/40). They are linked by a Public Right of Way that extends south westerly across the Western Albion Site (ref. 105/5/10).
- 2.2. The Agricultural Land Classification for the site is predominantly 3b with the remainder being classed as 3a (Moderate Quality Agricultural Land).
- 2.3. There are no listed buildings on site, and the site is not inside a Conservation Area. The closest listed buildings are the Grade II buildings of Medkre, which is just to the west of the Baynards Green roundabout, and Baynard's Green Farm, which is 200m away to the east.
- 2.4. The Grade II listed Manor Farmhouse and Fewcott Farmhouse are located approximately 800m and 900m south of the site boundary respectively, on the opposite side of the M40.
- 2.5. The closest Conservation Areas are Ardley and Fewcott (800m, respectively) and Fritwell (1.2km), also on the opposite side of the M40.
- 2.6. The site is entirely in flood zone 1, i.e. land that is least likely to flood.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. Members will recall that this application was previously presented at Planning Committee on the 3 July 2025. During that Planning Committee, Officers recommended that the application be approved, subject to appropriate conditions and a s.106 agreement. Members resolved to grant planning permission
- 3.2. Since then and with no determination of the application, there have been several material changes in circumstances. They are:
 1. The Cherwell Local Plan Review 2042 was submitted to the Secretary of State for Examination on the 25 July 2025. An Examination of soundness is due to be held in February 2026 and, if found broadly sound, Examination of all Plan policies and proposals and the objections made to them, will take place in the summer.
 2. On the 30 October 2025, the Council issued a Town and Country Planning (Environmental Impact Assessment) Regulations 2017 Regulation 25 request for further information in respect of the Application. The Regulation 25 letter requested that the Oxfordshire Strategic Rail Freight Interchange ("SRFI") be included in an amended ES, as part of an updated cumulative impacts assessment. The Council are of the opinion that this is required to ensure the legal adequacy of the ES. The applicants have undertaken this work and submitted the conclusions.
 3. The Regulation 25 Letter also recommended that the following supplementary information be submitted (which it has been):

- Updated Dormouse survey results to go into the ES addendum;
 - Updated Breeding bird survey results to go into the ES addendum ;
 - Outline farmland bird mitigation strategy to include details of the requirements being delivered offsite (the final strategy will need to specify off-site details and include baseline surveys for the mitigation site);
 - Commitment that the farmland bird strategy will be in perpetuity ;
 - Confirmation in the ES addendum that a minimum 10% BNG can and would be achieved;
 - Confirmation of purchase of hedgerow units from a BNG habitat bank (the closer the site is to the development, the better);
 - Finalised Impact Assessment for habitats and protected species based on updated survey results;
 - Mitigation and enhancement strategy; and
 - Updated biodiversity metric and HMMP.
4. The Council received letters of objection from Richard Buxton Solicitors, acting on behalf of Stoke Lyne Parish Council and The Tusmore Estate, alleging, amongst other things, that the applicants' ES was inadequate, that officers had misdirected Members at Committee, that all the Baynards Green applications should be considered concurrently and should be presented again at Planning Committee for redetermination, exceptional circumstances had not been demonstrated to justify any approval and the Council's own economic evidence in support of its emerging Review Local Plan shows there to be sufficient employment land already. The letters are published in full online, and the have been summarised in the 'Consultation' part of this report under Stoke Lyne Parish Council.
5. The wording of the planning conditions and s.106 agreement has progressed – it is anticipated that an agreed list of recommended conditions and an agreed draft s.106 agreement will be in place by the time of Planning Committee
- 3.3. The actual description of development remains unchanged: Planning permission is sought for the construction of a new access roundabout from the B4100 as well as the construction of an internal roundabout and connecting roadway.
- 3.4. These works constitute enabling works to help facilities the proposed logistics scheme of 170,000sqm GIA of XXL logistics units with ancillary office space, which is the subject of separate application ref: 21/03267/OUT.
- 3.5. The enabling works will also include the construction of a bus layby, foul drainage station, a temporary road, as well as the installation of in-ground services, the diversion of an existing overhead cable and the existing Public Right of Way (PROW) which cuts across the site east down to the southern boundary, and soft landscaping.
- 3.6. For the avoidance of doubt, the works will comprise:
- Clearance of existing vegetation (Crops & Hedges) and existing agricultural storage building;
 - Construction of a new access roundabout on the B4100;
 - Construction of an internal roundabout, including adjacent footpaths, landscape verge and street lighting;
 - Construction of a 7.3m wide roadway (and adjacent footpaths, landscape verge, street lighting and a bus layby) to connect the new roundabouts;

- Construction of a foul drainage station to serve the Site and a temporary access road and electrical point, to connect to the foul drainage station;
- Construction of two swales – one adjacent to the internal roundabout and the other in south-eastern corner;
- Installation of utility connections, including electricity, water, BT and GTT fibre infrastructure. These will be installed underground and include high and low voltage electricity cables. They will connect with the existing services located to the northeast and northwest of the site;
- Diversion of an existing overhead cable -the existing overhead power cable will be removed and diverted beneath the site to facilitate the vertical construction of buildings proposed in the Outline Planning Application;
- Provision of soft landscaping and planting; and
- Diversion of the existing public right of way through the centre of the site in a L- shape form.

3.7. This application seeks full planning permission to afford access to the adjoining land to the SW of the B4100, which is the subject of a separate outline planning application (all matters reserved except means of access) for 170,000sqm GIA of logistics (Use Class B8) and 10,000sqm ancillary office (Use Class E(g)(i)) floorspace, and the construction of associated parking, servicing, hard and soft landscaping.

4. RELEVANT PLANNING HISTORY

4.1. There is no planning history on this site directly relevant to the proposal. However, the following planning applications (submitted by Albion Land) on the neighbouring sites are considered relevant to the current proposal:

O.S. Parcel 0006, SE of Baynards House, Adjoining A43, Baynards Green

21/03267/OUT - Outline planning permission (all matters reserved except for access) for the erection of buildings comprising 100,000sqm logistics (Use Class B8) and 7,000sqm ancillary Office (Use Class E(g)(i)) floorspace and associated infrastructure; construction of new site access from the B4100; creation of internal roads and access routes; and hard and soft landscaping – *to be determined*.

O.S. Parcel 2636 NW of Baynards House, Ardley

21/03268/OUT - Outline planning permission (all matters reserved except for access) for the erection of buildings comprising 170,000sqm logistics (Use Class B8) and 10,000sqm ancillary Office (Use Class E(g)(i)) floorspace; construction of new site access from the B4100; creation of internal roads and access routes; hard and soft landscaping including noise attenuation measures; and other associated infrastructure – *to be determined*.

4.2. Also, of relevance to the current proposal are:

O.S. Parcel 6124, East of Baynards Green Farm, Street to Horwell Farm, Baynards Green

22/01340/OUT - Application by Tritax Big Box for outline planning permission (all matters reserved except means of access (not internal roads) from B4100) for the

erection of buildings comprising 300,000sqm logistics (use class B8) with ancillary offices (use class e(g)(i)) floorspace; energy centre, hgv parking, construction of new site access from the B4100; creation of internal roads and access routes; hard and soft landscaping; the construction of parking and servicing areas; substations and other associated infrastructure – *to be determined*.

- 4.3. In addition, the land to the northwest of the Baynards Green roundabout, behind the petrol filling station and restaurant, was the subject of a speculative outline planning application for a mixed B1, B2 and B8 employment development of 7,161sqm floorspace in 2018 (Ref: 18/00672/OUT). Planning permission was refused for that development proposal and a subsequent appeal (Ref: APP/C3105/W/19/3225084) was dismissed. The reasons for those decisions are available to see on the Council's planning applications website.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place with respect to this proposal.

6. RESPONSE TO PUBLICITY

- 6.1 This EIA application has been publicised multiple times by way of Site Notices displayed near the site, by advertisement in the local newspaper and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments is the **3 January 2026**.

- 6.2 The comments raised by third parties are summarised as follows:

100 letters of objection (although some, although not all of these letters are duplications due to several different consultations):

- The land bordering the application site is stated to be designated as a Conservation Target Area in the revised Cherwell Local Plan 2042 and this designation should be extended on all the land up to the edge of the A43 (so as to encompass the application site).
- The application site sits squarely in land defined (under the new terminology) as Open Countryside and the proposed development would seem to violate some of the proposed Policy LEC3, especially paragraphs vii - ix as they relate to Category C villages and open countryside (the proposed development also violates paragraphs i, ii, iv and vi). Paragraphs ii and iv of LEC3 are also drawn out in the LUC "Review of Landscape and visual effects" which acknowledges that "there will be significant adverse effects on landscape and visual receptors" and that these long-term adverse effects are "beyond that which could be mitigated". It is noted that OCC, as Highways Authority.
- The modelling work has not taken into account the proposed Puy du Fou application at Bucknell which would direct all vehicles along exactly the same route, via the Baynards Green Roundabout and the B4100, as is proposed for access to the application site.
- This proposal is vastly over scaled especially when added to other proposals at Baynards Green, Ardley and Heyford for warehousing and a freight depot. Taken together, these proposals will industrialize the Cherwell Valley.
- The proposed development will encroach on Stoke Wood, which is the only natural woodland within six miles of Bicester.

- All employees would have to commute by car.
- An extensive archaeological survey would be required. (Pictures supplied)
- It is not an allocated site.
- Employment land is allocated elsewhere in the district through the Local Plan.
- This area is open countryside, and the proposed development would significantly change the characteristics of the area and local vicinity.
- The landscape has already been harmed by the approval of the garage.
- The site is within close proximity to at least 12 Grade-2, Grade-2* and Grade-1 listed buildings and the ancient woodland Stoke Wood, owned by the Woodland Trust.
- The proposal will lead to increased traffic causing traffic to divert using local road arteries for cut-throughs, including Stoke Lyne.
- Cumulatively, this application, along with the Albion Land and Tritax proposals and the Oxford Strategic Rail Freight Interchange will lead to light pollution, environmental pollution & nature conservation harm.
- Cumulatively, these proposals would be 4 x the size of the warehouse scheme dismissed at appeal (18/00672/OUT).
- The B4100 is a very busy road and at rush hour there are long delays going toward the M40. The warehouse use will add to these delays.
- The application is also flawed as it fails to recognise the significance of Stoke Woods, a medieval coppice very popular with dog walkers in close proximity to the proposed development and a number of listed buildings within Stoke Lyne and Bainton Parish.
- The proposed development is in the wrong place. The materials and design are not in keeping with the countryside. The proposal would be incredibly disruptive and increased traffic and emissions would diminish the air quality for local people, putting public health at risk.
- The proposal would ruin the tranquillity of the countryside and mental health of residents.
- There is no need to provide extra jobs in the local area as very low unemployment rate.
- The journey from the M40, along the A43 and then down the B4100 (heading South-East) would be akin to driving in a roofless tunnel.
- The proposal would generate significant number of HGVs attempting to join the roundabout from the B4100 south would only exacerbate the problem of long tailbacks forming along the B4100 (currently, often as far down as the Stoke Lyne turning).
- The development site is within sight of St Peter's Church, Stoke Lyne, a Grade-2-star listed building which would be harmed as a result of the development.

- Increased jobs would lead to pressure for more houses.
- There is no public transport available to this site & cycling along the surrounding roads is extremely dangerous as they are either dual carriageway or have a high volume of traffic.
- Inappropriate design, appearance and materials.
- Would result in overlooking and a loss of privacy and light and also overshadowing.
- Impact on the conservation area.
- Would cause flooding.
- Would harm the wildlife.
- Noise impact on the residents of Stoke Lyne and Hardwick.
- The removal of agricultural land and is at odds with the drive towards a plant-based diet.
- Ironically, the ES statement lists agriculture as being the second highest in the applicants' assessment of Gross Value Added per worker. Transportation and storage are 9th on the list.
- Not satisfied that the applicant has adequately demonstrated that there will no impact to great crested newts and/or their habitat as a result of the development being approved.
- It is acknowledged that significant weight should be placed on supporting economic growth in the logistics sectors as outlined with the NPPF (2023). However, a logistics development of this nature and scale would be far more suitable and sustainably located adjacent or in close proximity to Banbury, Bicester or Kidlington.

6.3 The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. Evenley Parish Council: **Object**

Evenley Parish Council strongly objects to the proposals, as we did in 2022. The impact on the local environment and infrastructure will be immense, with a significant increase in traffic on already heavily used roads, already full of HS2 traffic. This will result in more pollution and light and noise disturbance to peaceful local communities.

This is a very large-scale development proposal, on a greenfield site and in a rural area. It would dwarf the small-scale buildings in the neighbouring countryside. Further, it would result in considerable loss of biodiversity.

7.3. Fritwell Parish Council: **Object**

- Would generate low skilled jobs leading to an increase in people driving to the area.
- Dispute the applicant's assessment that there is a shortage of jobs locally.
- Have concerns over the drainage solutions, particularly with regards to long-term maintenance.
- Disregards local planning norms as this is not a designated site for development.
- Irreparably harms the character and visual appearance of the area.
- Will lead to an urbanisation of the area, as the catchment area will not support the employment needs of this facility (despite the analysis report suggesting otherwise). These employees will come from elsewhere in the country and this influx of people will have to live somewhere. The Bicester to Banbury corridor is exhausted by the pressures of already planned and now, speculative developments.
- Will be a "speculative development" referencing the "need for warehouse space" does not accommodate a strategic plan for where it should be located to accommodate minimum traffic movements to serve the real needs of the country, FPC see nowhere in this application a reference to this as a strategic location other than it is located along a major road system. Thousands of square feet of warehouse space already developed along the M40 corridor remains unused.
- States in the Statement of Community Involvement a local consultation has been concluded. Villages, and estates (Tusmore Park) that will be affected by this development, have been excluded from the consultation, in FPC opinion, rendering this exercise unproductive.
- FPC supports this view that this development will irrevocably damage the rural nature of this area and the species it supports.
- Building such large structures at this junction will only exacerbate already intractable problems and increase traffic pollution in this area, an area that is essentially rural in nature. While this development is close to a motorway junction, there is no public transport to this site.
- Would prefer to retain the site as farmland and develop previously developed land elsewhere in the district.
- *Noise, light, and Air pollution* are of significant concern during the construction and operation of these warehouses, particularly the cumulative effect that would surround the village of Fritwell with the Heyford development to the Southwest, the potential for the Rail Freight Terminal in the South and this development with Albion Land and this development to the East. Fritwell Parish are deeply concerned about noise attenuation resulting from this facility operating 24/7. Fritwell is Class 3/Class 4 on the Bortle Scale for Night Sky

Brightness, this would be compromised by additional light pollution from this planned facility. We enjoy good air quality in Fritwell despite the proximity of the motorway, this will be compromised by this development.

7.4. Somerton Parish Council – **Objects** for the following reasons:

1. *Any honest cumulative assessment of impacts in the M40 J10 area must therefore consider not only highways and emissions but also the combined effect of OxSRFI, the Heyford “new town”, Baynards Green logistics and Puy du Fou on the setting and experience of Rousham House and Garden.*
2. *Failure to assess residual cumulative impacts, contrary to the NPPF.*
3. *Environmental Impact Assessment (EIA) – unlawful segmentation and inadequate cumulative assessment.*
4. *Highway safety and network operation at M40 Junction 10.*
5. *Increased Traffic Volume Estimates – over 30 million vehicle trips per annum within 3 miles of M40 J10.*

7.5. Stoke Lyne Parish Council: - **Objects**

“The Parish Council would submit that the current proposals do not accord with the policies contained in the Local Plan, in that:

1. *they are proposing development outside the limits of the development_areas of Bicester, Banbury and Kidlington, and that the proposals will not_bring with them the higher technology industries described in the plan SO1)_or can be considered to support the development of a knowledge-based_economy to create the desired support the creation of a globally competitive_and lower carbon economy.*
2. *They do nothing to protect and enhance the natural environment or to_minimise pollution in a rural area (SO15).*
3. *It will not help strengthen the rural economy or increase employment_opportunities*
4. *The proposals are outside the boundaries of development proposals for_either Bicester or Banbury and are situated on land where no development_has been allocated in the Local Plan.*
5. *It is contrary to Policy SLE1 in that it is not an existing site, it is not within the_built up limits of the settlement with no access by sustainable modes of_transport, and the application being of a rural nature, fails to fails to comply_with requirement to respect the rural nature of the area and the local_villages, it will, by significantly increasing road use, have a detrimental effect_on the highway network, at a time when other proposals – HS2, East/West_Rail etc will also put pressure on the road network around J 10 of the M40_motorway.*

Under the same policy the proposal will have a severe impact on the appearance_and character of the landscape and the environment generally including on any designated_buildings or features including the effect on the area around Juniper Hill, with_the historical significance enhanced by Flora Thompson in Lark Rise to Candleford. It_will also give rise to excessive or inappropriate traffic and will do nothing to_contribute to the general aim of reducing the need to travel by private car.

Stoke Lyne Parish Council supports the principles of the NPPF which seeks to promote the role of planning in achieving sustainable economic growth, in building a strong, responsive and competitive economy, and by ensuring that sufficient land of the right type, and in the right places, is available to allow growth and innovation, but would suggest that the current proposals are not the right type of proposal, on the right land or in the right place.

The CDC Local Plan has an acknowledged urban focus, and the Parish Council submits that there is no reason to depart from this principle. The Parish Council also has concerns that the proposal to create this development outside the built-up area of the Bicester could, if approved, encourage other landowners to make similar applications. The Council accepts that fear of establishing a precedent is not a proper planning consideration as each case has to be considered on its own merits, but the Parish Council fears that should development on this site be approved it could become a material consideration encouraging other landowners with land outside the Bicester development area and in similar rural locations to make similar applications for development.”

Update: Of major concern is:

1. The proposal would lead to the creation of a significant amount of commercial floor space in a geographically unsustainable location. The development is not in accordance with Local plan proposals, and the applicant has not demonstrated any exceptional circumstances for the development as required by Policy SLE1. The development should be in a more sustainable locations.

2. The proposal would be visually intrusive and result in unjustified adverse landscape and visual harm to the locality.

3. The traffic impacts of the development are not robustly assessed within the Transport Assessment particularly in regard to the impact on the junction into the site when approach along the westbound carriageway of the B4100. This is a highway which is already over used, leading onto junction 10 of the M40. The road network at this point cannot accommodate more traffic into the area.

The overall impact now needs to be assessed in conjunction with all the other proposed developments in the area - the new town at Upper Heyford, the Strategic Rail Freight Interchange at Ardley. The 7500 house proposed residential development near Bucknell, the application currently under consideration by Puy du Fou and a proposed 900 house development adjacent to the A44.

The 3rd July Committee Report was materially misleading in several respects:

- The provision of jobs does not amount to exceptional circumstances to justify employment development under policy SLE1 and, if allowed, would set a precedent that would undermine the spatial strategy and the local plan;
- The Cherwell Local Plan Review 2024 Employment Topic Paper July 2025 makes clear that the supply of employment land with the district exceeds, even at the upper Level;
- LUC identify significant landscape impacts which further conflicts with policy SLE1;
- Committee were not given any advice on potential conflict with emerging policy;

- The application has not been assessed against the Emerging local plan policies LEC3 & there is conflict;
- The development would not be on previously developed land;
- The applicants have not offered alternative land;
- The Council's Ecologist and the Wildlife Trust are clear that without information explaining where and how species losses would be compensated, it is not possible to properly assess the impacts of the scheme;
- The application would result in the destruction of 2.46km of species rich hedgerow and loss of habitat for brown hairstreak butterfly and a wide range of wild birds including skylarks;
- In a recent appeal decision (APP/I3245/W/24) the Inspector concluded that a condition for a farmland bird strategy would not provide sufficient certainty;
- Therefore, the proposal does not comply with Natural England's Advice for Wild Birds, Natural England's Standing Advice and para 193(a) of the NPPF 2024;
- Inadequate breeding birds surveys, many of which are out of date;
- Members were misdirected by officers of Anglian Water response;
- Not the most sustainable location;
- Absence of SRFI, Puy du Fou and Heyford 'New Town' from the ES Cumulative impact assessment.

MK Ecology, on behalf of Richard Buxton Solicitors, who are acting on behalf of Tusmore Estate and Stoke Lyne Parish Council were also instructed to review the documents for the 'Albion' (21/03268/OUT, 21/03266/F and 21/03267/OUT) and 'Tritax' (22/01340/OUT) applications.

The conclusion of their letter dated 27 October 2025 is as follows (the full letter is published on public access:

Surveys have been undertaken to a high professional level but the material considerations involving key species, notably birds and especially skylark, at the Albion site are not accurately understood due to the age of the data evaluation and the inference that more recent surveys at the neighbouring Tritax site alone have suggested a greater population of Skylark than was present in the 2022 surveys, which were undertaken at both sites. Baseline surveys for Brown hairstreak have not been undertaken on the Albion site in contradiction of local planning policy requiring that such surveys are forthcoming and in spite of their presence at the neighbouring site and one affected hedgerow within the Albion development footprint providing suitable habitat for this species. All ecological surveys are out of date for the Albion site.

The ornithological assemblage at the proposed receptor site at Piddington is not understood and its promotion as a mitigation site for the loss of farmland assemblage cannot be reliably taken forward without an understanding of the baseline. Moreover, proposed restoration of this site has not evaluated the baseline soil composition and

may not be achievable given a conversion from arable to neutral grassland for anything beyond poor condition.

The impact of changes of land use at Piddington have not considered the farmland bird assemblage present (as it is not known due to an absence of surveys) and the need for a farmland bird strategy reviewing such potential conflicts is required together with an understanding of short-term impacts on key species and medium-term outcomes. The outcome of these omissions is that the present mitigation strategy does not have a reliable baseline assessment, leading to a potential under estimation of population size and impacts on key species. The proposed mitigation is thus potentially inaccurate, and its effectiveness simplified and potentially overstated. In essence, the biodiversity material considerations for the development have not been fully addressed rendering consent presumptuous until such issues are addressed.

STATUTORY CONSULTEES

7.6. OCC Archaeology: **No Objections**

No archaeological deposits which will require further mitigation were recorded in the western land parcel, which is subject to apps. 21/03267/F or the eastern land parcel (application 21/03268/OUT).

7.7. BBOWT: **Object**

- Loss of hedgerow priority habitat
- Insufficient evidence that populations of farmland bird species will be maintained, contrary to the NPPF, Cherwell Local Plan, and the Conservation of Habitats and Species Regulations 2010 as amended by paragraph 9a of the Conservation of Habitats and Species (Amendment) 2012 Regulations).
- The importance of a net gain in biodiversity being in perpetuity
- Further justification required to illustrate how net gain in biodiversity will be achieved
- Cumulative effects on farmland birds in the context of other infrastructure proposals for the area

7.8. CDC Conservation: **No Objection**

The comments relate to the two applications, an outline planning application for logistics buildings and ancillary offices and a full planning application for site clearance, access roads and other internal drainage works, etc. As such both applications are considered together.

The Listed barn at Baynards Farm to the north of the site is part of a farm complex that has now been converted to business use. These buildings are located adjacent to the A43 and behind a modern petrol station and fast-food outlet. It is therefore considered that the setting of the Listed barn is somewhat compromised by the existing buildings in its immediate surroundings. Because of this the proposed development of this site is unlikely to further harm the significance of the Listed Building through development within its setting. It is noted that the indicative plans show the land surrounding Baynards House and beside the three dwellings close to Baynards Green junction, including Grade II listed Medkre, not to be developed and landscaping both to the north of the site around the site entrance and beside the three neighbouring dwellings.

The two village conservation areas closest to the site are Ardley and Fewcott, and Fritwell. From within these conservation areas the development site is not considered to be visible and Fritwell conservation area in particular is surrounded by more modern development on the east side that is not part of the conservation area. In both cases once you are well outside the village on the footpaths the logistic sheds may be visible in the wider landscape, however the views and countryside setting are considered to be interrupted by the existing road infrastructure. Because of this and the distances involved the proposals are not considered to be harmful to the significance of the conservation areas.

The works proposed by application 21/03266/F are localised to within the site and providing access from the existing road, consequently these proposals are not considered to be harmful to the heritage assets.

It is accepted that large developments of this kind will have a visual impact on the landscape. Landscape mitigation should consider the setting of conservation areas and Listed Buildings. It should also be noted that as one of the applications is an outline application the indicative details may change. If the building heights were to increase, then there is potential for greater impact. Furthermore, the final design, colour and type of materials used in the buildings will also be key to mitigating the impact of the developments.

Overall, in terms of Heritage Assets the developments are considered to have limited direct impacts and therefore we defer to the landscape team and where appropriate OCC Archaeology for comment.

7.9. Campaign to Protect Rural Oxfordshire – **Objection**

- Harm to the character and appearance of the area
- Landscape harm & village setting
- Could be located on other parts of the M40
- A land grab would be needed for the cycle/pedestrian route
- Significant loss of biodiversity on the site
- The applicant should show how the site in Piddington will provide the complementary habitat green corridors that will be lost to Baynards Green.

7.10. CDC Ecology – **No objection**, subject to conditions & s.106 agreement

Albion updated surveys all look ok. I've attached the three documents with comments for the ecology conditions for the Albion site. Let me know if you have questions about anything I've said – or if you have trouble viewing the comments.

Regarding the edits they made in Appendix 1 of the ES addendum that you sent over (red strikethroughs) - I am confused about their addition of 'except for the enabling works approved under 21/03266/F' to some of the conditions for 21/03268/OUT. I am not sure why the 'except for the enabling works...' statement is necessary, and it makes it seem like these requirements (CEMP, badger mitigation, BNG, etc.) aren't needed for the enabling works. However, maybe I'm just reading it wrong? The enabling work themselves (21/03266/F) would be subject to conditions for these things as well, so I suppose that's covered – I'm just not sure why they would add that caveat in (what scenario would this allow works to go ahead for?).

As discussed, we also need the S.106 to secure:

- HMMP and monitoring fees secured for onsite BNG
- Finalised Farmland Bird Mitigation Strategy

For clarity, the conditions required are:

21/03266/FUL (West clearance/enabling works)

- LEMP
- CEMP: Biodiversity
- BEMP/BNG
- Protected Species
- Badgers Mitigation
- Seasonal removal
- Lighting

7.11. OCC LLFA: **No objection**, subject to conditions

7.12. Environmental Agency: **No Objections**

7.13. OCC Highways: **No Objection**, subject to conditions & s.106 agreement

Original comments

An updated highways plan has been submitted as part of the Transport Topic Paper Addendum, in Appendix E. This shows that our previous comments have been partially addressed by providing a footway on the western side of the access road and an informal crossing for pedestrians at the splitter island of the roundabout. However, this is considered potentially unsafe due to the proximity to the roundabout. It will certainly feel uncomfortable for pedestrians to use given the large number of turning HGVs.

It is also not clear from the plans how cyclists coming from the proposed new shared use footway/cycleway along the B4100 would access the unit(s) to the west of the access road. There should be a facility for cyclists to cross the access road safely. This could be provided as a parallel crossing further into the site.

Although this is a full application, if the outline planning application which it relates to is approved, I recommend that the submitted plans for the access are not approved but a condition is applied as below requiring further detail of a crossing and cycle link to the western units.

Officer update: OCC Highways comments have now been addressed -see Highways chapter of this report- and are satisfied with the proposal.

Update

The updated Environmental addendum does not change the local highway authorities' (LHA) position other than to recommend additional conditions. The LHA'S full comments are included in the 'Highways' chapter of this report.

It is important to reiterate that the Albion/Tritax proposed improvements to Baynards Green Roundabout (on which all three developments rely to make them acceptable) rely on small amounts of land on the Tritax and Albion E site, needed to provide sufficient forward visibility to signals. This means that the S106 agreements for each

will need to include the other respective landowners. At the time of writing, S106 agreements are being drafted, and we understand this point has been agreed.

7.14. OCC Local Lead Flood Authority: **No comments**, subject to conditions.

7.15. National Highways: **No objection**, subject to condition.

The application concerns enabling works for the development at the same location which is the subject of application 21/03268/OUT. National Highways has no objection in principle to this planning application, but recommends to West Northamptonshire Council that the following conditions are attached to any grant of planning consent in the interest of maintaining the safety and integrity of the A43.

7.16. National Planning Policy Case Unit: **No Comment**

7.17. National Grid: **No comments received**

7.18. Mid-Cherwell Neighbourhood Forum: **Objection**

- Not clear how diverse the range of jobs would be.
- Loss of agriculture.
- Harm to the existing landscape.
- The scale of development will have an adverse effect on the surrounding environment.
- Not enough detail re the volume of traffic.
- Both the Conservation Areas are entirely within this zone, and therefore – theoretically – the development could cause harm to the setting of the Conservation Areas. The applicants should be required by CDC to carry out detailed analysis of views and vistas in order to ascertain the extent of visibility affecting these Conservation Areas. Only then is it possible to determine whether the requirements of Policy PD4 can be met.
- Concern that the development could be contrary to the Neighbourhood Plan policy PD4 -potentially to the character of a village and its setting or of the wider countryside; and its ability to avoid light pollution.
- The Inspector refused the employment appeal scheme to the north of this site.
- Prematurity -.coming forward before the new Local Plan.
- Unproven demand.

7.16. OCC Public Right of Way: **No objection**

Original comments:

Footpath 109/5/10 is proposed to be diverted as it passes through the site. OCC would like to see this dedicated as a bridleway at the same time as any diversion, which would allow for cycling, and complete a missing link between Stoke Lyne Bridleway 367/29 and Ardley Bridleway 109/2. This could be a 3m wide tarmac path with a verge on either side. See map and annotations below. This comment is made without

prejudice to the desirability/outcome of any application to divert PRow. The existing/alterd footpath connection to opposite the services should be retained.

The preferred alignment would be as shown below and make use of the 3m wide cycle connection to the site, although as stated above, it would be better within the site rather than alongside the B4100. An improved crossing point leading across the B4100 into the service area site, would provide an onward connection to bridleway 367/29. As the area of highway land on the western side of the service area access is quite wide, it should be separated from the access road by a verge until it can connect with the access road at a safe point.

Officer comment: The public right of way diversion has been relocated on a revised plan, in accordance with the advice of the Public Right of Way Officer.

7.20. Thames Water: **No objection**, subject to a pre-occupation Grampian condition

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

Thames Water are currently working with the developer of application 21/03266/F to identify and deliver the off site water infrastructure needs to serve the development. Works are on going to understand this in more detail and as such Thames Water feel it would be prudent for an appropriately worded planning condition to be attached to any approval to ensure development doesn't outpace the delivery of essential infrastructure.

There shall be no occupation until confirmation has been provided that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or- a development and infrastructure phasing plan has been agreed with Thames Water to allow additional development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation of those additional dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - The development may lead to low / no water pressures and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid low / no water pressure issues." Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (e-mail: devcon.team@thameswater.co.uk) prior to the planning application approval.

OTHER CONSULTEES

7.21. Bicester BUG:

B4100 Road

Along the frontage of the site, segregated and buffered pedestrian and cycle paths should be provided on both sides of the B4100 to facilitate foot and bike movements within and between the development. This is essentially now a spine road. See the Oxford Cycle Design Standards.

Pedestrians and cycle crossings over minor junctions need to be set back a minimum of 5m for reasons of safety, particularly given the paths are bi-directional.

Albion West Access

There is a shared path on one side of the road, but a pedestrian only path on the other. It is inevitable as arranged that cyclists will ride on the pedestrian path to avoid the need to make the crossing. Better to ensure that there are shared paths on both sides of the access road.

Cycle Path

Priority needs to be continuous across access points.

There needs to be access and egress points from the cycle path near to where there are junctions off the B4100 to other destinations to allow cyclists to join and exit the path.

The bus stop bypass design is quite fussy and complicated. Better to provide a wide section of shared area adjacent to the bus stop to enable pedestrians and cyclists to pass without risking collisions.

Metal rails / fencing is proposed at various points. Note that this effectively reduces the width of the path by 0.5m so the path will need to be widened in these areas.

It is not clear where the cycle path ends in Bicester. It should be continuous until it joins onto the cycle provision at the new Banbury Road junction.

The path runs along the back of the large layby near Bicester. Either the layby needs to be redesigned, or the path needs to run in front of the layby for safety and security, even if this requires two (setback) crossings over the mouths of the layby.

Albion Land Site Western Parcel

The shared paths seem incoherent and only lead into car parks, rather than close to the entrances of the buildings. The shared paths should lead all the way to the entrance to the buildings where the cycle parking should be located to enable effective surveillance of valuable e-bikes.

The shared paths seem only to be shown on one side of the internal road with a narrow pedestrian path on the other, and similarly to the bus stop. Cyclists will inevitably ride on the pedestrian paths as currently designed, causing conflict and annoyance. It would be preferable to have shared paths on both sides of the carriageways.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 The Cherwell Local Plan 2011-2031 - Part 1 (CLP 2015) was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 replaced several of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are

retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

- PSD1 – Presumption in Favour of Sustainable Development
- SLE1 – Employment Development
- SLE4 – Improved Transport and Connections
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Landscape Protection
- ESD15 – The Character of the Built and Historic Environment
- INF1 – Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- EMP4 – Employment generating development in rural areas
- TR1 – Transport
- TR10 – Heavy Good Vehicles
- C8 – Sporadic development in the open countryside
- C28 – Layout, design and external appearance of new development

MID CHERWELL NEIGHBOURHOOD PLAN 2018 - 2031

- Policy PD4: Protection of important views and vistas
- Policy PD5: Building and site design
- Policy PD6: Control of light pollution

EMERGING CHERWELL LOCAL PLAN REVIEW 2042 (CLP 2042)

The weight afforded to different policies is always a matter for the decision maker, and in the case of the emerging Cherwell Local Plan Review 2042, this weight should be determined in line with NPPF para 49, which states:

“Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*

The Cherwell Local Plan Review 2020-2042 was submitted for examination, at the end of July 2025, but there are numerous objections to the policies and there has yet

to be any hearing sessions. The initial sessions are currently scheduled for February 2026.

Therefore, at this point in time, the emerging Plan (and its policies) is considered to carry limited weight. For the ease of reference, the relevant emerging policies of the Local Plan Review 2042 are set out below:

Policy SP 1: Settlement Hierarchy
Policy CSD 1: Mitigating and adapting to Climate Change
Policy CSD 3: Achieving net zero carbon development, non residential
Policy CSD 5: Embodied carbon
Policy CSD 7: Sustainable flood risk management
Policy CSD 8: Sustainable drainage systems
Policy CSD 9: Water resources and wastewater infrastructure
Policy CSD 11: Protection and enhancement of biodiversity
Policy CSD 12: Biodiversity Net Gain
Policy CSD 14: Natural Capital and Ecosystem Services
Policy CSD 15: Green and Blue Infrastructure
Policy CSD 16: Air quality
Policy CSD 17: Pollution and Noise
Policy CSD 18: Light pollution
Policy CSD 21: Waste collection and recycling
Policy CSD 22: Sustainable Transport and Connectivity Improvements
Policy CSD 23: Assessing Transport Impact/Decide and provide
Policy CSD 24: Freight
Policy LEC 1: Meeting Business and Employment Needs
Policy LEC 3: New employment development on Unallocated sites
Policy LEC 5: Community Employment Plans
Policy COM 10: Protection and enhancement of the landscape
Policy COM 11: Cherwell Local Landscape Designations
Policy COM 14: Achieving Well Designed Places
Policy COM 15: Active Travel – Walking and Cycling
Policy COM 16: Public Rights of Way
Policy COM 18: Creating Healthy Communities
Policy COM 20: Providing supporting infrastructure and services
Policy COM 22: Public services and utilities

8.3 Other Material Planning Considerations:

- National Planning Policy Framework (NPPF, Dec 2024)
- Planning Practice Guidance (PPG)
- Developer Contributions
- Conservation of Habitats and Species Regulations 2017

Draft NPPF

On the 16 December 2025, the Government published its revised draft NPPF. The consultation on the proposed changes is set to run until 10 March 2026.

The proposed changes set out in the draft NPPF go beyond amendments and, instead, propose a complete restructure. However, given the infancy of the draft, which is at the start of the consultation process, I afford the draft document no weight, at the time of writing this Committee report.

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Landscape/impact on the character of the area
- Highways Impact
- Ecology
- Drainage
- Residential Amenity
- Other Matters

Principle of Development

- 9.2. Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. This paragraph makes clear that these dimensions are needed to help build a strong, responsive, and competitive economy; to support strong, vibrant, and healthy communities; and to protect and enhance our natural, built, and historic environment.
- 9.3. This enabling development proposal is broadly compliant with these core principles in that it seeks to help facilitate a significant amount of B8 logistics space (the subject of an outline application 21/03268/OUT) and, with it, deliver a large amount of job growth, whilst minimising disruption to neighbouring residents and people using the public right of way and the users of the B4100 .
- 9.4. In the event that Outline application 21/03268/OUT obtains consent, the principle of this revised temporary access road would be acceptable, provided it does not result in highways safety problems on the local highways network, does not cause landscape harm or other wider impacts and satisfies other relevant policies.

Highway Safety

- 9.5. Paragraph 116 of the NPPF 2024 (December) states that: *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.
- 9.6. Policy ESD15 of the CLP 2031 Part 1 states, amongst other matters, that new development proposals should: be designed to deliver high quality safe...places to live and work.
- 9.7. OCC Highways were consulted and whilst they are comfortable with the principle of the proposal. They had raised highways safety concerns. An updated highways plan has been submitted as part of the Transport Topic Paper Addendum, in Appendix E. This has partially addressed OCC Highways previous comments, by providing a footway on the western side of the access road and an informal crossing for pedestrians at the splitter island of the roundabout.
- 9.8. However, OCC Highways considered it potentially unsafe because of the proximity of the footway/crossing to the roundabout. Their view was that it would feel uncomfortable for pedestrians and cyclists to use this crossing, given the large number of turning HGVs.
- 9.9. Following detailed discussions with OCC Highways Officers, the applicants have responded to OCC Highways concerns by submitting plan 17213-13 Revision O and a Road Safety Audit (RSA). The plan includes:

- a) A parallel crossing provided further into the site.
 - b) an increased verge width of 0.5m on the western side; and
 - c) 3m surfaced area duly moved 0.5m across to the west.
 - d) Belisha beacons have been added too.
- 9.10. The RSA recommends the need for the access link to be subject to 30mph (or by inference lower) speed limit restriction. OCC Highways are now satisfied with the proposal.
- 9.11. Subject to conditions, this aspect of the proposal complies with national and local planning policy.

Residential Amenities

- 9.12. The NPPF identifies, as a core planning principle, that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.13. This core principle is reflected in Policy ESD15 of the CLP 2011-2031 Part 1, which states that new development proposals should: *“consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.”*
- 9.14. Given the significant setback between the access into the site, the internal roads and the internal roundabout, from the closest neighbouring residential property (135m – 146m respectively, I do not anticipate this proposal materially impacting on the existing amenities of the neighbours.
- 9.15. Noise, lighting and dust, resulting from the site clearance and construction works, will be controlled by conditions to ensure compliance with national, local and neighbourhood plan policies.

Public Right of Way

- 9.16. The PROW footpath 105/5/10 which extends across the site, from east to south will be diverted as part of these enabling works. The Public Right of Way officer was consulted as part of this application and Outline application 21/03268/OUT and is content with the proposed (revised) arrangement, subject to developer contributions being secured for public rights of way improvements (see planning obligations section).

Landscape and Visual Impact

- 9.17. LUC, as part of their LVIA review work for the Council during consideration of the associated outline application concluded that:

“The enabling works will be visible from local community/residential receptors at Baynard’s Green. Views will also be opened up due to removal of vegetation along the B4100 (as shown on Parameter Plan 03). Construction activities will result in adverse effects on landscape features and character of the Eastern Site and Western Site (localised parts of LCT 6: Farmland Plateau and 19 Wooded Estate lands) due to the removal of all internal hedgerows, trees and change from rural agricultural fields to construction sites including remodelling of topography to create the development platforms and temporary construction lighting.

This will also adversely affect views from the local community of Baynard's Green (these are the properties closest to the Site and are open to the Western Site) and Fritwell, and to a lesser extent the local communities of Stoke Lyne, Ardley/ Fewcott, from local public rights of way and from the three roads bordering the site (M40, A43 and B4100)."

- 9.18. I agree with her conclusions but, given the substantial material benefits of the outline scheme, leading to my recommendation for approval for that application, the enabling works are necessary to deliver a significant number of jobs. Moreover, some of the harm caused by the enabling works would be short-term as the site will be built upon and landscaping schemes (secured by condition) will be put in place to soften the impact on the neighbouring residents.
- 9.19. The two emerging local plan policies relevant to this part of the application are policies COM 10 (Protection and Enhancement of the Landscape) and COM 11 (Local Landscape Designations). Emerging policy COM 10 seeks to protect and enhance the landscape and, as well as requiring all major developments proposals to be supported by a Landscape and visual Impact Assessment, it sets out criteria that, if triggered, would result in a development not being supported from a landscape (and Heritage) perspective. Those criteria are:
- i. Cause an unacceptable visual intrusion into the open countryside;*
 - ii. Be inconsistent with local character;*
 - iii. Introduce disturbances to areas with a high level of tranquillity;*
 - iv. Cause coalescence between settlements;*
 - v. Harm the setting of natural, built and historic landmark features, or*
 - vi. Reduce the historic significance of the landscapes.*
- 9.20. Emerging policy COM 11 not only lists the seven Local Landscape Designations (LLD) included in the Local Plan Review 2042, it also requires development proposals "within or affecting a designated local landscape" to be assessed "based on its specific landscape and visual impact on the valued characteristics of the designated landscape."
- 9.21. One of the LLD's listed is North Ploughley, which covers land east of the A43 and mostly north of the B4100. Cherwell Landscape Designation Assessment (2024), which forms part of the evidence base to the draft Cherwell Local Plan Review 2042 describes the North Ploughley LLD as comprising a series of shallow limestone valleys with a rural, well wooded character with some long views across areas of larger scale arable farmland. This site would fall outside this LLD.
- 9.22. The emerging policy COM11 goes on to add that development must have regard to the Cherwell LLD and should study and avoid loss or harm to the aspects of landscape value and qualities of the designated landscape. Another aspect of this policy is that development will be required to respond appropriately to the recommendations for managing the designated local landscape.
- 9.23. To this end, the Council instructed Land Use Consultants (LUC) to assess this application (both in isolation and cumulatively with the two other Albion applications and Tritax proposals) against these two emerging local plan policies (COM 10 and COM 11).

- 9.24. LUC's full report can be found on public access, but, in short, the conclusions are that the Albion proposals would not be fully compliant with all of Policy COM 10 due to the significant effects on landscape character due to the proposals' size, scale and character, albeit I think the LUC conclusions relate more to the Logistics applications than this site access and site clearance application. LUC's Landscape Architect writes:

"The development of Albion Land's proposal would affect the openness of the landscape, and views, in a localised area around the proposed development. This is inevitable for a development of this type and scale.

Whether the proposed development complies with Policy COM 10 (criterion i) depends on whether the level of visual intrusion is deemed to be acceptable. Acceptability can only be judged in a planning balance exercise because the landscape and visual impact would not be acceptable unless there were a need for the development, or other benefits from implementing it. There would be significant adverse effects on views and these would persist into the long term, but they would be localised. It is recommended that the acceptability of the development is judged as part of the planning balance exercise, acknowledging this long term adverse visual effect in a localised area.

There would also be significant effects on landscape character of the site and locality due to the proposal's size, scale and character and so for this reason the proposal would not be fully compliant with Policy COM 10 (criterion ii). The way in which the reserved matters applications are brought forwards (including the detailed design of, and materials used for, the buildings and landscape proposals) would be influenced by the way in which the development fits with landscape character. This should aim to use materials that are sympathetic to local character, and provision of a minimum of 35m locally appropriate (and climate resilient) woodland screen planting for the development edges that adjoin the existing rural landscape/ B4100 / Baynard's Green"

- 9.25. LUC's report also concluded that the Albion's proposal to the east of the A43 is just outside this designated area (the other side of the B4100) and, therefore, would be visible from the Local Landscape Designation (LLD) but would not directly affect the land within it.
- 9.26. LUC commented that the Albion Land proposal east of the A43 *"would affect the sense of rurality and farmland fields on the south-western boundary of this LLD and views from the south-western edge of the LLD, but this is not considered to result in loss or harm to the aspects of landscape value and qualities of the landscape for which it is designated or the integrity of the designation. The proposal would therefore comply with COM 11"*
- 9.27. LUC also concluded that "Tritax would have a greater influence on the LLD than Albion Land's proposals and the combined effect of both would be very similar to the effect of Tritax alone.
- 9.28. LUC's conclusions notwithstanding, it is important to acknowledge that whilst the emerging Local Plan policies now carry more weight than they did at the 3 July 2025 Planning Committee, the emerging Local Plan has not been through the rigour of an Examination in Public. There remain objections to these policies whilst they await examination. Therefore, only limited weight can be applied to these emerging policies, at this stage. By contrast, the NPPF 2024 and the Local Plan: Part 1 2031 do still carry full weight.

Ecology

- 9.29. Policy ESD10 (Protection and Enhancement of Biodiversity and the Natural Environment) seeks to protect and enhance biodiversity and the natural environment.
- 9.30. Policy ESD10 sets out 12 criteria for how biodiversity and the natural environment will be achieved. The criteria include achieving a net gain in biodiversity, protection of existing trees, increasing the number of trees through planting of new trees and incorporation of features to encourage biodiversity.
- 9.31. Policy BL11 states that all development shall be encouraged to respect the local character and the historic and natural assets of the area. Policy BL11 goes on to state that development should take opportunities to protect and wherever possible enhance biodiversity and habitats.
- 9.32. These policies are both supported by paragraph 187 of the NPPF which states that planning policies and decisions should contribute to, and enhance, the natural and local environment by minimising impacts on and providing net gains for biodiversity.
- 9.33. Cherwell Local Plan policy ESD11 states: *“Development which would prevent the aims of a Conservation Target Area being achieved will not be permitted.”*
- 9.34. Moreover, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.35. The PPG dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.
- 9.36. Tyler Grange, on behalf of the applicants, have conducted an Ecology Appraisal and provided additional foraging information and a HHMP.
- 9.37. This information confirms that 2.6km of hedgerow (some of it is species rich) across this parcel of land and Albion’s Eastern parcel, on the other side of the A43, would be lost and a general loss of habitat for farmland birds (Lapwing, Skylark, Yellowhammer) and the hairstreak butterfly.
- 9.38. The applicants are proposing on-site mitigation measures through the provision of Enhanced Areas of Landscape Zones (shown on the Land use plans) which would be areas designated for retention and strengthening of existing vegetation.
- 9.39. The applicants have also acquired 20ha of arable land located near Piddington. This site will be used for the creation of neutral grassland (comprising grassland with a high proportion of flowering grasses) and hedgerows.
- 9.40. The applicants have also submitted a draft Habitat Management and Monitoring Plan (HHMP) which sets out measures to maximise the biodiversity potential of retained and newly created habitats through appropriate management covering a period of 30 years.
- 9.41. Collectively, through on-site and the off-site measures, the applicants anticipate that this development would be able to achieve a BNG of 16% for habitat units and 11% for hedgerow units.

- 9.42. I note that there have been several objections to this scheme and the outline application on ecology grounds including, but limited to, residents, Fritwell Parish Council, CDC Ecology, CPRE, Tusmore Park Estate & BBOWT who do not think the BNG proposal is policy compliant. The Environmental Agency also raised concerns that the 20ha off-site area near Piddington is in Flood Zones 2 and 3 and, therefore, at risk of flooding.
- 9.43. *Update:* In November 2025 the applicants submitted the updated Ecological Survey Results (badger, dormouse, breeding birds, a Draft Habitat Management and Maintenance Plan (HMMP) and an updated statutory BNG metric.
- 9.44. CDC's ecology officer is happy with the update information (2024 surveys), which explains that the conclusions of the 2022 assessment of effects presented within the ES Chapter remain unchanged (no dormouse present on Albion East and no conclusive evidence of hazel dormouse on the western site etc). The additional information also explains that the applicants are no longer proposing to use the 20ha site near Piddington. Instead, for BNG, they would be achieving net gain through both onsite habitat creation and off-site unit purchase.
- 9.45. The Council's ecology officer has advised me that the Council needs to ensure that both methods are secured, not just the off-site units. Albion have enough significant habitat onsite that the Ecology officer strongly recommends securing the Habitat Management and Monitoring Plan (HMMP) and associated monitoring fees via a Section 106 agreement. If this were a much smaller site, or if Albion were only delivering low-distinctiveness habitats, a condition could be appropriate. However, the onsite habitats here are significant and will require ongoing management and monitoring. Without this, the site will not achieve the agreed net gain, even though they are purchasing off-site units to cover the remainder of the requirement. Therefore, it is imperative that the HMMP and monitoring fees are secured through Section 106.
- 9.46. The Council's previous ecology officer had initially raised concerned about the impact the proposal would have on the existing badger set and fears that due to the loss of so much foraging areas for them, they would essentially become landlocked and would like to see further buffer habitat for badgers as well as wildlife tunnels beneath all roads. The applicants have responded that, due to the size of the buildings and the foundations it will not be possible to provide further on-site buffer habitat.
- 9.47. However, crucially, badgers are protected species and will need to be safeguarded. Consequently, a pre commencement planning condition (5) requiring a mitigation strategy prior to site clearance is recommended. This strategy shall include details of a recent survey (no older than three months) and identify whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Condition 6 will also ensure that, prior to the commencement of development, including any works of site clearance, a licence shall be obtained from Natural England.
- 9.48. I do consider that the loss of so much species rich hedgerow, and the reduction in farmland birds and hairstreak butterfly, conflicts with local plan policies, and it is a harmful aspect of the development. However, I also think that, whilst the harm cannot be completely compensated, the provision of robust ecology conditions to ensure the delivery of on-site replacement hedging and off-site wildlife and planting provision, this element of the scheme would not warrant a refusal in itself. Therefore, I give modest negative weight to this element.

Drainage

- 9.49. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 181 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 9.50. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.
- 9.51. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.
- 9.52. A new water main would be installed in order to provide points of connection to the future buildings. The water main will follow the alignment of the proposed access road. The new water main will pass along the B4100 to the north of the Site towards its junction with the A43. The necessary works to the public highway will be secured via a S278 Agreement.
- 9.53. The proposed enabling works also include the installation of a foul water drainage station to serve the Site. The foul water drainage station will be located in the southeastern corner of the Site.
- 9.54. Two swales will be installed within the Site. One will be adjacent to the internal roundabout and the other will be located in the southeastern corner of the Site.
- "The swales will provide a sustainable drainage function within the Site. Water will drain towards the larger swale located in the southern corner of the Site. Water from the largest swale will drain at greenfield rate to a local ditch."* (para 4.21 of the planning statement)
- 9.55. The applicants, in their updated submission documents, have included an updated Flood Risk Assessment (September 2024), prepared by Bailey Johnson Hayes Consulting Engineers.
- 9.56. This report recommends that the following drainage measures are put in place to mitigate the impacts of the development: *"Raising thresholds and building levels outside of design flood levels, providing safe access and egress around the development, directing overland flows towards areas of low risk, implementation of SuDS to manage runoff at sources thus reducing flood volume, installation of pollution prevention features to prevent contamination at discharge locations, tree planting to increase biodiversity and absorption of water, management and maintenance to ensure correct operation of all drainage systems and managing residual risks post development."*

9.57. The report goes on to recommend the following SuDS features:

- Swales
- Infiltration Basins
- Permeable Paving
- Petrol Interceptors
- Catchpits, Gullies and Line Drains
- Flows control devices

9.58. It concludes by stating that, *“Further design will be required to establish the detailed drainage network and to ensure no flooding is created on the site during the 30-year event and flooding is contained on site safely during the 100-year + 40% event.”*

9.59. Thames Water, in their consultation response, have advised that they are currently working with the developer of application 21/03266/F to identify and deliver the off site water infrastructure needs to serve the development.

9.60. Presently, Thames Water have identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. As a consequence, they have requested for a Grampian condition to be imposed to the Outline application for this site (21/03268/OUT) which prohibits any of the buildings from being occupied until confirmation has been provided that demonstrates that either:- *“all water network upgrades required to accommodate the additional demand to serve the development have been completed; or – a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied.”*

9.61. Subject to condition **14**, neither Thames Water, the CDC Drainage officer, nor OCC, as the LLFA, have raised any objections to the proposal. Therefore, with the appropriate stringent conditions attached, the proposal would accord with relevant Local and National Planning Policies, and I give neutral weight to this matter in the planning balance.

Archaeology

9.62. OCC's Archaeologist is satisfied that there are no archaeological deposits which will require further mitigation on this site.

Planning Obligations

9.63. The use of planning obligations to address the impact of development and ensure they are acceptable in planning terms is well established in legislation and national, regional, and local planning policy. The NPPF and Cherwell District Council's Local Plan: Part 1 2015 both recognise the importance of addressing the impacts of development and having effective mitigation in place to ensure that development can be accommodated sustainably

9.64. Policy INF1 requires development proposals to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.

9.65. Oxfordshire County Council have requested a public rights of way contributions, which will be subject to indexation, and the Council's Ecology Officer has requested that a Habitat Management and Monitoring Plan (HMMP) and associated monitoring fees are secured via a s.106 agreement.

Public Rights of Way - Improvements to public rights of way in the vicinity of the site - **£54k**

Habitat Management and Monitoring Plan - and associated monitoring fees

Other Matters

- 9.66. I note the advice received from Bicester BUG, as part of their consultation response and, having sought the advice of the OCC Highways officer, I shall address each relevant point in turn:

B4100 Road

- 9.67. The OCC Highways officer disagrees that this is like a normal spine road in terms of the requirements for movements. All likely movements between the sites and the petrol filling station and the bus stops would be catered for, and in the only place where there would be significant pedestrian movements (between the sites and the bus stops on the B4100) pedestrians would be segregated from cyclists. Elsewhere shared use is considered acceptable.

- 9.68. Crossing setbacks can be adjusted at detailed design stage if necessary.

Albion West Accessibility

- 9.69. OCC Highways have requested a condition to deal with how cyclists access the western units.

Cycle Pathway

- 9.70. Cycle path: priority across access points will be given where it is safe to do so, noting points above about set back – not always sufficient land to set the crossing back far enough, in which case it may not be safe to give priority to cyclists – this will be examined at detailed design stage.

- 9.71. Access and egress points, and bus stop bypass design can be addressed at detailed design stage.

- 9.72. Noted re rails and fencing, but we have accepted that there will be narrowing's in places where there are constraints.

- 9.73. The proposed cycle path ends at Braeburn Avenue, where it is considered safe for cyclists to join the carriageway. The developers have shown (to OCC) a design where the junction radii are reduced to allow a safe transition onto the carriageway. Unfortunately, there isn't enough highway land on Braeburn avenue for a segregated cycle facility. On the B4100 south of Braeburn Avenue, there is a building close to the carriageway near the bend, which makes it unsuitable for an off-carriageway route alongside the B4100 to the A4095 junction.

- 9.74. The details of how the cycle path goes through the layby can be addressed at detailed design stage.

10. CONCLUSION

- 10.1. The proposed site clearance and construction of a new site access from the B4100, along with the creation of permanent and temporary internal roads, an internal

roundabout, a foul drainage station, the diversion of an existing overhead power cable and public right of way, and the provision of soft landscaping, is considered to be acceptable and in accordance with the NPPF (Dec 2024), the Cherwell Local Plan: Part 1 (2015) and the Mid-Cherwell Neighbourhood Plan (2018 -2031).

- 10.2. Accordingly, it is recommended that, subject to conditions and s 106 agreement, planning permission be granted.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING TO GRANT PERMISSION, SUBJECT TO

- i. THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- ii. THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**

- b. Payment of financial contributions towards improvements to public rights of way on the site
- e. BNG provisions related to HMMP and monitoring fees.
- f. Appropriate monitoring fees for the delivery of the s106.

FURTHER RECOMMENDATION: IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED WITHIN 6 MONTHS OF THIS RESOLUTION AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions and provisions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to contrary to Policies BSC3, BSC10, BSC11, BSC12, SLE4 and INF1 Cherwell Local Plan 2015 and the aims and objectives of the National Planning Policy Framework.

Conditions

Time Limit

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

2. Except where otherwise stipulated by condition, the development shall be carried out in accordance with the following plans and documents:

- 20005 - TP - 001 Site Location Plan
- S1299-P-02 – Proposed Site Plan
- S1299-P-03 – Proposed Site Sections
- S1299-P-04 – Infiltration Drainage Basin Details
- S1299-P-05 – Drainage Spur Details
- 1717-ESC-00-ZZ-SK-Z-0002 Rev PO – Services Layout – Electricity
- 717-ESC-00-ZZ-SK-Z-0003 Rev PO – Services Layout – GTT Fibre
- 717-ESC-00-ZZ-SK-Z-0004 Rev PO – Services Layout – BT Openreach
- 717-ESC-00-ZZ-SK-Z-0005 Rev PO – Services Layout – Water
- 717-ESC-00-ZZ-SK-Z-0006 Rev PO – Services Layout – Existing Utilities
- 17213-13-GA Rev O – Western General Access with Parallel Crossing
- Lighting Assessment (prepared by Light Pad)
- Air Quality Assessment (prepared by part of the Logika Group)
- Site Specific Flood Risk Assessment & Drainage Strategy - Issue 4 September 2024

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework and Planning Practice Guidance.

Ecology

CEMP

3. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
 - f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - g) Use of protective fences, exclusion barriers and warning signs.
 - h) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.
 - i) No removal of hedgerows, trees or shrubs nor any site clearance work (including vegetation removal) shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in

the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

Protected Species

4. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by an ecologist (Member of CIEEM or equivalent professional organisation) to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Badger Surveys

5. Prior to the commencement of the development hereby approved including any demolition and any works of site clearance, a mitigation strategy for badgers, which shall include details of a recent survey (no older than three months), whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Badger licence

6. Prior to the commencement of the development hereby approved, including any works of site clearance, a licence shall be obtained from Natural England for any works likely to result in an offence under the Badger Act 1992.

Reason: To ensure compliance with the Protection of Badgers Act 1992 and the Wildlife and Countryside Act 1981, and to prevent harm to a protected species and its habitat, in accordance with Policy ESD10 of the Cherwell Local Plan 2011–2031 and national guidance in the National Planning Policy Framework.

BEMP

7. The development shall not commence until a Biodiversity Enhancement and Management Plan (BEMP) and a completed Statutory BNG metric for enhancing biodiversity on the site and/or elsewhere within the Cherwell District so that an overall net gain of at least 10% is achieved has been submitted to and approved in writing by the Local Planning Authority. This shall also include a timetable for provision of measures. The BEMP should also include bat and bird boxes. Thereafter, the biodiversity enhancement scheme shall be carried out and retained in accordance with the approved details.

Reason: To ensure the development delivers a measurable net gain for biodiversity, in accordance with Policy ESD10 of the Cherwell Local Plan 2011–2031 and national guidance set out in the National Planning Policy Framework.

Unexpected Contamination

8. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out on that part of the site until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

Arboricultural method statement

9. Prior to the commencement of development, an arboricultural method statement, which includes tree protection measures shall be submitted to and improved in writing by the Local Planning Authority. The development shall be carried out in accordance with the statement's recommendations and shall be retained in place for the duration of the construction of the development.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity in accordance with Policies ESD10 and ESD13 of the Cherwell Local Plan Part 1 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

Lighting

10. Prior to the installation of any lighting, the design, position, orientation, any screening of the lighting and a full lighting strategy to include illustration of proposed light spill and which adheres to best practice guidance in relation to ecological impact, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved document.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage and harm to the environment from light pollution in accordance with Policy ESD10 of the Cherwell Local Plan 2011- 2031 Part 1, Policy ENV1 of the

Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Access Arrangements

11. The access arrangements to the public highway, including pedestrian and cycle infrastructure connecting the parcels to the proposed improvement scheme at Baynards Green, incorporating a safe crossing point of the access road, shall be constructed in accordance with Drawing ref 17213-13 Revision O. Thereafter the access arrangements shall be provided prior to first occupation of the site in accordance with the approved details. Agreed vision splays shall be kept clear of obstructions higher than 0.6m at all times.

Excavation Works

12. Prior to the commencement of any works associated with the approved infiltration basin or pumping station/treatment works in the south-east of the site, geotechnical submissions shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with the Highway Authority for the A43 and M40).

Reason: To mitigate any adverse impact from the development on the A43 and M40 in accordance with DfT Circular 01/2022.

CTMP

13. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority for the A43 and the local highways network. This shall include details of phasing of the highway works. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP.

Reason: In the interests of highway safety and the residential amenities of neighbouring occupiers and to comply with Government guidance contained within the National Planning Policy Framework and to mitigate any adverse impact from the development on the A43 in accordance with DfT Circular 01/2022.

Surface Water

14. No development shall commence until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
- Full drainage calculations for the following storm events: 1 in 1 year, 1 in 30 year and all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive Infiltration testing across the site to BRE DG 365 (if applicable), sufficient to confirm the design;

- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction for the lifetime of the development; and post development in perpetuity;
- Confirmation of any outfall details;
- Consent for any connections into third party drainage systems.

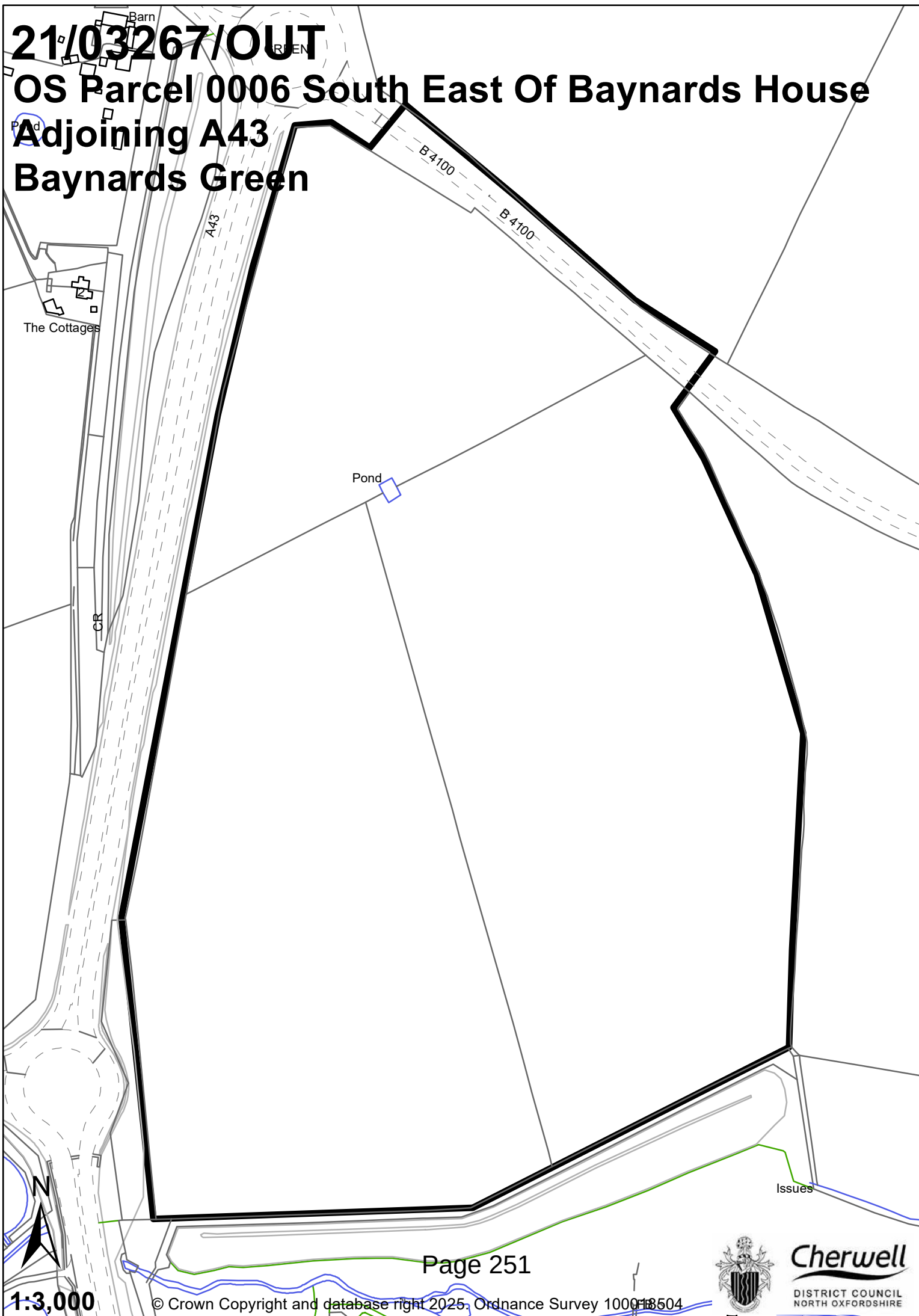
Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

**OS Parcel 0006 South East Of Baynards House
Adjoining A43
Baynards Green**

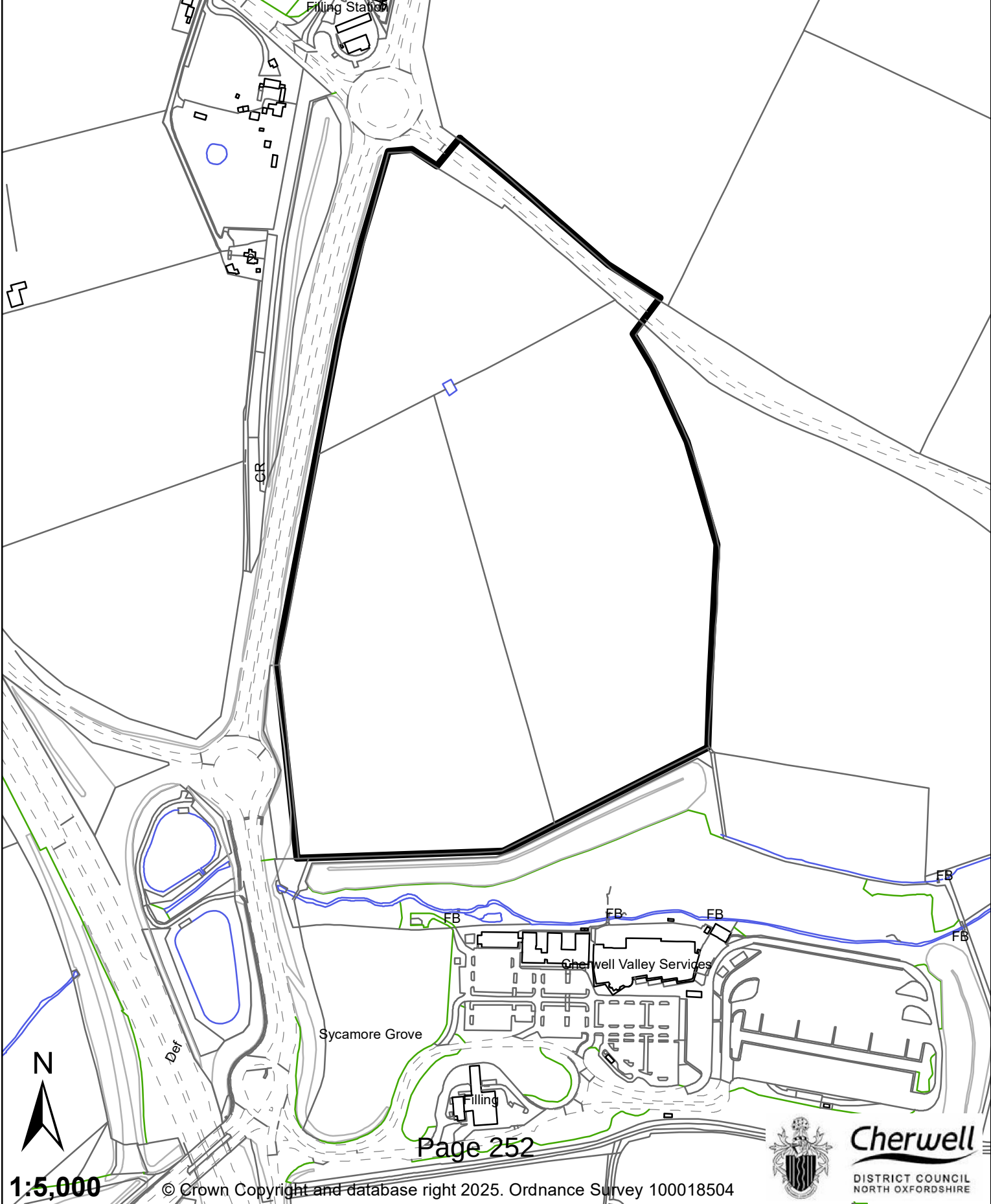


21/03267/OUT

OS Parcel 0006 South East Of Baynards House Adjoining A43 Baynards Green



21/03267/OUT
OS Parcel 0006 South East Of Baynards House
Adjoining A43
Baynards Green



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Case Officer: Tom Webster

Applicant: Albion Land.

Proposal: Outline planning permission (all matters reserved except for access) for the erection of buildings comprising logistics (Use Class B8) and ancillary Office (Use Class E(g)(i)) floorspace and associated infrastructure; construction of new site access from the B4100; creation of internal roads and access routes; and hard and soft landscaping

Ward: Fringford & Heyford

Councillors Cllr Grace Conway-Murray, Cllr Nigel Simpson, Cllr Barry Wood

Reason for Referral: Major Development / Departure from Plan

Expiry Date: 16 January 2026

Committee Date: 15 January 2026

SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS AND COMPLETION OF SECTION 106 LEGAL AGREEMENT

1. APPLICATION SITE AND LOCALITY

- 1.1. The site, which sits to the north of Cherwell Valley Services at M40 J10, east of the A43 and south of the B4100, comprises 23.18ha of arable farmland. The farmland is divided by low-clipped hedgerows (with some loss/gaps in places) into three separate fields. In addition to the arable fields, the interior also contains ditches, hedgerows, scrubland areas and a small waterbody.
- 1.2. Immediately to the northeast of the site is the Baynards Green roundabout, where the B4100 meets the A43 trunk road linking the M40 and M1.
- 1.3. The site is bounded by the A43 to the west and the B4100 to the north, with large arable fields beyond, arable fields to the east, and the aforementioned service station to the south.
- 1.4. The boundaries of the site are as follows: a raised hedgerow field boundary on the western boundary with the A43; a small tree belt along the west, a combination of trees and hedge along the northern boundary with the B4100 and a thick woodland belt along the southern boundary, which screens the service station.
- 1.5. The Site is not publicly accessible, although a bridleway runs along its southern boundary. The site undulates gently falling from south to north and is open in nature. Its rural landscape is particularly noticeable from the B4100 to the north and east.

2. CONSTRAINTS

- 2.1. Bridleway 367/21/10 runs along the southern boundary Site (refs. 367/28/10 and 109/2/40).
- 2.2. The Agricultural Land Classification for the site is predominantly 3b, with the remainder being classed as 3a (Moderate Quality Agricultural Land).
- 2.3. There are no listed buildings on site and the site is not inside a Conservation Area. The closest listed buildings are the Grade II buildings of Medkre and Baynard's Green Farm, which are on the opposite side of the A43 and about 200m away.
- 2.4. The Grade II listed Manor Farmhouse and Fewcott Farmhouse are located approximately 800m and 900m south of the Site boundary respectively, beyond the M40.
- 2.5. The closest Conservation Areas are Ardley & Fewcott (800m) and Fritwell (1.2km), respectively.
- 2.6. The site is entirely in flood zone 1, i.e. land that is least likely to flood.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. This application was previously presented at Planning Committee on the 3 July 2025. During that Planning Committee, Officers recommended that the application be approved, subject to appropriate conditions and a s.106 agreement. Members endorsed that recommendation and resolved to grant planning permission
- 3.2. Since then and with no determination of the application, there have been several material changes in circumstances. They are:
 1. The Cherwell Local Plan Review 2042 was submitted to the Secretary of State for Examination on the 25 July 2025. An Examination of soundness is due to be held in February 2026 and, if found broadly sound, Examination of all Plan policies and proposals and the objections made to them, will take place in the summer.
 2. On the 30 October 2025, the Council issued a Town and Country Planning (Environmental Impact Assessment) Regulations 2017 Regulation 25 request for further information in respect of the Application. The Regulation 25 letter requested that the Oxfordshire Strategic Rail Freight Interchange ("SRFI") be included in an amended ES, as part of an updated cumulative impacts assessment. The Council are of the opinion that this is required to ensure the legal adequacy of the ES. The Applicant has undertaken this work and submitted the conclusions.
 3. The Regulation 25 Letter also recommended that the following supplementary information be submitted (which it has been):
 - Updated Dormouse survey results to go into the addendum
 - Updated Breeding bird survey results to go into the addendum
 - Outline farmland bird mitigation strategy to include details of the requirements being delivered offsite (the final strategy will need to specify off-site details and include baseline surveys for the mitigation site)
 - Commitment that the farmland bird strategy will be in perpetuity
 - Confirmation in the addendum that a minimum 10% BNG can be achieved
 - Confirmation of purchase of hedgerow units from a BNG habitat bank (the closer the site is to the development, the better)

- Finalised Impact Assessment for habitats and protected species based on updated survey results
 - Mitigation and enhancement strategy
 - Update biodiversity metric and HMMP
4. The Council received letters of objection from Richard Buxton Solicitors, acting on behalf of Stoke Lyne Parish Council and The Tusmore Estate, alleging, amongst other things, that the applicants' ES was inadequate, officers had misdirected members at committee, all the Baynards Green applications should be considered concurrently and should be presented again at Planning Committee for redetermination, exceptional circumstances had not been demonstrated to justify any approval and the Council's own economic evidence in support of its emerging Review Local Plan shows there to be sufficient employment land already. The letters are published in full online, and they have been summarised in the 'Consultation' part of this report under Stoke Lyne Parish Council.
 5. The wording of the planning conditions and s.106 agreement has progressed – it is anticipated that an agreed list of recommended conditions and an agreed draft s.106 agreement will be in place by the time of Planning Committee
- 3.3. For an outline planning application where EIA is required, the description of the development must be sufficient to enable the requirements of the EIA Regulations to be fulfilled, and in particular, to enable the potential significant effects of the development to be identified.
 - 3.4. The actual description of development remains unchanged: This application seeks outline planning consent (all matters reserved except means of access) for 100,000sqm GIA of logistics (Use Class B8) and 7,000sqm of ancillary office (Use Class E(g)(i)) floorspace, and the construction of associated parking, servicing, hard and soft landscaping.
 - 3.5. A new access from the B4100 is also proposed via a new roundabout approximately 180m east from the A43 Baynards Green junction, with its service station beyond.
 - 3.6. As part of the s.106 mitigation measures, the applicants are, in conjunction with Tritax Big Box, proposing to make the following changes to Baynard's Green Roundabout:
 - The full signalisation of the roundabout junction of the A43 and B4100;
 - Widening on the approaches and circulatory carriageway; and
 - the introduction of active mode infrastructure to ensure pedestrians and cyclists are able to navigate the junction.
 - 3.7. Albion Land and Tritax Big Box have both agreed that all the Baynard's Green highway improvement works necessary to accommodate their proposals will be tied down in the s.106 agreement and will come forward, prior to the commencement of development, even if only one of these logistics developments were to come forward.
 - 3.8. It is also proposed to create a cycle/pedestrian link along the south side of the B4100 within the highway verge along the southern side of the B4100 between the site and Braeburn Avenue, Bicester along with a financial contribution to turn the existing number 500 bus service from Bicester from an hourly service into a 30-minute subsidised service, for a period of 8 years, as requested by OCC Highways.
 - 3.9. The applicants have also offered an alternative option, which they claim would likely achieve a greater modal shift away from private car travel, where they would increase

the level of bus contribution to ensure a 15-minute frequency bus service for 8 years. This scenario would either be instead of the cycle/pedestrian path or in the event that it is not practically possible to deliver the cycle/pedestrian route and is the applicants' preferred option as, my understanding is there are several pinch points along the route that could restrict the width of any such route at those points that would prevent implementation in those areas to full design compliance standard.

3.10. The distribution of development would be guided by three parameter plans:

Parameter Plan 1: Land Use. This plan identifies 2 build zones, hard landscape and landscape zones

Parameter Plan 2: Building Heights. This plan caps the maximum height of the buildings at 23m inside the 2 build zones.

Parameter Plan 3: Vegetation Retention and Removal Plan: This plan shows several existing hedgerows being removed, including along part of the northern boundary with the B4100 to accommodate the new site access. The remaining hedgerow located along the perimeter of the Eastern Site would be retained and enhanced. The vegetation is proposed to be strengthened along the western boundary with the A43 too.

3.11. The applicants have also submitted an illustrative Landscape Strategy Plan (which includes Albion's neighbouring western parcel on the western side of the A43) and illustrative elevations.

3.12. The illustrative Landscape Strategy Plan depicts:

- Multiple SuDS ponds, swales and wet woodland areas;
- Semi natural screening/woodland patches along the northern, eastern and southern boundary;
- Retained parts of the hedgerow enhanced;
- Western boundary hedgerow protected and enhanced; and
- A landscaped parking area to the north.

3.13. It should be noted that the illustrative Landscape Strategy Plan is not a formal plan and is submitted for illustrative purposes only to demonstrate how the proposed development could potentially be accommodated on the site.

3.14. CBRE, in their supporting 'Logistics Marketing and Land Availability Report', anticipate that this site, along with the western parcel, would lead to the creation of 400 temporary construction jobs and 3,000 permanent jobs upon completion of development. My understanding is that DHL, a leading logistics company are intending to lease two of the three suggested buildings on the western parcel, which is why the applicants have also submitted an enabling full application for the access road to that site (21/03266/F). Other as yet un-named operators are claimed to be interested in this eastern plot.

4. RELEVANT PLANNING HISTORY

4.1 There is no planning history on this site directly relevant to the proposal. However, the following planning applications (submitted by Albion Land) on the neighbouring

land to the west and by Tritax on the land to the north and east are considered relevant to the current proposal:

O.S. Parcel 2636, Northwest of Baynards House, Ardley

21/03268/OUT - Outline planning permission (all matters reserved except for access) for the erection of buildings comprising 170,000sqm floorspace logistics (Use Class B8) with 10,000sqm ancillary Office (Use Class E(g)(i)) floorspace and associated infrastructure; construction of new site access from the B4100; creation of internal roads and access routes; and hard and soft landscaping – *to be determined*.

21/03266/F - Site clearance, construction of new site access from the B4100 west of its junction with the A43 at Baynards Green, permanent and temporary internal roads, an internal roundabout and a foul drainage station, diversion of an existing overhead power cable and public right of way, and soft landscaping – *to be determined*.

O.S. Parcel 6124, East of Baynards Green Farm, Street to Horwell Farm, Baynards Green

22/01340/OUT - Application for outline planning permission (all matters reserved except means of access (not internal roads) from B4100) for the erection of buildings comprising 300,000sqm logistics (use class B8) with ancillary offices (use class e(g)(i)) floorspace; energy centre, hgv parking, construction of new site access from the B4100 east of its junction with the A43 at Baynards Green; creation of internal roads and access routes; hard and soft landscaping; the construction of parking and servicing areas; substations and other associated infrastructure – *to be determined*.

O.S. Parcel 8233, South of Baynards Green Farm, Street to Horwell Farm, Baynards Green, OX27 7SG

- 4.2 Additionally, the following application was submitted by Brunel Securities LLP and The Curtis Family on the 17 April 2018:

18/00672/OUT - Outline development for up to 7,161sqm of B2 and/or B8 industrial development with ancillary offices (B1a), access and landscaping – refused on the 21 September 2018.

- 4.3 The 18/00672/OUT refusal was subsequently dismissed on appeal under Ref: APP/C3105/W/19/3225084 – see **Appendix A**) with the Inspector concluding the development would be in conflict with Policies SLE, ESD1, ESD 13 and ESD 15 of the Local Plan.

- 4.4 In reaching his decision, the Inspector concluded that this employment application would be in an *“inappropriate location”* and that:

“Irrespective of the final configuration of the buildings on the site, even if set back from the road, the proposal would lead to an urbanisation of the site with the built development being of a notable scale and bulk given the size of the plot and the amount of floorspace proposed. This is regardless of whether it is deemed large or small in scale.”

- 4.5 The Inspector also concluded that the appeal proposal would cause less than substantial harm to a neighbouring Grade II listed barn currently in commercial use and would be in conflict with development plan policies that seek to protect heritage assets. The Inspector also noted that the appellant had identified the creation of 150 jobs as a benefit of the scheme, *“and this does weigh in favour of the development. However, it is outweighed by the harm I have identified.”*

- 4.6 Also of note, is that on the 22 July 2025, the planning inspector dismissed appeal ref APP/C3105/W/24/3352512, which related to a proposed 140,000sqm logistics park at Land east of Junction 11 of the M40 and southwest of Huscote Farm, Daventry Road, Banbury, Oxfordshire OX17 2BH. The Inspector dismissed the proposal on the grounds that the unresolved highway impacts would result in substantial harm which outweighed the (acknowledged) economic benefits of the development. I consider this decision to be a material consideration whilst noting that it was a different scheme which would not have provided the same number of jobs as this proposal, and was determined in a different context regarding the Council's employment land position.

5. PRE-APPLICATION DISCUSSIONS

- 5.1 The following pre-application discussions took place with respect to this proposal:

Part of M40 in O.S. Parcels 1800, 5680, 5633, 7648, 0068, 5656 and 4300,
Part of M40 through Ardley Parish, Ardley

21/01708/PREAPP - Logistics Development - Pre-app advise issued on 26 November 2021.

- 5.2 The case officer concluded that she could not support the development for the following reasons:

"The application is likely to be unacceptable in principle because it appears that it would conflict with policies SLE1, SLE4, ESD1, ESD13 and ESD15 of the Cherwell Local Plan 2031, saved policy C8 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

Development of the form and scale proposed on either or both sites would be likely to generate significant volumes of HGV traffic on the adjoining highways – the B4100, A43 and M40, exacerbating congestion on the Baynards Green and M40 J10 road junctions;

The western site affects the setting of a listed building ('Medkre') and would therefore need to be designed sensitively to take account of this, including using high quality materials;

The adjoining properties Baynards House, Baynards Barn and the grade II listed Medkre are all very close to the site boundary of the western plot and therefore the development could result in a serious loss of residential amenity for neighbouring occupants;

Development, particularly on the eastern site would be prominent in the landscape and substantially impact its open rural character."

6. RESPONSE TO PUBLICITY

- 6.1. This EIA application has been publicised multiple times by way of Site Notices displayed near the site, by advertisement in the local newspaper and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments on the latest submissions is **3 January 2026**.

- 6.2. The comments raised by third parties are summarised as follows:

129 [+37] letters of objection (albeit some letters objection submitted more than once due to multiple re-consultations)

- This proposal is vastly over scaled especially when added to other proposals at Baynards Green and Heyford for warehousing and a freight depot. Taken together, these proposals will industrialize the Cherwell Valley.
- The proposed development will encroach on Stoke Wood, which is the only natural woodland within six miles of Bicester.
- With another 22,000 houses coming to Bicester in the coming years it would be far more sensible to link the entrance to the dual carriageway of the A43 rather than the already busy single carriageway B4100.
- All employees would have to commute by car.
- It is not an allocated site.
- Employment land is allocated elsewhere in the district through the Local Plan.
- This area is open countryside, and the proposed development would significantly change the characteristics of the area and local vicinity.
- The landscape has already been harmed by the approval of the garage.
- The site is within close proximity to at least 12 Grade-2, Grade-2* and Grade-1 listed buildings and the ancient woodland Stoke Wood, owned by the Woodland Trust.
- The proposal will lead to increased traffic causing traffic to divert using local road arteries for cut-throughs, including Stoke Lyne.
- Cumulatively, this application, along with the Albion Land proposals and the Oxford Strategic Rail Freight Interchange will lead to light pollution, environmental pollution & nature conservation harm.
- Cumulatively, these proposals would be 4 x the size of the warehouse scheme dismissed at appeal (18/00672/OUT).
- The B4100 is a very busy road and at rush hour there are long delays going toward the M40. The warehouse use would add to those delays.
- The application is also flawed as it fails to recognise the significance of Stoke Woods, a medieval coppice very popular with dog walkers in close proximity to the proposed development and a number of listed buildings within Stoke Lyne and Bainton Parish.
- The proposed development is in the wrong place. The materials and design are not in keeping with the countryside. The proposal would be incredibly disruptive and increased traffic and emissions would diminish the air quality for local people, putting public health at risk.
- The proposal would ruin the tranquillity of the countryside and mental health of residents.
- There is no need to provide extra jobs in the local area as very low unemployment rate.

- The journey from the M40, along the A43 and then down the B4100 (heading South-East) would be akin to driving in a roofless tunnel.
- The proposal would generate significant numbers of HGVs attempting to join the roundabout from the B4100 south would only exacerbate the problem of long tail-backs forming along the B4100 (currently, often as far down as the Stoke Lyne turning).
- The development site is within sight of St Peter's Church, Stoke Lyne, a Grade-2-star listed building which would be harmed as a result of the development.
- Increased jobs would lead to pressure for more houses.
- There is no public transport available to this site & cycling along the surrounding roads is extremely dangerous as they are either dual carriageway or have a high volume of traffic.
- Inappropriate design, appearance and materials.
- Would result in overlooking and a loss of privacy and light and also overshadowing.
- Impact on the conservation area.
- Would cause flooding.
- Would harm the wildlife.
- Noise impact on the residents of Stoke Lyne and Hardwick.
- The removal of agricultural land and is at odds with the drive towards a plant-based diet.
- Ironically, the ES statement lists agriculture as being the second highest in the applicants' assessment of Gross Value Added per worker. Transportation and storage are 9th on the list.
- Not satisfied that the applicant has adequately demonstrated that there would be no impact to great crested newts and/or their habitat as a result of the development being approved.

6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. Ardley with Fewcott Parish Council: No comments received.

7.3. Piddington Parish Council: No comments received.

7.4. Fritwell Parish Council: Objects

Fritwell Parish Council has not been convinced that there is any merit in this application, and it seems to be naked opportunism that the location presents in being at a motorway junction. More recent reports include:

- Lambert Smith Hampton report, entitled Baynards Green - Review of Socio-Economic Evidence, commissioned by Cherwell District Council and published (with review edits!) December 2024 relates to the “clutch” of applications including Albion Land and Tritax applications. We were somewhat surprised that the report did not seem take account to any reasonable degree, of the CDC Local Plan Policies to 2042 (under consultation) relating to employment and Warehousing.
- The junction is considered a “failed” junction, yet it is a main gateway to the East with the A43 to Northampton and the M1. When the Grand Prix is on – the A43 is closed. Additionally, when there are (frequent) problems on the M40 or close to this area, this junction can be gridlocked for many hours. The National Highways approval of the proposed roundabout improvements at Baynards Green by merely increasing the diameter of the roundabout and increasing the visibility splay at entry/exit points is highly unlikely (in our layman’s view) to mitigate traffic issues. This was based on theoretical modelling (using the BTM) and no “Real-life” data logging of traffic over a full cycle (probably a year) data was considered at least no monitoring equipment has been installed in Fritwell which is a regular “rat-run” when there are issues at Junction 10. The modelling, we believe, does not take account of the potential for the Puy Du Fou site near Bucknell, or the proposed Rail Freight Interchange at Ardley.
- The OCC suggested addition of a cycle way along the B4100 would be a good addition for leisure cyclists but would in no way make a dent in vehicle commuting to the sites, let alone the increase in Road Freight traffic.
- Paucity of locally available workforce to support 1. the development of these facilities and 2. The staffing (up to 6,280 persons) of the completed facilities, meaning that there will be significant pressure for temporary and permanent housing in the area, or at least the prospect of significant additional commuter traffic.
- The guaranteed destruction of productive farmland and impact on wildlife, with some proposals to offset some of the damage done with biodiversity offset at Piddington! With no local offset benefit to local communities to mitigate the obvious harm that will be perpetrated.
- Lack of infrastructure and capacity development in the area to support these large developments, e.g. Electricity capacity, Broadband capacity, Water Treatment, flood management, Health Provision, School places and additional Policing needs always seems to be an afterthought.
- The impact on the environment, clean air, dark skies, increased noise pollution will be to the detriment of the well-being of residents in the area. These developments will isolate rural communities, including Fritwell.

7.5. Upper Heyford Parish Council – Objects

Upper Heyford Parish Council wishes to object to the above-mentioned planning application for massive industrial expansion at Junction 10 of the M40.

The area is a previously undeveloped greenfield site which goes against Government and local planning policy that favours brownfield before green. The loss of such a huge expanse of greenfield site at a time where we are under national threat of food shortages and climate crisis should immediately make this application untenable. CDC's local plan also does not call for any large industrial development in the open countryside.

There will be enormous disruption during the construction phase of this development and surround infrastructure projects will further detract from the open nature of this area. Once built the visual impact of the development, and the others around it that have been applied for will make this no different to areas of huge 'warehouse cities' in the surround area, less than 30 miles from this new proposal.

The employees that will work at these warehouse will all need to travel, by car, to get to work every day, adding yet more traffic on to the roads of the surrounding area (they will likely all need to come from Bicester, Banbury or indeed Northampton, where there is housing within financial reach of this type of workforce salary. This additional traffic is completely at odds of any climate change policies that a local council, and local residents would want to see.

In the minds of Upper Heyford Parish Council, this application coupled with 2 other huge industrial applications in the pipeline (Oxfordshire SRFI and Tritax application 22/01340/OUT) and the recently approved Great Wolf Resorts development, means that this once tranquil rural area will be swamped with industrial units, train movements and car journeys and be a huge detriment to the local area.

7.6. Somerton Parish Council – **Objects** for the following reasons:

1. *Any honest cumulative assessment of impacts in the M40 J10 area must therefore consider not only highways and emissions but also the combined effect of OxSRFI, the Heyford “new town”, Baynards Green logistics and Puy du Fou on the setting and experience of Rousham House and Garden.*
2. *Failure to assess residual cumulative impacts, contrary to the NPPF*
3. *Environmental Impact Assessment (EIA) – unlawful segmentation and inadequate cumulative assessment*
4. *Highway safety and network operation at M40 Junction 10*
5. *Increased Traffic Volume Estimates – over 30 million vehicle trips per annum within 3 miles of M40 J10*

7.7. Stoke Lyne Parish Council: - **Objects**:

“The Parish Council would submit that the current proposals do not accord with the policies contained in the Local Plan, in that

1. *they are proposing development outside the limits of the development areas of Bicester, Banbury and Kidlington, and that the proposals will not bring with them the higher technology industries described in the plan SO1) or can be considered to support the development of a knowledge-based economy to create the desired support the creation of a globally competitive and lower carbon economy*
2. *They do nothing to protect and enhance the natural environment or to minimise pollution in a rural area (SO15)*

3. It will not help strengthen the rural economy or increase employment opportunities
4. The proposals are outside the boundaries of development proposals for either Bicester or Banbury and are situated on land where no development has been allocated in the Local Plan.
5. It is contrary to Policy SLE1 in that it is not an existing site, it is not within the built up limits of the settlement with no access by sustainable modes of transport, and the application being of a rural nature, fails to comply with requirement to respect the rural nature of the area and the local villages, it will, by significantly increasing road use, have a detrimental effect on the highway network, at a time when other proposals – HS2, East/West Rail etc will also put pressure on the road network around J 10 of the M40 motorway.

Under the same policy the proposal will have a severe impact on the appearance and character of the landscape and the environment generally including on any designated buildings or features including the effect on the area around Juniper Hill, with the historical significance enhanced by Flora Thompson in Lark Rise to Candleford. It will also give rise to excessive or inappropriate traffic and will do nothing to contribute to the general aim of reducing the need to travel by private car.

Stoke Lyne Parish Council supports the principles of the NPPF which seeks to promote the role of planning in achieving sustainable economic growth, in building a strong, responsive and competitive economy, and by ensuring that sufficient land of the right type, and in the right places, is available to allow growth and innovation, but would suggest that the current proposals are not the right type of proposal, on the right land or in the right place.

The CDC Local Plan has an acknowledged urban focus, and the Parish Council submits that there is no reason to depart from this principle. The Parish Council also has concerns that the proposal to create this development outside the built-up area of the Bicester could, if approved, encourage other landowners to make similar applications. The Council accepts that fear of establishing a precedent is not a proper planning consideration as each case has to be considered on its own merits, but the Parish Council fears that should development on this site be approved it could become a material consideration encouraging other landowners with land outside the Bicester development area and in similar rural locations to make similar applications for development."

Update

Of major concern is:

1. The proposal would lead to the creation of a significant amount of commercial floor space in a geographically unsustainable location. The development is not in accordance with Local plan proposals, and the applicant has not demonstrated any exceptional circumstances for the development as required by Policy SLE1. The development should be in a more sustainable locations
2. The proposal would be visually intrusive and result in unjustified adverse landscape and visual harm to the locality.
3. The traffic impacts of the development are not robustly assessed within the Transport Assessment particularly in regard to the impact on the junction into the site when approach along the westbound carriageway of the B4100. This is a highway which is already over used, leading onto junction 10 of the M40. The road network at this point cannot accommodate more traffic into the area.

The overall impact now needs to be assessed in conjunction with all the other proposed developments in the area - the new town at Upper Heyford, the Strategic rail freight interchange at Ardley, The 7500 house proposed residential development near Bucknell, the application currently under consideration by Puy du Fou and a proposed 900 house development adjacent to the A44

The 3rd July Committee Report was materially misleading in several respects:

- The provision of jobs does not amount to exceptional circumstances to justify employment development under policy SLE1 and, if allowed, would set a precedent that would undermine the spatial strategy and the local plan.
- The Cherwell Local Plan Review 2024 Employment Topic Paper July 2025 makes clear that the supply of employment land with the district exceeds, even at the upper Level
- LUC identify significant landscape impacts which further conflicts with policy SLE1
- Committee were not given any advice on potential conflict with emerging policy
- The application has not been assessed against the Emerging local plan policies LEC3 & there is conflict
- The development would not be on previously developed land
- The applicants have not offered alternative land
- The Council's Ecologist and the Wildlife Trust are clear that without information explaining where and how species losses would be compensated, it is not possible to properly assess the impacts of the scheme
- The application would result in the destruction of 2.46km of species rich hedgerow and loss of habitat for brown hairstreak butterfly and a wide range of wild birds including skylarks
- In a recent appeal decision (APP/I3245/W/24) the Inspector concluded that a condition for a farmland bird strategy would not provide sufficient certainty.
- Therefore, the proposal does not comply with Natural England's Advice for Wild Birds, Natural England's Standing Advice and para 193(a) of the NPPF 2024
- Inadequate breeding birds surveys, many of which are out of date
- Members were misdirected by officers of Anglian Water response
- Not the most sustainable location
- Absence of SRFI, Puy Du Fou and Heyford 'New Town' from the ES Cumulative impact assessment

MK Ecology, on behalf of Richard Buxton Solicitors, who are acting on behalf of Tusmore Estate and Stoke Lyne Parish Council were also instructed to review the documents for the 'Albion' (21/03268/OUT, 21/03266/F, 21/03267/OUT) and 'Tritax' (22/01340/OUT).

The conclusion of their letter dated 27 October 2025 is as follows (the full letter is published on public access:

Surveys have been undertaken to a high professional level but the material considerations involving key species, notably birds and especially skylark, at the Albion site are not accurately understood due to the age of the data evaluation and the inference that more recent surveys at the neighbouring Tritax site alone have suggested a greater population of Skylark than was present in the 2022 surveys, which were undertaken at both sites. Baseline surveys for Brown hairstreak have not been undertaken on the Albion site in contradiction of local planning policy requiring that such surveys are forthcoming and in spite of their presence at the neighbouring site and one affected hedgerow within the Albion development footprint providing suitable habitat for this species. All ecological surveys are out of date for the Albion site.

The ornithological assemblage at the proposed receptor site at Piddington is not understood and its promotion as a mitigation site for the loss of farmland assemblage cannot be reliably taken forward without an understanding of the baseline. Moreover, proposed restoration of this site has not evaluated the baseline soil composition and may not be achievable given a conversion from arable to neutral grassland for anything beyond poor condition.

The impact of changes of land use at Piddington have not considered the farmland bird assemblage present (as it is not known due to an absence of surveys) and the need for a farmland bird strategy reviewing such potential conflicts is required together with an understanding of short-term impacts on key species and medium-term outcomes. The outcome of these omissions is that the present mitigation strategy does not have a reliable baseline assessment, leading to a potential under estimation of population size and impacts on key species. The proposed mitigation is thus potentially inaccurate, and its effectiveness simplified and potentially overstated. In essence, the biodiversity material considerations for the development have not been fully addressed rendering consent presumptuous until such issues are addressed.

STATUTORY CONSULTEES

- 7.8. Anglian Water: - **Objects** due to the lack of capacity to accommodate the additional flows that would be generated by the proposed development. To overcome its objection, AW recommend a pre-commencement Grampian condition, in the event of any approval.
- 7.9. CDC Arboriculture: No comments received.
- 7.10. OCC Archaeology – **No objection**, subject to conditions:

The site lies in an area of archaeological interest and potential, as has been demonstrated in the submitted Environmental Statement Chapter 11, Cultural Heritage. This chapter had been informed by a Cultural Heritage Desk Based Assessment, a Geophysical Survey and an Archaeological Trenched Evaluation, and these documents have been submitted as appendices.

To the immediate east of the proposal site, archaeological investigations have recorded Middle-Late

Iron Age settlement and agricultural activity, which continues into the Roman period. A 2nd – 4th century stone built 'villa rustica', or farmhouse, was recorded along with several smaller ancillary buildings. Four inhumation burials of likely Roman date, along with a trackway, enclosures and quarry activity are also associated with this building. In the area adjacent to the southeast corner of the current application site, two Saxon sunken feature buildings were recorded in the trenching, with at least two more recorded via a geophysical survey. This adjacent site is subject to a separate application for development and will require further archaeological excavation should permission be granted.

Due to the archaeological features recorded on the adjacent site, a predetermination trenched evaluation was required for this application site. The trenching has recorded a concentration of features in the south-eastern part of the site, consisting of pits and enclosure ditches. These features produced large assemblages of animal bone and Early-Middle Iron Age pottery, as well as fragments of fired clay, worked stones and a possible oven plate. The remains suggest a small area of Iron Age settlement, without a continuation of the Roman and Saxon remains recorded to the east.

We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of archaeological investigation to be maintained during the period of construction.

This can be ensured through the attachment of a pre commencement condition requesting a Archaeological Written Scheme of Investigation and a programme of Archaeological mitigation measures.

7.11. BBO Wildlife Trust: **Objection:**

1. Loss of hedgerow priority habitat

2. Insufficient evidence that populations of farmland bird species will be maintained, contrary to the NPPF, Cherwell Local Plan, and the Conservation of Habitats and Species Regulations 2010 as amended by paragraph 9a of the Conservation of Habitats and Species (Amendment) 2012 Regulations).

3. The importance of a net gain in biodiversity being in perpetuity

4. Further justification required to illustrate how net gain in biodiversity will be achieved

5. Cumulative effects on farmland birds in the context of other infrastructure proposals for the area.

7.12. Campaign to Protect Rural Oxfordshire – **Objection**

- Harm to the character and appearance of the area
- Landscape harm & village setting
- Could be located on other parts of the M40
- A land grab would be needed for the cycle/pedestrian route
- Significant loss of biodiversity on the site
- The applicant should show how the site in Piddington will provide the complementary habitat green corridors that will be lost to Baynards Green.

7.13. CDC Conservation: **No objection**

“The Listed barn at Baynards Farm to the north of the site is part of a farm complex that has now been converted to business use. These buildings are located adjacent to the A43 and behind a modern petrol station and fast-food outlet. It is therefore considered that the setting of the Listed barn is somewhat compromised by the existing buildings in its immediate surroundings. The Listed dwelling Medkre sits within extensively landscaped grounds and is separated from the application site by two other dwellings and the A43. Because of this the proposed development of this site is unlikely to further harm the significance of the Listed Buildings through development within their setting. It is noted that the indicative plans show the land surrounding Baynards House not to be developed and landscaping to the north of the site around the site entrance.

The two village conservation areas closest to the site are Ardley and Fewcott, and Fritwell. From within these conservation areas the development site is not considered to be visible and Fritwell conservation area, in particular, is surrounded by more modern development on the east side that is not part of the conservation area. In both cases once you are well outside the village on the footpaths the logistic sheds may be visible in the wider landscape. However, the views and countryside setting are considered to be interrupted by the existing road infrastructure. Because of this and the distances involved the proposals are not considered to be harmful to the significance of the conservation areas.”

To the east the Grade II* Church at Stoke Lyne and its setting needs to be considered. There is considered to be no notable interrelationship between the church, its churchyard, and the development site. It is noted that the proposed development to the east of this site (22/01340/OUT) will come closer to the village of Stoke Lyne. Because of the distance of this application site from the church and due to the mature trees and landscaping that surrounds the church the development is not considered to result in harm to the significance of this heritage asset through development within its setting.

It is accepted that large developments of this kind will have a visual impact on the landscape. Landscape mitigation should consider the setting of conservation areas and Listed Buildings. It should also be noted that as this application is an outline application the indicative details may change. If the building heights were to increase, then there is potential for greater impact. The final design, colour and type of materials used in the buildings will also be key to mitigating the impact of the development.

Overall, in terms of Heritage Assets the developments are considered to have limited direct impacts and therefore we defer to the landscape team and where appropriate OCC Archaeology for comment

7.14. CDC Drainage: **No objection**, subject to conditions:

Both sites (east and west of A43) are shown to be at very low risk of fluvial and surface water flooding and not affected by any other source. Therefore, no comments on Flood Risk at this time.

7.15. CDC Ecology: **Objection**

1. Insufficient provisions for badger population present.
2. Loss of priority hedgerow habitat in contrary to NPPF and Cherwell Local Plan.
3. Further information required for Biodiversity Net Gain.

4. Impact on farmland birds onsite and in cumulation contrary to NPPF and Cherwell Local Plan.

5. Impact on brown hairstreak butterfly contrary to NPPF and Cherwell Local Plan.

7.16. CDC Economic Growth:

Whilst there would be a significant number of jobs created, it is unclear where the workforce would be drawn from in an area of existing high economic activity, where higher paid residents are already generally required to commute out of the area to access higher paid jobs.

The density of the jobs in relation to developed greenfield land would also be expected to be lower than for other employment uses (e.g. offices and manufacturing). Whilst it is accepted that there are technical, office and managerial roles in modern logistics operations, the majority of posts would be expected to be in lower skilled roles, and it would need to be established how many of those roles could be filled locally.

It is therefore unclear how a local labour force would be recruited and maintained. A realistic skills and employment plan would be essential, implemented well in advance of both the construction and operational phases.

The risk is that, if the skills and employment plan is ineffective, the limited local labour pool would lead to a significant amount of commuting to and from locations beyond the beyond the district and county boundaries.

Even if labour could be drawn from nearby towns, the geographical location of the site - far from residential neighbourhoods and sustainable transport options - would mean that personal vehicular access would predominate. Investment in sustainable and permanent solutions would be required.

Whilst the operations of the Large Goods Vehicles would have efficient access to the strategic road network, there would be likely to be localised issues adjacent to the site. Indeed, the masterplan does not indicate improvements to the already congested access onto the roundabout on the A43. Unless enhanced, this could impact negatively upon local businesses and residents, and on the long-distance traffic passing through.

7.17. Environmental Agency:

"The submitted amendments include an area of off-site habitat compensation proposed to demonstrate how the development will deliver a net biodiversity gain. The proposed off-site compensation area lies within an area at risk of flooding and part of the boundary adjoins the Muswell Hill Brook main river. The applicant should be asked to update the Flood Risk Assessment and provide further details of the proposed works in this area to confirm that flood risk will not increase."

7.18. CDC Environmental Protection: **No objection**, subject to conditions

General: Although a framework CEMP is mentioned in the ES, I have been unable to find a copy of the document and therefore I would advise that the following condition is placed on any permission granted:

Noise: Having read the updated noise chapter of the ES with regards to the Eastern Development I am satisfied with the contents and findings and am pleased to see the improvement made by the 2m high fence as mitigation but would like to see further

mitigation such as the low noise road surfacing's included in the scheme to give the best possible outcomes for the nearby residential receptors.

Contaminated Land: At this stage as no further information has been provided, I see no reason to alter my earlier comments, namely:

Consideration should be given to a supplementary investigation once the proposed layouts are finalised and watching brief should be maintained on potential hotspots on the site.

Should contamination be found then a remediation strategy should be supplied to and agreed with the LPA before further work is carried out.

Air Quality: Having read the AQ chapter of the ES I am satisfied with the contents and findings and have no further comments at this stage.

Odour: No comments

Light: Having read the light report provided I am satisfied with its findings and the proposed mitigation.

7.19. Oxfordshire Fire & Rescue Service: **No Objection**

It is taken that these works will be subject to a Building Regulations application and subsequent statutory consultation with the fire service, to ensure compliance with the functional requirements of The Building Regulations 2010. You should review and ensure suitable water supply for firefighting is provided prior to consultation.

7.20. Historic England: **No comments**

7.21. OCC Local Lead Flood Authority: **No objection**, subject to conditions

7.22. Mid Cherwell Neighbourhood Forum: **Objection**

- *Not clear how diverse the range of jobs would be*
- *Loss of agriculture*
- *Harm to the existing landscape*
- *The scale of development will have an adverse effect on the surrounding environment.*
- *Not enough detail re the volume of traffic*
- *Both the Conservation Areas are entirely within this zone, and therefore – theoretically – the development could cause harm to the setting of the Conservation Areas. The applicants should be required by CDC to carry out detailed analysis of views and vistas in order to ascertain the extent of visibility affecting these Conservation Areas. Only then is it possible to determine whether the requirements of Policy PD4 can be met.*
- *Concern that the development could be contrary to the Neighbourhood Plan policy PD4 -potentially to the character of a village and its setting or of the wider countryside; and its ability to avoid light pollution*
- *The Inspector refused the employment appeal scheme to the north of this site*

- Prematurity -coming forward before the new Local Plan
- Unproven demand

7.23. Natural England: No Objection.

7.24. National Highways: No objections, subject to conditions - in particular the requirement to deliver the scheme of works to improve the highway as shown in general accordance with SLR Consulting drawing ref: **216285-A-14A**, titled Baynards Green General Arrangement, prior to the commencement of development.

The Concept Site Levels & Drainage drawing (FRA and Drainage Report Appendix H) includes the comment “Emergency overflow into Local ditches (TBC),” adjacent to the roundabout at the end of the A43 S/B exit slip road.

Please note that under paragraph 59 of DfT Circular 01/2022:

To ensure the integrity of the highway drainage systems, no new connections into those systems from third party development and proposed drainage schemes will be accepted. Where there is already an existing informal or formal connection into the highway drainage system from a proposed development site, the right for a connection may be allowed to continue provided that the flow, rate and quality of the discharge into the highway drainage system remains unaltered or results in a betterment. The company may require a drainage management and maintenance agreement to be entered into to secure this requirement in perpetuity. That could be addressed through an Informative to any consent.

Update: We have reviewed the 216285 - N02 - ES Sensitivity Tests-V2 (003) document produced by SLR Consulting for planning application 22/01340/OUT, 21/03266/F, 21/03267/OUT and 21/03268/OUT. It is noted that the sensitivity tests have been undertaken following the application 22/01340/OUT’s refusal on landscape grounds and on the request from Cherwell District Council (CDC) for them to be undertaken. A sensitivity test was requested by CDC to include the potential cumulative effects of the Oxfordshire Strategic Rail Freight Interchange (OxSRFI). It should be noted that OxSRFI is still at a pre-application stage and therefore Tritax Big Box Developments (TBBB) did not feel the development was reasonably foreseeable and should be included in the original assessment. However, they have since undertaken the sensitivity tests.

SLR Consulting (on behalf of TBBB) have undertaken two sensitivity tests, one that considers OxSRFI and TBBB development and one that additionally considers Heyford Park (25/02190/HYBRID), Puy du Fou (25/02t232/OUT) and North West Bicester (21/04275/OUT) planning applications. It is noted however that a change of modelling assessment tool has been used for this application from modelling evidence previously presented. A LinSig model assessment has been used, based on the LinSig model output reports in the draft SRFI documents, rather than VISSIM modelling previously reviewed for this application.

From a transport perspective, our previous comments on the original application, as set out in our updated response of 13 January 2025, stand and National Highways has no objection to the sensitivity tests outlined above.

We would also note that in the event of any future development in the area, further assessment would be required into the cumulative impact on the A43 Barley Mow roundabout.

7.25. Oxfordshire Strategic Rail Freight Interchange:

Comments dated 22 December 2021:

- Relevant parts of the ES should be updated to include cumulative assessment which includes the proposed SRFI.
- The Full application should not be determined before the outline applications.

7.26. West Northamptonshire Council:

- *TA and ES demonstrate negligible impact to traffic flows in Aynho and Croughton*
- *ES states construction traffic will be mitigated via a Construction Traffic Management Plan. This should be conditioned and WNC should be consulted in order to review magnitude of impacts on our network, programming and mitigation measures.*
- *ES Operational Phase traffic flows do not calculate correctly. ES shows 0% HGVs on A43 and A421 presently, with an increase in excess of total development flows. These should be checked and resubmitted before WNC can confirm we are satisfied with the magnitude of the impact.*

Update: Original Comment: TA and ES demonstrate negligible impact to traffic flows in Aynho and Croughton

Response: The applicant has noted this comment and agrees no further details are required.

Original Comment: ES states construction traffic will be mitigated via a Construction Traffic Management Plan. This should be conditioned and WNC should be consulted in order to review magnitude of impacts on our network, programming and mitigation measures.

Response: The applicant had accepted and agreed, however, this has not been provided. This has been acknowledged and it should be sent to WNC to ensure minimal impacts.

Officer comment – a planning decision notice has not been issued yet, which means the need for the applicants to submit a Construction Traffic Management Plan has not yet been triggered.

7.27. National Planning Casework Unit: No Comments received.

7.28. CDC Policy: **No Objection**

CDC Policy commented that the proposal was not an allocation in either the adopted 2011-2031 Local Plan or the emerging review 2020-2042 Local Plan. Accordingly, the proposal was advertised as a departure. Notwithstanding this departure, CDC Policy has not raised objection to the application proposals on economic needs grounds, on the grounds that they consider it to be broadly compliant with the criteria listed in adopted SLE1 policy that relates to speculative, unallocated employment developments and to the adopted 2015 Local Plan overall.

Update:

Previously, CDC Policy commented that the proposal was not an allocation in either the adopted 2011-2031 Local Plan or the emerging review 2020-2042 Local Plan. Accordingly, the proposal was advertised as a departure. Notwithstanding this departure, CDC Policy has not raised objection to the application proposals on economic needs grounds, on the grounds that they consider it to be broadly compliant with the criteria listed in adopted SLE1 policy that relates to speculative, unallocated employment developments and to the adopted 2015 Local Plan overall.

CDC Policy were re-consulted and made the following comments:

The Cherwell Local Plan Review 2020-2042 was submitted for examination, in July 2025 but there have yet to be any hearing sessions. The initial sessions are currently scheduled for February 2026. At this point in time, the emerging Plan and its policies is therefore considered to carry limited weight. It is also not considered that a reasonable argument could be made on prematurity at the point of writing.

The most relevant emerging Local Plan policies to these applications are;

- Policy LEC 1: Meeting business and employment needs
- Policy LEC 3: New employment development on unallocated sites
- Policy COM 10: Protection and enhancement of the landscape

As indicated earlier, limited weight should be attached to the emerging Plan. The Plan, its evidence and the representations have yet to be explored independently at an Examination in Public.

Policy COM 10: Protection and enhancement of the Landscape attracted fewer representations than those related to employment. This policy resulted in 11 separate comments, the majority of which were in support. Other comments included concerns about the need to submit a Landscape and Visual Impact Assessment, that all development would result in a change local character and so the policy aims could not be met, and that the coalescence between settlements should not be a reason to not permit development.

It is not considered that these proposals, individually or cumulatively, materially prejudice the emerging Local Plan, including its spatial strategy. The applications would make a positive contribution towards the employment needs of the district over the plan period

NB: The policy officers' comments on emerging policies LEC 1 and LEC 3 are set out in the 'Principle of Development' chapter of this report.

- 7.29. Thames Water: Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that a prior to occupation Grampian condition be added to any planning permission to ensure that either all the water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

7.30. OCC Highways: **No objections**, subject to conditions and a s.106 agreement

The updated Environmental addendum does not change the local highway authorities' (LHA) position other than to recommend additional conditions. The LHA'S full comments are included in the 'Highways' chapter of this report.

It is important to reiterate that the Albion/Tritax proposed improvements to Baynards Green Roundabout (on which all three developments rely to make them acceptable) rely on small amounts of land on the Tritax and Albion E site, needed to provide sufficient forward visibility to signals. This means that the S106 agreements for each will need to include the other respective landowners. At the time of writing, S106 agreements are being drafted, and we understand this point has been agreed.

OTHER CONSULTEES

7.31. Bicester BUG:

B4100/A43 Junction

We would advise providing crossings over all junction arms to include the north arm. This will enable pedestrians on the NE corner of the junction to cross to the services on the NW corner by making only 2 crossings. At present they will be required to cross 6 very slow and indirect crossings.

B4100 Road

Along the frontage of the site, segregated and buffered pedestrian and cycle paths should be provided on both sides of the B4100 to facilitate foot and bike movements within and between the development. This is essentially now a spine road. See the Oxford Cycle Design Standards.

Pedestrians and cycle crossings over minor junctions need to be set back a minimum of 5m for reasons of safety, particularly given the paths are bi-directional.

Albion West Access

There is a shared path on one side of the road, but a pedestrian only path on the other. It is inevitable as arranged that cyclists will ride on the pedestrian path to avoid the need to make the crossing. Better to ensure that there are shared paths on both sides of the access road.

Cycle Path

Priority needs to be continuous across access points.

There needs to be access and egress points from the cycle path near to where there are junctions off the B4100 to other destinations to allow cyclists to join and exit the path.

The bus stop bypass design is quite fussy and complicated. Better to provide a wide section of shared area adjacent to the bus stop to enable pedestrians and cyclists to pass without risking collisions.

Metal rails / fencing is proposed at various points. Note that this effectively reduces the width of the path by 0.5m so the path will need to be widened in these areas.

It is not clear where the cycle path ends in Bicester. It should be continuous until it joins onto the cycle provision at the new Banbury Road junction.

The path runs along the back of the large layby near Bicester. Either the layby needs to be redesigned, or the path needs to run in front of the layby for safety and security, even if this requires two (setback) crossings over the mouths of the layby.

Albion Land Site Western Parcel

The shared paths seem incoherent and only lead into car parks, rather than close to the entrances of the buildings. The shared paths should lead all the way to the entrance to the buildings where the cycle parking should be located to enable effective surveillance of valuable e-bikes.

The shared paths seem only to be shown on one side of the internal road with a narrow pedestrian path on the other, and similarly to the bus stop. Cyclists will inevitably ride on the pedestrian paths as currently designed, causing conflict and annoyance. It would be preferable to have shared paths on both sides of the carriageways.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 (CLP 2015) was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 replaced several of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

- PSD1 – Presumption in Favour of Sustainable Development
- SLE1 – Employment Development
- SLE4 – Improved Transport and Connections
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Landscape Protection
- ESD15 – The Character of the Built and Historic Environment
- INF1 – Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- EMP4 – Employment generating development in rural areas
- TR1 – Transport
- TR10 – Heavy Good Vehicles
- C8 – Sporadic development in the open countryside
- C9 – Scale of development compatible with a rural location
- C28 – Layout, design and external appearance of new development

MID CHERWELL NEIGHBOURHOOD PLAN 2018 - 2031

- Policy PD4: Protection of important views and vistas
- Policy PD5: Building and site design
- Policy PD6: Control of light pollution

EMERGING CHERWELL LOCAL PLAN REVIEW 2042 (CLP 2042)

The weight afforded to different policies is always a matter for the decision maker, and in the case of the emerging Cherwell Local Plan Review 2042, this weight should be determined in line with NPPF para 49, which states:

“Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*

The Cherwell Local Plan Review 2020-2042 was submitted for examination, at the end of July 2025, but there are numerous objections to the policies and there has yet to be any hearing sessions. The initial sessions are currently scheduled for February 2026.

Therefore, at this point in time, the emerging Plan (and its policies) is considered to carry limited weight. For the ease of reference, the relevant emerging policies of the Local Plan Review 2042 are set out below:

Policy SP 1: Settlement Hierarchy
Policy CSD 1: Mitigating and adapting to Climate Change
Policy CSD 3: Achieving net zero carbon development, non residential
Policy CSD 5: Embodied carbon
Policy CSD 7: Sustainable flood risk management
Policy CSD 8: Sustainable drainage systems
Policy CSD 9: Water resources and wastewater infrastructure
Policy CSD 11: Protection and enhancement of biodiversity
Policy CSD 12: Biodiversity Net Gain
Policy CSD 14: Natural Capital and Ecosystem Services
Policy CSD 15: Green and Blue Infrastructure
Policy CSD 16: Air quality
Policy CSD 17: Pollution and Noise
Policy CSD 18: Light pollution
Policy CSD 21: Waste collection and recycling
Policy CSD 22: Sustainable Transport and Connectivity Improvements
Policy CSD 23: Assessing Transport Impact/Decide and provide
Policy CSD 24: Freight
Policy LEC 1: Meeting Business and Employment Needs
Policy LEC 3: New employment development on Unallocated sites
Policy LEC 5: Community Employment Plans
Policy COM 10: Protection and enhancement of the landscape
Policy COM 11: Cherwell Local Landscape Designations
Policy COM 14: Achieving Well Designed Places

Policy COM 15: Active Travel – Walking and Cycling
Policy COM 16: Public Rights of Way
Policy COM 18: Creating Healthy Communities
Policy COM 20: Providing supporting infrastructure and services
Policy COM 22: Public services and utilities

8.3. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF, Dec 2024)
- Planning Practice Guidance (PPG)
- Developer Contributions
- Conservation of Habitats and Species Regulations 2017

Draft NPPF

On the 16 December 2025, the Government published its revised draft NPPF. The consultation on the proposed changes is set to run until 10 March 2026.

The proposed changes set out in the draft NPPF go beyond amendments and, instead, propose a complete restructure. However, given the infancy of the draft, which is at the start of the consultation process, I afford the draft document no weight, at the time of writing this Committee report.

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Landscape/impact on the character of the area
- Highways Impact
- Ecology
- Drainage
- Energy
- Heritage
- Residential Amenity
- Archaeology
- Loss of Agricultural Land
- Air Quality
- Public Right of Way Diversion
- Planning Obligations
- Other Matters

Principle of Development

9.2. Section 38(6) of the Planning and Compulsory Purchase Act outlines that the starting point for the consideration of a planning application is the Local Plan unless material considerations dictate otherwise.

9.1. The Cherwell Local Plan outlines the Council's policies for the period 2011- 2031. These policies include the allocation of sites for employment purposes to meet the district's needs.

9.2. The overall spatial strategy within the adopted 2015 Local Plan has an urban focus with the bulk of the district's strategic growth to 2031 directed to Banbury and Bicester.

- 9.3. In the rural areas growth is much more limited and is focussed on meeting local community and business needs. It is directed towards the larger and more sustainable villages. Development in the open countryside is strictly controlled.
- 9.4. A key objective of the adopted local plan (SO 1) is to facilitate economic growth and employment and a more diverse local economy with an emphasis on attracting and developing higher technology industries.
- 9.5. Paragraph B.30 of the plan explains that the aim is to secure
- business-friendly and well-functioning towns
 - an eco-innovation hub along the Oxford – Cambridge technology corridor
 - internationally connected and export driven economic growth
 - investment in people to grow skills and the local workforce
 - vibrant, creative and attractive market towns
 - family housing
 - measures to reclaim commuters where possible
 - measures to increase labour productivity.
- 9.6. Paragraph B.31 continues by listing the types of employment development the district wants to attract, including advanced manufacturing/high performance engineering, the green economy, innovation, research and development. Paragraph B.32 states support for well-designed logistics development in recognition of the areas attractive transport links.
- 9.7. Paragraph B.43 sets out that that land is allocated taking account of economic evidence base matching growth in housing and to cater for company demand, particularly for logistics.
- 9.8. Policy SLE 1 helps to deliver the Plan's strategy to locate strategic employment proposals at Banbury, Bicester and Kidlington. The adopted Local Plan allocated approximately 175 hectares of employment land at Banbury and Bicester, the majority of which has already been developed.
- 9.9. The application is inconsistent with, and would be a departure from, the Local Plan strategy in this regard, although there are criteria against which other development proposals brought forward can be assessed as to their appropriateness. The Plan has an urban focus, and justification is needed for new sites in the rural areas.
- 9.10. Paragraph B.44 states that to ensure employment development is located in sustainable locations, to avoid problems such as traffic on rural roads and commuting, employment development in the rural areas will be limited.
- 9.11. The site is located in the rural area, including in the context of Policy SLE1, and, therefore, the third part of Policy SLE1 applies. For completeness, the relevant criteria of this policy are set out in full, further on in this chapter, where an assessment of the scheme is made against each criterion.
- 9.12. The emerging review Local Plan for Cherwell, which seeks to provide sufficient land for housing and local employment up to 2042, has been submitted for examination. Notwithstanding that the Policy Officer gives limited weight to the emerging local plan policies, she has provided the following comments on emerging policies LEC 1 (Meeting Business and Employment Needs) and LEC 3 (New employment development on Unallocated sites) in context with this proposal:

"Policy LEC 1 attracted 32 comments directly to the policy. The policy is concerned with the level of employment need for the district over the plan period and how

this will be delivered. It refers to the committed employment sites and new allocations, which together with other commitments and completions provide sufficient delivery of employment land to 2042.

These comments include a mix of support and objection. Those objecting to the policy question the deliverability of the committed sites, insufficient reference to the Oxford-Cambridge corridor and overall concerns about the level of supply. Some respondents criticise the level of supply for warehouse/distribution uses claiming it is too high, others consider that the provision of research and development should be increased. Spatially there is reference to a lack of provision in the Oxford hinterland/Kidlington area and indicates that there could be more provision within Banbury and in close proximity to the M40.

Policy LEC 3 is directly relevant to these proposals as it is concerned with employment development on unallocated land. This policy attracted 15 representations with mixed views regarding its purpose, with some support and criticism for its flexible approach to unallocated land. Where the policy is supported some of those representations include reference to specific locations in the district for additional employment land, including capitalising on M40 junctions and Oxford hinterland.

The emerging plan's spatial strategy directs development to Banbury, Bicester and to a lesser extent in the Kidlington area. Whilst these proposals lie outside these immediate areas within the open countryside it is not considered that they would materially undermine this strategy.

NPPF paragraph 87 states:

"Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for:
a) clusters or networks of knowledge and data-driven, creative or high technology industries; and for new, expanded or upgraded facilities and infrastructure that are needed to support the growth of these industries (including data centres and grid connections);
b) storage and distribution operations at a variety of scales and in suitably accessible locations that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain, transport innovation and decarbonisation; and c) the expansion or modernisation of other industries of local, regional or national importance to support economic growth and resilience."

The plan seeks to meet identified employment needs in full. The emerging Local plan allocates 97.5 hectares for employment, but it is not expected that the delivery of these sites will be adversely impacted by development proposed. The need for employment land in the district to 2042 is estimated to be in the range of 274-359 hectares. Given the inherent uncertainty of long term projections, it is considered appropriate to plan for the mid point of the range of 274-359 hectares. Given the inherent uncertainty of long term projections, it is considered appropriate to plan for the mid point of the range of 316 hectares. These applications, if approved, would enable the supply to be at the top end of the range.

Indeed, following the earlier resolutions to approve the potential contribution of these sites towards employment land need has already been factored into the local plan land supply calculations. It is therefore considered that the plan is not prejudiced by bringing these sites forward."

- 9.13. Paragraph 85 of the latest NPPF (Feb.'25) states, *“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. **Significant weight** (my emphasis) should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”*
- 9.14. Paragraph 86 of the NPPF (which applies to preparing policies) goes on to set out several criteria to encourage Councils to positively and proactively plan for growth. Sub-section c of this paragraph explains that *“Planning policies should pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying **suitable locations for uses such as logistics** (my emphasis).”*
- 9.15. Paragraph 87b of the NPPF (which applies to both preparing policies and decision making) reinforces this point by making clear that, *“Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for storage and distribution operations at a variety of scales **and in suitably accessible locations** (my emphasis) that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain, transport innovation and decarbonisation”.*
- 9.16. Paragraph 87c of the NPPF adds that, *“Planning policies and decisions should also include the expansion or modernisation of other industries of local, regional or national importance to support economic growth and resilience.*
- 9.17. The PPG also recognises the importance of logistics development in the employment sector, stating:

The logistics industry plays a critical role in enabling an efficient, sustainable and effective supply of goods for consumers and businesses, as well as contributing to local employment opportunities, and has distinct locational requirements that need to be considered in formulating planning policies (separately from those relating to general industrial land)”.

N.B. The emphasis and support now given to logistics development in the latest version of the NPPF is notably different from that contained with the 2023 version, against which the District’s review Local Plan 2020-2042 will be examined.

- 9.18. Albion are proposing to deliver three ‘XXL’ units on this parcel of land, each with a floor area of 500,000sqft per unit (46,451sqm)) and, as such, require at least 11ha of land. Although the precise floorspaces for each unit are not fixed on the parameter plan, they would have a maximum height of 23m.
- 9.19. The applicants’ planning statement states that being immediately adjacent to the strategic highway network is a fundamental requirement of logistics operators (DHL), adding that *“there are no other suitable sites capable of accommodating development of the scale proposed.”*
- 9.20. CBRE, on behalf of the applicants, submitted a Logistics Market Assessment and Land Availability Report and an update to that report in February 2025. This report considers that all other committed or allocated sites in Cherwell DC, either currently existing or potentially coming forward, are smaller or of irregular shape and not capable of delivering the ‘XXL’ units Albion are proposing.
- 9.21. Officers agree with this viewpoint: developing this scale of development next to Junction 11, for example, would result in landscape harm and severe highways safety issues (both National Highways and Oxfordshire County Council Highways objected

to the recent appeal application APP/C3105/W/24/3352512); and Junction 9 is currently unallocated (albeit it has land allocated in the emerging plan for district scale B2/B8 development). Moreover, this scale of development would not be appropriate for this scale of development to be located on the edge of Category A Villages.

9.22. The other part of CBRE's assessment is their review of the existing principal logistics schemes on the M40, predominantly, but not limited to, the Cherwell District.

9.23. The Council instructed Lambeth Smith Hampton (LSH) to review CBRE's evidence to help establish the actual level of need and supply at both district and the wider PMA level. LSH are in agreement with CBRE that there is a regional/national demand for XXL units. For the ease of reference, I have included LSH's assessment of CBRE's evidence, in the paragraphs below:

"Overall, we consider the evidence provided by CBRE shows that there is high demand for XXL units from businesses requiring premises from which to serve regional and national requirements. This is distinct from the market for units serving a more local market; and whereas both will favour locations with easy access to the strategic highway network, the drive time advantages make this part of the country of particular interest to businesses wanting XXL units.

As the level of occupier enquiries demonstrates, the M40 corridor meets the locational criteria of businesses with XXL requirements by providing proximity to the strategic highway network, access to workers, and sites with the capacity and topography to accommodate the largest requirements that are not within Green Belt or constrained by other national designations that would prevent development. Baynards Green is within this area and meets these criteria

The need for XXL units is difficult to estimate at a district level using typical forecasting methods, due to the very small number of units of this size which makes establishing trends at a local level difficult. Additionally, the catchment areas covered by distribution units of this size are generally regional or even national in scale. These factors mean that defining the need for XXL units at a district level is not practicable or advisable.

Ideally, there would be a strategic logistics study which examines the need for these large-scale logistics at a regional scale, however at present there is a lack of such strategic evidence. It is not within the scope of this commission to quantify need at this scale and due to the size of the catchment areas, these XXL units are not included within the Cherwell ENA which is focused on district need.

Whilst the evidence presented by CBRE does not constitute a full strategic study, in our opinion the evidence they have presented in relation to demand for XXL units is compelling. Based on the evidence presented from CBRE alongside our own market knowledge, we are in agreement that there is a high demand for XXL units in this area. Given the very large catchments, it is not possible to conclude that this need is specifically required within Cherwell district, however it is clear that the district is a very attractive location and therefore demand is high.

Whilst the focus of CBRE's evidence is XXL (with some analysis of XL units over 350,000sqft), it is noted that the layout of the site and therefore the unit sizes are indicative at this stage and to be determined at reserved matters stage. Two options are presented within the CBRE report, with only Option 2 providing unit sizes. For Option 2 the unit sizes range between 386,000sqft and 1,179,000sqft and although not stated the unit sizes for option 1 appear to be smaller with the majority below the XXL threshold.

Given the focus of their evidence on XXL units, it is assumed that Albion wish to develop units of this size and therefore if the Council are minded to grant permission, the indicative nature of the unit sizes and the options presented may need to be considered and discussed further.

- 9.24. Despite some minor differences in approach, and whilst no survey has been undertaken to establish the exact level of national need, LSH agree with CBRE that there is a high need/demand for this type of development, for regional and national needs, noting that the scheme would also bring a range of economic benefits to the local and wider economies.
- 9.25. Moreover, I am advised by LSH that the Cherwell Economic Needs Assessment (ENA) 2025 has led to an increased estimate of need, reflected in the draft review Local Plan 2042. The 'upper end' of the range of employment need figure is now much more closely aligned with the level of need identified by Savills (in respect to the Tritax proposals), despite the differences in methodology.
- 9.26. The plan seeks to meet identified employment needs in full. I am also advised by the Council's Policy Officer that the emerging Local plan allocates 97.5 hectares for employment, but it is not expected that the delivery of these sites (Tritax and Albion) will be adversely impacted by development proposed. The Policy Officer advises that the need for employment land in the district to 2042 is estimated to be in the range of 274-359 hectares. The policy officer adds that , "given the inherent uncertainty of long-term projections, it is considered appropriate to plan for the mid-point of the range of 316 hectares. These applications (Albion and Tritax applications), if approved, would enable the supply to be at the top end of the range."
- 9.27. The delivery of new employment land, in a sustainably suitable location, is a very significant benefit of this scheme. However, I attach even more weight to the benefits of this scheme in the context of LSH's conclusions and the Policy Officer's comments.
- 9.28. Consequently, with the conclusions of the LSH report and the Council's employment need background paper, the scheme's compliance with the current NPPF paragraphs, the proposal in my view overall complies with the criteria of the policy SLE1. For the ease of reference, I have set out my assessment of the scheme against the criteria of this policy:

Policy SLE 1:

- 9.29. *"Unless exceptional circumstances are demonstrated, employment development in the rural areas should be located within or on the edge of those villages in Category A (see Policy Villages 1)."*
- 9.30. I consider there to be exceptional circumstances. These exceptional circumstances arise from a consideration of the planning balance as a whole, which I undertake below, taking into account all material considerations assessed in this report. However, the key points which I would highlight at the present time are as follows:
- LSH have concluded that CBRE have provided compelling evidence that there is high demand for XXL units from businesses requiring premises from which to serve local, regional and national requirements
 - The applicants' planning statement confirms that there are no other suitable alternative sites or opportunities for large scale logistics buildings of this nature along the M40 corridor.
 - Collectively, there would be 3000 permanent jobs across the Albion two sites (East & West) + 400 temporary construction jobs created

- Para 85 of the NPPF advises that there should be “Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”
- Para 86 of the NPPF: “Planning policies should pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying suitable locations for uses such as logistics
- Para 87 of the NPPF acknowledges the importance of ‘suitably accessible locations’ - this site is next to the Motorway, away from villages.
- The development will bring a range of economic benefits to the local and wider economies and help support the modern economy.
- Established occupiers (DHL) lined up, so a big part of the site could come forward quickly.
- This site sits inside the Oxford – Cambridge corridor. The Government wishes this corridor to be an economic engine for the whole of the UK. For further info, see: <https://www.gov.uk/government/news/minister-vallance-underlines-how-oxford-cambridge-corridor-ambitions-can-boost-whole-uk>

9.31. *“New employment proposals within rural areas on non-allocated sites will be supported if they meet the following criteria:*

- ***They will be outside of the Green Belt, unless very special circumstances can be demonstrated.***

9.32. Officer Comment: Complies.

- Both Albion east and west parcels are outside the Green Belt

- ***Sufficient justification is provided to demonstrate why the development should be located in the rural area on a non-allocated site.***

9.33. Officer Comment: Complies for the following reasons:

- Para 322 of the LSH report: “As the level of occupier enquiries demonstrates, the M40 corridor meets the locational criteria of businesses with XXL requirements by providing proximity to the strategic highway network, access to workers, and sites with the capacity and topography to accommodate the largest requirements that are not within Green Belt or constrained by other national designations that would prevent development. Baynards Green is within this area and meets these criteria”
- This site will help plug a potential shortfall in B2/B8 use at the upper end of the estimated employment range, as concluded by LSH
- Also, whilst in the rural area, the sites are close to the motorway and therefore wouldn’t comprise sporadic development.
- No sites on the edge of Category A Villages capable of delivering schemes of this scale, and they are not as close to the motorway. Also, development on this scale would harm the setting of Category A villages, if they were located on the edge.
- ***They will be designed to very high standards using sustainable construction and be of an appropriate scale and respect the character of villages and the surroundings***

9.34. Officer Comment: Complies

- The delivery of a very high quality of design for the buildings and the internal landscaping scheme, can be secured through robust pre app discussions and reserved matters applications.

- The buildings would not impact on the character of the neighbouring villages which are significantly set back from the site.
 - The buildings would respect the urban character of the surrounding M40, B4100, garage & MacDonalds and the A43
 - Sustainable construction conditions will be imposed, which require the development to be completed to BREEAM Very Good/Excellent as offered by the applicants in their planning statement.
- ***They will be small scale unless it can be demonstrated that there will be no significant adverse impacts on the character of a village or surrounding environment.***

9.35. Officer Comment: Partial Compliance

- The buildings would not be small in scale. However;
 - They wouldn't impact on the setting of Stoke Lynne, Fewcott or Ardley, the three closest villages. Nor would they be out of keeping with the urban nature of the M40, the A43, and the garage and the MacDonalds to the North east of the site.
 - There would be significant adverse harm on the character and appearance of the area when viewed from the vantage points identified in LUC's assessment and set out in the Landscape and Visibility chapter of this committee report, noting that this landscape is of 'modest' value.
- ***The proposal and any associated employment activities can be carried out without undue detriment to residential amenity, the highway network, village character and its setting, the appearance and character of the landscape and the environment generally including on any designated buildings or features (or on any non-designated buildings or features of local importance).***

9.36. Officer Comment: Complies

- The scheme can be carried out without undue detriment to residential amenity or the highways network.
 - The site is not near a village and would not affect the setting of the closest village
 - The scheme will not unduly impact on the setting of any listed and non-designated buildings (no objections Historic England or CDC Conservation).
 - There would be some harm to the character of the landscape, the majority of which can be mitigated through robust landscaping plans.
- ***The proposal will not give rise to excessive or inappropriate traffic and will wherever possible contribute to the general aim of reducing the need to travel by private car. There are no suitable available plots or premises within existing nearby employment sites in the rural areas".***

9.37. Officer Comment: Complies

- National Highways and OCC Highways have, subject to conditions and planning obligations, no objections to the scheme from a highway's safety point of view.
- The provision of either an improved or new bus service and cycle/pedestrian path would contribute to the general aim of reducing the need to travel by private car.

- There are no suitable alternative sites within Bicester or Banbury which are in close proximity to the M40 that could absorb a scheme of this scale. J11 is not appropriate from a landscape or highways perspective and J9 does not currently have any allocated sites (albeit there are some employment sites in the emerging Local Plan Review).
- 9.38. Whilst the proposal does not fully comply with every criteria of this policy, it complies with the majority of them and, taking the policy as a whole, I consider that the proposal overall complies with this policy.
- 9.39. Overall, this proposal would contribute to the provision of logistics to meet the needs of a modern economy (as supported by NPPF para. 86(c)) and generate a great number of jobs (with various salaries): from the temporary construction workforce to the long-term annual jobs, including Warehouse workers, drivers, cleaners, office staff (IT etc) and managerial staff. This is a very significant benefit of this scheme.
- 9.40. A point has been raised in third party representations about whether there would be local demand for these jobs. Officers' views are that not allowing new economic development on this basis is not supported by national or local policy and, moreover, there are a number of settlements in the area, some of the residents of which might obtain jobs on this site during the lifespan of the development.
- 9.41. These significant job projections are, I note, not theoretical – LSH consider them to be accurate, helping to create a diverse employment base in the district. The XXL units would also have the added benefit of not only serving the district and the region, but serving at a national level as well, given their position in a 'suitably accessible location'.
- 9.42. The development, with the improved landscaping proposal, along with the proposed training and apprenticeships scheme, complies with the majority of the criteria of policy SLE1 and partially complies with the remaining criteria. Therefore, my view is that the revised scheme now complies with this policy overall.
- 9.43. Several third-party representatives have observed that this proposal would not comply with emerging policy LEC3 of the proposed draft Cherwell Local Plan Review 2042 and I agree with that, in part: it would not comply with criteria vi) of emerging policy LEC3 because the site does not constitute previously developed land. It would, however, comply with the other criteria because there is currently an employment need, there isn't alternative available sites to deliver employment schemes on this scale in Banbury or Bicester, after 15 years the impact on the local views would not be significantly harmful and the site is not inside the Green Belt. Also, the proposal for XXL-sized warehousing is not designed to meet local business and community needs but is instead focussed primarily on addressing regional and national needs, resulting in conflict with criterion vii). However, as the Council's policy officer has stated, there have been several objections to this proposed policy during the representations stage; and the policy has not yet been through the rigour of an Examination in Public. Therefore, whilst some weight can be attached to the policy the weight is still very limited and not enough for this application to be determined against this policy.

Landscape & Visual Impact

- 9.44. The two emerging local plan policies relevant to this part of the application are policies COM 10 (Protection and Enhancement of the Landscape) and COM 11 (Local Landscape Designations). Emerging policy COM 10 seeks to protect and enhance the landscape and, as well as requiring all major developments proposals to be supported by a Landscape and visual Impact Assessment, it sets out criteria that, if

triggered, would result in a development not being supported from a landscape (and Heritage) perspective. Those criteria are:

- i. Cause an unacceptable visual intrusion into the open countryside;*
- ii. Be inconsistent with local character;*
- iii. Introduce disturbances to areas with a high level of tranquillity;*
- iv. Cause coalescence between settlements;*
- v. Harm the setting of natural, built and historic landmark features, or*
- vi. Reduce the historic significance of the landscapes.*

9.45. Emerging policy COM 11 not only lists the seven Local Landscape Designations (LLD) included in the Local Plan Review 2042, it also requires development proposals “within or affecting a designated local landscape” to be assessed “based on its specific landscape and visual impact on the valued characteristics of the designated landscape.”

9.46. One of the LLD’s listed is North Ploughley, which covers land east of the A43 and mostly north of the B4100. Cherwell Landscape Designation Assessment (2024), which forms part of the evidence base to the draft Cherwell Local Plan Review 2042 describes the North Ploughley LLD as comprising a series of shallow limestone valleys with a rural, well wooded character with some long views across areas of larger scale arable farmland. This development site would fall outside the North Ploughley LLD.

9.47. The emerging policy COM11 goes on to add that development must have regard to the Cherwell LLD and should study and avoid loss or harm to the aspects of landscape value and qualities of the designated landscape. Another aspect of this policy is that development will be required to respond appropriately to the recommendations for managing the designated local landscape.

9.48. To this end, the Council instructed Land Use Consultants (LUC) to assess this application (both in isolation and cumulatively with the neighbouring Albion West and Tritax proposals) against these two emerging local plan policies (COM 10 and COM 11).

9.49. LUC’s full report can be found on public access, but, in short, the conclusions are that the Albion proposals would not be fully compliant with all of Policy COM 10 due to the significant effects on landscape character due to the proposals’ size, scale and character. LUC’s Landscape Architect writes:

“The development of Albion Land’s proposal would affect the openness of the landscape, and views, in a localised area around the proposed development. This is inevitable for a development of this type and scale.

Whether the proposed development complies with Policy COM 10 (criterion i) depends on whether the level of visual intrusion is deemed to be acceptable. Acceptability can only be judged in a planning balance exercise because the landscape and visual impact would not be acceptable unless there were a need for the development, or other benefits from implementing it. There would be significant adverse effects on views and these would persist into the long term, but they would be localised. It is recommended that the acceptability of the development is judged

as part of the planning balance exercise, acknowledging this long term adverse visual effect in a localised area.

There would also be significant effects on landscape character of the site and locality due to the proposal's size, scale and character and so for this reason the proposal would not be fully compliant with Policy COM 10 (criterion ii). The way in which the reserved matters applications are brought forwards (including the detailed design of, and materials used for, the buildings and landscape proposals) would be influenced the way in which the development fits with landscape character. This should aim to use materials that are sympathetic to local character, and provision of a minimum of 35m locally appropriate (and climate resilient) woodland screen planting for the development edges that adjoin the existing rural landscape/ B4100 / Baynard's Green"

- 9.50. LUC's report also concluded that Albion's proposal is just outside this designated area (the other side of the B4100) and, therefore, would be visible from the Local Landscape Designation (LLD) but would not directly affect the land within it.
- 9.51. LUC commented that the Albion Land proposal *"would affect the sense of rurality and farmland fields on the south-western boundary of this LLD and views from the south-western edge of the LLD, but this is not considered to result in loss or harm to the aspects of landscape value and qualities of the landscape for which it is designated or the integrity of the designation. The proposal would therefore comply with COM 11"*
- 9.52. LUC also concluded that "Tritax would have a greater influence on the LLD than Albion Land's proposal and the combined effect of both would be very similar to the effect of Tritax alone.
- 9.53. LUC's conclusions, notwithstanding, it is important to acknowledge that whilst the emerging local plan policies now carry more weight than they did at the 3 July 2025 Planning Committee, the emerging local plan has not been through the rigour of an Examination in Public. There remain objections to these policies whilst they await examination. Therefore, only limited weight can be applied to these emerging policies, at this stage. By contrast, the NPPF 2024 and the Local Plan: Part 1 2031 do still carry full weight.
- 9.54. Paragraph 187 of the NPPF requires planning policies and decisions contribute to and enhance the natural and local environment by, amongst other things:
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- 9.55. Policy ESD13 states that development will be required to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.
- 9.56. The policy goes onto list 6 criteria where proposals will not be permitted. An assessment of the proposals against the 6 criteria is contained in table 1 below.
- 9.57. Policy ESD15 opens with, *"Successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context. New development will*

be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. All new development will be required to meet high design standards. Where development is in the vicinity of any of the District's distinctive natural or historic assets, delivering high quality design that complements the asset will be essential."

- 9.58. Sitting underneath this paragraph is a list of design criteria, including the requirement for new development to be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. This part of the policy adds that development of all scales should be designed to improve the quality and appearance of an area and the way it functions.
- 9.59. Strategic objective 12 of the Cherwell Local Plan seeks to focus development in Cherwell's sustainable locations, making efficient and effective use of land, conserving and enhancing the country and landscape and the setting of its towns and villages.
- 9.60. Paragraph B.87 of the Cherwell Local Plan explains that Cherwell's countryside, landscape and green spaces are important natural resources. It goes on to state that they form the setting of our towns and villages, contribute to their identity and the well-being of Cherwell's communities. The countryside's intrinsic character and beauty is important to the quality of life in Cherwell and remains an economically important agricultural resource.
- 9.61. The Cherwell District Council proposals map does not identify the site as falling within the Area of Outstanding Natural Beauty or being within a locally designated valued landscape area. However, it does not automatically follow that development on it would be acceptable and, for reasons set out below, there are a number of factors that would, together, result in harm to the character and appearance of the area.
- 9.62. Saved policy C8) of the Cherwell Local Plan 1996 seeks to resist development "*if its attractive, open, rural character is to be maintained*". It explains that this policy "*will apply to all new development proposals beyond the built-up limits of settlements including areas in the vicinity of motorway or major road developments but will be reasonably applied to accommodate the needs of agriculture. There is increasing pressure for development in the open countryside particularly in the vicinity of motorway junctions. The Council will resist such pressures and will where practicable direct development to suitable sites at Banbury or Bicester.*"
- 9.63. In paragraph 35 of the recent Caversfield Appeal decision (Ref: APP/C3105/W/24/3355576), the Inspector addressed Saved Policy C8 as follows:

Saved CLP 1996 policy C8 seeks to resist development beyond built up limits. Whilst the intention of protecting the countryside is clear this policy is at odds with the Framework given the land supply situation in this area and, as such, it can only be accorded limited weight, other more specific policies referred to above are of greater weight given they do not relate to such an 'in principle' objection outside of built up limits.

- 9.64. Although the Inspector with that appeal was dealing with a housing application and five-year housing land supply, there are parallels with this application because, at present, the Council does not have adequate employment space at the upper level; and the Council's policy officer advises, in the latest consultation response, that

"Indeed, following the earlier resolutions to approve the potential contribution of these sites towards employment land need has already been factored into the local plan

land supply calculations. It is therefore considered that the plan is not prejudiced by bringing these sites forward."

9.65. Paragraph 187 of the NPPF makes clear that policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

9.66. Of the two Albion applications, this eastern parcel is the more sensitively located as there will be several open views into it in, and from, a more open rural setting.

9.67. In this context, the introduction of large-scale buildings, associated large-scale lorry and car parking spaces, along with the presence of the lorry's, and, in some places, significant earth bunds, there will be an impact on the landscape and the character and appearance of the area. The key question then, is what is the extent of the harm? Will the character of the area be compromised and undermined as part of that harm?

9.68. Tyler Grange, on behalf of the applicant has viewed the site from 15 different viewpoints in their Viewpoints and the Zone of Theoretical Visibility (ZTV). Their ZTV covers a radius of 2km from the centre of the site.

9.69. Tyler Grange considers the Fritwell and Middleton Stoney LCAs, in which both the Western and Eastern Sites lie, to have a high/medium susceptibility to the Development and a localised importance (medium / low landscape value) resulting in a medium overall sensitivity to proposals. LUC, on behalf of the Council, broadly agree with this assessment, noting that, *"noting that Cherwell Council's published Landscape Sensitivity Assessment (September 2022) identifies assessment unit LS M40 J10_2 (equivalent to the (Albion) Eastern site) as having a slightly higher sensitivity to logistics development (moderate-high sensitivity to logistics development and moderate sensitivity to commercial development) than the Western site (assessment unit LS M40 J10_3) which is stated as having a moderate sensitivity to commercial and logistics development. LUC's view is that the sensitivity rating of moderate is about right, with sensitivity increasing with distance from the M40/A34 junction.*

9.70. LUC's position is that *"Given the height and scale of the proposed development parameters there will be a number of significant adverse effects on landscape and visual receptors"* for 15 years and beyond.

9.71. As part of their assessment LUC reviewed the viewpoints in Tyler Grange's ZTV and made the following comments:

- *Change to landscape character of the site and immediate surrounds (but more localised due to being a smaller development area than both sites together).*
- *Change to views experience by users of the bridleway along the southern boundary of the Eastern site (Photo viewpoint 6) from where the buildings will be very large in views;*

– To a slightly lesser extent, users of the footpaths and bridleway network in the vicinity of the sites including the footpath south of Tusmore Park (Photo viewpoints 2 and 3) from where there will be views of the buildings on the Eastern site; footpaths around Stoke Lyne (e.g. Photo viewpoints 1 and 5) due to views of the Eastern development;

- Urbanisation of a short section of the B4100, east of the A43 roundabout.

9.72. For these reasons, the application will lead to long-term significant adverse hard on the receiving local environment which has a medium overall sensitivity

9.73. When assessed against the criteria of Policy ESD13, there is some conflict, but compliance overall:

Policy Requirement	ESD13	Officer Response	Accordance with ESD13 Bullet Points
Bullet point 1. Cause undue visual intrusion into the open countryside.		This scheme would be an almost complete urbanisation of 3 open, gently undulating arable fields and would have an impact, post 15 years, but, subject to substantial planting (secured through condition and detailed reserved matters applications), and set back, it could be relatively well screened from the A43 and part of the B4100	Partial compliance
Bullet point 2. Cause undue harm to important natural landscape features and topography		The undeveloped character of the application site contributes positively to a medium sensitive landscape setting. This proposal would alter the character of the landscape. The gently undulating topography landscape would not be as visible. However, the landscape is not valued or of historical importance. So, in that sense, it would comply with this part of the policy	Yes - complies
Bullet point 3. Be inconsistent with local character		The loss of longstanding hedgerows and the urbanisation of the site would be at odds with the rural surroundings. However, part of the local character comprises busy roads, the service station, garage and the fast food restaurant. Also, there are some heavily wooded areas in the locality and a heavily wooded landscape scheme would	Partial Compliance

	not be wholly inconsistent with the local character.	
Bullet point 4. Impact on areas judged to have a high level of tranquillity	Map 4.4 of The Landscape Character Assessment (2024) identifies the tranquillity of the site as being of low tranquillity.	Yes - complies.
Bullet point 5. Harm the setting of settlements, buildings, structures or other landmark features, or	No, it would not harm the setting of the nearest villages, buildings, structures or other landmark features	Yes - complies
Bullet point 6 Harm the historic value of the landscape.	It is not an historic landscape	Yes - complies

9.74. A thicker woodland belt is needed along this western boundary. If extended to the south, it would also soften the impact of the development on those improve the walking the Bridleway. A greater level of landscaping is needed along the northern boundary as well, also to the east, which can be secured by condition. The applicants have submitted a revised parameter plan which will increase the width of the landscape boundary along the western part of the site. Moreover, condition **19** will ensure that a robust landscaping scheme is secured as part of the reserved matters applications.

9.75. I note that the 2024 Cherwell Landscape Character Appraisal (LCA) places the site within Character Areas – ‘Oxfordshire Estate Farmlands’ and ‘Heyford Plateau’. The Design Guidance in this document, includes:

- Retain/enhance woodland copses
- Management of woodland
- Expand and reconnect woodland
- Use trees and woodland to integrate new development into the landscape
- Seek to prevent loss/decline of hedgerow.

9.76. Whilst there would be some harm, because of appropriate setbacks and the requirement to deliver a robust landscaping scheme, the proposal broadly complies with policies ESD13 and ESD15 of the Local Plan and 187 of the NPPF.

9.77. Cumulatively, all four applications around Baynards Green roundabout, subject to conditions, would be broadly compliant with policies ESD 13, ESD 15 and the NPPF

Highway Safety

9.78. In response to the Council’s Regulation 25 Letter, the applicants have submitted an updated Environmental Statement which includes ‘the Oxfordshire Strategic Rail Freight Interchange (OxSRFI) as part of the updated cumulative impacts assessment.

9.79. Although not requested in the Council's Regulation 25 letter, the applicants also looked at other existing and/or approved schemes coming forward with a 5 km study area, which identified the following additional schemes that fall within 5 km of the site:

- Heyford Park (application ref. 25/02190/HYBRID)
- NW Bicester (application ref. 21/04275/OUT)
- Puy du Fou (application ref. 25/02232/OUT)

9.80. The Council did not require the above applications to be included the applicants' cumulative assessment on the grounds that there are objections and holding objections to all three applications from OCC Highways and National Highways (and other consultees) and significant changes may well be required to the respective Transport Assessments. By contrast, OCC Highways are of the opinion that the trip generation and modelling information from the OxSRFI, from an OCC Highways perspective, can be relied upon at this stage.

9.81. The Applicant, in their updated Planning Statement, dated November 2025 commented that they do not agree *"that CDC's request for this further environmental information was fully justified Albion Land has updated the Planning Applications by virtue of this Planning Statement Addendum and the submission of a further Environmental Statement*

Addendum comprising Non-Technical Summary and Transport, Ecology, Landscape and Visual Impacts, Socio-Economics and Cumulative Effects chapters.

Though not requested by CDC, and substantially less advanced / certain than the Proposed Development, the ES Addendum additionally reflects the submission of planning applications for / advancement of other development proposals in the vicinity of the sites that have the potential to interact with the Proposed Development.

Together, these documents ensure that CDC has sufficient, proportionate and up to date information on which to reconsider the applications at a forthcoming meeting of the Planning Committee."

9.82. The applicants' sensitivity testing, based on the available information, concludes that there would be no additional likely significant cumulative effects.

9.83. OCC Highways have reviewed this information and made the following comments:

The ES Addendum transport topic is addressed through a sensitivity test carried out by SLR Consulting on behalf of the current Albion Land and Tritax applications at Baynards Green, as set out in the ES Sensitivity Tests document, which I have reviewed. The assessment focusses on peak-hour traffic at M40 J10 and the junction of A4095 and B4100 at Bicester, reflecting the scope of the original TA.

To meet the Regulation 25 requirement, cumulative traffic assessment is provided including OxSRFI traffic, with its mitigation, on top of Albion, Tritax, and background traffic including traffic from committed development. Further cumulative assessment has been carried out and included within the Sensitivity Tests document, adding in traffic from speculative development proposals currently under consultation at Heyford Park and Bucknell (Puy du Fou). However, I am not considering these further assessments in my response because a) at this time those developments are not considered to have sufficient certainty of coming forward to require the assessment and b) OCC is not yet satisfied with the transport assessment of either of these developments, so in my opinion the information regarding their traffic flows cannot be relied upon.

In line with guidance, the original ES considered increases in traffic across the day arising from the development on a number of road links. The ES Addendum now submitted does not provide a revision of this assessment. However, taking into account the links that were assessed, and the low sensitivity ascribed to them in the ES, I think this is reasonable. The B4100 southeast of Baynards Green, and the B430 through Ardley are predicted to see net reductions in traffic as a result of the OxSRFI embedded mitigation (Ardley bypass and Middleton Stoney Relief Road). The additional traffic on the B4100 west of Baynards Green associated with the OxSRFI, Albion and Tritax applications is unlikely to exceed the guidance thresholds requiring further environmental assessment, although this does rely on HGV routing restrictions being adhered to, preventing the use of the route by HGVs from the proposed developments.

Although the B4100 has been classified as low sensitivity in the original ES, to the west it routes past Souldern, where there are properties very close to the road and adjacent to the carriageway. It then proceeds towards Aynho where traffic could turn right through Croughton to get to the A43 N. The route through Croughton village has properties including a primary school fronting directly onto the road. Traffic proceeding towards Banbury would pass through Aynho village, where there are properties fronting directly onto the road, and pedestrian crossing demand. It would then pass through Adderbury, where there is primary school frontage on the B4100 and crossing demand. We have requested a condition for an HGV Routing Strategy to complement the legal routing agreement, acknowledging that routing agreements are difficult to enforce when there are a number of operators. In the routing strategy we will be looking for strong measures to prevent HGVs using routes other than the permitted routes. This should be comparable to the measures proposed by OxSRFI, which includes ANPR cameras.

The methodology of the Sensitivity Tests is set out in the SLR document. It is based on a model scenario run by OxSRFI as part of their assessment, referred to as scenario DS3A. This is a 2034 scenario including the SRFI full development and their full package of embedded mitigation, including the proposed improvements to M40 Junction 10/Baynards Green. It also includes the Albion Land (21/03267/OUT and 21/03268/OUT) traffic because those applications already had a committee resolution to approve. The mitigation scheme for Baynards Green included in this scenario is the OxSRFI 'Alternative scheme' which is a widening of the mitigation scheme to be delivered by Albion and Tritax prior to first occupation of their sites, to provide additional lanes.

The B4100/A4095 junction was also assessed as part of the Albion and Tritax planning applications (including all of these developments). OxSRFI, with its mitigation package, is predicted to reduce traffic at this junction because of their proposed Middleton Stoney Relief Road, such that there would be a net reduction in flows at the junction.

OxSRFI have assessed J10 using a linked LinSig model of the junction including Ardley Roundabout in the south and Baynards Green Roundabout to the north. Further testing as recommended by National Highways is being carried out by OxSRFI using the NH VISSIM microsimulation model of the junction but is not yet available. SLR (for Albion and Tritax) have copied OxSRFI's LinSig DS3A scenario (taking the details from the consultation materials) and added in the agreed predicted traffic flows for the Tritax development proposal.

The LinSig results predict that the junction, with the improvements provided by OxSRFI and Albion/Tritax, as well as the wider OxSRFI mitigation package, is likely to operate within capacity in 2034. The model also includes the Albion Eastern site access, which is also predicted to operate within capacity.

Separately an ARCADY model of the Tritax site access roundabout on the B4100 has been provided demonstrating that it is also predicted to operate within capacity with OxSRFI.

9.84. National Highways were reconsulted and advised that from a transport perspective, their previous comments on the original application, as set out in their updated response of 13 January 2025, stand and National Highways has no objection to the sensitivity tests outlined above.

9.85. The emerging local plan policy CSD 23 (Assessing Transport Impact/Decide and Provide) encourages development to:

i. Contribute towards the improvement of public transport and the improvement and delivery of walking and cycling routes that serve the site. This could be achieved through the design of development and/or through financial contributions appropriate to the scale and impact of the development;

ii. Be expected to provide, or make a proportionate contribution to the provision of, new and/or improved public transport infrastructure and services considering cumulative impacts of other approved developments in the area;

iii. Limit motor vehicle trips and identify and deliver highway safety measures at and around the development site, including temporary measures during the construction phase. This measure should reduce road danger and facilitate safer movements for all users and transport modes, and

iv. Comply with the latest Oxfordshire guidance on design, cycle and car parking provision, servicing facilities and electric charging infrastructure. Development which improves or provides new public transport infrastructure and facilities will be supported subject to:

v. Being acceptable in terms of impact on the environment including townscape, public realm and amenity of adjoining areas;

vi. Being designed to be safe, convenient, attractive and accessible for use especially for people with disabilities and specific mobility needs, and

vii. Providing adequate cycle parking and safe and suitable access on foot and by bicycle, including consideration of pedestrian and cycle desire lines.

9.86. For reasons set out in the policy chapter, I afford limited weight to this policy at present. Nonetheless, subject to planning conditions and an agreed s.106 agreement, and reasons set out above and below, the proposal would in my view comply with this emerging policy.

9.87. Paragraph 115 of the NPPF states that in assessing specific applications for development, it should be ensured that:

- a. appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b. safe and suitable access to the site can be achieved for all users;
- c. the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and

- d. any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.88. Paragraph 116 of the NPPF makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 9.89. Policy SLE4 of the Local Plan reflect the NPPF policy: it states that development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported.
- 9.90. Paragraph 117 of the NPPF states that within this context, applications for development should:
- a) *give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
 - c) *create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- 9.91. Paragraph 118 of the NPPF requires all developments which generate significant amounts of movement to provide a travel plan, and the application should be supported by a vision-led transport statement or transport assessment so the likely impacts of the proposed development can be assessed and monitored.
- 9.92. National Highways had originally (September 2022) requested that planning permission was not granted for a period of 3 months to allow time for the applicant to provide the additional information required to help National Highways better understand trip generation and the level of impact on the national road network, including Baynards Green roundabout.
- 9.93. In March 2023, National Highways requested another 3 months pause to allow for further information to assess the potential impact on a similar extent of the SRN, including the Baynards Green roundabout and establish the level of mitigation would be required at this junction, as the Growth Fund scheme was no longer in place as originally expected. This holding objection was repeated several times and remained in place until April 2024 following the applicants' scheme to improve the capacity of Baynards Green Roundabout with additional north-south highway capacity on the A43 and enhanced signal controls.
- 9.94. National Highways were satisfied by the mitigation plans and subsequently withdrew their holding objection on the basis that a stringent pre-occupation of development condition is imposed to ensure that the highway improvement plan, as shown on SLR Consulting drawing ref: 216285-A-14A, titled Baynards Green General Arrangement, is completed and open to traffic. National Highways then subsequently recommended an additional condition for a Construction Environmental Management Plan (CEMP).
- 9.95. OCC Highways are also satisfied with the principal of the proposed capacity improvement works to Baynards Green Roundabout, particularly now it will be secured through the s.106 agreement. This means that in the event that the Tritax scheme or one of the two Albion Schemes comes forward in advance of the others, one applicant/landowner cannot prohibit the other from carrying out the agreed works.

OCC Highways' concern comes from a need for Tritax and the Albion Land East parcel to provide land outside the highways boundary (East of the A43 and South of the B4100) to allow for adequate forward visibility to the roundabout when approaching along the B4100 from the east. Therefore, this agreement is required to ensure that the scheme can come forward prior to the first occupation of any of the application sites.

9.96. Notwithstanding the support in principle for the Baynard's Green mitigation measures, OCC Highways also have to be satisfied that the application is not going to unduly impact on the local road network from an increased journey time and highways safety perspective and ensure that any impacts are not severe.

9.97. Following an OCC Highways objection in August 2024, and a request for further information in March 2025, the applicants, along with Albion Land, have jointly submitted the following additional documents:

- Transport covering letter on behalf of applicants, Albion Land and Tritax; and
- Transport Modelling Appendix A Topic Paper Addendum providing summary of current situation, details of cycle facility and an appendix with details of a test to address OCC's previous concerns regarding modelling of B4100 junctions.

9.98. The updated information sets out the following:

- How the scheme would integrate with the proposed cycle route to Bicester.
- How the crossing facilities at the southern arm have been amended to a parallel crossing arrangement.
- How the splitter island has been increased in width at the access and at the B4100.
- Confirmation that detailed highway boundary has been obtained to confirm land ownerships.
- Further details regarding the design of the bus stop areas which aim to reduce conflict between cyclists and waiting bus passengers.
- Transport Modelling work

9.99. For completeness, I have set out OCC's key concerns (written in italic font) in 2024 and OCC's response, following receipt of this additional transport information:

9.100. *Lack of commitment to providing the cycle route between the sites and Bicester, with the applicants seeking to justify not providing it:*

"This is now offered as mitigation, as set out in Transport Topic Paper Addendum Appendix C, drawings DTA 17213-30-GA- 0-6 Rev N, and further work has been done by the applicant to demonstrate its feasibility, including a Road Safety Audit Stage 1, to the point where OCC highways is satisfied that it could be delivered, albeit with constraints requiring narrowing in places. Points raised in the RSA can be addressed through detailed design. Since the submission of this additional material, there has been further discussion as to how the route could safely transition into Braeburn Avenue, and the works are likely to require some changes to the geometry of the junction, to tighten up the radii. There is insufficient agreed-carriageway facilities but cycling on carriageway in Braeburn Avenue is considered acceptable due to the low traffic volumes (it is not a through road

because of the bus-only link at the northern end of Charlotte Ave) and 20mph speed limit. OCC remains firmly of the opinion that this mitigation is required alongside public transport improvements as part of the sustainable transport strategy for the site, and in order to provide safe access for all users. (NB: For OCC's full justification please see their response of November 2024). There would be some loss of vegetation including overgrown hedgerow, and possibly some complete loss of hedgerow along parts of the route. However, in my opinion this should be considered in the context of the significant loss of hedgerow arising from the developments themselves and the mitigation scheme at Baynards Green."

9.101. *Aspects of the access arrangements required revision for safety reasons:*

"These have been largely addressed (see Appendix E of 'Topic Paper Addendum' dated 3 February 2025), and the proposed access for the Albion Land eastern plot (to the east of the Baynard Green Roundabout) has been changed from a roundabout to traffic signals, which is considered acceptable. The revised junction arrangement for the Albion Land E site have been subject to RSA1 and are considered acceptable in combination with one other in terms of safety.

The accesses E of the B4100 accommodate the proposed cycle/pedestrian link to Bicester, which has been subject to a separate Road Safety Audit Stage 1 (Appendix C of the Topic Paper Addendum). The detailed design stage of the accesses must be carried out in conjunction with detailed design of the ped/cycle facility.

Accesses for Albion E and Tritax are shown in combination, together with their required bus stop laybys and crossing, on drawing SLR 216285_PD12 Rev A. Drawing DTA 17213-35-GA Rev D shows the signalized junction for Albion E.

For the Albion Land W site, additional footway has been added to the W side of the access road and an informal crossing at the roundabout junction with B4100. I would prefer to see the crossing set back from the roundabout for safety reasons and therefore a condition is requested. Consideration will also need to be given to cycle access to the western plots. The arrangements are the subject of a full application, ref 21-03266-F.

Careful consideration will need to be given to the construction phase, and it is expected the CTMP will consider the construction of the junctions. The highway works necessary for each application site will be secured through the respective S106 agreements. For each site this will include continuous footway and cycleway linking to the Baynards Green junction improvement scheme and to Bicester (Braeburn Avenue), bus stop facilities including laybys and crossing of B4100. Completion of these works will be required prior to first occupation. "

9.102. *Concern that the assessment of the B4100/A4095 junction in Bicester was underestimating the traffic impact of the development at that junction.*

Further modelling work has since been undertaken which is discussed further below.

9.103. *Assessment of impact on villages to the north in Northamptonshire.*

It is noted that WNC concluded that there would be negligible impact on traffic flows in Aynho and Croughton. Difference plots from the Bicester Transport Model show that approximately 14% of the development traffic would route via the B4100 west, which would result in a change of less than 5% on the B4100 through Aynho, which could not be considered severe in NPPF terms. The increase in traffic will be from cars, not HGVs, which would be subject to a routing agreement prohibiting them from travelling north on the B4100.

9.104. *Concern about the level of car parking at the developments.*

“Whilst this is only indicative and would be agreed at reserved matters stage, from the layouts provided it is evident that the number of car parking spaces envisaged (these are marked on the plans – not just a general area indicated for parking) is far in excess of OCC’s parking standards. If parking levels were to be allowed as shown, this would potentially undermine travel plan objectives to promote sustainable travel and car sharing. The travel plan is especially important here since the applicant’s traffic modelling of the A4095/B4100 junction relies on significant modal shift away from single occupancy car trips between the site and Bicester. “

9.105. I agree with OCC re: the concern over the considerable exceedance of the parking bays (the illustrative plan suggests 1,780 bays against OCC maximum standards of 1,000 bays per 300,000sqm of employment space - a 78% exceedance). Not only would it result in further landscape harm and, potentially, a reduced quality internal layout, but it would also run counter to the aims and aspirations of the Travel Plan and its ability to help encourage a modal shift from driving to cycling and walking.

9.106. OCC’s Highway obligations are set out in the ‘Infrastructure’ chapter below. Subject to those contributions being agreed, along with the conditions, then this aspect of the proposal complies with national and local planning policy. The improvement works to Baynards Green roundabout will now be secured through the s.106 agreement instead of condition, this is to ensure that all the relevant parties (landowners and applicants) are signed up to it.

Ecology

9.107. Policy ESD10 (Protection and Enhancement of Biodiversity and the Natural Environment) seeks to protect and enhance biodiversity and the natural environment.

9.108. Policy ESD10 sets out 12 criteria for how biodiversity and the natural environment will be achieved. The criteria include achieving a net gain in biodiversity, protection of existing trees, increasing the number of trees through planting of new trees and incorporation of features to encourage biodiversity.

9.109. Policy BL11 states that all development shall be encouraged to respect the local character and the historic and natural assets of the area. Policy BL11 goes onto state that development should take opportunities to protect and wherever possible enhance biodiversity and habitats.

9.110. These policies are both supported by paragraph 187 of the NPPF which states that planning policies and decisions should contribute to, and enhance, the natural and local environment by minimising impacts on and providing net gains for biodiversity.

9.111. Cherwell Local plan policy ESD11 states: *“Development which would prevent the aims of a Conservation Target Area being achieved will not be permitted.”*

- 9.112. Moreover, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.113. The PPG dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity
- 9.114. Tyler Grange, on behalf of the applicants, have conducted an Ecology Appraisal and provided additional foraging information and a HHMP.
- 9.115. This information confirms that 2.6k of hedgerow (some of it is species rich) across this and Albion's Eastern parcel on the other side of the A43 would be lost and a general loss of habitat for farmland birds (Lapwing, Skylark, Yellowhammer) and the hairstreak butterfly.
- 9.116. The applicants are proposing on-site mitigation measures through the provision of Enhanced Areas of Landscape Zones (shown on the Land use plans) which would be areas designated for retention and strengthening of existing vegetation.
- 9.117. The applicants have also acquired 20ha of arable land located near Piddington. This site will be used for the creation of neutral grassland (comprising grassland with a high proportion of flowering grasses) and hedgerows.
- 9.118. The applicants have also submitted a draft Habitat Management and Monitoring Plan (HMMP) which sets out measures to maximise the biodiversity potential of retained and newly created habitats, through appropriate management covering a period of 30 years.
- 9.119. Collectively, through on-site and the off-site measures, the applicants anticipate that this development would be able to achieve a BNG of 16% for habitat units and 11% for hedgerow units.
- 9.120. I note that there has been a number of objections to the scheme on ecology grounds including, but not limited to, residents, Fritwell Parish Council, CDC Ecology, CPRE, Tusmore Park Estate & BBOWT who do not think the BNG proposal is policy compliant. The Environmental Agency also raised concerns that the 20ha off-site area near Piddington is in Flood Zones 2 and 3 and, therefore, at risk of flooding.
- 9.121. *Update:* In November 2025 the applicants submitted the updated Ecological Survey Results (badger, dormouse, breeding birds, a Draft Habitat Management and Maintenance Plan (HMMP) and an updated statutory BNG metric.
- 9.122. CDC's ecology officer is happy with the update information (2024 surveys), which explains that the conclusions of the 2022 assessment of effects presented within the ES Chapter remain unchanged (no dormouse present on Albion East and no conclusive evidence of hazel dormouse on the western site etc). The additional information also explains that the applicants are no longer proposing to use the 20ha site near Piddington. Instead, for BNG, they would be achieving net gain through both onsite habitat creation and off-site unit purchase.
- 9.123. The Council's ecology officer has advised me that the Council needs to ensure that both methods are secured, not just the off-site units. Albion have enough significant habitat onsite that the Ecology officer strongly recommends securing the Habitat

Management and Monitoring Plan (HMMP) and associated monitoring fees via a Section 106 agreement. If this were a much smaller site, or if Albion were only delivering low-distinctiveness habitats, a condition could be appropriate. However, the on-site habitats here are significant and will require ongoing management and monitoring. Without this, the site will not achieve the agreed net gain, even though they are purchasing off-site units to cover the remainder of the requirement. Therefore, it is imperative that the HMMP and monitoring fees are secured through Section 106.

- 9.124. The Council's previous ecology officer had previously raised concerns about the impact the proposal would have on the existing badger set and fears that due to the loss of so much foraging areas for them, they will essentially become landlocked and would like to see further buffer habitat for badgers as well as wildlife tunnels beneath all roads. The applicants have responded that, due to the size of the buildings and the foundations it will not be possible to provide further on-site buffer habitat.
- 9.125. However, crucially, badgers are protected species and will need to be safeguarded. Consequently, a pre commencement planning condition (17) requiring a mitigation strategy prior to site clearance is recommended. This strategy shall include details of a recent survey (no older than three months) and identify whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority.
- 9.126. I do consider that the loss of so much species rich hedgerow, and the reduction in farmland birds and hairstreak butterfly, conflicts with local plan policies, and it is a harmful aspect of the development. However, I also think that, whilst the harm cannot be completely compensated, the provision of robust ecology conditions to ensure the delivery of on-site replacement hedging and off-site wildlife and planting provision, this element of the scheme would not warrant a refusal in itself. I Therefore, I give the level of harm modest negative weight when weighed against the mitigation measures.

Drainage

- 9.127. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 181 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 9.128. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.

9.129. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.

9.130. The applicants, in their submission documents, have included an updated Flood Risk Assessment (September 2024), prepared by Bailey Johnson Hayes Consulting Engineers.

9.131. This report recommends that the following drainage measures are put in place to mitigate the impacts of the development: *“Raising thresholds and building levels outside of design flood levels, providing safe access and egress around the development, directing overland flows towards areas of low risk, implementation of SuDS to manage runoff at sources thus reducing flood volume, installation of pollution prevention features to prevent contamination at discharge locations, tree planting to increase biodiversity and absorption of water, management and maintenance to ensure correct operation of all drainage systems and managing residual risks post development.*

9.132. The report goes on to recommend the following SuDS features:

- Swales
- Infiltration Basins
- Permeable Paving
- Petrol Interceptors
- Catchpits, Gullies and Line Drains
- Flows control devices

9.133. It concludes by stating that, *“Further design will be required to establish the detailed drainage network and to ensure no flooding is created on the site during the 30-year event and flooding is contained on site safely during the 100-year + 40% event.”*

9.134. On the 6 March 2025, Anglian Water, who hadn’t objected to the proposal previously, objected to the scheme connecting to their foul network due to capacity constraints and pollution risk. Anglian Water also made the following comments:

Wastewater Treatment

- *The proposed development is situated within the catchment area of the Stoke Lyne Water Recycling Centre (WRC), which is currently classified as a Descriptive Works – a small WRC with a descriptive permit. There is no planned investment in this catchment and any additional flow poses an environmental risk to the watercourse.*
- *To overcome our objection the applicant should carry out 12 months of flow monitoring to measure the total daily volume of treated effluent being discharged from the WRC. The data should be shared with us and if it is proven that the total volume, with the addition from the proposed development, does not exceed the permitted volume for this WRC then our objection could be removed.*
- *Prior to carrying out flow monitoring the applicant needs to contact Anglian Water to discuss how this must be undertaken.*

Used Water Network

- *In order to overcome our objection we require that the applicant consults Anglian Water in a form of a Pre- Development enquiry (PPE) in order to define a Sustainable Point of Connection (SPOC). This will avoid the constrained network which could cause pollution and flood risk downstream. The developer is to be responsible for the infrastructure to convey foul water flows from the proposed development to the receiving network. Once a SPOC has been identified and a strategy has been agreed with Anglian Water, we would expect the applicant to submit this PPE as part of their submitted documents for this application, we will the review and respond appropriately. Anglian Water is committed to supporting sustainable growth and in doing so we must continue to meet the statutory obligations whilst balancing factors such as climate change as environmental protection. However, if the LPA are minded to approve the application, despite our objection and risk of pollution, we recommend the following condition is applied:*

9.135. Whilst Anglia Water has objected to the proposal, as noted in their comments, they have said that in the event that the Council were minded to approve the application, they would require a Grampian condition to be imposed which prohibits the development from commencing until a strategic foul water strategy has been submitted to and approved in writing by the Local Planning Authority, in consultation with Anglian Water.

9.136. Consequently, the pre commencement nature of this condition would ensure that the concerns raised by Anglian Water do not come to pass because their concerns will have to be addressed/overcome before any development can take place.

9.137. Similarly, Thames Water, in their consultation response, have advised that, following initial investigations, they have identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. As a consequence, they have requested for a condition to be imposed which prohibits any of the buildings from being occupied until confirmation has been provided that demonstrates that either:- *“all water network upgrades required to accommodate the additional demand to serve the development have been completed; or – a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied.”*

9.138. Subject to conditions, including Anglian Water’s Grampian condition **(38)** Thames Water pre-occupation condition **(37)**, neither the CDC Drainage officer, nor OCC, as the LLFA, have raised any objections to the proposal. Therefore, with the appropriate stringent conditions attached, the proposal would accord with relevant Local and National Planning policies and I give neutral weight to this matter in the planning balance.

Energy

9.139. Planning plays a vital role in ensuring that developments minimise their contribution towards climate change. This is recognised by the Government and why one of the NPPF’s core principles is that *“the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure (paragraph 152)”*.

9.140. Cherwell District Council is committed to tackling climate change. For many years Cherwell District Council has been at the forefront of developing and implementing

robust and innovative planning policies and standards to tackle climate change. In July 2019 it declared a Climate Change Emergency.

- 9.141. When the 2011-2031 Local Plan was adopted, it strengthened previous planning policies relating to energy in order to ensure that the Council continues to take a robust and ambitious approach to minimising carbon emissions in the district, which is why policies ESD 1 – 5 were introduced.
- 9.142. Policy ESD1 of the CLP 2015 covers the issue of Mitigating and Adapting to Climate Change and includes criteria under which application for new development will be considered. Included in the criteria is the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts. These requirements will include the consideration of, taking into account the known physical and environmental constraints when identifying locations for development. Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling. Minimising the risk of flooding and making use of sustainable drainage methods and reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).
- 9.143. Policy ESD5 of the CLP 2031 Part 1 requires new commercial development of over 1000sqm floorspace and for new residential development for 100 dwellings or more to provide a feasibility assessment of the potential for significant on-site renewable energy provision. This is expected to then be provided if it is shown to be deliverable and viable. Policy ESD4 of the CLP 2031 Part 1 also requires a feasibility assessment to be carried out for such developments to consider whether District Heating/ Combined Heat and Power could be incorporated.
- 9.144. Policy ESD3 of the CLP 2031 Part 1 requires that all non-residential development will be expected to meet at least BREEAM 'Very Good' standard. It also requires development to reflect high quality design and environmental standards and for water, it is expected that a higher level of water efficiency than required by the Building Regulations be sought to achieve a limit of 110 litres/ person/ per day (this applies to residential uses too).
- 9.145. The applicants' Environmental Statement (prepared by Quod) advises that based on measures detailed in the Travel Plan, inherent design measures to minimise energy consumption, along with the use of PV (to ensure GHG emissions from energy use of office and core areas of buildings are zero) their scheme could achieve the ESD 3 requirement of "Very Good" under BREEAM, and remove the need for any form of decentralised energy supply.
- 9.146. Although officers are aware of concerns over energy capacity issues in/around Bicester, National Grid has been consulted repeatedly and has not voiced any objection to the schemes, and it is their responsibility to supply adequate electricity to the development. On that basis, officers are not minded to consider this a reason for refusing the scheme.
- 9.147. Based on the above points, and the imposition of a condition, it is considered that the proposal would comply with the requirements of Policies ESD1, ESD2 and ESD3 of the CLP 2015

Heritage

9.148. Policy ESD15 of the CLP 2015 makes it clear that new development to, or near, non-designated heritage assets, should: “Conserve, sustain and enhance designated and non-designated ‘heritage assets’ (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG.”

9.149. Paragraph 207 of the NPPF states that *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

9.150. The applicants have included a Cultural Heritage Report in the ES, prepared by RPS. This appraisal concludes that there would not result in any adverse effects on the closest heritage assets, which are:

- Barn at SP 5487 2940, Grade II listed (List entry number: 1046400);
- Manor Farmhouse, Grade II listed (List entry number: 1369564); and
- Fewcott Farmhouse, Grade II (List entry number: 1046880).

9.151. This is a view shared by the Council’s Conservation Officer, who has concluded that, overall, in terms of Heritage Assets, the development is considered to have limited direct impacts. She commented, *“The Listed barn at Baynards Farm to the north of the site is part of a farm complex that has now been converted to business use. These buildings are located adjacent to the A43 and behind a modern petrol station and fast-food outlet. It is therefore considered that the setting of the Listed barn is somewhat compromised by the existing buildings in its immediate surroundings. Because of this the proposed development of this site is unlikely to further harm the significance of the Listed Building through development within its setting. It is noted that the indicative plans show the land surrounding Baynards House not to be developed and landscaping to the north of the site around the site entrance.*

9.152. The Council’s Conservation Officer also considered the relationship between the proposal and the closest conservation areas to the site, which are Ardley and Fewcott, and Fritwell: *“From within these conservation areas the development site is not considered to be visible and Fritwell conservation area in particular is surrounded by more modern development on the east side that is not part of the conservation area. In both cases once you are well outside the village on the footpaths the logistic sheds may be visible in the wider landscape, however the views and countryside setting are considered to be interrupted by the existing road infrastructure. Because of this and the distances involved the proposals are not considered to be harmful to the significance of the conservation areas.”*

9.153. Sub-section vii) of emerging local plan policy COM 10 makes clear that new developments should not “Reduce the historic significance of the landscapes”. The proposal would comply with part of the policy as well.

9.154. I note in one of the objection letters from Somerton Parish Council there is concern that this application, along with the Albion, Heyford ‘New Town’ and Puy du Fou applications, would result in a national heritage impact on Rousham House & Garden - a Grade I listed house set within a Grade I Registered Park and Gard. I requested the views of the Council’s Conservation Officer on this point. Her advice was:

“In respect of Rousham House and The Registered Park surrounding it, the significance of these heritage assets is recognised. However, because of the location of Rousham in relation to the proposed developments it is considered that there will be no direct harm to significance. It is acknowledged that the developments will visually alter the wider landscape, but this does not necessarily equate to heritage harm.”

- 9.155. For these reasons, this aspect of the proposal would not unduly impact of the views set out in table.4 of the Mid Cherwell Neighbourhood Plan (2018 - 2031) and is policy compliant.

Archaeology

- 9.156. RPS, on behalf of the applicants, carried out an archaeological desk-based assessment (DBA) in June 2021. This was followed by a geophysical survey between May and August 2021, which, in turn, was supplemented further by a field evaluation comprising evaluation trenches between November 2022 and January 2023.
- 9.157. The trenching work carried out by RBS has recorded a concentration of features in the south-eastern part of the site, consisting of pits and enclosure ditches. These features produced large assemblages of animal bone and Early-Middle Iron Age pottery, as well as fragments of fired clay, worked stones and a possible oven plate. The remains suggest a small area of Iron Age settlement, without a continuation of the Roman and Saxon remains recorded to the east.
- 9.158. Accordingly, OCC's Archaeologist recommends that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of archaeological investigation be maintained during the period of construction.
- 9.159. This can be achieved through the attachment of a pre commencement condition requesting a Archaeological Written Scheme of Investigation and a subsequent programme of Archaeological mitigation measures
- 9.160. Subject to conditions, this element of the scheme accords with the local planning policies and the NPPF.

Residential Amenity

- 9.161. The NPPF identifies, as a core planning principle, that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.162. This core principle is reflected in Policy ESD15 of the CLP 2011-2031 Part 1, which states that new development proposals should: *“consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.*
- 9.163. The three closest residential properties to the application site are on the western side of the A43. Given the significant separation distance between those buildings and this proposal, I do not anticipate that the neighbours would experience a loss of daylight/sunlight or privacy or be unduly impacted by noise or lighting, which can be controlled by condition in any event.
- 9.164. Therefore, subject to conditions, this element of the proposal complies with policy ESD15 of the CLP 2011-2031 Part 1.

Loss of Agricultural Land

9.165. Paragraph 187b states that planning policies and decisions should contribute to and enhance the natural and local environment by:

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

9.166. 'Best and most versatile agricultural land' is defined in the Glossary on page 70 of the NPPF (Dec, 2024) as being Land in grades 1, 2 and 3a of the Agricultural Land Classification.

9.167. The Agricultural Land Classification (ALC) system sets out what it considers to be the Best and Most Versatile Agricultural Land, in the following order:

- *Grade 1: Excellent quality* agricultural land, with very few or negligible limitations to agricultural use.
- *Grade 2: Very good quality* agricultural land, with minor limitations that affect the range of crops or level of yield.
- *Grade 3: Good to moderate quality* agricultural land, with moderate limitations.
This grade is subdivided:
 - *Subgrade 3a: Good quality* agricultural land, which falls under the BMVAL definition.
 - *Subgrade 3b: Moderate quality* agricultural land, which does not fall under the BMVAL definition.
- *Grade 4: Poor quality* agricultural land, with severe limitations that significantly restrict the range of crops.
- *Grade 5: Very poor quality* agricultural land, with very severe limitations.

9.168. Emerging policy LEC 7 (Best and Most Versatile Land) makes clear that Best and most versatile agricultural land will be protected from unplanned development to maximise opportunities for food and other agricultural production. The policy goes on to state that:

"Development resulting in the loss of the best and most versatile agricultural land will only be supported if all of the following criteria are met:

- a) *the development meets a demonstrable essential need in the public interest;*
- b) *there is insufficient lower grade land available in other suitable locations;*
- c) *the contribution to the achievement of sustainable development outweighs the need to protect the land, and*
- d) *the likely impact on existing agricultural operations has been minimised.*

An agricultural land classification report will be required and will require independent verification on behalf of the Council which must be paid for by the applicant.”

- 9.169. The limited weight that should be applied to this emerging policy notwithstanding, proposal would comply with parts a, c and d.
- 9.170. The applicants have submitted an Agricultural Land Assessment, prepared by Askew Land & Soil Limited. This report concludes that the site is predominantly 3b (Moderate quality agricultural land) with the remainder being classed as 3a (Good Quality Agricultural Land) albeit the Grade 3a Good Quality land is not consistent and is mixed in with the 3b Moderate quality land.
- 9.171. Therefore, in developing this site, the district would be losing some level of ‘best and most versatile’ agricultural land at the lower end of the scale (Grade 3a) which is tempered with Grade 3b Moderate quality land. This is a harm of the development. However, this harm would be countered by the creation of a great number and wide variety of jobs on a short-term and long-term basis which outweigh the harm which would be fairly limited, in any event.
- 9.172. I also note in the Tritax’s Agricultural Land Classification report, submitted under 22/01/out, sets out that that the majority of agricultural land (67%) within the Cherwell District is either Very Good (Grade 2) or Good (Grade 3a) to Moderate (grade 3b) agricultural land, a percentage that is significantly higher than the national average.

Air Quality

- 9.173. Policy ESD 1: Mitigating and Adapting to Climate Change Measures contained within the Cherwell Local Plan 2011-2031 Part 1 states that measures will be taken to mitigate the impact of development within the District on climate change. At a strategic level, this will include: Distributing growth to the most sustainable locations as defined in this Local Plan; and delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.
- 9.174. Policy ESD 10: Air quality assessments will also be required for development proposals that would be likely to have a significantly adverse impact on biodiversity by generating an increase in air pollution.
- 9.175. Saved policy ENV1 contained within the Cherwell Local Plan 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted.
- 9.176. The Site does not lie within an Air Quality Management Area (AQMA) – the closest AQMA is 6.5km to the southern east of Bicester.
- 9.177. The applicants commissioned Isabel Stanley to carry out an Air Quality Assessment which concludes that the impacts of dust on the environment and people is ‘low risk’. It also concludes, having used 25 existing receptors, that impacts of Nitrogen Dioxide concentrations would be negligible for 25 out of 25 receptors during the construction stage, and negligible for 24 out of 25 receptors during the development stage, where one receptor would change to ‘moderate adverse’. The impact on particular matters receptors is thought to be negligible.
- 9.178. The conclusions of the Air Quality Assessment are that:

“The assessment has demonstrated that the overall air quality effect of the Development on human health receptors will be 'not significant'; the Development will not cause any exceedances of the air quality objectives, or lead to any impacts that would be described as significant. Therefore, further mitigation measures are not proposed in this regard.”

9.179. The Council's Environmental Protection Officer agrees with the conclusions and raises no objection.

9.180. Moreover, having spoken with the Environmental Protection Officer (23 December 2025), he has confirmed that, subject to conditions, cumulatively (the Tritax and Albion applications combined), Air quality impacts would be of an acceptable level and that the schemes are policy compliant and he raises no objection

9.181. The Council's Environmental Protection Officer agrees with the conclusions and raises no objection. Therefore, this aspect of the proposal complies with policies of ESD 1 and ESD10 of the Cherwell Local Plan:2015 and Saved policy ENV1 of the 1996 Cherwell Local Plan.

Public Right of Way

9.182. A public right of way crosses the site, and the parameter plans show that this will require a diversion. A clearly proposed alternative route should form part of your proposals for assessment. If planning permission were to be granted, a formal process will be required. Further detail can be found here:
<https://www.cherwell.gov.uk/info/115/planning-process/953/public-rights-of-way>

Planning Obligations

9.183. The use of planning obligations to address the impact of development and ensure they are acceptable in planning terms is well established in legislation and national, regional, and local planning policy. The NPPF and Cherwell District Council's Local Plan: Part 1 2015 both recognise the importance of addressing the impacts of development and having effective mitigation in place to ensure that development can be accommodated sustainably

9.184. Policy INF1 requires development proposals to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.

9.185. Oxfordshire County Council have requested the following contributions:

- Highways works contribution 1 - Signalisation of Charlotte Ave/B4100 junction - **£33,263.65**
- Highways works contribution 2 - Traffic management in Caversfield/Aunt Emm's Lane - **£8,750**
- Public Transport – Bus service serving the site - **£2,133,133**
- Public transport infrastructure (if not dealt with under S278/S38 agreement) - Bus real time information (other bus stop infrastructure to be provided as part of S278/on site highway works - **£22,704**
- Traffic Reg Order (if not dealt with under S278/S38 agreement) - Consultation on change to speed limit on B4100 - **£3,840**
- Travel Plan Monitoring - To cover the cost to OCC of monitoring the travel plan over its life - **£4,224** for each site's framework Travel Plan & **£3,265** for each unit.

- Public Rights of Way - Improvements to public rights of way in the vicinity of the sites - **£33k**
- Off-Site Highways Works - Improvements to Baynards Green roundabout, including widening, additional lanes and active travel infrastructure, as per drawing SLR 216285/A/14 Rev B. This scheme will be required prior to first occupation of any of the sites. Note that this is also a requirement of National Highways.
- Footway/cycleway link to Bicester - For all three application sites: Required for any one of the application sites prior to first occupation: footway/cycleway link to Braeburn Ave, Bicester, as shown in Appendix C
- Access Arrangements - Site access roundabout junction with B4100 and footway/cycleway link to footway/cycleway facilities forming part of Baynards Green roundabout improvements. Internal access road linking to timetable case, ducting) on internal access road (to enable the site to be served by public transport). Note that this is a combination of on and off site highway works, and is the subject of a separate full planning application, ref 21-03266-F.

NOTE: The above represents the overall contributions required for applications 21/03267/OUT, 21/03268/OUT (Albion Land) and 22/01430/OUT (Tritax), which are considered together in this response. Those marked with an asterisk (highway works 1 and 2, and PRow) could be split proportionately between the sites. The public transport contribution is required in full by any one of these developments coming forward, as it is needed in full to provide an adequate bus service. Likewise the Traffic Regulation Order contribution is required in full. Travel Plan monitoring contribution is as explained above.

9.186. In their consultation response, Oxfordshire County Council Highways have provided detailed information to justify the need for their contributions and demonstrate how they meet the three tests contained in paragraph 58 of the NPPF.

Other Matters

9.187. I note the advice received from Bicester BUG, as part of their consultation response and, having sought the advice of the OCC Highways officer, I shall address each point in turn:

B4100/A43 Junction

9.188. B4100/A43 junction – my understanding is that the possibility of a crossing on the A43 north arm was ruled out early in the design process by National Highways. There isn't the available highway space, particularly on the NW corner of the roundabout by the service station. There are crossings proposed on the other three arms of the roundabout, allowing access between the sites and the facilities at the PFS.

B4100 Road

9.189. The OCC Highway officers disagree that this is like a normal spine road in terms of the requirements for movements. All likely movements between the sites and the petrol filling station and the bus stops would be catered for, and in the only place where there would be significant pedestrian movements (between the sites and the bus stops on the B4100) pedestrians would be segregated from cyclists. Elsewhere shared use is considered acceptable.

9.190. Crossing setbacks can be adjusted at detailed design stage if necessary.

Albion East

- 9.191. An uncontrolled crossing could be added at detailed design stage. The northeast arm of the junction is unlikely to get much use by pedestrians, as the crossing of the B4100 is west of the junction. There will need to be a crossing point for cyclists to get across the arm, probably further into the development

Cycle Pathway

- 9.192. Cycle path: priority across access points will be given where it is safe to do so, noting points above about set back – not always sufficient land to set the crossing back far enough, in which case it may not be safe to give priority to cyclists – this will be looked at detailed design stage.
- 9.193. Access and egress points, and bus stop bypass design can be addressed at detailed design stage.
- 9.194. Noted re rails and fencing, but we have accepted that there will be narrowings in places where there are constraints.
- 9.194. The proposed cycle path ends at Braeburn Avenue, where it is considered safe for cyclists to join the carriageway. The developers have shown (to OCC) a design where the junction radii are reduced to allow a safe transition onto the carriageway. Unfortunately, there isn't enough highway land on Braeburn avenue for a segregated cycle facility. On the B4100 south of Braeburn Avenue, there is a building close to the carriageway near the bend, which makes it unsuitable for an off-carriageway route alongside the B4100 to the A4095 junction.
- 9.195. The details of how the cycle path goes through the layby can be addressed at detailed design stage.
- 9.196. The other comments relate to internal layouts and so can be addressed at RM stage.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Sustainability is the golden thread that runs through the National Planning Policy Framework, and this is reflected in the policies of the adopted Cherwell Development Plan. The three strands of sustainability are economic, social and environmental as set out at Paragraph 8 of the NPPF.

Positive Benefits

Economic

- 10.2. The proposals will contribute significantly to the Council's Employment Land Supply, especially at a period of time when LSH has identified a potential shortfall of 22.5ha at the upper level. Moreover, a further benefit is that the scheme would be providing logistics use in line with the aspirations of paragraphs 86 and 87 of the NPPF which seeks to meet the needs of a modern economy, support economic growth and in a suitably accessible location.
- 10.3. LSH has also concluded that a benefit of the scheme would be helping to make a contribution towards national, regional and sub-regional strategic employment requirements.

- 10.4. The proposals would provide a forecast of 400 temporary construction jobs and a great number of permanent jobs (3,000, if combined with the western parcel).
- 10.5. It will also help the Government realise its's ambitious plans to ensure that the Oxford – Cambridge corridor is an economic engine for the whole of the UK.
- 10.6. Very significant weight should be attached to the economic benefits of the scheme.

Social

- 10.7. As already noted above, there is an economic benefit arising from the provision of jobs. The proposals will provide a range of job types with a variety of different salaries. Although not every post is likely to be taken by people living locally, the job provision is still a very significant benefit, and, given its proximity to a number of nearby settlements, there will be local residents who are likely to work there during the lifespan of the development. This is reflected above in the provision of very significant weight to the economic benefits.

Environmental

- 10.8. The proposals committing to a minimum of 10% biodiversity net gain, through a combination of on-site replacement habitat creation and off-site unit purchase land, also carries significant weight although it is balanced out by the loss of a significant number of species rich hedging.
- 10.9. There is an existing bus service – the 500, but it is hourly, doesn't extend into the early morning and late evening, and is only funded for a limited time (until 2027) from development in Brackley. The s106 contribution, although needed to make the development less car reliant, would cover a new bus service in the event the existing service ceases to be, or be used to top it up – in which case the money would last longer. I consider this to be a neutral benefit because it is required to help make a modal shift and ensure that the development is as sustainable as is possible.
- 10.10. Similarly, the cycle and pedestrian route connecting the site with Braeburn Avenue is necessary to help reduce the need for the car. Therefore, I give this neutral weight.

Negatives

- 10.11. No development or construction site is silent and dark and, therefore, the development will result in impacts on the area in terms of noise and disturbance, as the development is completed. There would also be disruption through the implementation of the traffic mitigation. This is minimised through the development and implementation of construction management plans. However, some disturbance is expected. This carries moderate negative weight.
- 10.12. The development, once built, would have a significant adverse harm from a small number of views. As the most harmful view would be from the Motorway, where cars are moving at speed, I consider this harm to be modest negative rather than significant negative.
- 10.13. Cutting into the well-established hedgerow along the B4100 will also be harmful, but a lot of screening will be retained, and the buildings are well set back. Therefore, I afford the harm modest negative weight rather than significant negative.
- 10.14. The loss of species rich hedgerows is a significant disbenefit of the scheme, as is the inability to replace it like for like in the vicinity of the site. However, a combination of on-site replacement habitat creation and off-site unit purchase land reduces the

impact somewhat. Therefore, I give the level of harm modest negative weight when weighed against the mitigation measures.

10.15. A new 4.5km cycleway, required to make the scheme acceptable from a safety and sustainability point of view, will result in further urbanisation of the area. However, this is likely to predominantly result in the loss of scrubs and overgrown hedges that have grown out over the embankment. It wouldn't be the same level of harm as the new access points on the B4100, for example. I give moderate negative weight to this harm.

10.16. The loss of a mixture of some Class 3a Agricultural Land (tempered with 3b Agricultural land would also relatively modest shortcoming of the scheme, given the level of provision of Best and Most Versatile Land in the district and when weighed against the number and variety of jobs provided. Therefore, I would give modest negative weight to its loss.

Conclusion

10.17. Exceptional circumstances, as required by local policy, have been demonstrated. On balance, the very significant benefits of creating a substantial amount of wide-ranging jobs in a suitably accessible location, through logistics development which will support the modern economy at national, regional and sub-regional levels, in line with National and Local Plan policies, outweigh the harms caused by developing this particular site. Although I have identified some local policy non-compliance as set out above, overall, I consider the proposal to accord with the development plan when taken as a whole, and material considerations do not justify a departure from the plan. For this reason, I respectfully recommend that planning permission be granted.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING TO GRANT PERMISSION, SUBJECT TO

- i. THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- ii. THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**

- a. Payment of financial contributions towards Signalisation of Charlotte Ave/B4100 junction
- b. Payment of financial contributions towards Traffic management in Caversfield/Aunt Emm's Lane
- c. Payment of financial contributions towards Bus service serving the site and on site highways works
- d. Payment of financial contribution towards Traffic Reg Order
- e. Payment of financial contributions towards improvements to public rights of way in the vicinity of the sites
- e. BNG provisions related to HMMP and monitoring fees.
- f. Appropriate monitoring fees for the delivery of the s106.
- h. Off-site transport improvement works.
- i. The provision of a cycle route to Bicester
- j. Provision of agreed site access arrangements

FURTHER RECOMMENDATION: IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED WITHIN 6 MONTHS OF THIS RESOLUTION AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions and provisions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to contrary to Policies BSC3, BSC10, BSC11, BSC12, SLE4 and INF1 Cherwell Local Plan 2015 and the aims and objectives of the National Planning Policy Framework.

Conditions

Phasing Plan

1. No development shall take place until a phasing plan covering the entire application site has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved phasing plan and each reserved matters application shall be submitted in accordance with the terms of the approved phasing plan and refer to the phase (or phases) it relates to as set out in the approved phasing plan.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

2. No development shall take place on any phase (identified within an approved phasing plan approved under condition 1) until full details of access (insofar as not approved by this decision), layout, scale, appearance, and landscaping (hereafter referred to as reserved matters) of the development proposed to take place within that phase have been submitted to and approved in writing by the Local Planning Authority.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Reserved Matters timings

3. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). A longer period is considered appropriate to ensure the development is viable and can progress in phases though should be restricted to eight years to ensure that the assessments made of the development's impacts as part of considering the application are still robust.

Quantum of Development and Use Class

4. The development hereby permitted shall be used only for purposes falling within B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order and for no other purpose(s) whatsoever.

Reason: In order to retain planning control over the use of the site and in accordance with Government guidance contained within the National Planning Policy Framework.

5. Notwithstanding Condition 4, none of the floorspace hereby approved shall be occupied for the purposes of 'Last Mile Parcel Delivery Services'.

'Last Mile Parcel Deliver Services' means the movement of goods by parcels to residential and business users where product is moved from the warehouse shelf (or distribution centre) to the customer's doorstep by Light Goods Vehicle (LGV), as distinct from a retail warehouse and distribution centre where goods are distributed on pallets by Heavy Goods Vehicle (HGV).

Reason: To ensure, taking account of the material difference in traffic generation and impacts of last mile parcel delivery by LGV as compared to more traditional Use Class B8 uses with delivery by HGV, the traffic impact of which (above 20% occupancy) has not been assessed on the surrounding road network, in accordance with saved Policy TR1 in the Cherwell Local Plan 1996.

6. No more than 100,000sqm GIA of employment floor space shall be provided across the site as demonstrated on the 'Parameters Plans'. There will no more than one unit at the site with a floorspace of less than 46,452 sqm (approx. 500,000sqft) GIA and the minimum floorspace of that unit will be not less than 32,500sqm (approx. 350,000sqft) GIA.

Reason: For the avoidance of doubt and ensure compliance with the proposed employment strategy for this development and to ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement, and sustainable development is achieved in accordance with Government guidance contained within the National Planning Policy Framework.

7. Notwithstanding the provisions of section 55 (2A) of the Town and Country Planning Act 1990 (as amended by Section 49 of the 2004 Act), Part 10 of the Town and

Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Part 7, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no internal operations or extensions increasing the floor space of any buildings hereby permitted shall be carried out without the prior planning permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the provision of additional floorspace in order to maintain a satisfactory layout and sustain an adequate overall level of parking provision and servicing, and traffic generation on the site in accordance with Policy SLE4 of the Cherwell Local Plan 2011 – 2031 Part 1 and paragraph 116 of the National Planning Policy Framework.

Approved Plans

8. Except where otherwise stipulated by condition, the development shall be carried out in accordance with the following plans and documents:

- 20005-TP-008 Revision C Parameter Plan Land Use
- 20005-TP- 009 Revision B Parameter Plan 07 Building Heights
- 20005-TP- 010 Revision A Parameter Plan 08 Vegetation Retention and Removal
- 14047_P16 Rev A Landscape Parameter Plan
- 17213 –35 – GA – PO – Eastern Access Arrangements

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework and Planning Practice Guidance.

Ground Levels

9. All reserved matters submissions relating to a phase shall be accompanied by details of the existing and proposed ground levels as well as finished floor levels of all proposed buildings within that phase. Where the proposed ground and floor level details are approved as part of the reserved matters approval for that phase, the development in that phase shall be undertaken in accordance with those approved levels.

Reason: To ensure that the proposed development is in scale and harmony with its surroundings and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Energy

10. All applications for approval of reserved matters shall be accompanied by details of the on-site renewable energy provision to be incorporated into that phase, including the provision of solar PV. Development within that phase shall take place in accordance with the approved details of on-site renewable energy provision and no unit shall be occupied until the approved on-site renewable energy provision serving that unit is operational and shall be retained as such thereafter. Each phase shall deliver, as a minimum, a BREEAM 'Very Good' standard.

Reason: In the interests of ensuring that major development takes all reasonable opportunities to operate more sustainably in accordance with the requirements of Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1.

Ecology

LEMP

11. Prior to the first occupation of any part of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

Reason: To ensure the maintenance and management of open space areas, to secure a high standard of amenity for the site and to protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

12. Development shall take place in full accordance with the Construction Environmental Management Plan (CEMP included at Appendix 6.2 of the Environmental Statement (May 2024).. Prior to commencement of development a CEMP: Biodiversity, based on the measures outlined in the Ecology Appraisal will need to be submitted to and approved in writing by the Local Planning Authority prior to occupation of development. The CEMP: Biodiversity shall include as a minimum:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of 'Biodiversity Protection Zones';
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

BEMP

13. The development shall not commence until a Biodiversity Enhancement and Management Plan (BEMP) and a completed Statutory BNG metric for enhancing biodiversity on the site and/or elsewhere within the Cherwell District so that an overall net gain of at least 10% is achieved has been submitted to and approved in writing by the Local Planning Authority. This shall also include a timetable for provision of measures The BEMP should also include bat and bird boxes.

Thereafter, the biodiversity enhancement scheme shall be carried out and retained in accordance with the approved details

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

Reserved Matters Ecological Survey

14. No reserved matters application shall be submitted unless the ecological surveys supporting this outline permission remain valid in accordance with current CIEEM guidance. Where surveys are considered out-of-date by the Local Planning Authority, the reserved matters application shall include an updated ecological walkover survey and any further species-specific surveys identified as necessary.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

Protected Species:

15. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by an ecologist (Member of CIEEM or equivalent professional organisation) to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Seasons

16. No removal of hedgerows, trees or shrubs nor any site clearance work (including vegetation removal) shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

Badgers Mitigation

17. Prior to the commencement of the development hereby approved including any demolition and any works of site clearance, a mitigation strategy for badgers, which shall include details of a recent survey (no older than three months), whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

PD Rights

18. Notwithstanding any provisions contained within the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any Order or Statutory Instrument amending, revoking or re-enacting that order), all water supply, foul water, energy, power and communication infrastructure to serve the development provided at the site shall be provided underground and retained as such thereafter except where specifically approved otherwise as part of a grant of reserved matters approval for a phase or discharge of other conditions forming part of this permission.

Reason: In the interests of ensuring that such above ground infrastructure is not constructed in unsuitable locations on the site where it would be harmful to visual amenity and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Landscape

19. The submission of any Reserved Matters for each phase shall be accompanied by a scheme of hard and soft landscaping works in that Development Parcel. The submitted detail will be in general accordance with the Illustrative Strategy (Landscape).

The submitted details will include the following in relation to that phase:

- Identification of existing trees, shrubs and other vegetation to be retained;
- Wildlife habitat creation of potential benefit to protected species. The extent, location and design of such habitat shall be shown clearly and fully described;
- The creation of a visually attractive and stimulating environment for the occupiers of the future development, and other users of the site;
- Details of street furniture including bins, seating, dog bins, and boundary treatment;
- The eradication of Japanese knotweed or other invasive species on the site, if applicable;
- The replacement of trees proposed to be lost in site clearance works;
- Details of the future management of the landscape scheme;
- Ground preparation measures to be adopted;
- Full botanical details, numbers, locations, planting specifications and densities/seeding rates of all plant material included within the landscape scheme;
- Existing and proposed levels;
- A colour study and photomontages to inform the selection of colours, cladding, fenestration, signage and roof appearance;

- Detailed landscape design proposals that reflect the landscape strategy and include integration of car parking and employee amenity areas;
- Full details of drainage features to be designed in accordance with the landscape strategy to provide multiple benefits – wildlife, amenity, seasonal cooling and drainage; and
- Full details of all auxiliary buildings and structures including boundary treatments gatehouse, bin and bike stores;
- Programme for delivery of the approved scheme.
- Existing and proposed levels;
- Programme for delivery of the approved scheme.
- A colour study and photomontages to inform the selection of colours, cladding, fenestration, signage and roof appearance;
- Detailed landscape design proposals that reflect the landscape strategy and include integration of car parking and employee amenity areas;
- Full details of drainage features to be designed in accordance with the landscape strategy to provide multiple benefits – wildlife, amenity, seasonal cooling and drainage; and
- Full details of all auxiliary buildings and structures including boundary treatments gatehouse, bin and bike stores.

The approved scheme shall be implemented in accordance with the relevant approved programme for delivery forming part thereof and shall be managed for at least 5 years from the completion of the relevant scheme, in accordance with the approved management details.

Reason: To ensure the satisfactory appearance of the development and protect wildlife in accordance Policies SLE1, ESD10, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework.

Arboricultural Method Statement

20. Prior to the commencement of development, an arboricultural method statement, which includes tree protection measures shall be submitted to and improved in writing by the Local Planning Authority. The development shall be carried out in accordance with the statement's recommendations and shall be retained in place for the duration of the construction of the development.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity in accordance with Policies ESD10 and ESD13 of the Cherwell Local Plan Part 1 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

Contaminated Land

21. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out on that part of the site until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

Lighting

22. Prior to the installation of any external lighting, the design, position, orientation, any screening of the lighting and a full lighting strategy to include the mitigation measures set out on page 17 of the Lighting Assessment (prepared by Light Pad) and the illustration of proposed light spill and which adheres to best practice guidance in relation to ecological impact, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved document.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage and harm to the environment from light pollution in accordance with Policy ESD10 of the Cherwell Local Plan 2011- 2031 Part 1, Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Fire Hydrants

23. No above ground works shall commence on any phase identified within the approved phasing plan until full details of the fire hydrants to be provided or enhanced within that phase have been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development in that phase, the fire hydrants shall be provided or enhanced in accordance with the approved details for that phase and retained as such thereafter.

Reason: To ensure sufficient access to water in the event of fire in accordance with Government guidance contained within the National Planning Policy Framework.

Highways

Baynards Green Improvement Works

24. Prior to first occupation of the development hereby permitted, the scheme of works to improve the highway as shown in general accordance with SLR Consulting drawing ref: 216285-A-14A Rev B titled Baynards Green General Arrangement, shall be completed and open to traffic.

Reason: To mitigate any severe or unacceptable impact from the development on the A43 Baynards Green junction in accordance with paragraph 115 National Planning Policy Framework (December 2023) and paragraph 40 DfT Circular 01/2022.

Access

25. The access arrangements to the public highway, including pedestrian and cycle infrastructure, shall be constructed in accordance with Drawing Ref 17213-35-GA Revision D. Thereafter the access arrangements shall be provided prior to first occupation of the site in accordance with the approved details. Agreed vision splays shall be kept clear of obstructions higher than 0.6m at all times.

Reason: In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Pedestrian/cycleway connection southeast

26. The development shall not commence until full specification details have first been submitted to and approved in writing by the local planning authority of the direct pedestrian/cycle connection to the adjacent B4100 public highway to the southeast in accordance with Drawing Ref 17213-35-GA Revision D. Thereafter the connection shall be provided in accordance with the approved details.

Reason: In the interest of highway safety, to provide a route for cycling between the site and nearby villages without using the carriageway of the B4100.

Pedestrian/cycleway connection south

27. The development shall not commence until full specification details have first been submitted to and approved in writing by the local planning authority of a pedestrian/cycle connection to the southern boundary of the site adjacent to public bridleway 367/21/10. Thereafter the connection shall be provided in accordance with the approved details.

Reason: To provide a connection to the adjacent public rights of way network, allowing employees access to nearby facilities at Cherwell Valley Services and to Stoke Woods.

Details

28. No development shall commence on any phase identified within the phasing plan approved under condition [1] unless and until full specification details (including construction, layout, surfacing and drainage) of the turning areas HGV and car parking spaces within that phase have been submitted to and approved in writing by the Local Planning Authority. The car parking provision shall be in accordance with Oxfordshire County Council's Parking Standards for New Developments or such standards as may replace it. The turning area and parking spaces shall be constructed in accordance with the approved details prior to the first occupation of the development in that phase.

Reason: In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

HGV Routing

29. No development shall take place until details have first been submitted and approved in writing of an HGV Routing Strategy which shall set out measures to prevent HGVs travelling to and from the site during the operational phase from using routes other than approved HGV routes, which shall be in accordance with Oxfordshire County Council's Freight and Logistics Strategy. For the avoidance of doubt the approved routes shall not include the B4100 northwest of Baynards Green.

Reason: In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Construction details

30. No development shall commence on any phase identified within the phasing plan approved under condition (1) unless and full specification details (including construction, layout, surfacing and drainage) of the internal access roads, footways and segregated cycle facilities within that phase, have been submitted to and approved in writing by the Local Planning Authority. The roads, footways and cycle facilities shall be constructed in accordance with the approved details prior to the first occupation of the development.

Reason: In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Cycle Parking Details

31. Prior to the first use or occupation of any phase of the development hereby permitted, cycle parking facilities shall be provided for that phase on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be in accordance with Oxfordshire County Council's Parking Standards for New Developments or such standards as may replace it. Thereafter, the cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

Electric Vehicle Charging Points

32. Prior to the first occupation of any phase of the development, a scheme for the provision of vehicular electric charging points to serve that phase of the development, which shall be in accordance with the Oxfordshire Electric Vehicle Infrastructure Strategy, shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of the unit they serve and retained as such thereafter.

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework

CTMP

33. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority for the A43 and the local highways network. This shall include details of phasing of the highway works. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP.

Reason: In the interests of highway safety and the residential amenities of neighbouring occupiers and to comply with Government guidance contained within the National Planning Policy Framework and to mitigate any adverse

impact from the development on the A43 in accordance with DfT Circular 01/2022.

Signage

34. The development shall not be occupied until a signage strategy for the site including off-site signage on nearby routes has been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be completed and signage installed in accordance with the approved details prior to the first use of any building on the site.

Reason: To ensure that traffic is directed along the most appropriate routes and to comply with Government guidance contained within the National Planning Policy Framework.

Travel Plan

35. Prior to the first occupation of the development hereby approved, a Framework Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved details.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.

Site Travel Plan

36. Within three months of the first occupation of each unit at the site a Site Travel Plan prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and based on the Framework Travel Plan approved under Condition **35** shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved details.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.

Drainage

Water Supply

37. No development shall be occupied until confirmation has been provided that either:-

all water supply network upgrades required to accommodate the additional demand to serve the development have been completed; or

a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

Foul Water

38. No development shall commence until a strategic foul water strategy has been submitted to and approved in writing by the local Planning Authority, in consultation with Anglian Water. This strategy will identify what public foul network capacity improvements are required to accommodate the flows from the development, a strategy and programme for their delivery and confirm a sustainable point of connection. Prior to occupation within any phase, the foul water drainage works for that phase must have been carried out in complete accordance with the approved strategy.

Reason: to protect water quality, prevent pollution and secure sustainable development having regard to paragraphs 7/8 and 180 of the National Planning Policy Framework.

Surface Water Drainage

39. No development shall commence until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
- Full drainage calculations for the following storm events: 1 in 1 year, 1 in 30 year and all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive Infiltration testing across the site to BRE DG 365 (if applicable), sufficient to confirm the design;
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction for the lifetime of the development; and post development in perpetuity;
- Confirmation of any outfall details;
- Consent for any connections into third party drainage systems.

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

40. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- (a) As built plans in both .pdf and .dwg file format;
- (b) Photographs to document each key stage of the drainage system when installed on site;
- (c) Photographs to document the completed installation of the drainage structures on site;
- (d) The name and contact details of any appointed management company information.

Reason: To ensure that the development does not increase risk of flash flooding in an extreme storm event in accordance with the requirements of Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.

22/01340/OUT

Agenda Item 13

**Os Parcel 6124 East Of Baynards Green Farm
Street To Horwell Farm
Baynards Green**



N



1:8,500

Page 325

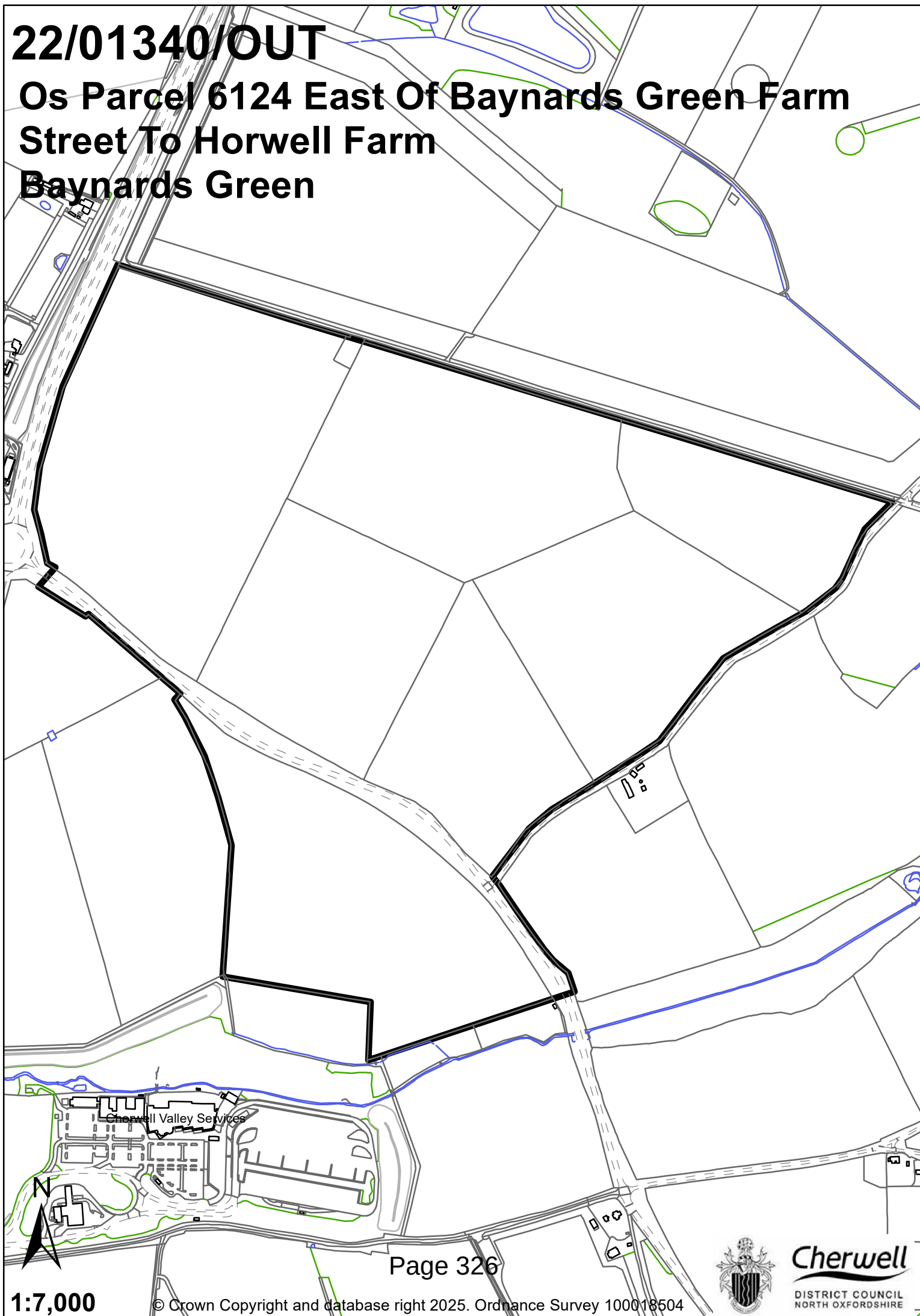
© Crown Copyright and database right 2025. Ordnance Survey 100018504



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

22/01340/OUT

**Os Parcel 6124 East Of Baynards Green Farm
Street To Horwell Farm
Baynards Green**



22/01340/OUT

**Os Parcel 6124 East Of Baynards Green Farm
Street To Horwell Farm
Baynards Green**



Stoke Wood

Page 327

1:10,000

© Crown Copyright and database right 2025. Ordnance Survey 100018504



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Case Officer: Tom Webster

Applicant: Tritax Symmetry Ardley Ltd.

Proposal: Application for outline planning permission (all matters reserved except means of access (not internal roads) from B4100) for the erection of buildings comprising logistics (use class B8) and ancillary offices (use class e(g)(i)) floorspace; energy centre, hgv parking, construction of new site access from the B4100; creation of internal roads and access routes; hard and soft landscaping; the construction of parking and servicing areas; substations and other associated infrastructure.

Ward Fringford & Heyford

Councillors: Cllr Grace Conway-Murray, Cllr Nigel Simpson, Cllr Barry Wood

Reason for Referral: Major application

Expiry Date: 7 January 2025

Committee Date: 15 January 2025

**SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO
CONDITIONS AND COMPLETION OF SECTION 106 LEGAL AGREEMENT**

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located to the east of the A43 and Baynard Green Services, to the northeast of Baynards Green Roundabout with the B4100 and to the north of Cherwell Valley Services at M40 Junction 10 (which is well enclosed by trees) and Stoke Wood, an ancient woodland run by the Woodland Trust. It is also located to the south/southwest of Tusmore Park. It also straddles to the north and south, and includes part of, the B4100.
- 1.2. The closest villages are Stoke Lyne and Hardwick to the east, and the closest residential property is Lone Farm on an unnamed road leading north from the B4100 to Hethe, Hardwick and Stoke Lyne.
- 1.3. The application site comprises two parcels of land: one larger parcel to the north of the B4100, extending between the A43 to the west and the road to Hardwick and Hethe to the east, and the other smaller parcel immediately to the south of the B4100, which also incorporates part of the B4100.
- 1.4. The northern parcel is irregular shaped, made up of 6 arable fields with a gently undulating landscape. Each field is separated by rows of low clipped mature hedgerows.
- 1.5. The parcel is framed along the eastern and western boundaries by mature low clipped hedgerows with some loss/gaps in. It is framed along the northern boundary by

mature low clipped hedgerow and mature trees. The western boundary with the A43 is distinguished by mature hedging and trees which lose their leaves in the autumn and winter months. Public Bridleway 367/24/10, which runs along a former road, and a planted young tree belt, run parallel with the northern boundary of the site, with the grounds of Tusmore Park beyond. The access point to this site is from the north-eastern corner, just below the Bridleway.

- 1.6. The southern parcel is also irregular shaped and gently undulating in character. It is currently in use as a single arable field. It is significantly smaller than the northern parcel. It is currently accessed from the eastern boundary via the B4100.
- 1.7. Both parcels are open in nature and the landscape is, therefore, similar. The total area of the whole site is 83.28ha. The centre of the northern parcel is located approximately 1,200m northeast from Junction 10 of the M40 and the centre of the southern parcel is approximately 900m northeast of the junction.
- 1.8. The northern Tritax site parcel extends further north than the two Albion Land sites to the west and is located slightly further away from the M40 junction (the centres of the two Albion sites are approximately 600m northeast and 900m north of junction 10) and closer to Tusmore Park, with Tusmore Park House located about 1,200m to the north.
- 1.9. Public Right of Way (PRoW) bridleway No. 367/24/10 and a planted young tree belt adjoin the northern boundary of the site. The site straddles the B4100, and the A43 forms the western boundary of the Application Site. A residential property at Lone Barn adjoins the eastern side of an unnamed lane heading northeast to Hardwick and Hethe, which also forms the eastern boundary of the site. The Application Site is located to the east of Baynard's Green, to the north-west of the village of Stoke Lyne, and to the north of Cherwell Valley Services (which is well enclosed by trees).

2. CONSTRAINTS

- 2.1. Both the northern and southern parcels comprise grade 3b (moderate) quality agricultural land.
- 2.2. The site is adjacent to the Tusmore and Shellswell Park Conservation Target Area.
- 2.3. The sites sit within Flood Zone 1 (the lowest probability of flooding) on the Environmental Agency Map.
- 2.4. A Public Right of Way (PRoW) bridleway No. 367/24/10 runs in parallel to the northern part of the northern site.
- 2.5. Public Right of Way (PRoW) bridleway No. 367/21/10 is situated below the southern parcel of the site.
- 2.6. Local Wildlife site (Stoke Bushes) lies within 50m of the site boundary.
- 2.7. There are no listed buildings on the site, and the site sits outside any Conservation Area.
- 2.8. Ardley Cutting and Quarry SSSI (beside the M40) lies about 1 mile south of the site.
- 2.9. The two closest Ancient Woodlands are: Stoke Bush Wood (to the northeast) and Stoke Little (to the Southeast).

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1 This application was previously presented at Planning Committee on the 3 July 2025. During that Planning Committee Officers recommended that the application be approved, but Members overturned that recommendation and resolved to refuse the planning application on grounds that there would be unjustified visual intrusion and harm into the open countryside and that the scheme would therefore be contrary to adopted Local Plan policies ESD13 and ESD15, as well as Government guidance within the National Planning Policy Framework (NPPF).

3.2 However, since then, there has been several material changes in circumstances. They are:

1. The applicants submitted significant landscape and ecological changes to the proposed scheme, designed to address the Committee concerns and its resolution to refuse outline planning permission.
2. The Cherwell Local Plan Review 2042 was submitted to the Secretary of State for Examination on the 25 July 2025. An Examination of soundness is due to be held in February 2026 and, if found broadly sound, Examination of all Plan policies and proposals and the objections made to them, will take place in the summer.
3. On the 30 October 2025, the Council issued a Town and Country Planning (Environmental Impact Assessment) Regulations 2017 Regulation 25 request for further information in respect of the Application. The Regulation 25 letter requested that the Oxfordshire Strategic Rail Freight Interchange ("SRFI") be included in an amended ES, as part of an updated cumulative impacts assessment. The Council are of the opinion that this is required to ensure the legal adequacy of the ES. The Applicant has undertaken this work and submitted the conclusions.
4. The Regulation 25 Letter also recommended that the following supplementary information be submitted:
 - *Updated Bat Survey report*
 - *Updated Dormouse survey report*
 - *Commitment that the farmland bird strategy will be in perpetuity*
 - *Confirmation in the addendum that a minimum 10% BNG can be achieved*
 - *Finalised Impact Assessment for habitats and protected species based on updated surveys*
 - *Mitigation and enhancement strategy*
 - *Updated biodiversity metric and HMMP*

NB: In response to the Council's Regulation 25 Letter, the applicants submitted the following information: "An ES Addendum ("the November ES Addendum") - with Chapters of this addendum which provides an update to the cumulative environmental assessment ("CEA"); an addendum chapter for Transport; and an update to the Ecology ES chapter."

5. The Council received letters of objection from Richard Buxton Solicitors, acting on behalf of Stoke Lyne Parish Council and The Tusmore Estate, alleging, amongst other things, that the applicants' ES was inadequate, that Officers had misdirected Members at Committee, that all the Baynards Green applications should be considered concurrently and should be presented again at Planning Committee for redetermination, that exceptional circumstances had not been demonstrated to justify any approval and that the Council's own economic evidence in support of its emerging Review Local Plan shows there to be sufficient employment land already. The letters are published in full online, and they have been summarised in the 'Consultation' part of this report under Stoke Lyne Parish Council.

6. The wording of the planning conditions and s.106 agreement has progressed – it is anticipated that an agreed list of recommended conditions and an agreed draft s.106 agreement will be in place by the time of Planning Committee
- 3.3 Turning to the significant new landscape and additional ecology information which the applicant submitted shortly after the 3rd July 2025 Planning Committee, it is important to note that this information was received inside a re-consultation period.
- 3.4 Officers consider the proposals, which have been consulted on, to be so significant (and also an improvement on the previous scheme) that they materially alter the development proposal and its relationship with the receiving environment. Therefore, these changes, in themselves, necessitate the application being returned to Committee for reconsideration.
- 3.5 For completeness, the additional proposals, which are set out in a combination of a Landscape Mitigation and Management Note (Ref: edp2355_r034b), a revised Parameter Plan (14-019 SGP XX XX DR A 131003 Rev P14), bund height revised by conditions securing first two amendments as set out below, a Biodiversity Net Gain metric and an addendum (Chapter 8: Biodiversity & Chapter 9: Landscape) to the Environmental Statement, and off site mitigation measures (14-019-SGP-STE-XX-DR-A-111005 Rev P02), which cumulatively comprise:
- Increasing the height of the proposed landscape bund along the entire eastern boundary in Zone A of the red-edged application site by 1m to a height of 120.2m AOD (these are minimums) (making the bund up to 7.2m - 11m high – these are minimums);
 - Increasing the height of the proposed landscape bund along the entire eastern boundary in Zone B of the red-edged application site by 3.5m to a height of 120m AOD (these are minimums) (making the bund up to 11m high);
 - A commitment to fully form the bunds within 18 months of the commencement of development on Zone A and on Zone B. The bunds shall be planted in accordance with a structural landscaping scheme that has been submitted to and approved by the LPA. The details shall be pursuant to the approved Landscaping Matrix Ref edp2355_d064a, which is included in the Landscape Management Note edp2355_r043c. The detailed landscaping scheme shall be completed within the first planting season following the formation of the bunds;
 - An increase in the specification of strategic landscape planting proposals within the red-edge application site to include semi-mature trees, which would be planted at Day-1 at 5-5.5m height and, depending upon their species, would achieve typical heights at 15-years of between 7.4 - 7.9m height (Oak) and 12.2-13.2m height (Scots Pine);
 - A commitment that the landscaping of the bunds shall be managed in accordance with details to be submitted to and approved by the LPA pursuant to the provisions of the approved draft Landscape and Ecological Management Plan reference edp2355_r033bc including arrangements for the irrigation of planted trees. Any tree that dies or is damaged within 10 years of the completion of a bund (on either phase) shall be replaced with a tree of similar type and size as originally planted within the first planting season thereafter. Any tree that is replanted shall be managed for a period of 10 years following the replanting;

- Creation of 3km of off-site linear woodland planting (comprising approximately 8,100 trees and 12,900 whips across 6ha of land); and
 - Creation off-site of a block of 5ha of woodland (comprising approximately 4,000 trees and 6,000 whips);
 - A net gain of +10.13% in habitat units and +10.48% in hedgerow units;
 - A reduction in net loss of hedgerow units from -11.82% down to 7.43%;
 - A BNG enhancement of at least 10% (the outline application was submitted for planning approval prior to February 2024 and therefore is not subject to mandatory Net Gain); and
 - An offsite Farmland Bird Mitigation Strategy which will be delivered for a period of 25 years. In summary, the proposed mitigation will entail the provision of 20 hectares of cereal crop with skylark plots. The skylark plots will be delivered with reference to best practice guidance (AHW4: Skylark Plots) at a rate of two per hectare. The mitigation will be delivered for a period of 25 years; and details of the on-site provisions set out to compensate for loss of breeding bird habitat.
 - In a letter dated 15 September 2025, the applicants have proposed two conditions which would deliver Apprenticeships and Training (**Condition 43**) and ensure that the development would achieve BREEAM excellent standard (**Condition 7**).
- 3.6 The agents' covering letter, dated 21 July 2025, explains that the applicant is now in a position to deliver the aforementioned off-site planting between the application site and Stoke Lyne because they have managed to secure extended land control.
- 3.7 In short, the red line application site boundary remains unchanged but the land within the control of the Applicant (blue edged) has been extended to the east of both parcels of the land that make up the application site.
- 3.8 The proposed off-site woodland would serve as a buffer between Stoke Lyne and the application site. The applicants have confirmed, in writing, their willingness for the off-site woodland planting, and a minimum of 10% BNG, to be secured through a planning obligation in the s.106 agreement (NB: it is anticipated that an agreed S.106 Agreement will be in place by the 15 January 2026 Planning Committee).
- 3.9 Paragraph A.2.3 of the Addendum to the ES states that the *“updated submission was prepared by the Applicant to address the objection raised by the Planning Committee that the Proposed Development gives rise to adverse visual effects which outweigh the benefits of the development.”*
- 3.10 For an outline planning application where EIA is required, the description of the development must be sufficient to enable the requirements of the EIA Regulations to be fulfilled, and in particular, to enable the potential significant effects of the development to be identified.
- 3.11 This application still seeks outline planning consent (all matters reserved except means of access) for 300,000sqm GIA of logistics (Use Class B8) with ancillary office (Use Class E(g)(i)) floorspace, and the construction of associated parking, servicing, hard and soft landscaping.

- 3.12 A new access into both parcels from the B4100 is also proposed via a new roundabout junction.
- 3.13 As part of the s.106 mitigation measures, the applicants are, in conjunction with Albion Land, proposing to make the following changes to Baynard's Green Roundabout:
- The full signalisation of the roundabout junction of the A43 and B4100;
 - Widening on the approaches and circulatory carriageway; and
 - the introduction of active mode infrastructure to ensure pedestrians and cyclists are able to navigate the junction.
- 3.14 Tritax Big Box (and Albion Land, the applicants for the neighbouring Baynards Green sites), and the respective landowners, have agreed to be signatories to the relevant parts/recitals of each other's s.106 agreements. This will ensure all necessary Baynard's Green highway improvement works (which are required by National Highways and OCC as Local Highway Authority) will come forward prior to the commencement of development, even if only one or two of the three proposed logistics developments were to come forward. A ransom strip situation would be avoided.
- 3.15 Also, in conjunction with Albion, one option Tritax are exploring, as advocated by OCC, is the creation of a new pedestrian and cycle route to/from Bicester along the B4100. It would extend 4.5km on adopted highways verge land south of the carriageway. Please note that this pedestrian/cycle route was supported and approved at the 3rd July Planning Committee, when determining the Albion East and West applications, respectively, and will be secured in the s.106 agreements.
- 3.16 It is also proposed to provide a financial contribution to turn the existing number 500 bus service from Bicester from an hourly service into a subsidised 30-minute service, for a period of 8 years.
- 3.17 An alternative option proposed by the developers, which they believe would likely achieve a greater modal shift away from private car travel, would be to pay an increased developer contribution to provide an 8-year subsidised bus service to the site that would run every 15 minutes, instead of the 30-minute frequency service suggested by the County Council as LHA. This latter option would be instead of the 4.5km cycle way albeit the 4.5km cycle way is now secured via the Albion applications (with their resolution to grant permission subject to a s.106 agreement and appropriate conditions).
- 3.18 The distribution of development would be guided by the parameter plan, and the off-site landscaping scheme would be secured by planning obligation. The revised parameter plan defines the two parcels of land as being Zone A (Northern Parcel) and Zone B (Southern Parcel). The breakdown of development, according to this parameter plan, would be:

Zone A

- 255,000sqm GIA (excluding energy centre) of logistics (Use Class B8) with ancillary office (Use Class E(g)(i)) floorspace;
- The employment buildings would have a maximum height of 23m above finished floor level, reducing to a maximum of 20m along the eastern edge;

- The developable area would be set back from the western boundary with the A43 by 35m. It would also be set back from the southern boundary line with the B4100 by 35m. It would be inset from the northern boundary by 10m and from the eastern boundary by varying degrees ranging from 45.1m to 111.3m;
- A bund running the length of the eastern boundary; and

Zone B

- 45,000sqm GIA of logistics (Use Class B8) with ancillary office (Use Class E(g)(i)) floorspace;
- The employment buildings would have a maximum height of 23m above finished floor level;
- The developable area would be set back from the boundaries by the following distances:
 - 35m from the northern boundary with the B4100;
 - 7.5m from the southern boundary with the woodland surrounding Cherwell Valley Services;
 - A mean average of about 20m from the western boundary with the proposed Albion East site;
 - Between 81m and 208.9m from the eastern boundary; and
- A strategic landscaping bund close to the centre of a south-eastern strategic landscaping strip.

3.19 Access to the Site is proposed via the creation of a new roundabout on the B4100 which would provide spine roads into the two parcels of land.

3.20 A new bus stop/layby would also be provided for future employees and visitors of the sites.

3.21 The proposals include HGV, staff and visitor car parking areas (including disabled car parking spaces, Electric Vehicle (EV) charging point spaces and car share spaces), motorcycle parking spaces and cycle spaces.

3.22 The applicants have submitted a revised illustrative plan which shows:

- Minor changes to the alignment of estate roads and parking areas;
- An Energy centre moved to the middle of the northern Site parcel;
- Attenuation basins shown in accordance with updated drainage strategy;
- Park trail shown as a circular recreation path with activity stations.

3.23 However, it should be noted that the illustrative plan is not a formal plan and is submitted for illustrative purposes only.

3.24 The applicant's planning statement and Savills' socio-economic review anticipates that development would deliver the following number of jobs:

- **500** on-site jobs per annum during the construction period. Once leakage, displacement, and multiplier effects are considered, it is anticipated there would be a net addition of 610 jobs; and
- Up to **2,430** on-site jobs per annum during the lifetime of the development.

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history on this site directly relevant to the proposal. However, the following planning applications (submitted by Albion Land) on the neighbouring sites to the west are considered relevant to the current proposal:

O.S. Parcel 0006, Southeast of Baynards House, Adjoining A43, Baynards Green

21/03267/OUT - Outline planning permission (all matters reserved except for access) for the erection of 100,000sqm buildings comprising logistics (Use Class B8) and 7,000sqm ancillary Office (Use Class E(g)(i)) floorspace and associated infrastructure; construction of new site access from the B4100; creation of internal roads and access routes; and hard and soft landscaping – *Members resolved to grant planning permission on the 3 July 2025, subject to the conditions and the completion of a signed S.106 Agreement.*

O.S. Parcel 2636, Northwest of Baynards House, Ardley

21/03268/OUT - Outline planning permission (all matters reserved except for access) for the erection of 170,000sqm buildings comprising logistics (Use Class B8) and 10,000sqm ancillary Office (Use Class E(g)(i)) floorspace; construction of new site access from the B4100; creation of internal roads and access routes; hard and soft landscaping including noise attenuation measures; and other associated infrastructure – *Members resolved to grant planning permission on the 3 July 2025, subject to the conditions and the completion of a signed S.106 Agreement.*

21/03266/F - Site clearance, construction of new site access from the B4100, permanent and temporary internal roads, an internal roundabout and a foul drainage station, diversion of an existing overhead power cable and public right of way, and soft landscaping – *Members resolved to grant planning permission on the 3 July 2025, subject to the conditions and the completion of a signed S.106 Agreement.*

- 4.2. In addition, the land to the northwest of the Baynards Green roundabout, behind the petrol filling station and restaurant, was the subject of a speculative outline planning application for up to 7,161sqm mixed B1, B2 and B8 employment development in 2018 (Ref: 18/00672/OUT). Planning permission was refused for that development proposal and a subsequent appeal (Ref: APP/C3105/W/19/3225084) was dismissed. The Inspector, in the decision letter, concluded that:
- The proposal would be sited in an inappropriate location.
 - The proposal would harm the character and appearance of the area
 - The proposal would fail to preserve the setting of the Listed Building and would cause less than substantial harm to its significance as a heritage asset.
- 4.3. On the 22 July 2025, the planning inspector dismissed appeal ref APP/C3105/W/24/3352512, which related to a proposed logisitcs park at Land east of Junction 11 of the M40 and southwest of Huscote Farm, Daventry Road, Banbury, Oxfordshire, OX17 2BH. The Inspector dismissed the proposal on the grounds that the unresolved highway impacts would result in substantial harm which outweighed the (acknowledged) economic benefits of the development. I consider this decision

to be a material consideration whilst noting that it was a different scheme which would not have provided the same number of jobs as this proposal, and was determined in a different context regarding the Council's employment land position.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions took place with respect to this proposal.

6. RESPONSE TO PUBLICITY

- 6.1 This EIA application has been publicised multiple times by way of Site Notices displayed near the site, by advertisement in the local newspaper and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments is the **3 January 2026**.
- 6.2 The comments raised by third parties are summarised as follows. Prior to the 3 July Planning Committee, 515 letters of objection were received. Those comments are summarised below.
- 6.3 However, during the post Planning Committee consultations, a further **79** comments have been received, 29 of which are objections and 2 were letters of support. These consultation comments can be summarised as follows:

Objections

- **Conflict with Current Local Plan:** This site is not 'allocated' for development as employment land in the current Cherwell Local Plan and it states that unallocated employment development should only be permitted in rural areas in "exceptional circumstances" (policy SLE1). There are no exceptional circumstances here.
- **Conflict with Proposed Local Plan:** The Councillors themselves have voted to submit a Local Plan update to the Secretary of State. The Proposed Local Plan (policy LEC3) sets out strict requirements for any non-allocated site in rural areas and this site does not meet them. The evidence about employment needs produced by the Council itself (Employment Topic Paper July 2025-6) also shows there will be sufficient employment land without this site being developed.
- **Landscape Harm:** The application will lead to major harm to the rural landscape by building a massive 76-foot-high warehouse complex in the middle of rural fields with all the associated HGV traffic, parking, and noise that logistics warehousing brings. The minor additional screening the applicant has proposed recently does not mitigate this harm to any significant degree.
- **No water treatment capacity:** Anglian Water have said that local water treatment capacity would be overburdened by this large new development and poses environmental risks. The application cannot be approved while such pollution risks remain.
- **Harm to biodiversity:** The proposed development would lead to unacceptable ecological harm including the destruction of 2.46km of hedgerows, and harms to bats, badgers and other protected species in breach of local and national policies. Nothing in the recent updated proposals addresses these harms.

- Whilst the increased planting and landscaping scheme around the southern boundary of the site can be welcomed of sorts, it is sufficient to mitigate the serious issues with this scheme.
- The Baynard's Green roundabout is already over-congested and an accident blackspot and the actual access to the sites will be off the narrow B4100 which isn't suitable for these types of vehicles. The development south of the A43 is also proposed to sit adjacent to the historic ancient woodland of Stoke Woods, and this development if it goes ahead will blight this landscape.
- This development clearly does not align with the climate ambitions of Cherwell District Council.
- Queries whether 10% BNG can be achieved given the extent to which habitats will be lost and limited opportunity to offset biodiversity on the site.
- Questions over the council's ability to provide land beyond the development to support the achievement of credible biodiversity offsetting - and whether this would be well governed in the future to maintain such measures implemented.
- There is no way a development project of this size, using technologies available to us today, could viably be classed as a "net-zero" development.
- The additional information, while more detailed, do not resolve the fundamental and material concerns already raised. In fact, the updates further highlight the scale of harm and uncertainty posed by the proposed development.
- There are no guarantees on local employment.
- No guarantees that future workers will be compelled to use sustainable transport modes.
- Lots of vacant sites in the district already.
- There is no acknowledgement of noise control requirements to prevent pollution on the die down of peak traffic movement from the M40, which is generally the sole contributor to the background noise levels. Night time operations should either be prohibited, or operations reduced to the bear minimum. Without such restrictions the business in place will not be minded to at all adhere to neighbourly conduct or practices, thus prioritising out of county employment over local residents who contribute to the local authority, community and local purse.
- Increase in air pollution.
- There is no control over light pollution to remain non-invasive to the local woodland and wildlife, which are not factored in to the ES.
- Lack of need for warehouses - There remains no demonstrable local or regional need for additional warehouse capacity on this scale. Existing nearby facilities continue to have vacancies, and the speculative nature of this development raises serious questions about long-term viability.
- Loss of high quality greenfield land cannot be offset by tree planting.

- Size and scale out of keeping with the area.
- Increased traffic, noise, and light pollution will negatively affect the quality of life for residents in surrounding areas.
- Over-subscribed Baynards Green/A43/B4100 junctions.
- How will this country continue to provide food for the population if agricultural land is built on?
- Trees on Bunds don't always survive.
- Stoke Lyne is not suitable for a development of this scale.
- The amendments made by Tritax do not mitigate the effects on the village.
- This new information is helpful but it does not resolve the fundamental concerns had regarding traffic congestion in Aynho and at Baynard's Green/Junction 10, the pollution, poor air quality in our village from HGVs and other damage to local residents quality of life.
- Constitutes sporadic development.
- Not allocated in the local plan.
- Dissatisfied and surprised that the application is coming back to Committee.
- Particularly object to the allowance in the proposals for HGVs to be allowed to use the B4100 south road to Bicester but not the B4100 northbound towards Aynho. The addition of such large numbers of slow-moving, slow-turning large HGVs on the B411 going south will just jam up the road, making it unusable.
- The cumulative effect of the increased traffic on the B4100 will make it a dangerous road. When travelling northwards, there will be 3 planned exits off it to serve the Puy du Fou proposal, followed by an additional roundabout to serve the new warehouses, before reaching Baynards Green roundabout itself.
- No substantial environmental assessments have been publicly shared or seemingly taken into proper consideration.
- The harm will impact people's mental health.
- This proposal is outside of plan and is one of a set of proposals that threaten to overwhelm a rural location and an already overstretched road network, all of which will bring large volumes of traffic with a potentially devastating cumulative impact on the local road network and local services. This site will be a short distance from the proposed Puy du Fou theme park, the proposed strategic rail interchange at Ardley and the proposed new town at Heyford Park, and the overall impact of such unprecedented levels of development needs to be assessed before any further permissions are granted.
- There is no water treatment capacity.
- Suggested mitigation measures:

Traffic Congestion

- A mandatory and enforceable obligation to undertake major redesign and reconfiguration of both Baynard's Green Roundabout and M40 J10, with works triggered by performance thresholds based on verified traffic flow data.

Pollution & Air Quality

- Installation of continuous air quality monitoring in affected settlements with binding mitigation triggered if thresholds are exceeded.
- Prohibition or strict curfew on HGV use of the B4100 through Aynho and surrounding villages, enforced by ANPR and legal traffic regulation orders (TROs).

Noise, Vibration, and Light Pollution

- Compliance with Institute of Lighting Professionals (ILP) dark sky standards, with lighting caps, shielding, and scheduled audits.
- Post-construction noise and vibration monitoring, and enforcement of operational quiet hours where required.
- Submission of a detailed and legally-binding Landscape and Ecological Management Plan (LEMP) via condition, including:
 - o Planting specifications and timeline
 - o Stewardship plan for 30 years
 - o Habitat replacement or restoration clauses in case of failure

Construction Phase Impacts

- Secured biodiversity net gain obligations via S106 agreement, with financial bonds to ensure delivery.
- Approval of a site-specific Construction Traffic Management Plan (CTMP) as a pre-commencement condition
- Strict routing of all HGVs via M40 only, with prohibition on B4100 village access during Works
- Limited construction hours and dust suppression mandates

Bund

- Please ensure that if the development is granted that a 50 metre high bankment is constructed with planting so that this shields the unsightly mass of buildings to a residential property.

Previous Consultation comments – Up to the 3 July 2025 Planning Committee

- The land bordering the application site is stated to be designated as a Conservation Target Area in the revised Cherwell Local Plan 2042 review and this proposed designation should be extended on all the land up to the edge of the A43 (so as to encompass the application site).

- The application site sits squarely in land defined (under the new terminology) as Open Countryside and the proposed development would seem to violate some of the proposed Policy LEC3, especially paragraphs vii - ix as they relate to Category C villages and open countryside (the proposed development also violates paragraphs i, ii, iv and vi). Paragraphs ii and iv of LEC3 are also drawn out in the LUC "Review of Landscape and visual effects" which acknowledges that "there will be significant adverse effects on landscape and visual receptors" and that these long-term adverse effects are "beyond that which could be mitigated".
- It is noted by OCC, as Highways Authority that the VISSIM traffic modelling work has not taken into account the proposed Puy Du Fou application at Bucknell which would direct all vehicles along exactly the same route, via the Baynards Green Roundabout and the B4100, as is proposed for access to the application site.
- This proposal is vastly over scaled especially when added to other proposals at Baynards Green and Heyford for warehousing and a strategic rail freight depot. Taken together, these proposals would industrialize the Cherwell Valley.
- The proposed development would encroach on Stoke Wood, which is the only natural woodland within six miles of Bicester.
- All employees would have to commute by car; and an extensive archaeological survey would be required. (Pictures supplied)
- It is not an allocated site.
- Employment land is allocated elsewhere in the district through the Local Plan.
- This area is open countryside, and the proposed development would significantly change the characteristics of the area and local vicinity.
- The landscape has already been harmed by the approval of the garage.
- The site is within close proximity to at least 12 Grade-2, Grade-2* and Grade-1 listed buildings and the ancient woodland Stoke Wood, owned by the Woodland Trust.
- The proposal would lead to increased traffic causing traffic to divert using local road arteries for cut-throughs, including Stoke Lyne.
- Cumulatively, this application, along with the Albion Land proposals and the Oxford Strategic Rail Freight Interchange would lead to light pollution, environmental pollution & nature conservation harm.
- Cumulatively, these proposals would be 4 x the size of the warehouse scheme dismissed at appeal (18/00672/OUT).
- The B4100 is a very busy road and at rush hour there are long delays going toward the M40. The warehouse use would add to those delays.
- The application is also flawed as it fails to recognise the significance of Stoke Wood, a medieval coppice very popular with dog walkers in close proximity to the proposed development and a number of listed buildings within Stoke Lyne and Bainton Parish.

- The proposed development is in the wrong place. The materials and design are not in keeping with the countryside. The proposal would be incredibly disruptive and increased traffic and emissions would diminish the air quality for local people, putting public health at risk.
- The proposal would ruin the tranquillity of the countryside and mental health of residents.
- There is no need to provide extra jobs in the local area as very low unemployment rate.
- The journey from the M40, along the A43 and then down the B4100 (heading South-East) would be akin to driving in a roofless tunnel.
- The proposal would generate significant number of HGVs attempting to join the roundabout from the B4100 south would only exacerbate the problem of long tail-backs forming along the B4100 (currently, often as far down as the Stoke Lyne turning).
- The development site is within sight of St Peter's Church, Stoke Lyne, a Grade-2-star listed building which would be harmed as a result of the development.
- Increased jobs would lead to pressure for more houses.
- There is no public transport available to this site & cycling along the surrounding roads is extremely dangerous as they are either dual carriageway or have a high volume of traffic.
- Inappropriate design, appearance and materials.
- Would result in overlooking and a loss of privacy and light and also overshadowing.
- Impact on the conservation area.
- Would cause flooding.
- Would harm the wildlife.
- Noise impact on the residents of Stoke Lyne and Hardwick.
- The removal of agricultural land and is at odds with the drive towards a plant-based diet.
- Ironically, the ES statement lists agriculture as being the second highest in the applicants' assessment of Gross Value Added per worker. Transportation and storage are 9th on the list.
- Not satisfied that the applicant has adequately demonstrated that there would be no impact to great crested newts and/or their habitat as a result of the development being approved.
- It is acknowledged that significant weight should be placed on supporting economic growth in the logistics sectors as outlined with the NPPF (2023). However, a logistics development of this nature and scale would be far more

suitable and sustainably located adjacent or in close proximity to Banbury, Bicester or Kidlington.

8 letters of support

- It would provide the local area with jobs.
- The development would bring good business to the area and, as a result of this, much needed housing - more houses are needed in Croughton.

Letters of objection received post 3rd July Planning Committee during the latest re-consultation period

- The new information is helpful, but it does not resolve the fundamental concerns they have regarding traffic congestion in Aynho and at Baynard's Green/Junction 10 and the pollution and poor air quality in Aynho from HGVs and other damage to our quality of life.
- The amended Environmental Statement (ES), updated Landscape & Visual Impact Assessment (LVIA) and updated Landscape and Ecological Management Plan (LEMP) revised Parameters Plan and Cover Letter do not mitigate the irreversible harm which a development of this magnitude and scale would have on the country side and skyline, on the night sky, on the road network, on the energy and water infrastructure and on local residents quality of life.
- The development is not in the local plan.
- This development is not necessary as developments at Junction 9, Junction 11, and further down the A43 at Towcester already fulfil any such perceived need, but these cannot recruit staff and cannot attract tenants which evidences definitively that further developments of this kind are currently entirely unjustified.
- *Visual impact* – It is not possible to conceal a development of this height and size in any convincing way. The proposal will dominate, and light and noise issues will be impossible to disguise.
- The employment sheds are not necessary, and it is not possible to compensate for covering farmland in concrete, environmentally or ecologically.
- This application is only ever going to have a detrimental impact on wildlife, the environment and food production. Offsetting the ecological impacts in other parts of the county is a futile gesture, and contrary to the spirit of the legislation.
- Original comments and objections carried over.
- There is a desperate shortage of labour, both skilled and unskilled employers. These cost pressures will only be exacerbated by the proposed developments and could lead to lower employment in other areas and site growth.
- Constitutes sporadic development.
- Would harm the setting of Stoke Lyne.

- The case officer allocated far too much weight to uncertain economic benefits but not enough weight to almost every other factor.
- The fundamental issues remain: the development would still have a significant negative impact on local traffic, noise levels, and the character of the surrounding area.
- The proposed changes appear superficial and seem designed simply to secure approval, rather than to genuinely mitigate the development's impact on the community.
- In addition, it has been publicised that the tree bunds at Kidlington Airport which were intended to mask a huge hanger from the residents have failed because they cannot hold enough water for the trees to survive - particularly a problem in a drought like we've had this summer. This issue needs further investigating as it would seem a crime to dig up existing trees and hedges, only to replace them with trees and hedges on a bund which could fail.
- The development relies upon green modes of transport to the site and token sustainable travel infrastructure but equally supports parking. Both cancel one another out and are not conducive to work on an already over capacity network.
- Additional peak vehicle movements from the M40, A43, A421, A4095 and B430 as vehicles cross from the A41 are all overlooked.
- Despite consultation with National Highways, they appear to be insular in their review at a local level around Baynards Green which is already over subscribed to vehicle movements.
- There are no guarantees on local employment. There is a report that suggests there is a benefit to local employment and GDV but there is no guarantee that the workforce will be local to put back to the economy, or indeed be compelled to use sustainable modes of transport. The proposal relies heavily on this.
- There is no acknowledgement of noise control requirements to prevent pollution on the die down of peak traffic movement from the M40, which is generally the sole contributor to the background noise levels. Night time operations should either be prohibited, or operations reduced to the bear minimum. Without such restrictions the business in place will not be minded to at all adhere to neighbourly conduct or practices, thus prioritising out of county employment over local residents who contribute to the local authority, community and local purse.
- There is no capture of air quality control impact around the area. Whilst the air quality is unlikely to be at its highest cleanliness owing to the M40 proximity, it does not give rise to increasing levels of poor-quality air.
- There is no control over light pollution to remain non-invasive to the local woodland and wildlife, which are not factored into the ES.
- The Baynard's Green roundabout is already over-congested and an accident blackspot and the actual access to the sites will be off the narrow B4100 which isn't suitable for these types of vehicles.
- Is the 10% biodiversity net gain achievable?

- The Environmental Statement, LVIA and LEMP lack the specificity, enforceability and clarity needed to ensure meaningful mitigation of serious harms relating to traffic, pollution, landscape, ecology and public health.

6.4 The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

7.1 Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2 Bucknell Parish Council – Objects

Traffic & Transport

The Parish Council objects to the proposed development on transport and highways grounds. The application fails to demonstrate, to the standard required by national and local planning policy, that the residual cumulative impacts of the development on the highway network would not be severe, as required by paragraph 116 of the National Planning Policy Framework (December 2024).

This is an outline application for a very substantial B8 logistics development (approximately 300,000 sqm of floorspace) with significant HGV activity operating over a 24-hour period. In these circumstances, the burden lies firmly with the applicant to provide robust, comprehensive and conclusive evidence that highway impacts are acceptable. That burden has not been discharged.

Oxfordshire County Council (as Local Highway Authority) originally objected to the proposal on the basis that the information provided was "not adequate to demonstrate that the development would not have a severe impact on the operation of the highway network." That objection was founded on clear deficiencies in the assessment of both local and cumulative impacts, particularly away from the strategic road network.

While subsequent Transport Assessment Addendums and Topic Papers have been submitted, these do not remove the fundamental problem: at outline stage, the acceptability of the development continues to rely on assumptions, sensitivity testing and future actions, rather than secured and deliverable mitigation. This level of uncertainty is inappropriate for a development of this scale and intensity.

The applicant's transport case relies overwhelmingly on the delivery of a single, complex mitigation scheme at the Baynards Green roundabout. This scheme is intended to mitigate not only the impacts of the Tritax proposal, but also those arising cumulatively from neighbouring major logistics developments promoted by other parties.

Critically, the scheme requires land dedication and cooperation between multiple applicants and landowners, while delivery depends on collaboration agreements and legal arrangements that have not been fully finalised. Furthermore, the scheme must be delivered in full prior to first occupation to avoid severe impacts.

At outline stage, this represents an unacceptable degree of delivery risk. The acceptability of the Tritax proposal is contingent on actions outside the applicant's

sole control. This is not a matter that can be safely resolved through planning conditions without exposing the local planning authority to significant risk should delivery be delayed, altered or fail.

While National Highways is satisfied that impacts on the strategic road network can be mitigated, this does not resolve impacts on the local highway network, which was the core of the County Council's concern. Although further modelling and sensitivity testing has been undertaken in relation to the B4100 corridor and associated junctions (including B4100/A4095 and Charlotte Avenue), this work does not amount to a firm mitigation strategy. Sensitivity testing explores hypothetical outcomes under assumed conditions; it does not secure physical improvements or behavioural outcomes on the ground. The applicant's own evidence acknowledges that certain junction improvements would provide operational betterment but are asserted to be "not essential". This approach places undue reliance on modelling assumptions rather than secured mitigation and does not provide the certainty required to conclude that residual impacts would not be severe.

The Tritax proposal cannot be properly assessed in isolation. Its traffic impacts are inextricably linked to other large-scale logistics and employment developments in the Baynards Green area. The applicant's case repeatedly relies on cumulative modelling undertaken jointly with other promoters and on shared mitigation infrastructure. This reliance reinforces concern rather than resolving it. If the Tritax development is only acceptable when assessed as part of a wider package of schemes and interventions, it follows that approval of the application on a stand-alone basis would be premature and unsound. The cumulative impacts of these developments, taken together, have not been demonstrated to be acceptable with the certainty required by national policy.

The proposal remains heavily dependent on private car and HGV movements. Safe and attractive active travel provision, particularly a continuous and policy-compliant cycling route to Bicester, has been the subject of prolonged disagreement and remains reliant on future design and delivery stages. This undermines the applicant's claims regarding sustainable access and conflicts with the requirements of NPPF paragraphs 108, 109, 114 and 116, which require significant development to be located and designed so as to offer a genuine choice of transport modes and safe and suitable access for all users.

For the reasons set out above, the Parish Council considers that the local planning authority cannot lawfully conclude that the residual cumulative impacts of the proposed development on the highway network would not be severe. The proposal therefore conflicts with paragraph 116 of the National Planning Policy Framework and relevant development plan policies and should be refused on transport and highways grounds.

Ecology

The Council's ecology advice identifies fundamental problems that remain unresolved and which are not capable of being left to reserved matters without rendering the decision unsafe. For example, CDC ecology notes that the scheme entails loss of 2.46 km of hedgerow, including 1.63 km of species-rich priority2 hedgerow, and explicitly reiterates that hedgerows are priority habitats (NERC Act 2006) protected through the NPPF and Cherwell policy. CDC further states that without information about how and where hedgerow losses will be compensated, the impact cannot be assessed even at outline stage and CDC's objection stands. This is not a minor detail: the quantum, location and enforceability of compensation is integral to judging whether harm is avoidable and acceptable, and whether the proposal can meet the mitigation hierarchy in practice.

CDC ecology also highlights that updated BNG information has been difficult to assess (see missing hedgerow identifiers and assessor comments), and that the authority cannot reach a determination from an ecology perspective “without more detail about how the habitats will reach their target conditions”, requesting an acceptable pre-determination format such as a draft LEMP/LHMP. Separately, CDC ecology raises concern that some proposed habitat condition targets are ambitious and may not be attainable, particularly where areas would likely be used by employees (amenity pressure), making it hard to have confidence that net gain is achievable “with the current footprint”. CDC requests a full metric and that potential off-site net gain siting be outlined at this stage.

On the subject of birdlife, CDC ecology expressly links farmland birds to cumulative impacts and states “more detail on the mitigation proposed must be provided”, and that mitigation must “consider the cumulative impact from surrounding proposed developments and link at a landscape level.” CDC further records concerns on breeding bird survey adequacy, referencing accepted guidance levels particularly where skylark (red list / priority) is present. Where an authority ecologist is saying the proposal cannot be determined without adequate baseline and mitigation definition, it is not reasonable for the applicant simply to assert that this can be fixed later.

CDC also states it cannot support a development of this scale given the potential for further effects on the off-site ancient woodland receptor (Stoke Little Wood / Stoke Bushes), noting that the ES itself identifies exceedances and that irreplaceable habitat policy tests apply. CDC ecology further flags conflict with the Tusmore and Shellswell Park CTA, citing policy direction that development preventing CTA aims being achieved “will not be permitted,” and identifying risks from scale, dust and air quality etc.

In summary, on CDC’s own evidence, the application has not demonstrated compliance with the mitigation hierarchy, has not evidenced deliverable compensation for priority habitat loss, has unresolved baseline and mitigation disputes (including farmland birds and cumulative effects), and presents unacceptable risks to irreplaceable habitats and designated and valued ecological resources.

Landscape

Bucknell Parish Council also objects to the proposed development on landscape and visual grounds. The application fails to demonstrate that the significant and harmful effects on the rural landscape character and visual amenity of the area are acceptable in policy terms, either alone or cumulatively with other large-scale development at Baynard’s Green.

The proposal conflicts with the National Planning Policy Framework (NPPF), including the requirement to recognise the intrinsic character and beauty of the countryside and to prevent unacceptable harm to landscape character. Furthermore, it conflicts with Cherwell Local Plan policies seeking to protect rural character and prevent the industrialisation of the countryside; and emerging Local Plan policies (including COM10) which place explicit weight on scale, character, visual intrusion and cumulative effects.

The Environmental Statement Addendum acknowledges that the development would result in a “very high magnitude of change” to the site, transforming open agricultural land into a large-scale logistics complex with extensive earthworks, plateauing, bunding and built form. This is a critical admission. A “very high” magnitude of change is not marginal or localised harm; it represents a fundamental and irreversible alteration of landscape character. In policy terms, such a magnitude of change

demands exceptional justification and an absence of reasonable alternatives. No such justification has been demonstrated.

The Parish Council considers that the starting point for decision-making must be that this proposal introduces industrial landform and massing into a currently open rural landscape, rather than simply altering an already developed context.

The LVIA identifies significant adverse visual effects affecting a wide range of receptors, including users of the Public Rights of Way network immediately north of and around the site, road users on the B4100 and surrounding local roads, residents of Stoke Lyne and nearby dwellings, and individual receptors close to the eastern boundary. Many of these effects are identified as significant in Year 1 of operation, and some remain adverse well into the medium term.

This is not a case where visual harm is fleeting or confined to construction. The planning system does not treat significant harm to public views and amenity as acceptable merely because mitigation planting may mature over 10-15 years. Early-phase harm is real harm, particularly where the development itself is permanent.

The applicant places substantial reliance on landscape mitigation, including extensive bunding along site boundaries, large areas of structural planting and significant off-site woodland creation. However, we note that screening is not the same as compatibility. A development that must be hidden to be considered acceptable is, by definition, harmful to landscape character. Screening does not change the scale, form or industrial nature of the proposal. Bunds and woodland blocks create new landform and vegetation patterns that do not reflect the existing character of the open agricultural landscape. This represents further character change, not restoration. Moreover, the acceptability of the proposal depends on planting establishment and maturation over many years. There is no guarantee that mitigation will perform as assumed, yet the harm from the built development is immediate and permanent. For these reasons, mitigation should be afforded limited weight in the landscape planning balance.

We consider cumulative landscape impact to be the most serious and compelling landscape issue in this case. When assessed alongside consented Albion Land logistics developments, other large-scale employment proposals in the Baynard's Green area, and the strategic infrastructure associated with M40 Junction 10, the Tritax proposal contributes to a step change in landscape character, resulting in the erosion of openness across a wide swathe of countryside, the perception of a continuous logistics or industrial corridor rather than discrete developments, urbanisation of views along the B4100 and from surrounding footpaths, and loss of the rural setting and separation of nearby villages and hamlets.

Independent landscape advice submitted in relation to the Albion and Tritax proposals recognises that, taken together, these developments would have significant adverse cumulative effects over a much wider area, extending well beyond the red line of any individual application. This is not a case of incremental harm; it is transformational harm.

Emerging Local Plan Policy COM10 requires development to respect landscape character, avoid unacceptable visual intrusion, and demonstrate that scale and massing are appropriate to context. Independent landscape advice concludes that developments of this scale cannot fully comply with these tests due to their size, form and impact on rural character, and that acceptability is therefore pushed into the planning balance. Where a proposal is acknowledged to conflict with landscape policy criteria, approval can only be justified if there is a clear and compelling public benefit case. The Parish Council does not consider that such a case has been demonstrated,

particularly when set against the traffic, ecological and cumulative harms identified elsewhere.

Power Supply

Bucknell Parish Council also objects to the proposal on the grounds that the application fails to demonstrate, at outline stage, that a firm and deliverable electricity supply exists or can be secured within the development timetable, having regard to well-documented capacity constraints affecting the East Claydon-Bicester network. As established through Freedom of Information and Environmental Information Regulation responses obtained in relation to other major developments in the same area, the site is supplied via the East Claydon Grid Supply Point, through Bicester North Bulk Supply Point and the Bicester primary substations, where the distribution network operator has confirmed zero firm headroom at the GSP, BSP and relevant primaries. Those responses further explain that any release of capacity is dependent not only on local distribution reinforcement by SSEN but on upstream National Grid transmission upgrades, including replacement and reinforcement at East Claydon, with programmes extending well into the 2030s.

Against that documented baseline, the current outline application provides no evidence of a firm, non-curtailed connection, no confirmed point of connection, and no programme aligned to the transmission and distribution works identified by the network operators. Instead, it defers resolution of power supply to later stages, implicitly assuming that capacity will be made available. That assumption is unsafe.

A large-scale, 24-hour logistics development, incorporating extensive warehouse floorspace, lighting, automation, refrigeration and electric vehicle charging, would impose a substantial new peak electrical load on a network that is already fully allocated. In the absence of secured reinforcement delivered in advance of occupation, additional demand of this magnitude risks either triggering extensive and disruptive network works or prejudicing the reliability and resilience of supply to existing homes, farms and businesses in Bucknell and the surrounding rural area. The Parish Council therefore considers that the application fails to demonstrate compliance with national and local policy requirements for infrastructure-led, plan-led development and that this unresolved utilities constraint weighs strongly in favour of refusal.

Local Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

For this application, the relevant development plan comprises the Cherwell Local Plan 2011-2031 (Part 1), and saved policies of the Cherwell Local Plan 1996. The Council is also progressing the Cherwell Local Plan Review, which, while not yet adopted, is a material consideration and confirms the Council's intended spatial strategy.

The application site at Baynard's Green is not allocated for employment, logistics, or strategic development in the adopted Cherwell Local Plan. The Local Plan's spatial strategy directs strategic employment growth to allocated sites, and seeks to protect the countryside from speculative and ad-hoc development, particularly where it would undermine landscape character, ecological assets, and settlement separation. The proposal therefore constitutes speculative development outside the plan-led framework.

This is not a neutral starting point. The absence of allocation means that the applicant must demonstrate clear compliance with policy objectives and must not rely on harms being “balanced out” by generic economic claims.

The adopted Local Plan seeks to safeguard the intrinsic character and beauty of the countryside, prevent unnecessary urbanisation of rural areas, and ensure that major development is plan-led, coordinated, and sustainable in location. As demonstrated in the Parish Council’s traffic, ecology and landscape objections, the proposal causes substantial harm to rural landscape character, results in the loss of priority habitats and unresolved ecological impacts, generates severe and uncertain transport impacts reliant on complex mitigation, and contributes to cumulative industrialisation of the Baynard’s Green area. These harms directly conflict with the objectives of the Local Plan’s countryside and environmental policies and cannot be reconciled with a plan-led approach to growth.

The emerging Cherwell Local Plan Review does not support the principle that large-scale logistics development should be allowed to come forward on an unplanned, speculative basis in the open countryside. On the contrary, the emerging plan reinforces the importance of directing growth to planned locations, places increased emphasis on landscape character, biodiversity net gain, climate resilience and cumulative impacts; and tightens policy tests around scale, character, and environmental capacity. The fact that the site has not been identified or safeguarded in the emerging plan as a suitable location for strategic logistics development is a strong indication that the proposal is premature and contrary to the intended spatial strategy.

Granting permission in advance of the plan-making process would undermine the integrity of the Local Plan Review, and prejudice proper consideration of alternative, more suitable locations.

Where a proposal departs from the development plan, the onus lies on the applicant to demonstrate material considerations of sufficient weight to justify that departure. In this case, there is no identified shortfall of allocated employment land that requires speculative release, the economic case relies on generic logistics demand, not site-specific necessity, the proposal would give rise to significant adverse impacts across multiple policy areas; and those impacts are not clearly outweighed by public benefits. In such circumstances, approval would amount to policy-led harm being overridden by aspiration, rather than evidence.

Taken as a whole, the proposal conflicts with the adopted Cherwell Local Plan by promoting major, unallocated development in the countryside, undermines the plan-led approach to growth, gives rise to substantial transport, ecological and landscape harm, and would prejudice the emerging Local Plan’s spatial strategy. There are no material considerations of sufficient weight to justify departing from the development plan. As a result, we consider that the application should be REFUSED due to fundamental conflict with the Local Plan and the speculative nature of the development.

S106

In the event that the local planning authority is minded to grant permission, Bucknell Parish Council requests that any consent be subject to a Section 106 obligation securing a proportionate financial contribution towards the delivery of a strategic relief road around Bucknell, as the only mitigation capable of addressing the increased HGV and traffic pressure arising from this and other large-scale developments in the Baynard’s Green area. The Parish Council considers that piecemeal junction-based mitigation fails to address the wider network impacts on rural communities, whereas

a relief route would provide a strategic solution by removing through-traffic from Bucknell and surrounding villages. Such a scheme should be co-funded by all major developments contributing to cumulative traffic growth in the area, with contributions fairly apportioned to reflect scale and impact, and secured through a coordinated Section 106 framework to ensure timely and deliverable infrastructure provision in accordance with national policy on cumulative impact mitigation.

7.3 Deddington Parish Council - **Objects**

Deddington Parish Council would like to join the many, many others who object to this planning application. Of the several applications for developments in this immediate area around Junction 10 on the M40 this seems the most gratuitous, given the warehouses already approved or potentially to be granted approval.

Unsightly, urbanising and unwanted by local parishes, this development, like the other developments mooted for this area, would bring yet more traffic, most likely heavy goods vehicles, to our congested country lanes and the already overloaded M40. The effect on highways, will be widespread, including in Deddington parish.

If this plan is to go ahead, we would request mitigating S106 contributions to highways improvements in our parish as follows:

- 1) Improve the junction of the A4260 and the B4031 in Deddington. This junction – at the traffic lights at the end of the High Street – is something of a logjam and accident black spot already. The problem will become more acute if these warehouses are built.
- 2) Resurface New Street/High Street with the most effective Low Noise Surface, EU standard material. The current surface is extremely uneven and noisy and causes vibration that is worrying in a conservation area which includes some very ancient buildings. Measured decibel levels are way above the accepted standard. Additional traffic will break up the surface even more. There is also an air pollution issue since New Street/High Street, flanked by houses fronting straight on to the road, acts as a kind of funnel concentrating pollutants
- 3) Install ANPR cameras at either end of the B4031 Clifton Road (ie, at Deddington village and at the east edge of Clifton village). There is currently a 7.5t limit on the Clifton Road, which runs from Deddington to Aynho, but it is frequently ignored.
- 4) Traffic calming measures on the Clifton Road B4031 at Fardon Way, Deddington, and in Clifton village (build-outs and/or speed bumps as recommended by highways authority OCC).

These improvements should be made at the start of the development. We know from experience of the HS2 that construction lorries in large numbers from quarries and other.

We understand that a planning application to build warehouses in the same area from Albion Land has already been approved. We would request that the S106 contributions outlined above will be added to their S106 covenant as well.

7.4 Farthinghoe Parish Council: – **Objects**

We have just read the National Highways submission to this application. Farthinghoe Parish Council would like to receive early reassurances that full account is taken of

the negative effects of extra traffic generated by this proposal when the M40 is closed by accidents or by road repairs and the traffic is forced to use the official signposted A43/A422 diversion both to and from Junction 11 M40.

Farthinghoe Parish Council are very dismayed that there has been no meaningful response from West Northants Council either Planning or Highways.

Surely, they must realise the effect this Logistics Centre would have on the A422, as well as the A43, during M40 closures these roads being the automatic diversion for any such closures.

Update:

"When the M40 is closed for accident or maintenance the A43 takes on the role of the automatic A43/A422 Motorway Diversion Route. This leads Motorway densities of traffic to the very severe Pinch-Point at Farthinghoe which then also saturates all of the surrounding villages and Country Lanes.

Farthinghoe Parish Council are very concerned that no consideration or solution is mentioned for this situation on the Portal of this Planning Application by the following Organisations:

- West Northants Council Highways or Planning.
- Cherwell District Council Highways or Planning. Oxfordshire County Council Highways or Planning. National Highways.

It is not just for this Planning Application that this situation pertains, it applies to almost all Planning Applications which would result in more traffic (particularly HGVs) being directed into the A422 or A43/A422 Motorway Diversion route. National Highways are always happy to use this facility for their operational purposes but rarely ready to contribute to or suggest a solution. On a recent M40/J11 Planning Application, a National Highways submission actually described the A422 from J11 all the way to the A43 at Brackley as a dual carriageway."

7.5 Fritwell Parish Council: **Objects**

- Would generate low skilled jobs leading to an increase in people driving to the area.
- Dispute the applicant's assessment that there is a shortage of jobs locally.
- Have concerns over the drainage solutions, particularly with regards to long-term maintenance.
- Disregards local planning norms as this is not a designated site for development.
- Irreparably harms the character and visual appearance of the area.
- Would lead to an urbanisation of the area, as the catchment area will not support the employment needs of this facility (despite the analysis report suggesting otherwise). These employees will come from elsewhere in the country and this influx of people will have to live somewhere. The Bicester to Banbury corridor is exhausted by the pressures of already planned and now, speculative developments.

- Would be a “speculative development” referencing the “need for warehouse space” does not accommodate a strategic plan for where it should be located to accommodate minimum traffic movements to serve the real needs of the country, FPC see nowhere in this application a reference to this as a strategic location other than it is located along a major road system. Thousands of square feet of warehouse space already developed along the M40 corridor remains unused.
- States in the Statement of Community Involvement a local consultation has been concluded. Villages, and estates (Tusmore Park) that will be affected by this development, have been excluded from the consultation, in FPC opinion, rendering this exercise unproductive.
- FPC supports the view that this development would irrevocably damage the rural nature of this area and the species it supports.
- Building such large structures at this junction would only exacerbate already intractable problems and increase traffic pollution in this area, an area that is essentially rural in nature. While this development is close to a motorway junction, there is no public transport to this site.
- Would prefer to retain the site as farmland and develop previously developed land elsewhere in the district.
- *Noise, light, and Air pollution* are of significant concern during the construction and operation of these warehouses, particularly the cumulative effect that would surround the village of Fritwell with the Heyford development to the Southwest, the potential for the Rail Freight Terminal in the South and this development with Albion Land and this development to the East. Fritwell Parish are deeply concerned about noise attenuation resulting from this facility operating 24/7. Fritwell is Class 3/Class 4 on the Bortle Scale for Night Sky Brightness, this would be compromised by additional light pollution from this planned facility. We enjoy good air quality in Fritwell despite the proximity of the motorway, this will be compromised by this development.
- Updated objection – 15.3.2025:

In reviewing the current objections more recently lodged, without repeating themes already identified, FPC have reviewed the following and unequivocally support the comments therein of the: objection lodged by Tusmore Park in Public Comments; objection lodged by Anglian Water (6th March 2025); objection lodged by CDC Ecology (28th January 2025).

7.6 Fringford Parish Council: – **Objects**

1. The proposed large scale logistics site is on green-belt land which should be resisted. The number and scale of similar developments is negatively swamping rural North Oxfordshire at a rapid rate with an over-bearing, dominant impact on the visual, natural landscape and environment. The amount of such logistical development in the area of Cherwell District Council appears to be disproportionate to other areas.
2. There will be a significant negative impact on biodiversity and wildlife of the area which is rural in character made up of agricultural fields, currently supporting wildlife. The huge scale of this proposed development will bring additional noise, sound and light pollution to the area.

3. There will be a negative impact on highway safety and traffic. The proximity of the proposed development will negatively impact the existing traffic flow issues and delays at Baynards Green roundabout which already struggles with the volume of vehicles and has already seen an increase in lorries and larger vehicles. Junction 10 of the M40 will negatively be impacted as traffic already backs up in both directions on the motorway which is dangerous. The current exit slip road is only one lane and relatively short in length.

- 7.7 Godington Parish Council: – **Objects** – to this planning application and supports all the concerns of Stoke Lyne Parish Council. We believe the application has many flaws and will have a huge negative impact on local residents and the local environment.

Our main reasons for objecting are as follows: Contrary to the Cherwell Local Plan which does not support such development in rural areas; Uses agricultural land in greenfield sites when we should be maximising our ability to be sustainable; Will hugely increase traffic on already busy local roads, many of which are small in nature; Inaccessible to public transport; Will be visually harmful to local communities as set in a flat landscape; Significant disruption caused by it's construction - at a time when local roads and residents already hugely affected by EWR and HS2 construction traffic.

- 7.8 Middleton Cheney Parish Council – **Objects**

1. The environmental impact particularly to local agriculture and the noise and light pollution from increased traffic and deliveries and night time lights in the warehouses. The local roads are already at saturation point if there is an incident on the M40. This development will inevitably increase traffic on ALL neighbouring roads as lorries move in and out of the site.

2. Although this site does not directly join our parish, we consider that the inevitable increase in traffic particularly along the A43 and the A422 will have a detrimental effect on the environment around us.

3. The design, appearance and layout of the site is unsuitable for this position and the character of the land. Cherwell's local development plan references, respect for heritage assets conservation of tranquillity and biodiversity and environmental character. These plans pay no regard to these statements.

4. Cherwell DC has declared a climate emergency, it is difficult to reconcile these plans with that!"

- 7.9 Somerton Parish Council – **Objects** for the following reasons

1. *Any honest cumulative assessment of impacts in the M40 J10 area must therefore consider not only highways and emissions but also the combined effect of OxSRFI, the Heyford "new town", Baynards Green logistics and Puy du Fou on the setting and experience of Rousham House and Garden.*

2. *Failure to assess residual cumulative impacts, contrary to the NPPF*

3. *Environmental Impact Assessment (EIA) – unlawful segmentation and inadequate cumulative assessment*

4. *Highway safety and network operation at M40 Junction 10*

5. *Increased Traffic Volume Estimates – over 30 million vehicle trips per annum within 3 miles of M40 J10*

7.10 Stoke Lyne Parish Council: - Objects

1. Sustainability Any development at this site is not a sustainable option – while it is situated adjacent to major roads, there is no public transport accessing the site, and employees and vehicles would add to the current road use, which is already over capacity.

2. Visual Intrusion Any development would be visually intrusive, (as stated by the Inspector at the 2015 Local Plan Inquiry) “in the open countryside due to the size of the buildings, as well as potentially difficult and/or expensive to cater for satisfactorily at the M40 junctions in highway capacity terms” (para 41).

3. Location While the site is located close to the strategic highway network, this does not in itself justify the location as buildings (as observed by Inspector K Ford when dismissing the appeal against refusal of planning application ref 18/00672/OUT), who noted that the proposal would: “lead to an urbanisation of the site This is regardless of whether it is deemed large or small in scale” (para 18)

The inspector “consequently disagree(d) with the LVIA [Landscape Visual Impact Assessment] that the proposal would not have an unacceptable visual impact” (para 19)

“Whilst the roads and neighbouring petrol station and drive-thru have eroded the landscape quality of the area, the harm would be compounded by the development in an area that otherwise has an open character with open fields of which the site forms part. The impact of the surrounding development does not weigh in favour of the proposal and does not justify further exacerbation of the harm...the proposal would make a significant contribution in urbanising the junction to an unacceptable degree” (para 20)

“The proposal would harm the character and appearance of the area...It would also conflict with saved Policy C8 of the Cherwell Local Plan 1996 which resists sporadic development in open countryside, including developments in the vicinity of the motorway or major road junctions” (para 21)

4. Not appropriate: The proposal would lead to the creation of a significant amount of commercial floor space in a geographically unsustainable location. The development is not in accordance with Local plan proposals, and the applicant has not demonstrated any exceptional circumstances for the development. The development should be in a more sustainable location

5. Traffic implications: The traffic impacts of the development must robustly be assessed within any Transport Assessment particularly in regard to the impact on the junction into the site when approach along the B4100. This is a highway which is already overused, leading onto junction 10 of the M40. The road network at this point cannot accommodate more traffic into the area.

6. Cumulative impact of developments in the area The Parish Council is aware of major development proposals in the area, including the Dorchester new Town, work to upgrade Junction 10 of the M40 and proposals for a strategic rail/freight interchange near Ardley. The cumulative effects on residents and the road network will be completely unacceptable.

Update on the 27 August 2025: Richard Buxton Solicitors, on behalf of Stoke Lyne Parish Council and the Tusmore Estate, wrote to the Council to make several objections, which are summarised below (NB: the full letter is available on public access):

- The 3rd July Committee Report was materially misleading in several respects:
- The provision of jobs does not amount to exceptional circumstances to justify employment development under policy SLE1 and, if allowed, would set a precedent that would undermine the spatial strategy and the local plan.
- The Cherwell Local Plan Review 2024 Employment Topic Paper July 2025 makes clear that the supply of employment land with the district exceeds, even at the upper Level
- LUC identify significant landscape impacts which further conflicts with policy SLE1
- Committee were not given any advice on potential conflict with emerging policy
- The application has not been assessed against the Emerging Local Plan policies LEC3
- The development would not be on previously developed land
- The applicants have not offered alternative land
- The Council's Ecologist and the Wildlife Trust are clear that without information explaining where and how species losses would be compensated, it is not possible to properly assess the impacts of the scheme
- The application would result in the destruction of 2.46km of species rich hedgerow and loss of habitat for brown hairstreak butterfly and a wide range of wild birds including skylarks
- In a recent appeal decision (APP/I3245/W/24) the Inspector concluded that a condition for a farmland bird strategy would not provide sufficient certainty.
- Therefore, the proposal does not comply with Natural England's Advice for Wild Birds, Natural England's Standing Advice and para 193(a) of the NPPF 2024
- Inadequate breeding birds' surveys, many of which are out of date
- Members were misdirected by officers of Anglian Water response
- Not the most sustainable location
- Absence of SRFI, Puy Du Fou and Heyford 'New Town' from the ES Cumulative impact assessment

MK Ecology, on behalf of Richard Buxton Solicitors, who are acting on behalf of Tusmore Estate and Stoke Lyne Parish Council were also instructed to review the documents for the 'Albion' (21/03268/OUT, 21/03266/F and 21/03267/OUT) and 'Tritax' (22/01340/OUT) proposals.

The conclusion of their letter dated 27 October 2025 is as follows (the full letter is published on public access:

Surveys have been undertaken to a high professional level but the material considerations involving key species, notably birds and especially skylark, at the Albion site are not accurately understood due to the age of the data evaluation and the inference that more recent surveys at the neighbouring Tritax site alone have suggested a greater population of Skylark than was present in the 2022 surveys, which were undertaken at both sites. Baseline surveys for Brown hairstreak have not been undertaken on the Albion site in contradiction of local planning policy requiring that such surveys are forthcoming and in spite of their presence at the neighbouring site and one affected hedgerow within the Albion development footprint providing suitable habitat for this species. All ecological surveys are out of date for the Albion site.

The ornithological assemblage at the proposed receptor site at Piddington is not understood and its promotion as a mitigation site for the loss of farmland assemblage cannot be reliably taken forward without an understanding of the baseline. Moreover, proposed restoration of this site has not evaluated the baseline soil composition and may not be achievable given a conversion from arable to neutral grassland for anything beyond poor condition.

The impact of changes of land use at Piddington have not considered the farmland bird assemblage present (as it is not known due to an absence of surveys) and the need for a farmland bird strategy reviewing such potential conflicts is required together with an understanding of short-term impacts on key species and medium-term outcomes. The outcome of these omissions is that the present mitigation strategy does not have a reliable baseline assessment, leading to a potential under estimation of population size and impacts on key species. The proposed mitigation is thus potentially inaccurate and its effectiveness simplified and potentially overstated. In essence, the biodiversity material considerations for the development have not been fully addressed rendering consent presumptuous until such issues are addressed.

Update: A further objection letter from Richard Buxton Solicitors, dated the 5 January 2026, was submitted to the Council and states:

We write with regard to the new materials that the applicant has submitted to purportedly address the Committee's reasons for refusal and the ES Addenda dated September and November 2025.

First, we note that the large majority of the issues we have written to you about previously remain entirely unaddressed in these updated materials. In relation to the limited further changes the applicant has made to the proposed development, these do little to mitigate the harms caused. **There remain substantive and substantial reasons for refusal, and we do not repeat points made previously here.** Further the limited additional screening the Applicant proposes does not do anything to address the harm to the openness of the rural landscape and makes only a limited difference to the visual harm caused. For these reasons, our clients continue to urge refusal.

Ecology

With regard to ecology, the present mitigation strategy does not adequately address material biodiversity considerations, meaning that the mitigation measures proposed may not be effective. The District Council should not proceed on the basis of current information but must require further assessment or information in a number of respects. In particular, the attached expert report finds (among other things) that:

- **Outdated and inadequate reptile surveys:** The reptile surveys were undertaken over 10 years ago, outside of the optimal survey window. Moreover, only four survey visits were completed, despite best practice guidelines recommending a seven-visit survey effort. As such, the survey results cannot be relied upon by the District Council.

- **Incorrect assessment of bat data:** The assessment describes the bat assemblage at the site as of local importance. This undervalues the assemblage, whether the site is taken to be in southern England (where the assemblage would be of *county* importance) or central England (where it would be of *national* importance). In addition, it appears that the site is a significant commuting route for a rare, Annex II Species (barbastelle bats). This has not been appropriately recognised and nor does the proposed mitigation explicitly consider barbastelle. Appropriate evaluation likely requires further investigation of the significance of the habitats to be lost and further survey effort to properly understand the baseline that exists and the impacts of the proposed development.

- **Incorrect assessment of breeding bird data:** The assessment describes the site as of local importance. However, the presence of lapwing, grey partridge and skylark makes the site one of county importance, meaning that the assessment should be revised and proposed mitigation requirements reconsidered.

- **Inadequate Farmland Bird Mitigation Strategy:** There is a requirement for the farmland bird management strategy to include the baseline conditions of both the site area and off-site mitigation areas as emphasized by key consultees (including the CDC ecologist and the local Wildlife Trust). The absence of an identified mitigation site precludes the assessment of the baseline value of that site to farmland birds and is also contrary to Natural England standing advice. CDC simply cannot assess whether offsite mitigation will be possible or effective without understanding the baseline conditions of the mitigation land. On current information, CDC therefore cannot understand the actual effects on farmland birds because baseline information is not available. Furthermore, the existing FBMS overstates the value of post-development habitats on the site.

- **Inadequate BNG proposals:** The lack of detail provided regarding plans for the creation and management of off-site habitats, as well as baseline soil conditions, means that the feasibility and adequacy of the off-site proposals cannot be assessed. In particular, the creation of “good condition other neutral grassland on former arable land is unlikely to be feasible” unless soil samples reveal lower-than-expected nutrient levels.

The 5 January 2026 Richard Buxton Solicitors letter was accompanied by a further letter prepared by MKA Ecology, dated 23 December 2025 which reaches the following conclusions:

“Surveys have been undertaken to a high professional level but the material considerations involving key taxonomic groups , notably the importance of the assemblages of bats (and the regular commuting of barbastelle bats) and birds (notably lapwing, grey partridge and skylark)) at the Tritax site has been significantly understated. The value of the site to bats (especially barbastelle) has been understated and the mitigation strategy should explicitly refer to this rare species as well as to acknowledge that commuting route(s) is/are at least of county importance given the species assemblage and would be of national importance if the site was considered as Central England. As such further investigation is

required into the significance of the Barbastelle commuting patterns and the importance of this site for the species to reliably understand impacts of development. The farmland bird assemblage should be classified as being of county importance. No receptor site for farmland birds has been identified, so it's baseline ornithological assemblage cannot be understood and thus the impact of mitigation cannot be assessed. Therefore, there is no

surety that the impacts to farmland birds will be avoided. The assessment thus understates the value of the site which could influence the planning balance.

The baseline conditions of the soil have not been appropriately considered when setting off-site habitat type and condition targets. Good condition other neutral grassland is proposed on currently arable land, which may not be achievable due to the typically elevated nutrient levels within arable soils. The good condition targeted for the narrow belt of mixed scrub in the north of the site is also likely to be challenging to achieve, in light of the small size reducing the potential to create the required heterogeneity. These factors mean that the BNG proposals may not be achievable and thus may fail to achieve the required net gain. Further assessment/information is needed to understand whether current BNG proposals are adequate or whether e.g. further offsite provision will be necessary to achieve the required gain.

An updated desk study is recommended to ensure any recent notable records are captured. An incomplete suite of reptile surveys was undertaken outside of the optimal window more than ten years ago. While absence of this taxonomic group is likely, the age and methodology behind the survey data cannot be relied upon. While the proposed mitigation for black and brown hairstreak is likely to be sufficient, the presence of black hairstreak should result in classification of the site as being of county importance (especially in combination with brown hairstreak).

The outcome of these evaluations is that the present mitigation strategy does not have a reliable baseline assessment, and that the significance of the site in the county context has not been recognised nor fully explored and understood. The proposed mitigation is thus potentially inaccurate and its effectiveness simplified and potentially overstated. In essence, the biodiversity material considerations for the development have not been fully addressed meaning that the District Council should not proceed on the basis of current information, at least until such issues are addressed and the evaluation of the value of the site fully acknowledged and impacts suitably explored, along with further information, as set out above, to fully understand the impacts of the proposal and determine whether mitigation and BNG proposals will be effective.”

NB: The Council's Ecologist is on leave at the time of the publication of this report but will review the comments set out in the latest Richard Buxton Solicitors letter, the latest MKA Ecology letter and in Bucknell Parish Council's letter (dated 29 December 2025), and provide a response in the Written Update note.

STATUTORY CONSULTEES

7.11 Active Travel – No comments

In relation to the above planning consultation, Active Travel England (ATE) has no comment to make as its statutory consultee remit applies only to qualifying consultations that were made valid by the local planning authority (LPA) on or after 1st June 2023.

7.12 Anglian Water – Objection

The proposed development is situated within the catchment area of the Stoke Lyne Water Recycling Centre (WRC), which is currently classified as a Descriptive Works – a small WRC with a descriptive permit. There is no planned investment in this catchment and any additional flow poses an environmental risk to the watercourse.

To overcome our objection the applicant should carry out 12 months of flow monitoring to measure the total daily volume of treated effluent being discharged from the WRC. The data should be shared with us and if it is proven that the total volume, with the

addition from the proposed development, does not exceed the permitted volume for this WRC then our objection could be removed.

In order to overcome our objection we require that the applicant consults Anglian Water in a form of a Pre- Development enquiry (PPE) in order to define a Sustainable Point of Connection (SPOC). This will avoid the constrained network which could cause pollution and flood risk downstream. The developer is to be responsible for the infrastructure to convey foul water flows from the proposed development to the receiving network. Once a SPOC has been identified and a strategy has been agreed with Anglian Water, we would expect the applicant to submit this PPE as part of their submitted documents for this application, we will the review and respond appropriately.

Anglian Water is committed to supporting sustainable growth and in doing so we must continue to meet the statutory obligations whilst balancing factors such as climate change as environmental protection. However, if the LPA are minded to approve the application, despite our objection and risk of pollution, we recommend the following condition is applied:

Condition: no development shall commence until a strategic foul water strategy has been submitted to and approved in writing by the local Planning Authority, in consultation with Anglian Water. This strategy will identify a sustainable point of connection to the public foul network. Prior to occupation, the foul water drainage works must have been carried out in complete accordance with the approved scheme.

Reason: to protect water quality, prevent pollution and secure sustainable development having regard to paragraphs 7/8 and 180 of the National Planning Policy Framework. If permission is granted we require the applicant to engage with us via our pre-development services and to submit a pre development enquiry. Further information regarding our pre-development services and to submit a pre development enquiry the applicant can click here: Pre-planning (anglianwater.co.uk)

Updated comments: This application amendments are not relevant to Anglian Water – we have no further comments to make since our last response (PLN- 0223100 dated 19th March 2025).

- 7.13 **OCC Archaeology: No objection, subject to conditions-** As an update to my previous comments on the 24th June 2024, the Phase 2 archaeological evaluation report has now been submitted with the application (Cotswold Archaeology 2024). A further area of archaeological activity was recorded in this phase 2 trenching, and this will also require archaeological mitigation excavation, which can be achieved through conditions. This advice should be read in conjunction with previous comments from the Archaeology Service in April 2023.

Update:

The following advice applies to the offsite mitigation area (blue line boundary) and should be read in conjunction with the advice provided on 12th September 2024 and 24th June 2024, which applies to the red line boundary development area.

An additional Environmental Statement Addendum chapter has been submitted (edp, September 2025) which deals with the off-site mitigation area for tree and scrub planting. The mitigation area lies in an area of archaeological interest and potential, where earthworks have been recorded on aerial photographs and within LiDAR data.

These earthworks likely represent previous field boundaries, and possibly some periphery settlement activity.

Through discussions with the applicant, landowner and OCAS, it was found that the area has been subject to ploughing between the recording of the earthworks on the site and the current application, via a Natural England scheme. A geophysical survey was conducted on the area which recorded anomalies corresponding to the former field boundaries, some undetermined anomalies and features likely linked to 19th century drainage. No earthworks were observed on the ground during this survey, and it is likely that the ploughing activity has removed them.

A further phase of archaeological investigation will be required to investigate the survival of the earthworks in the ground. This must consist of a trenched evaluation, and based on the results of this, a further mitigation excavation may be required prior to any tree planting in this area.

Should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be carried out prior to any tree planting or landscaping in the offsite mitigation area as shown in drawing number edp2355_d073a. This can be ensured through the attachment of a suitable negative condition

- 7.14 Berkshire, Buckinghamshire & Oxfordshire Wildlife Trust: – **Objection** - The document dated December 2021 shows a net loss of -5.39% habitat units and a net loss of -22.17% hedgerow units.

We refer you to paragraph 1 of our previous response which argues that the application does not provide evidence of an adequate net gain in biodiversity as required by National Planning Policy Framework, The Cherwell Local Plan, Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment and Cherwell District Council's Community Nature Plan 2020–2022 A natural environment for people and wildlife.

For this reason and the other reasons set out in our response of 8th June 2022, it is our opinion that this application should not be approved, and certainly not so in its current form.

Update: I would refer you to our responses submitted 8th June 2022 and 17th June 2022. Despite the large quantity of documentation submitted since this time, we are still concerned about each of the issues raised in these responses.

- 7.15 Buckingham & Drainage Board: On the basis that any proposed surface water discharge into the land drainage system upstream of the Board's district would be restricted to greenfield run-off rates, the Board has **no objection** to the proposal.
- 7.16 CDC Building Control: **No Objection** - Fire service access and external wall fire ratings to be in accordance with approved document B vol 2
- 7.17 Campaign to Protect Rural Oxfordshire: **Object**

1. Harm to the character and appearance of the area
2. Loss of agriculture
3. Landscape harm & village setting
4. Could be located on other parts of the M40

5. A land grab would be needed for the cycle/pedestrian route
6. Significant loss of biodiversity on the site
7. The applicant should show how the site in Piddington will provide the complementary habitat green corridors that will be lost to Baynards Green.

7.18 CDC Conservation – No objections

Nearby Heritage: The application site is an area of land to the east of the A43 dual carriageway. To the northwest is Baynards Green Farm which includes a Grade II Listed barn and directly to the south is Cherwell Valley services. The village conservation areas of Ardley and Fewcott, and Fritwell lie to the west beyond the M40 motorway. To the east the village of Stoke Lyne has a Grade II* Listed church. In heritage terms the significance of the site is its overall contribution to the setting of the listed buildings and conservation areas.

Assessment: The Listed barn at Baynards Farm to the north is part of a farm complex that has now been converted to business use. These buildings are located adjacent to the A43 and behind a modern petrol station and fast-food outlet. It is therefore considered that the setting of the Listed barn is somewhat compromised by the existing buildings and the large road network in its immediate surroundings. Because of this the proposed development of this site is unlikely to further harm the significance of the Listed Building through development within its setting.

The two village conservation areas closest to the site are Ardley and Fewcott, and Fritwell. From within these conservation areas the development site is not considered to be visible and Fritwell conservation area in particular is surrounded by more modern development on the east side that is not part of the conservation area. In both cases once you are well outside the village on the footpaths the logistic sheds may be visible in the wider landscape, however the views and countryside setting are considered to be interrupted by the existing road infrastructure (The M40 and A43) and in the case of Ardley and Fewcott the Cherwell Valley services. Because of this and the distances involved the proposals are not considered to be harmful to the significance of the conservation areas.

To the east the Grade II* Church at Stoke Lyne and its setting needs to be considered. There is considered to be no notable interrelationship between the church, its churchyard, and the development site. It is noted that the proposed development to the east of this site (22/01340/OUT) will come closer to the village of Stoke Lyne. Because of the distance of this application site from the church and due to the mature trees and landscaping that surrounds the church the development is not considered to result in harm to the significance of this heritage asset through development within its setting.

It is accepted that large developments of this kind will have a visual impact on the landscape. Landscape mitigation should consider the setting of conservation areas and Listed Buildings. It should also be noted that as this application is an outline application the indicative details may change. If the building heights were to increase, then there is potential for greater impact. The final design, colour and type of materials used in the buildings will also be key to mitigating the impact of the development.

Overall. in terms of Heritage Assets, the developments are considered to have limited direct impacts and therefore we defer to the landscape team and where appropriate OCC Archaeology for comment.

Updated comments: The amendments and additional information submitted are not considered to result in a change in the position with regards to heritage and therefore both the comments dated 13/10/2022 and subsequent comments are still relevant and should be considered as part of the assessment of the proposals.

7.19 CDC Drainage – **No objections, subject to conditions:**

Surface water Drainage:

No further comments. However, the Padbury Brook to which any surface water will drain that cannot be infiltrated enters the area of the legal a little downstream of the site discharge. Therefore, ensure they are also consulted.

NB: In an email, dated the 13 October 2024, the applicants advised the case officer and the Council's Drainage officer that they have liaised with the Drainage Board. The Drainage Board, I am told, have confirmed that the development has now been discussed, and they will not be seeking any SWDC to be applied, due to the distance from the Board maintained watercourse. My understanding is that they will respond to the planning application stating that on the basis that any discharge would be restricted to greenfield run-off rates, the Board has no objection to the proposal.

Foul Drainage: - A pumped solution to Stoke Lyne STW, which is operated by Anglian Water, is proposed. It is clear from the estimated foul flows generated on the site that the sewage treatment facility will require substantial advance upgrading.

Update – According to the flood map for planning service, the site is not predicted to be at risk from flooding. The surface water and drainage strategy is satisfactory in principle.

In the maintenance schedule provided, only future maintenance for the petrol separators, and slot drains are included. Maintenance should be outlined for all SuDS features within the development, and suitable access to the features needs to be considered for maintenance equipment.

I am satisfied and have no adverse comments to make on the proposals.

7.20 CDC Ecology: – **Objection**

- Proposed loss of priority habitat, species rich hedgerows, contrary to NPPF and Cherwell Local Plan.
- Inadequate Net Gain.
- Insufficient baseline data.
- Impact on farmland birds onsite and in cumulation contrary to NPPF and Cherwell Local Plan.
- Impact on brown hairstreak butterfly contrary to NPPF and Cherwell Local Plan.
- Impact on ancient woodland priority habitat contrary to NPPF and Cherwell Local Plan.
- Impact on CTA contrary to Cherwell Local Plan.

NB: The applicant provided further information, but CDC's Ecologist still maintains her objection

Update: The majority of our previous comments still stand. However, the proposals for Biodiversity Gain are a significant improvement and provide more assurance that a gain can be achieved. However, I do have a few comments:

- Several documents - including the letter from Peter Frampton (dated 21st July), the Landscape Mitigation and Management Note, and the updated ES Addendum - state that the development proposals will result in a net gain of +13.36% in habitat units and +10.48% in hedgerow units. However, I have not been able to locate an updated Biodiversity Net Gain (BNG) metric to support these figures. I would be grateful if the updated BNG metric could be provided to enable a full and accurate assessment of the claimed gains.
- The Landscape Mitigation and Management Note indicates that offsite planting will be delivered within the first planting season following commencement. I would strongly recommend that this planting be undertaken prior to commencement of development. Early planting will help to mitigate the initial loss of habitats and provide a head start for achieving net gain, particularly given the time required for new planting to establish. This is especially important considering the significant hedgerow loss on site, which has been raised repeatedly in CDC Ecology's responses.
- I note that the offsite mitigation proposals include 3km of linear woodland planting (6ha) and a 5ha woodland block. The planting of woodland blocks and a wildlife corridor along the stream are welcomed and will enhance the ecological function of the stream corridor and improve connectivity between Local Wildlife Sites. However, I would want to review an updated metric reflecting these enhancements (I assume a revised metric exists, as these figures are referenced throughout the submitted documents, so this shouldn't be difficult to provide).
- Onsite, the revised Parameter Plan reportedly reduces the net loss in habitat units from -11.82% to -7.63%, (though no change in hedgerow units). This is a positive change, but I would still like to review the updated BNG metric that underpins these figures.

Further update:

I've reviewed the BNG metric provided by Louise (see her emails below). I have a few comments/issues that need to be addressed:

- A substantial number of units are being generated from the creation of 'other neutral grassland' in good condition along the site boundaries. However, this habitat isn't clearly separated from the modified grassland or scrub in the landscape plans, and it's unclear how these scattered sections will be managed differently from the surrounding grassland. To qualify as other neutral grassland in good condition, all five of the following criteria must be met:
 1. The appearance and composition of the vegetation closely matches characteristics of the specific grassland habitat type (see UKHab definition). Wildflowers, sedges and indicator species for the specific grassland habitat type are very clearly and easily visible throughout the sward.

2. Sward height is varied (at least 20% of the sward is less than 7 cm and at least 20 per cent is more than 7 cm) creating microclimates which provide opportunities for insects, birds and small mammals to live and breed.
3. Cover of bare ground between 1% and 5%, including localised areas, for example, rabbit warrens.
4. Cover of bracken less than 20% and cover of scrub (including bramble) less than 5%.
5. There is an absence of invasive non-native species (as listed on Schedule 9 of WCA, 1981). Combined cover of undesirable species and physical damage (such as excessive poaching, damage from machinery use or storage, damaging levels of access, or any other damaging management activities) accounts for less than 5% of total area.

It is not clear how scrub encroachment will be prevented, especially given that scrub is proposed along the boundaries of this grassland. The number of medium-sized trees proposed will also create shade, which could affect the habitat's ability to reach good condition. Typically, we'd expect areas of other neutral grassland in good condition to be fenced or otherwise restricted to prevent use for storage, amenity, or other activities. That doesn't seem feasible here. I'd expect the habitat to achieve moderate condition instead. Since this habitat type is contributing a significant number of units, it's important that the benefit isn't overestimated. Changing this to moderate condition still results in a gain of 11.64%.

- Onsite there is a lot of modified grassland in poor and moderate condition, taking into account the likely heavy use/frequent use and disturbance where needed. This is acceptable.
- The landscape buffers of scrub are proposed in good condition. However, good condition requires the inclusion of clearings and glades (as per condition assessments in Biodiversity Metric 3.0). The BIA report notes: the areas of existing scrub are fairly small and creating glades may not be possible. Therefore, we can't assume this criterion will be met and should instead expect moderate condition. Downgrading scrub to moderate condition results in a net loss in the metric, so this is a key issue that needs addressing. I agree that, due to the narrow boundaries, creating glades is unlikely to be practical. This also conflicts with the adjacent neutral grassland, which must avoid scrub encroachment – proposing both in good condition side by side is contradictory.
- There are two types of SuDS proposed in the metric – 'good' and 'moderate'. How will all 4 of the required conditions criteria (condition assessments for bio metric 3.0) be met for the suDS in good condition? I'd like some more detail on how this will be managed to ensure it's feasible.
- A decent number of trees are proposed around the site, but it appears some are located within scrub areas. This isn't acceptable, as individual trees shouldn't be recorded within a habitat type that also includes trees. Scrub can include small trees, so trees counted in these areas are being double-counted. I'd like to see a tree plan showing all proposed trees, their locations, and confirmation that they're not within habitats that already include trees. Trees should also not shade the surrounding grassland to the extent that it affects its condition.
- Offsite habitats are proposed in good condition (other neutral grassland and scrub) and moderate condition (woodland). I'd like more detail on how these condition levels will be achieved – specifically, which criteria from the condition assessments will be met and how – to demonstrate that the proposals are viable.

Update 27 November 2025:

- It's worth noting that the bat surveys recorded higher levels of barbastelle activity during the 2025 survey period compared to previous years. A biodiversity-focused lighting strategy will therefore be important to ensure these species are fully considered and not negatively impacted (this will be conditioned). The proposed off-site BNG provisions will also benefit this species.
- The conditions appear broadly acceptable. However, I recommend making the BEMP condition more specific by requiring delivery of at least 10% net gain. We've agreed this figure, and if it isn't conditioned, there's a risk they could deliver less. The condition should also specify that they provide a finalised BNG metric to support the BEMP and demonstrate they have met the 10%+ requirement.

As discussed previously, the S.106 will need to secure:

- HMMP and monitoring fees for both on-site and off-site BNG
- A finalised Farmland Bird Mitigation Strategy

7.21 CDC Economic Development: - Commented

I have been liaising with Tritax very recently - and over the months and years - to encourage development of a diverse range of employment uses, particularly with regard to extending the knowledge economy. In relation to this site, I have encouraged the provision of a skills and employment facility on site and/or in cooperation with enhanced educational provision in Bicester.

This is key to prepare years ahead for the construction, logistics and other skills required by such a proposal – to avoid shortages in both the short-term construction phase and longer-term operational phases of the development. I am unaware of any local 'need' for such large-scale logistics units but acknowledge the regional and national 'demand' – extending from the 'golden triangle' (around the A5, M6 and M1) – into the A43 and M40 corridors. I am also aware both of a need and demand locally for smaller flexible units that have been developed in accordance with the Local Plan, adjacent to existing settlements (evident in recent years).

The scale of the proposal – distant from centres of population and tied to the Strategic Road Network - is therefore important to consider with regard to regional and national need, demand and context. Ideally this would be in relation to a national economic framework, county plan and the Arc policies but – given the absence of such mechanisms - the Local Plan is key to assess the suitability of this site (and those adjacent to it).

Doubtlessly, a significant number of jobs would be created, and economic growth and benefits would arise. However, it is unclear for example how the jobs created would address the needs of the local population, redressing the current out-commuting patterns to create all elements of sustainable development.

7.22 Environmental Agency: **No objections.**

7.23 CDC Environmental Protection: – **No objections, subject to conditions:**

The CEMP needs to be finalised and agreed with the LPA prior to works commencing on site.

Noise: Having read the updated noise chapter of the ES I am satisfied with the findings and proposed mitigation and have no further comments at this stage.

Contaminated Land: Having read Chapter 14 - Ground Conditions and Soils of the updated ES I agree that further intrusive investigation is required.

Air Quality: Having read the AQ chapter of the ES I am satisfied with the contents and findings.

Odour: No comments.

Lighting: Having read the light report provided I am satisfied with its findings and the proposed mitigation.

- 7.24 Oxfordshire Fire Service: **No objection** - It is taken where required, works will be subject to a Building Regulations application and subsequent statutory consultation with the fire service, to ensure compliance with all the functional requirements of The Building Regulations from B1 to B5. Oxfordshire Fire and Rescue.

Updated position: It is taken that the proposed industrial units will be subject to Building Regulations approval, along with subsequent consultation with the Fire Service.

Due to the limited water supplies in the area, it is taken that fire hydrants will be installed at the developers cost, in accordance with the guidance of Approved Document B / BS9999, providing a suitable flow and pressure for the use of the proposed premises.

- 7.25 OCC Highways: No **Objection, subject to conditions and planning obligations:**

OCC Highways had previously raised objections, but those objections have now been addressed. This is discussed in the transport section of the report. OCC Highways latest comments can also be found in full on public access.

Update: The updated Environmental addendum does not change the local highway authorities' (LHA) position other than to recommend additional conditions. The LHA'S full comments are included in the 'Highways' chapter of this report.

It is important to reiterate that the Albion/Tritax proposed improvements to Baynards Green Roundabout (on which all three developments rely to make them acceptable) rely on small amounts of land on the Tritax and Albion E site, needed to provide sufficient forward visibility to signals. This means that the S106 agreements for each will need to include the other respective landowners. At the time of writing, S106 agreements are being drafted, and we understand this point has been agreed.

In our previous response we raised an objection regarding the proposed condition restricting last mile delivery to 20% of floor area, because it hadn't been shown that the trip generation was calculated on this basis. I understand an alternative wording is being considered but this has not been agreed. It is not addressed in the current consultation materials. In the absence of a justification for the 20% I recommend a condition setting out that there shall be no last mile delivery providers on the site (see **condition 44**).

- 7.26 Historic England: **No comments.**

- 7.27 Internal Drainage Board – **No comments**

You are advised that this site is outside the Board's district, in this instance the Board has no comment to make.

7.28 CDC Legal Public Rights of Way – **No objection**

Thank you for consulting us on this application, following consideration of the documents and plans as submitted we note that the planning proposal does not require a diversion of the Public Rights of Way network to enable the proposed development to take place therefore, we would have no objection to this proposal.

7.29 OCC Local Lead Flood Authority: **No objection, subject to conditions.**

7.30 National Highways: **No objections, subject to conditions** - in particular the requirement to deliver the scheme of works to improve the highway as shown in general accordance with SLR Consulting drawing ref: **216285-A-14 Rev B**, titled Baynards Green General Arrangement, prior to the commencement of development.

Update: We have reviewed the 216285 - N02 - ES Sensitivity Tests-V2 (003) document produced by SLR Consulting for planning application 22/01340/OUT, 21/03266/F, 21/03267/OUT and 21/03268/OUT. It is noted that the sensitivity tests have been undertaken following the application 22/01340/OUT's refusal on landscape grounds and on the request from Cherwell District Council (CDC) for them to be undertaken. A sensitivity test was requested by CDC to include the potential cumulative effects of the Oxfordshire Strategic Rail Freight Interchange (OxSRFI). It should be noted that OxSRFI is still at a pre-application stage and therefore Tritax Big Box Developments (TBBD) did not feel the development was reasonably foreseeable and should be included in the original assessment. However, they have since undertaken the sensitivity tests.

SLR Consulting (on behalf of TBBD) have undertaken two sensitivity tests, one that considers OxSRFI and TBBD development and one that additionally considers Heyford Park (25/02190/HYBRID), Puy du Fou (25/02t232/OUT) and North West Bicester (21/04275/OUT) planning applications. It is noted however that a change of modelling assessment tool has been used for this application from modelling evidence previously presented. A LinSig model assessment has been used, based on the LinSig model output reports in the draft SRFI documents, rather than VISSIM modelling previously reviewed for this application.

From a transport perspective, our previous comments on the original application, as set out in our updated response of 13 January 2025, stand and National Highways has no objection to the sensitivity tests outlined above.

We would also note that in the event of any future development in the area, further assessment would be required into the cumulative impact on the A43 Barley Mow roundabout.

7.31 National Planning Case Officer Unit: No comments received.

7.32 Natural England: – **No Objection** - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Update – no objection.

7.33 National Grid: **No objection.**

- 7.34 OCC Public Rights of Way: **No objection, subject to s.106 contribution** - While there are no PROW running through the proposed site, the development is likely to have a negative impact on the local road network which is used to link up many of the Public Rights of Ways, in particular for Bridleway users.

Therefore, I would like to see some additional access provided North to South through or along the edge of the site to link up bridleways 367/24/10 and 367/21/10. This should be in addition to securing funding via S106 to improve the PROW network within and linking to the immediate area. This would allow OCC to improve existing routes and to potentially secure additional route for public access.

- 7.35 Thames Water: **No objection, subject to a pre-occupation condition** due to an inability of the existing water network infrastructure to accommodate the needs of this development proposal.

7.36 CDC Urban Design: **Objects**

The proposal would constitute large-scale development in a rural location. The scale and character of the strategic green infrastructure proposals are not commensurate with the scale of built form proposed and the wider landscape character. The illustrative proving layout, sections, DAS and fixed parameters plan do not provide sufficient reassurance that detailed proposals would reflect design policy and guidance. Overall, the proposals do not reflect design policy and guidance.

I suggest amendments are made to the parameter plan, supported by an amended proving layout, amended and additional sections.

- Wider eastern and southern multi-functional landscape buffers. These buffers should be of sufficient width to accommodate bunding (where appropriate), woodland planting, woodland edge scrub and rough grass, drainage features, footways (where appropriate) and activity hubs (where appropriate). I suggest the parameter plan allows for a width range (i.e. not a uniform width), that is informed by illustrative sections and plans.
- Wider northern and western landscape buffers to provide an appropriate relationship to the adjacent road and bridleway. These buffers should be of sufficient width to allow footways and activity hubs (where appropriate). The width range parameter will need to be informed by illustrative sections/ plans.
- Building frontages offset from landscape buffers to provide an appropriate building offset and relationship to trees, planting, adjacent roads and footpaths. The exact offset should be informed by illustrative plans/ sections.
- Retention and enhancement of existing established species rich hedges and ditches as part of a multi-functional green infrastructure network. Retention and appropriate offsets to be informed by illustrative plans/ sections.

No further comment yet received in respect to the amended plans, which addressed these concerns.

7.37 CDC Policy: **No Objection**

Previously, CDC Policy commented that the proposal was not an allocation in either the adopted 2011-2031 Local Plan or the emerging review 2020-2042 Local Plan. Accordingly, the proposal was advertised as a departure. Notwithstanding this departure, CDC Policy has not raised objection to the application proposals on economic needs grounds, on the grounds that they consider it to be broadly

compliant with the criteria listed in adopted SLE1 policy that relates to speculative, unallocated employment developments and to the adopted 2015 Local Plan overall.

CDC Policy were re-consulted and made the following comments:

The Cherwell Local Plan Review 2020-2042 was submitted for examination, in July 2025 but there have yet to be any hearing sessions. The initial sessions are currently scheduled for February 2026. At this point in time, the emerging Plan and its policies is therefore considered to carry limited weight. It is also not considered that a reasonable argument could be made on prematurity at the point of writing.

The most relevant emerging Local Plan policies to these applications are;

- Policy LEC 1: Meeting business and employment needs
- Policy LEC 3: New employment development on unallocated sites
- Policy COM 10: Protection and enhancement of the landscape

As indicated earlier, limited weight should be attached to the emerging Plan. The Plan, its evidence and the representations have yet to be explored independently at an Examination in Public.

Policy COM 10: Protection and enhancement of the Landscape attracted fewer representations than those related to employment. This policy resulted in 11 separate comments, the majority of which were in support. Other comments included concerns about the need to submit a Landscape and Visual Impact Assessment, that all development would result in a change local character and so the policy aims could not be met, and that the coalescence between settlements should not be a reason to not permit development.

It is not considered that these proposals, individually or cumulatively, materially prejudice the emerging Local Plan, including its spatial strategy. The applications would make a positive contribution towards the employment needs of the district over the plan period

NB: The policy officers' comments on emerging policies LEC 1 and LEC 3 are set out in the 'Principle of Development' chapter of this report.

7.38 West Northamptonshire Council: Commented:

This site is not allocated in either the existing or the emerging local plans for Cherwell and as such remains an unallocated site in a rural area outside of settlement confines. In our recent responses to consultations on the review of the Cherwell Local Plan this Council cautioned against proposals that would see the further allocation of land for employment near to junctions 10 and 11 of the M40 which could have a significant impact on the highway network and the character and functioning of the area, with it and the south western corner of West Northamptonshire which it directly adjoins being rural in nature, character and appearance. We urge our colleagues at Cherwell to give these matters full and proper consideration as they progress this application, in addition to those other matters identified in Policy SLE1 of the Part 1 Plan and the Development Plan at large.

With regards to highway matters,

- TA and ES demonstrate negligible impact to traffic flows in Aynho and Croughton
- ES states construction traffic will be mitigated via a Construction Traffic Management Plan. This should be conditioned and WNC should be consulted in order to review magnitude of impacts on our network, programming and mitigation measures.

Update: The applicant had accepted and agreed, however, there is no copy of a CTMP within the planning application. A copy of this should be provided to WNC to ensure that the impacts on the WNC network are kept to a minimum.

- ES Operational Phase traffic flows do not calculate correctly. ES shows 0% HGVs on A43 and A421 presently, with an increase in excess of total development flows. These should be checked and resubmitted before WNC can confirm we are satisfied with the magnitude of the impact.

Update: The applicant has revised and clarified the HGV traffic flows and these have been reviewed and found to be acceptable.

OTHER CONSULTEES

7.39 Bicester BUG:

B4100/A43 Junction

We would advise providing crossings over all junction arms to include the north arm. This will enable pedestrians on the NE corner of the junction to cross to the services on the NW corner by making only 2 crossings. At present they will be required to cross 6 very slow and indirect crossings.

B4100 Road

Along the frontage of the site, segregated and buffered pedestrian and cycle paths should be provided on both sides of the B4100 to facilitate foot and bike movements within and between the development. This is essentially now a spine road. See the Oxford Cycle Design Standards.

Pedestrians and cycle crossings over minor junctions need to be set back a minimum of 5m for reasons of safety, particularly given the paths are bi-directional.

Tritax North Access

It would be cheap and significantly facilitate pedestrian and cycle movements to have uncontrolled crossings over each of the junction arms. There appears to be a pedestrian only path on the north-east arms of the junction. This will inevitably be ridden on by cyclists. It would make sense to at least make this shared but preferably segregated.

Tritax South Access

The proposed parallel crossing is excellent, though the landing areas either side need to be expanded to avoid conflict.

Cycle Path

Priority needs to be continuous across access points.

There needs to be access and egress points from the cycle path near to where there are junctions off the B4100 to other destinations to allow cyclists to join and exit the path.

The bus stop bypass design is quite fussy and complicated. Better to provide a wide section of shared area adjacent to the bus stop to enable pedestrians and cyclists to pass without risking collisions.

Metal rails / fencing is proposed at various points. Note that this effectively reduces the width of the path by 0.5m so the path will need to be widened in these areas.

It is not clear where the cycle path ends in Bicester. It should be continuous until it joins onto the cycle provision at the new Banbury Road junction.

The path runs along the back of the large layby near Bicester. Either the layby needs to be redesigned, or the path needs to run in front of the layby for safety and security, even if this requires two (setback) crossings over the mouths of the layby.

Tritax North

It is not clear whether cyclists are expected to share the carriageway with heavy goods vehicles. This would be very dangerous. Off-carriageway shared paths would be required as a minimum within the site.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 (CLP 2015) was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

- PSD1 – Presumption in Favour of Sustainable Development
- SLE1 – Employment Development
- SLE4 – Improved Transport and Connections
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Landscape Protection

- ESD15 – The Character of the Built and Historic Environment
- INF1 – Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- EMP4 – Employment generating development in rural areas
- TR1 – Transport
- TR10 – Heavy Good Vehicles
- C8 – Sporadic development in the open countryside
- C28 – Layout, design and external appearance of new development

EMERGING CHERWELL LOCAL PLAN REVIEW 2042 (CLP 2042)

The weight afforded to different policies is always a matter for the decision maker, and in the case of the emerging Cherwell Local Plan Review 2042, this weight should be determined in line with NPPF para 49, which states:

“Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*

The Cherwell Local Plan Review 2020-2042 was submitted for examination, at the end of July 2025, but there are a number of objections to the policies and there has yet to be any hearing sessions. The initial sessions are currently scheduled for February 2026.

Therefore, at this point in time, the emerging Plan (and its policies) is considered to carry limited weight. For the ease of reference, the relevant emerging policies of the Local Plan Review 2042 are set out below:

Policy SP 1: Settlement Hierarchy
 Policy CSD 1: Mitigating and adapting to Climate Change
 Policy CSD 3: Achieving net zero carbon development, non residential
 Policy CSD 5: Embodied carbon
 Policy CSD 7: Sustainable flood risk management
 Policy CSD 8: Sustainable drainage systems
 Policy CSD 9: Water resources and wastewater infrastructure
 Policy CSD 11: Protection and enhancement of biodiversity
 Policy CSD 12: Biodiversity Net Gain
 Policy CSD 14: Natural Capital and Ecosystem Services
 Policy CSD 15: Green and Blue Infrastructure
 Policy CSD 16: Air quality
 Policy CSD 17: Pollution and Noise
 Policy CSD 18: Light pollution
 Policy CSD 21: Waste collection and recycling
 Policy CSD 22: Sustainable Transport and Connectivity Improvements
 Policy CSD 23: Assessing Transport Impact/Decide and provide
 Policy CSD 24: Freight
 Policy LEC 1: Meeting Business and Employment Needs

Policy LEC 3: New employment development on Unallocated sites
 Policy LEC 5: Community Employment Plans
 Policy COM 10: Protection and enhancement of the landscape
 Policy COM 11: Cherwell Local Landscape Designations
 Policy COM 14: Achieving Well Designed Places
 Policy COM 15: Active Travel – Walking and Cycling
 Policy COM 16: Public Rights of Way
 Policy COM 18: Creating Healthy Communities
 Policy COM 20: Providing supporting infrastructure and services
 Policy COM 22: Public services and utilities

8.3. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF, Dec 2024)
- Planning Practice Guidance (PPG)
- Developer Contributions
- Conservation of Habitats and Species Regulations 2017

Draft NPPF

On the 16 December 2025, the Government published its revised draft NPPF. The consultation on the proposed changes is set to run until 10 March 2026.

The proposed changes set out in the draft NPPF go beyond amendments and, instead, propose a complete restructure. However, given the infancy of the draft, which is at the start of the consultation process, I afford the draft document no weight at the time of writing this Committee report.

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Landscape/impact on the character of the area
- Highways Impact
- Ecology
- Drainage
- Energy
- Heritage
- Residential Amenity
- Archaeology
- Loss of Agricultural Land
- Air Quality
- Planning Obligations
- Other Matters

Principle of Development

9.2. Section 38(6) of the Planning and Compulsory Purchase Act outlines that the starting point for the consideration of a planning application is the Local Plan unless material considerations dictate otherwise.

9.3. The Cherwell Local Plan outlines the Council's policies for the period 2011-2031. These policies include the allocation of sites for employment purposes to meet the district's needs.

- 9.4. The overall spatial strategy within the adopted 2015 Local Plan has an urban focus with the bulk of the district's strategic growth to 2031 directed to Banbury and Bicester.
- 9.5. In the rural areas, growth is much more limited and is focussed on meeting local community and business needs. It is directed towards the larger and more sustainable villages. Development in the open countryside is strictly controlled.
- 9.6. A key objective of the adopted local plan (SO1) is to facilitate economic growth and employment and a more diverse local economy with an emphasis on attracting and developing higher technology industries.
- 9.7. Paragraph B.30 of the plan explains that the aim is to secure:
- business-friendly and well-functioning towns
 - an eco-innovation hub along the Oxford – Cambridge technology corridor
 - internationally connected and export driven economic growth
 - investment in people to grow skills and the local workforce
 - vibrant, creative and attractive market towns
 - family housing
 - measures to reclaim commuters where possible
 - measures to increase labour productivity.
- 9.8. Paragraph B.31 continues by listing the types of employment development the District wants to attract, including advanced manufacturing/high performance engineering, the green economy, innovation, research and development. Paragraph B.32 states support for well-designed logistics development in recognition of the areas attractive transport links.
- 9.9. Paragraph B.43 sets out that that land is allocated taking account of economic evidence base matching growth in housing and to cater for company demand, particularly for logistics.
- 9.10. Policy SLE1 helps to deliver the Plan's strategy to locate strategic employment proposals at Banbury, Bicester and Kidlington. The adopted Local Plan allocated approximately 175 hectares of employment land at Banbury and Bicester, the majority of which has already been developed.
- 9.11. The application is largely inconsistent with, and would be a departure from, the Local Plan strategy in this regard, although there are criteria against which other development proposals brought forward can be assessed as to their appropriateness. The Plan has an urban focus, and justification is needed for new sites in the rural areas.
- 9.12. Paragraph B.44 states that to ensure employment development is located in sustainable locations, to avoid problems such as traffic on rural roads and commuting, employment development in the rural areas will be limited.
- 9.13. The site is located in the rural area, including in the context of Policy SLE1, and, therefore, the third part of Policy SLE1 applies. For completeness, the relevant criteria of this policy are set out in full, further on in this chapter at paragraphs 9.31- 9.40 where an assessment of the scheme is made against each criterion.
- 9.14. The emerging review Local Plan for Cherwell, which seeks to provide sufficient land for housing and local employment up to 2042, has been submitted for examination. Notwithstanding that the Policy Officer gives limited weight to the emerging local plan policies. She has provided the following comments on emerging policies LEC 1

(Meeting Business and Employment Needs) and LEC 3 (New employment development on Unallocated sites) in context of this proposal:

“Policy LEC 1 attracted 32 comments directly to the policy. The policy is concerned with the level of employment need for the district over the plan period and how this will be delivered. It refers to the committed employment sites and new allocations, which together with other commitments and completions provide sufficient delivery of employment land to 2042.

These comments include a mix of support and objection. Those objecting to the policy question the deliverability of the committed sites, insufficient reference to the Oxford-Cambridge corridor and overall concerns about the level of supply. Some respondents criticise the level of supply for warehouse/distribution uses claiming it is too high, others consider that the provision of research and development should be increased. Spatially there is reference to a lack of provision in the Oxford hinterland/Kidlington area and indicates that there could be more provision within Banbury and in close proximity to the M40.

Policy LEC 3 is directly relevant to these proposals as it is concerned with employment development on unallocated land. This policy attracted 15 representations with mixed views regarding its purpose, with some support and criticism for its flexible approach to unallocated land. Where the policy is supported some of those representations include reference to specific locations in the district for additional employment land, including capitalising on M40 junctions and Oxford hinterland.

The emerging plan’s spatial strategy directs development to Banbury, Bicester and to a lesser extent in the Kidlington area. Whilst these proposals lie outside these immediate areas within the open countryside it is not considered that they would materially undermine this strategy.

NPPF paragraph 87 states

“Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for:

- a) clusters or networks of knowledge and data-driven, creative or high technology industries; and for new, expanded or upgraded facilities and infrastructure that are needed to support the growth of these industries (including data centres and grid connections);*
- b) storage and distribution operations at a variety of scales and in suitably accessible locations that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain, transport innovation and decarbonisation; and c) the expansion or modernisation of other industries of local, regional or national importance to support economic growth and resilience.”*

The plan seeks to meet identified employment needs in full. The emerging Local plan allocates 97.5 hectares for employment, but it is not expected that the delivery of these sites will be adversely impacted by development proposed. The need for employment land in the district to 2042 is estimated to be in the range of 274-359 hectares. Given the inherent uncertainty of long term projections, it is considered appropriate to plan for the mid point of the range of 274-359 hectares. Given the inherent uncertainty of long term projections, it is considered appropriate to plan for the mid point of the range of 316 hectares. These applications, if approved, would enable the supply to be at the top end of the range.

Indeed, following the earlier resolutions to approve the potential contribution of these sites towards employment land need has already been factored into the local plan land supply calculations. It is therefore considered that the plan is not prejudiced by bringing these sites forward."

- 9.15. Paragraph 85 of the latest NPPF version (Dec.24) states, "*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. **Significant weight** (my emphasis) should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development*".
- 9.16. Paragraph 86 (which applies to preparing policies) of the NPPF goes on to set out several criteria to encourage Councils to positively and proactively plan for growth. Sub-section c) of this paragraph explains that "*Planning policies should pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying **suitable locations for uses such as logistics** (my emphasis).*
- 9.17. Paragraph 87b of the NPPF (which applies to both preparing policies and decision making) reinforces this point by making clear that, "*Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for storage and distribution operations at a variety of scales **and in suitably accessible locations** (my emphasis) that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain, transport innovation and decarbonisation*".
- 9.18. Paragraph 87c of the NPPF adds that, "*Planning policies and decisions should also include the expansion or modernisation of other industries **of local, regional or national importance** (my emphasis) to support economic growth and resilience*
- 9.19. The PPG also recognises the importance of logistics development in the employment sector, stating:

The logistics industry plays a critical role in enabling an efficient, sustainable and effective supply of goods for consumers and businesses, as well as contributing to local employment opportunities, and has distinct locational requirements that need to be considered in formulating planning policies (separately from those relating to general industrial land)".

N.B. The emphasis and support now given to logistics development in the latest version of the NPPF is notably different from that contained with the 2023 version, against which the District's review Local Plan 2020-2042 will be examined.

- 9.20. The applicant is proposing to deliver a number of large-scale logistics buildings on these two parcels of land, either side of the B4100. Savills, on behalf of the applicant, submitted Symmetry Park, Ardley Market Analysis Report and an update to that report in January 2025. Their evidence includes a detailed quantitative assessment of need and supply at both district and wider PMA level. It tests three scenarios: lower, core and upper to establish an average. Savills conclusion is that the 'core' estimate "*provides a reasonable estimate of the influence of the relevant demand factors*".
- 9.21. The applicants' original and updated planning statements state that being in close proximity to the strategic highway network is a key requirement of logistics operators, particularly along the M40 corridor, where the applicants consider there to be a significant need for logistics floorspace.

- 9.22. The Council instructed Lambeth Smith Hampton (LSH) to review Savills' evidence to help establish the level of need and supply at both district and the wider PMA level. Despite some minor differences in approach, LSH have confirmed that they are in broad agreement with Savills conclusion that the proposed development would bring a range of economic benefits to the local and wider economies.
- 9.23. Moreover, I am advised by LSH that the Cherwell Economic Needs Assessment (ENA) 2025 has led to an increased estimate of need, reflected in the draft review Local Plan 2042. The 'upper end' of the range of employment need figure is now much more closely aligned with the level of need identified by Savills, despite the differences in methodology.
- 9.24. The plan seeks to meet identified employment needs in full. I am also advised by the Council's Policy Officer that the emerging Local plan allocates 97.5 hectares for employment, but it is not expected that the delivery of these sites (Tritax and Albion) will be adversely impacted by development proposed. The Policy Officer advises that the need for employment land in the district to 2042 is estimated to be in the range of 274-359 hectares. The policy officer adds that , "given the inherent uncertainty of long-term projections, it is considered appropriate to plan for the mid-point of the range of 316 hectares. These applications (Tritax and the Albion Outline applications), if approved, would enable the supply to be at the top end of the range."
- 9.25. The delivery of new employment land, in a sustainably suitable location, is a very significant benefit of this scheme. However, I attach even more weight to the benefits of this scheme in the context of LSH's conclusions and the Policy Officer's comments. Not only would there be a big temporary construction workforce (500+), which, of course, would be time-limited, but there would also be high numbers (2,400+) of long-term annual job creation. The scheme, if allowed, would also help remove any potential shortfall of employment land at the upper level and afford greater flexibility bearing in mind that some employment sites would almost inevitably be developed for Class E(g) purposes rather than B2 or B8 use, which are other material benefits of the scheme.
- 9.26. I note in some of the representations received it is alleged that the previous committee report did not take into account the Council's own Cherwell Local Plan Review 2042 Employment Topic Paper, dated July 2025, which appeared to show exceedance of need by supply. First, the Topic paper was published after the 3rd July 2025 planning committee. Second, the evidence underpinning the report erroneously assumed that Members had resolved to grant permission for this application. Therefore, the employment floorspace of this application was already factored into the assessment of supply and should not have been.
- 9.27. The applicants, as part of their proposal, would also provide employment training opportunities and apprenticeships (secured by pre-commencement (above slab level) **condition 45**). It is a strategic policy within the Local Plan to improve job opportunities, and this additional aspect of the proposal will help achieve this strategy. Moreover, apprenticeships is a good method of overcoming barriers to employment. For these reasons, I welcome the element of the proposal and consider the training and apprenticeships to be an additional benefit of the development.
- 9.28. Consistently with the conclusions of the two recent LSH reports, and the scheme's compliance with the current NPPF paragraphs, the proposal in my view overall complies with the criteria of the policy SLE1 (NB: the Inspector, who dealt with the J11 appeal (APP/C3105/W/24/3352512), concluded the policy SLE1 is broadly consistent with the NPPF).

9.29. For the ease of reference, I have set out my assessment of the scheme against the criteria of this policy in the paragraphs below.

Policy SLE 1:

9.30. ***“Unless exceptional circumstances are demonstrated, employment development in the rural areas should be located within or on the edge of those villages in Category A (see Policy Villages 1)”***

9.31. I consider there to be exceptional circumstances. These exceptional circumstances arise from a consideration of the planning balance as a whole, which I undertake below, taking into account all material considerations assessed in this report. However, the key points which I would highlight at the present time are as follows:

- The applicant has provided an assessment of suitability and availability of land at, and within, Category A villages as part of their assessment. The details of which are contained in Table 3 of the Planning Statement and Appendix 3 of the PS which accompanied the application. The results showed the proposal cannot go within or on the edge of Cat A villages;
- LSH have concluded that at the higher bound long-term scenario there is a need for at least 22.5ha of B2/B8 employment land (more if any of the mixed employment use allocations are ultimately developed for non-B8 purposes) which will need to be in a suitably accessible location;
- This application would deliver 2,430 permanent jobs and 500 construction jobs rising to 610 and 83ha of employment land;
- The application would deliver employment training and apprenticeship opportunities
- Para 85 of the NPPF advises that: *“Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”*;
- Para 86 of the NPPF: *“Planning policies should pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying suitable locations for uses such as logistics”*;
- Para 87 of the NPPF acknowledges the importance of *‘suitably accessible locations’* - this site is very close to the Motorway, away from villages;
- The development will bring a range of economic benefits to the local and wider economies and help support the modern economy;
- An Established potential occupier (including GXO), so part of the site could come forward quickly, providing construction and permanent jobs to the area;
- This site sits inside the Oxford – Cambridge Arc corridor. The Government wishes this corridor to be an economic engine for the whole of the UK. For further info, see: <https://www.gov.uk/government/news/minister-vallance-underlines-how-oxford-cambridge-corridor-ambitions-can-boost-whole-uk>

9.32. ***“New employment proposals within rural areas on non-allocated sites will be supported if they meet the following criteria:***

- ***They will be outside of the Green Belt, unless very special circumstances can be demonstrated.***

9.33. Officer Comment: Complies

- This application sits outside the Green Belt.

- ***Sufficient justification is provided to demonstrate why the development should be located in the rural area on a non-allocated site.***

9.34. Officer Comment: Complies

- This site will help plug a potential shortfall in B2/B8 use at the upper end, of the estimated employment range, as concluded by LSH;
 - Whilst in the rural area, the two parcels of land are close to the motorway and the A43 and, therefore, would not constitute sporadic development;
 - There are no sites on the edge of Category A Villages capable of delivering schemes of this form or scale, and they are not as close to the motorway. Also, development on this scale would harm the setting of Category A villages, if they were located on the edge.
- ***They will be designed to very high standards using sustainable construction and be of an appropriate scale and respect the character of villages and the surroundings***

9.35. Officer Comment: Complies

- The delivery of a high quality of design for the buildings and the internal landscaping scheme, can be secured through robust pre app discussions and reserved matters applications;
 - Sustainable construction conditions would be imposed, to ensure that the buildings would be completed to a BREEAM Standard 'Excellent' and net zero carbon would be achieved during construction;
 - As set out in the 'description of development' chapter in this report, the applicants are now increasing the height of the bunds along the eastern boundaries and also proposing a substantial off-site woodland/landscape scheme which would significantly reduce the schemes impacts from key vantage points to the east of the site; and help to deliver a more sensitive and natural scheme overall;
 - The buildings would be 3m smaller in height and scale closer to the nearest buildings (Lone Farm) and settlement (Stoke Lyne) and then gain height (up to 23m) closer to the A43 (an urban environment)
- ***They will be small scale unless it can be demonstrated that there will be no significant adverse impacts on the character of a village or surrounding environment.***

9.36. Officer Comment: Partial compliance

- The buildings would not be small in scale. However, with the substantially improved landscaping proposal, they wouldn't materially impact the setting of Stoke Lyne; and the impact on the most sensitive views (from the east of the site) would, after 15 years of growth, not result in significant adverse harm (according to the Council's landscape consultants, Land Use Consultancy (LUC));
- ***The proposal and any associated employment activities can be carried out without undue detriment to residential amenity, the highway network, village character and its setting, the appearance and character of the landscape and the environment generally including on any designated buildings or features (or on any non-designated buildings or features of local importance).***

9.37. Officer Comment: Partial Compliance

- The scheme can be carried out without undue detriment to residential amenity or the highways network;

- The site, which is approximately 1km from Stoke Lyne, is not in close proximity to a village and would not affect the setting of the closest village;
 - The scheme will not unduly impact on the setting of any listed and non-designated buildings (no objections from Historic England or CDC Conservation);
 - There would be some harm to the character of the landscape, most of which could be substantially mitigated through the revised, robust, landscaping plans which also respond well to the woodland creation targets set out in the Tusmore and Shelswell Parks Conservation Target Areas (CTA).
- ***The proposal will not give rise to excessive or inappropriate traffic and will wherever possible contribute to the general aim of reducing the need to travel by private car. There are no suitable available plots or premises within existing nearby employment sites in the rural areas”.***

9.38. Officer Comment: Complies

- National Highways and OCC Highways have, subject to conditions and planning obligations, no objections to the scheme from a highway safety point of view nor do they consider that the scheme would give rise to excessive or inappropriate traffic on the national and local highways networks, respectively;
- As noted above, the applicant has provided an assessment of suitability and availability of land at, and within, Category A villages as part of their assessment. The details of which are contained in Table 3 of the Planning Statement and Appendix 3 of the PS, which accompanied the application. The results showed the proposal cannot go within or on the edge of Category A villages;
- There are no suitable alternative sites within Bicester or Banbury which are in close proximity to the M40 that could absorb a scheme of this scale. J11 is not appropriate from a landscape or highways perspective and J9 does not currently have any allocated sites (albeit there are some employment sites in the emerging Local Plan Review) that would be able to accommodate some/most of the identified employment needs.

9.39. Overall, this proposal would generate a great number of jobs (with various salaries): from the temporary construction workforce to the long-term annual jobs, including Warehouse workers, drivers, cleaners, office staff (IT etc) and managerial staff. This is a very significant benefit of this scheme.

9.40. At the 3rd July Planning committee, a point was raised about whether there would be local demand for these jobs. This point is again raised in some of the objection letters. Officers' views are that not allowing new economic development on this basis is not supported by national or local policy and, moreover, there are several settlements in the area, some of the residents of which might obtain jobs on this site during the lifespan of the development.

9.41. These significant job projections are, I note, not theoretical – LSH consider them to be accurate, helping to create a diverse employment base in the district.

9.42. The development, with the improved landscaping proposal, along with the proposed training and apprenticeships scheme, complies with the majority of the criteria of policy SLE1 and partially complies with the remaining criteria. Therefore, my view is that the revised scheme now complies with this policy overall.

9.43. Several third-party representatives have commented that this proposal would not comply with emerging policy LEC3 of the proposed draft Cherwell Local Plan Review 2042 and I agree that, in part: it would not comply with criteria vi of emerging policy LEC3 because the site does not constitute previously developed land. It would, however, comply with the other criteria because there is currently an employment need, there isn't alternative available sites to deliver employment schemes on this scale in Banbury or Bicester, after 15 years the impact on the local views would not be significantly harmful and the site is not inside the Green Belt. However, as the Council's policy officer has stated, there has been a number of objections to this proposed policy during the representations stage; and the policy has not yet been through the rigour of an Examination in Public. Therefore, whilst some weight can be attached to the policy the weight is still very limited and not enough for this application to be determined against this policy.

Landscape & Visual Impact

9.44. As set out in the 'Description of Development' chapter of this report, since the 3rd July Planning Committee, the applicants have submitted the following further amendments to their proposal:

- Increased the height of the proposed landscape bund along the entire eastern boundary in Zone A of the red-edged application site by 1m to a height of 120.2m AOD;
- Increased the height of the proposed landscape bund along the entire eastern boundary in Zone B of the red-edged application site by 3.5m to a height of 120m AOD;
- An increase in the specification of strategic landscape planting proposals within the red-edge application site to include semi-mature trees, which would be planted at Day-1 at 5-5.5m height and, depending upon their species, would achieve typical heights at 15-years of between 7.4- 7.9m height (Oak) and 12.2- 13.2m height (Scots Pine);
- The creation of 3km of off-site linear woodland planting (comprising approximately 8,100 trees and 12,900 whips across 6ha of land); and
- The creation off-site of a block of 5ha of woodland (comprising approximately 4,000 trees and 6,000 whips).

9.45. These amendments are significant. Therefore, when assessing the application against national and local plan policies, these amendments need to be included as part of that assessment.

9.46. Another material change in circumstance (since the 3rd July 2025 Planning Committee) is that the Council has submitted a new local plan for examination. Therefore, more weight can be attached to the emerging local plan policies than at the previous planning committee.

9.47. The two emerging local plan policies relevant to this part of the application are policies COM 10 (Protection and Enhancement of the Landscape) and COM 11 (Local Landscape Designations). Emerging policy COM 10 seeks to protect and enhance the landscape and, as well as requiring all major developments proposals to be supported by a Landscape and visual Impact Assessment, it sets out criteria that, if triggered, would result in a development not being supported from a landscape (and Heritage) perspective. Those criteria are:

- i. Cause an unacceptable visual intrusion into the open countryside;*

- ii. *Be inconsistent with local character;*
- iii. *Introduce disturbances to areas with a high level of tranquillity;*
- iv. *Cause coalescence between settlements;*
- v. *Harm the setting of natural, built and historic landmark features, or*
- vi. *Reduce the historic significance of the landscapes.*

9.48. Emerging policy COM 11 not only lists the seven Local Landscape Designations (LLD) included in the Local Plan Review 2042, it also requires development proposals “within or affecting a designated local landscape” to be assessed “based on its specific landscape and visual impact on the valued characteristics of the designated landscape.”

9.49. One of the LLD’s listed in North Ploughley. Cherwell Landscape Designation Assessment (2024), which forms part of the evidence base to the draft Cherwell Local Plan Review 2042 describes the North Ploughley LLD as comprising a series of shallow limestone valleys with a rural, well wooded character with some long views across areas of larger scale arable farmland. The majority of this development site (the parcel to the North of the B4100) would fall within this LLD.

9.50. The emerging policy COM11 goes on to add that development must have regard to the Cherwell LLD and should study and avoid loss or harm to the aspects of landscape value and qualities of the designated landscape. Another aspect of this policy is that development will be required to respond appropriately to the recommendations for managing the designated local landscape.

9.51. To this end, the Council instructed Land Use Consultants (LUC) to assess this application (both in isolation and cumulatively with the neighbouring Albion proposals) against these two emerging local plan policies (COM 10 and COM 11).

9.52. LUC’s full report can be found on public access, but, in short, the conclusions are that: Tritax (& Albion) proposals would not be fully compliant with Policy COM 10 criterion ii due to the significant effects on landscape character due to the proposals’ size, scale and character. LUC’s Landscape Architect writes:

Whether the proposed development complies with Policy COM 10 (criterion i) depends on whether the level of visual intrusion is deemed to be acceptable. Acceptability can only be judged in a planning balance exercise because the landscape and visual impact would not be acceptable unless there were a need for the development, or other benefits from implementing it There would be significant adverse effects on views and these would persist into the long term, but they would be localised. It is recommended that acceptability of the development is judged as part of the planning balance exercise, acknowledging this long term adverse visual effect.

The proposed development’s size, scale and character would inevitably adversely impact on the character of the landscape locally and so is not fully compliant with Policy COM 10 (criterion ii). The way in which the reserved matters applications are brought forwards (including the detailed design of the buildings and landscape) will be key to the way in which the development fits with landscape character. This should aim to use materials that are sympathetic to local character, and provision of a minimum of 35m locally appropriate (and climate resilient) woodland along the B4100, and with all bunds softened (using landform profiling) to appear as ‘natural’ as possible.

The Cherwell Landscape Character Assessment (2024) puts emphasis on preserving the tranquillity and strong rural character of locations remote from transport infrastructure and urban edges. There is no definition, or mapped area, of 'high tranquillity' referred to in Policy COM 10 criterion iii. However, the Cherwell Landscape Character Assessment (2024) includes CPRE mapping of tranquillity which shows this site as being roughly in the middle of the tranquillity scale (with higher tranquillity further from the M40). This site is more remote from the M40 than the Albion Land site, although it is close to the A43. When LUC visited the site in early spring (5th April 2024), it was noted how visually contained the road and service station infrastructure are, which results in a rural character in the vicinity of this site. However, the site is most likely not in an area of highest tranquillity and therefore is unlikely to obviously conflict with policy COM 10 criterion iii.

The proposed development complies with criterion iv because it would not cause coalescence between settlements

Tritax & Albion combined

The western site of Albion Land's application is located in LCA6: Upper Heyford Plateau while the eastern site and Tritax's Symmetry Park proposal are located in LCA7: Oxfordshire Estate Farmlands. The valued qualities of these areas are summarised above.

Whether the combined developments comply with Policy COM 10 (criterion i) depends on whether the level of visual intrusion is deemed to be acceptable. Acceptability can only be judged in a planning balance exercise because the landscape and visual impact would not be acceptable unless there were a need for the development, or other benefits from implementing it. There would be significant adverse effects on views and these would persist into the long term, affecting a wider area than either single development alone. The area affected would extend up to 500m-1km around the sites which would equate to an elongated area of around 4km² roughly, resulting in both sides of the B4100 being altered and urbanised for a section of its route and extending into the Tusmore Park Estate.

The Tritax scheme would have the greater effect on views from Stoke Lyne (ref Albion Viewpoint 1 and Tritax Photo viewpoint 5), users of the public rights of way to the east/ north/ north-east including the Tusmore Park Estate (ref. Albion Viewpoints 2 and 3 and Tritax Photo viewpoints 2 and 4) and the local road network/ footpaths to the southeast including the approach along the B4100 (Albion Viewpoints 4 and 5 and Tritax Photo viewpoint 6). The additional planting proposed by Tritax would help minimise effects on some of these receptors (e.g. Stoke Lyne, to not significant in the longer term)

The level of visual intrusion arising from both schemes together would be very high near to the site, particularly affecting users for a length of about 1.5km of the bridleway along the northern edge of the Tritax site, users of about 3km of the B4100 that would be sandwiched between the two sites and the local community of Baynard's Green (due to the Albion proposal). The Tritax proposal would also be clearly visible from local community on the north-west edge of Stoke Lyne, although the offsite mitigation planting would grow up to screen views and enclose the village in the longer term. Acceptability can only be judged in a planning balance exercise because the landscape and visual impact would not be acceptable unless there were a need for the development, or other benefits from implementing it. It is therefore recommended that

acceptability of these visual impacts is judged as part of the planning balance exercise.

The combined developments would adversely impact on the character of the rural agricultural landscape across 14 fields between Junction 10 of the M40 and Tusmore Park and so is not fully compliant with Policy COM 10 (criterion ii) which aims to ensure development is consistent with local character. The way in which the reserved matters applications are brought forwards (including the detailed design of the buildings and landscape) would also have a bearing on how the development fits with landscape character and therefore accords with this policy. This should aim to use materials that are sympathetic to local character, and provision of a minimum of 35m locally appropriate (and climate resilient) woodland along the B4100, and with all bunds softened (using landform profiling) to appear as 'natural' as possible.

The Cherwell Landscape Character Assessment (2024) puts emphasis on preserving the tranquillity and strong rural character of locations remote from transport infrastructure and urban edges. There is no definition, or mapped area, of 'high tranquillity' referred to in Policy COM 10 criterion iii. However, the Cherwell Landscape Character Assessment (2024) includes CPRE mapping of tranquillity which shows this site as being roughly in the middle of the tranquillity scale (with higher tranquillity further from the M40). These sites are connected to the M40 Junction 10, but together they extend out into the surrounding rural landscape. When LUC visited the site in early spring (5th April 2024), it was noted how visually contained the road and service station infrastructure are, which results in a rural character in the vicinity of these sites, especially the further from the M40 the land is. However, the site is most likely not in an area of highest tranquillity and therefore is unlikely to obviously conflict with policy COM 10 criterion iii.

The proposed development complies with criterion iv because it would not cause coalescence between settlements."

9.53. As criteria v and vi of emerging policy COM 10 relate to impact on listed buildings and conservation areas or historic significance, LUC, and Officers, sought the advice of the Council's Conservation officer in regard to any potential impact on the setting of Tusmore Park (NB EDP Photo viewpoint 2 shows the visibility from the farmland around Tusmore Park that is within the Tusmore Park Estate).

9.54. The Conservation Officer gave the following response:

"With regards to the heritage impact in relation specifically to Tusmore Park, it is considered that no heritage assets will be adversely affected. The main buildings at Tusmore Park are not Listed and the parkland is not registered. There is one Listed Building within the estate but because of its location its significance will not be harmed as a result of development within the wider landscape. The proposed development will not affect views to or from any designated heritage assets and therefore it is considered that the development will not harm the significance of any designated heritage assets."

9.55. LUC's report also concluded that Tritax would not be fully compliant with Policy COM 11 because it would be located within the LLD, where it would affect the rural character of south-western edge and the designated landscape.

9.56. LUC's report set out an assessment in table 1.1 which, for the ease of reference, is replicated below:

Table 1.1: Review against landscape qualities of North Ploughley

Aspects of landscape value (qualities and/or elements/features/areas of value) for North Ploughley, as set out in Landscape Evidence Base: Local Landscape Designations report 2024	Impact of Tritax's Symmetry Park proposal
A distinctive and coherent rural undulating landscape featuring shallow valleys created by the numerous watercourses ultimately draining to the River Great Ouse and River Cherwell.	Tritax's Symmetry Park proposal would be located on flatter landform outside the shallow valleys, but the proposal would interrupt the coherent rural landscape and involve some earth bunding along the eastern edge of the site which would be uncharacteristic and change landform in this localised area.
Strong rural qualities and historic character are associated with widespread woodland cover, eighteenth-century parkland and estate farmlands.	Tritax's Symmetry Park proposal would affect the sense of rurality and farmland fields on the south-western edge of this LLD and would be visible from the footpath through Tusmore Park Estate (e.g. Photoviewpoint 2). The proposal includes some mixed woodland and scrub planting along the edges of the site and also offside between the proposed development and Stoke Lyne that would contribute to the wooded character of the area.
Well-wooded character in the east and remnant areas of eighteenth-century parkland in the west results in a well-enclosed character and confers some sense of visual coherence.	Tritax's Symmetry Park proposal would not directly affect the woodland cover or eighteenth-century parkland characteristics of the LLD.
Widespread semi-natural habitat including large areas of deciduous woodland, coastal and floodplain grazing marsh, and traditional orchard provide ecological integrity.	Tritax's Symmetry Park proposal is proposed in an area of arable fields and while the proposal would result in some hedgerow loss, it would not affect large areas of deciduous woodland, grazing marsh or traditional orchard habitats. The proposal includes some mixed woodland and scrub planting along the edges of the site and also offside between the proposed development and Stoke Lyne that would contribute to the deciduous woodland resource.
Small, historic rural settlements provide time depth and have distinctive valley settings.	Tritax's Symmetry Park proposal would be located on the plateau above the small valley in which Stoke Lyne lies. It would be clearly visible from the edge of Stoke Lyne (Photoviewpoint 5), although the proposed offsite mitigation includes planting close to Stoke Lyne that would enclose the settlement and replace views to the development with vegetation once it grows up (shown as year 15 in the application).
An extensive network of public rights of way, including footpaths and bridleways, which provide valuable access to the landscape.	Tritax's Symmetry Park proposal would not directly affect the routing of public rights of way or access to the LLD, although the buildings would be visible at close proximity to the bridleway that runs to the south of Tusmore Park (Photoviewpoint 12) and from local footpaths to the west (Photoviewpoint 11), north (Photoviewpoint 2) and east (Photoviewpoint 4). From these locations the building would be obvious in early years of operation, although the proposed onsite planting would filter some of the views by year 15 and the offsite mitigation planting would obscure views of the development from viewpoints to the east/ south-east by year 15.

Aspects of landscape value (qualities and/or elements/features/areas of value) for North Ploughley, as set out in Landscape Evidence Base: Local Landscape Designations report 2024	Impact of Tritax's Symmetry Park proposal
Long views available from local high points across the more open fields, and often framed by woodland	Tritax's Symmetry Park proposal would replace open fields and be visible in views across arable farmland from the south-western edge of the LLD, (e.g. Photoviewpoints 4, 5, 11 and 12) although these are not particularly high points and therefore unlikely to be the areas of the LLD covered by this statement.

9.57. LUC's conclusions on the Tritax scheme against emerging policy COM 11 are as follows, along with the collective (Tritax & Albion schemes together) conclusion:

"Tritax's Symmetry Park proposal is located within this LLD and therefore would inevitably have a direct impact on the landscape.

The proposal would replace open arable fields with large scale built development (which is discouraged within the LLD), affecting the rural character of this part of the LLD. It would also involve some hedgerow loss, and earth bunding along the eastern edge of the site which would be uncharacteristic and change landform in this localised area. The proposal would be clearly visible from the edge of Stoke Lyne and local footpaths, including paths through Tusmore Park Estate.

On the positive side it would not directly affect deciduous woodland, eighteenth-century parkland, grazing marsh or traditional orchard habitats. The proposed offsite mitigation would provide enclosure that would replace views to the development with vegetation once it grows up (shown as year 15 in the application), and this proposed planting would add to the wooded character of this part of the LLD in line with recommendations for the area.

The proposal would not comply with COM 11 because it would be located within the LLD where it would affect the rural character of south-western edge, it would be clearly visible from footpaths through the Tusmore Park Estate and would go against the recommendation to avoid large scale development in the LLD."

Both Tritax & Albion

Tritax would have a greater influence on the LLD than Albion Land's proposal and the combined effect of both would be very similar to the effect of Tritax alone.

The two proposals would replace open arable fields with large scale built development (including some hedgerow loss and earth bunding), noting that large scale development is discouraged within the LLD. They would also involve some hedgerow loss, and earth bunding which would be uncharacteristic and change landform in this localised area. The proposals would be clearly visible from the edge of Stoke Lyne and local footpaths, including paths through the Tusmore Park Estate.

On the positive side neither proposal would directly affect the most valued features of the LLD including the deciduous woodland, eighteenth-century parkland, grazing marsh, traditional orchard habitats. The proposed offsite

mitigation associated with the Tritax proposal would provide enclosure that would replace views to the development with vegetation once it grows up (shown as year 15 in the application), and this proposed planting would add to the wooded character of this part of the LLD in line with recommendations for the area.

The proposals taken together would not comply with COM 11 because one of them would be located within the LLD and would go against the recommendation to avoid large scale development in the LLD.

- 9.58. LUC's conclusions, notwithstanding, it is important to acknowledge that whilst the emerging local plan policies now carry more weight than they did at the 3 July 2025 Planning Committee, the emerging local plan has not been through the rigour of an Examination in Public. There remain objections to these policies whilst they await examination (16 objections to COM 10 and 4 to COM 11). Therefore, only limited weight can be applied to these emerging policies, at this stage. By contrast, the NPPF 2024 and the Local Plan: Part 1 2031 do still carry full weight.
- 9.59. Paragraph 187 of the NPPF requires planning policies and decisions to contribute to and enhance the natural and local environment by, amongst other things:
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- 9.60. Policy ESD13 states that development will be required to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.
- 9.61. The policy goes on to list 6 criteria where proposals will not be permitted. An assessment of the proposals against those 6 criteria is contained in table 1 below.
- 9.62. Policy ESD15 opens with, *“Successful design is founded upon an understanding and respect for an area’s unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. All new development will be required to meet high design standards. Where development is in the vicinity of any of the District’s distinctive natural or historic assets, delivering high quality design that complements the asset will be essential.”*
- 9.63. Sitting underneath this paragraph is a list of design criteria, including the requirement for new development to be designed to deliver high quality, safe, attractive, durable and healthy places to live and work in. This part of the policy adds that development of all scales should be designed to improve the quality and appearance of an area and the way it functions.
- 9.64. Strategic objective SO12 of the Cherwell Local Plan seeks to focus development in Cherwell’s sustainable locations, making efficient and effective use of land, conserving and enhancing the country and landscape and the setting of its towns and villages.

- 9.65. Paragraph B.87 of the Cherwell Local Plan explains that Cherwell's countryside, landscape and green spaces are important natural resources. It goes on to state that they form the setting of our towns and villages, contribute to their identity and the well-being of Cherwell's communities. The countryside's intrinsic character and beauty is important to the quality of life in Cherwell and remains an economically important agricultural resource.
- 9.66. Saved policy C8 of the Cherwell Local Plan 1996 seeks to resist development "*if its attractive, open, rural character is to be maintained*". It explains that this policy "*will apply to all new development proposals beyond the built-up limits of settlements including areas in the vicinity of motorway or major road developments but will be reasonably applied to accommodate the needs of agriculture. There is increasing pressure for development in the open countryside particularly in the vicinity of motorway junctions. The Council will resist such pressures and will where practicable direct development to suitable sites at Banbury or Bicester.*"
- 9.67. In paragraph 35 of the recent Caversfield Appeal decision (APP/C3105/W/24/3355576), the Inspector addressed Saved Policy C8 as follows:
- Saved CLP 1996 policy C8 seeks to resist development beyond built up limits. Whilst the intention of protecting the countryside is clear this policy is at odds with the Framework given the land supply situation in this area and, as such, it can only be accorded limited weight, other more specific policies referred to above are of greater weight given they do not relate to such an 'in principle' objection outside of built up limits.*
- 9.68. Although the Inspector with that appeal was dealing with a housing application and five-year housing land supply, there are parallels with this application because, at present, the Council does not have adequate employment space at the upper level; and the Council's policy officer advises, in the latest consultation response, that
- "Indeed, following the earlier resolutions to approve the potential contribution of these sites towards employment land need has already been factored into the local plan land supply calculations. It is therefore considered that the plan is not prejudiced by bringing these sites forward."*
- 9.69. The Cherwell District Council proposals map, of the current local plan, does not identify the site as falling within the Area of Outstanding Natural Beauty or being within a locally designated valued landscape area. However, it does not automatically follow that development on it would be acceptable.
- 9.70. At circa 83.28ha hectares, the combined fields form a very large site. Given the site's proximity to roads, public footpaths, and the low-lying nature of the hedgerows, which afford clear local views into the agricultural fields, and from further afield (Stoke Lyne), it is a prominent and sensitive site. It provides relief from the urban influence of the A43.
- 9.71. In this context, the introduction of large-scale buildings, associated large-scale lorry and car parking spaces, along with the presence of the lorries, and, in some places, significant earth bunds, there would be an undoubted impact on the landscape and the character and appearance of the area. The key question then, is what would the extent of such harm be? Also, would the character of the area be compromised and undermined as part of that harm?
- 9.72. LUC, on behalf of the Council, reviewed the previous landscape proposal/landscape visual impact assessment (2024), and reached the following conclusions:

“Given the height and scale of the proposed development parameters LUC identified that there will be long term adverse change (i.e. beyond 15 years) and non-reversible changes resulting in significant adverse effects on:

- Landscape features and character of the site and its localised surrounds due to the change from rural agricultural fields to large scale shed development;*
- Users of local public rights of way – users of PRow to the north (ref. Viewpoint 2); users of PRow to the east (ref. Viewpoints 4 and 5); users of PRow to the south (Viewpoint 6); and users of PRow to the west (ref. Viewpoints 1 and 11);*
- The local community of Stoke Lyne (ref. Viewpoint 5); and individual properties at Lone Barn and Park Farm;*
- The roads bordering the site – the A43 and B4100 (ref. Viewpoint 6 taken on the approach along the A4100).*

As this is an outline planning application, only mitigation that forms part of the parameters plan could be relied upon which included two areas marked as ‘strategic landscaping bund and planting’. LUC noted that these areas would require a detailed landscape scheme that provides for appropriately shaped bunds and woodland planting along these edges.

LUC suggested including woodland planting that is at the full widths shown on the strategic parameters plan (i.e. between 45m and 200m along the eastern boundary), and aiming for a minimum of 35m locally appropriate (and climate resilient) woodland along the B4100. Bunds should be softened (using approaching landform profiling) to appear as ‘natural’ as possible, and tree species and planting ages selected to ensure they can establish successfully, especially on bunds that can provide a more difficult environment for establishment and growth.

LUC noted that the embedded mitigation would never completely mitigate the effects because the large-scale buildings would be visible above existing well-established vegetation and any proposed vegetation. It was also noted that the details and materials of the development would be critical to the development’s integration into the landscape.”

- 9.73. Members, when discussing the proposal at the 3 July 2025 planning committee, reached the conclusion that the proposal, as it stood before them then, would have caused unjustified visual intrusion and harm into the open countryside and result in sporadic development in the open countryside to the detriment of the character and appearance of the countryside. The views of the eastern part of the site from Stoke Lyne, Lone Farm and the B4100, were of particular concern to Members.
- 9.74. However, since the 3 July 2025 Planning committee, the applicants have sought to lessen the impact of the proposal from the east. Consequently, they have submitted a substantially different on and off-site landscape proposal, to the extent that a revised Landscape Visual Impact Assessment (LVIA) was required (and has been prepared by EDP and submitted).
- 9.75. EDP’s conclusions in the July 2025 Addendum are that the level of visual effect, at year 15, would reduce from that concluded in the 2024 ES Addendum, so that effects for receptors to the east of the Site will not be significant.
- 9.76. LUC, once more, were instructed to review this new proposal on behalf of the Council. They have made the following comments on the receptors:

*“Users of **local public rights of way to the north** (ref. Viewpoint 2) – as confirmed by EDP, there would be no change to this view and so the impact reported in 2024 would not change i.e. reported as a moderate, long term, adverse and permanent (significant) effect by EDP at year 15. LUC agrees this would remain significant.*

*Users of **local public rights of way to the east and the local community of Stoke Lyne** (ref. Viewpoints 4 and 5) – the revised photomontages show that off-site planting measures would entirely screen the Proposed Development by year 15 and this is acknowledged in the revised assessment by EDP which identifies moderate/minor and minor (not significant) effects at year 15. LUC agrees that there would be reduction in the effect to not significant at year 15. (N.B. there would remain a major/moderate adverse (significant) effect at year 1 and this is acknowledged by EDP).*

*Users of **local public rights of way to the south and travellers on the B4100** (Viewpoint 6) – the offsite planting will help reduce visibility. The tops of the buildings are still likely to be visible from parts of the road at year 15, but the offsite planting would help enhance the wooded appearance of the landscape and reduce visibility of the proposed buildings (which are unlikely to be built out to the full extent of the parameter envelopes). This is acknowledged in the revised assessment by EDP which identifies a moderate/minor to minor (not significant) effect at year 15. LUC agrees that there would be reduction in effect to not significant at year 15. (N.B. there would remain a significant effect at year 1).*

*Users of **local public rights of way to the west** (ref. Viewpoints 1 and 11) – the views in this direction will not change and the consented Albion proposal will be seen to one side of the Tritax development. This effect was assessed as a moderate, medium-term, adverse and temporary (significant) effect at year 1 and not significant at year 15 in the ES by EDP. LUC considered the effect on these receptors to be significant at year 15 as well as year 1 because the proposed planting would not change the visibility of the development from this direction. This effect would remain.*

*Clearly the enhanced landscape proposals are beneficial and will result in positive changes to the landscape character, especially the off-site planting which will respond to the relevant targets set out within the Tusmore and Shelswell Parks Conservation Target Area (CTA) which requires “Lowland mixed deciduous woodland – management and creation (possibly some planting to link sites)”. However, the significant effect on **landscape features and character** of the site and its localised surrounds will be inevitable due to the change from rural agricultural fields to large scale shed development. This change at the site level and its immediate surrounds was reported a significant adverse effect in the ES, and has been reduced to a moderate/minor, long term, neutral and permanent (not significant) effect by EDP in the ES Addendum. LUC considers that this change to the site remains significant, while the enhanced landscape proposals will an additional positive benefit alongside the adverse effect. LUC has not attempted to ‘balance’ out the adverse and positive changes to come to an overall ‘net’ result because it is important to acknowledge both adverse and beneficial effects.”*

- 9.77. Officer’s view are that, previously, the most harmful viewpoints were viewpoints 4, 5 and 6 and, by reducing the impact on these viewpoints, at the 15 year stage, to not ‘significant’ (in the opinions of two landscape consultancies (EDP & LUC)), the new proposal represents a far more sensitive and appropriate scheme and will no longer have the imposing effect on the surrounding area to the east.
- 9.78. Whilst there will still be an impact on the experience currently enjoyed along the public rights of way close to the northern boundary, I do not consider this impact to be severe enough to warrant a refusal in its own right, especially as the careful siting of the

buildings and a robust landscaping plan, including the tree belts, can be negotiated and secured as part of a reserved matters application.

9.79. Whilst buildings of this scale and height will never be fully screened, even when landscape treatment fully matures (given the open nature of the site) the applicant has worked hard to remedy the impacts raised by LUC, Members and objectors previously, and deliver a neighbourly and more natural development – the off-site wooded areas, in particular, reflect the existing characteristics of the wider area.

9.80. I am also conscious that the Albion East application 21/03267/OUT) has a resolution to grant permission and if that scheme is built out, that will urbanise part of the existing landscape. Officer's view is that the revised landscape proposals, submitted as part of this application, are more impactful and characterful than the landscape scheme delivered on the eastern part of the Albion application. The bunds have sufficient depth to allow the trees to take and, in the event that they didn't, a LEMP condition (13) has been imposed that ensures their replacement and long-term maintenance.

9.81. The Council's Urban Designer raised concerns about the effectiveness of the landscaping proposed on the original parameter plan and was concerned about the loss of all the internal hedging, noting that the National Design Guide expects development to integrate existing natural features into multifunctional networks that support quality of place, biodiversity and water management, and address climate change mitigation and resilience.

9.82. His view was as follows (although, I note that I haven't received his comments on the July 2025 Addendum to the ES, at the time of writing this report):

- Wider eastern and southern multi-functional landscape buffers are required, these buffers should be of sufficient width to accommodate bunding (where appropriate), woodland planting, woodland edge scrub and rough grass, drainage features, footways (where appropriate) and activity hubs (where appropriate).
- The parameter plan should allow for a width range (i.e. not a uniform width), that is informed by updated illustrative sections and plans.
- Wider northern and western landscape buffers are required to provide an appropriate relationship to the adjacent road and bridleway. These buffers should be of sufficient width to allow footways and activity hubs (where appropriate). The width range parameter will need to be informed by illustrative sections/ plans.

9.83. The applicants submitted an illustrative layout plan which, although not a formal document, pointed towards overdevelopment of the site with insufficient boundary landscaping, potentially over engineered bunds which would be out of character with the area, and not enough internal landscaping. The urban designer advised that it would be helpful to see a revised illustrative plan and section plans that demonstrate that the following can be achieved:

- Building frontages offset from landscape buffers to provide an appropriate building offset and relationship to trees, planting, adjacent roads and footpaths.
- The retention and enhancement of existing established species rich hedges and ditches as part of a multi-functional green infrastructure network.

- 9.84. The potential over-development of the site was also a concern of officers previously. The original illustrative layout had suggested a car parking provision of 1,780 bays, which would have represented an exceedance of 78% over the OCC maximum parking standards of 1,000 bays for a development of this size. The revised parameter plan which includes 35m deep buffer zones on the western and southern boundaries (previously they were 20m deep) would reduce the amount of car parking.
- 9.85. Moreover, during the reserved matters application stage, the Council will have the ability to control the final amount of parking bays and the level, and standard, of the internal landscaping. Further, the Council has also suggested a landscaping condition (**Condition 20**) to this application which would require detailed information to be submitted during the reserved matters application stage to help ensure that the elevational quality of the buildings and the landscaping treatment is of a high quality.
- 9.86. A potential shortcoming is OCC's requirement, from a safety and sustainability point of view, for there to be a 4.5km pedestrian/cycle way on highway land which would result in some loss of hedging, a tree and scrub in some pinch-point locations and urbanise the rural area still further. However, this pedestrian/cycle way is something that will be delivered as part of the Albion developments, in any event, following their resolution to grant permission.
- 9.87. When assessed against the criteria of policy ESD13 (See table 1 below), there is a combination of partial compliance and compliance with the criteria. It also now meets the requirements of Local Plan policy ESD15 and paragraph 187 of the NPPF.

Table 1

Policy ESD13 Requirement	Officer Response	Accordance with ESD13 Bullet Points
Bullet point 1. Cause undue visual intrusion into the open countryside.	This scheme would be an almost complete urbanisation of two open, gently undulating arable fields and would have a visual impact, even after 15 years. However, the impact from the most sensitive viewpoints (due to improved, comprehensive, on and off-site strategic planting and woodland habitat) would not be 'significant' after 15 years	Yes – Partial compliance
Bullet point 2. Cause undue harm to important natural landscape features and topography	The undeveloped character of the application site, as two parcels of land, contribute positively to what is a prevailing rural feel to the east and south of this site. This proposal would remove part of that character.	Yes – it would not cause undue harm to important natural landscape features and topography

	However, enhanced on site and proposed off-site landscaping is a tangible improvement and reflective of some of the wooded areas in the locality. The additional on and off-site landscaping would soften the impact of the proposal. Moreover, the landscape is not valued or of historical importance. So, in that sense, it would comply with this part of the policy.	
Bullet point 3. Be inconsistent with local character	The loss of longstanding hedgerows and the urbanisation of the site would be at odds with the rural surroundings. However, part of the local character is busy roads, the service station, garage and the fast food restaurant. Also, there are some heavily wooded areas in the locality and a heavily wooded landscape scheme would not be wholly inconsistent with the local character.	Partial compliance
Bullet point 4. Impact on areas judged to have a high level of tranquillity	Map 4.4 of The Landscape Character Assessment (2024) identifies the majority of the two parcels being at the lower end with the north eastern parcel being medium.	Yes - complies
Bullet point 5. Harm the setting of settlements, buildings, structures or other landmark features, or	No, it would not harm the setting of Stoke Lyne, Lone Barn and Park Farm, particularly with the substantial off-site landscaping proposal.	Yes – complies

Bullet point 6 Harm the historic value of the landscape.	The field pattern of this site has been intact since at least the 1st edition OS mapping of the early 1800's and this pattern would, of course, be permanently altered by the removal of the hedges and the introduction of large logistics buildings along with the associated lorry and car parking bays. That said, it is not an historic valued landscape.	Yes -complies

9.88. Previously, in my 3rd July Planning Committee report, I had written that *“the consequence of inserting large-scale logistics buildings into this open countryside (particularly on the northern parcel) would represent significant adverse harm that is permanent and enduring. It is compounded by the loss of hedgerows on the ‘interior’ of the site and insufficient landscaping offered up in return in the original submission (since revised). This harm would result in conflict with policies ESD13 and ESD15 of the Local Plan and 187 of the NPPF and weighs against the proposal in the planning balance.”*

9.89. However, the revised landscaping proposal is so comprehensive and full, the proposal would no longer result in significant adverse harm from what I, members and LUC considered to be the key viewpoints. The new woodlands would also be in keeping with the neighbouring wooded areas. In short, I do not believe that the character and appearance of the area to be unduly compromised and undermined as part of any harms arising from the development.

9.90. It is a greatly improved development which complies overall with policies ESD13 and ESD15 and paragraph 187 of the NPPF. This is true, cumulatively, of all four applications around Baynards Green roundabout.

Highways

9.91. In response to the Council's Regulation 25 Letter, the applicants have submitted an updated Environmental Statement which includes 'the Oxfordshire Strategic Rail Freight Interchange (OxSRFI) as part of the updated cumulative impacts assessment.

9.92. Although not requested in the Council's Regulation 25 letter, the applicants also looked at other existing and/or approved schemes coming forward with a 5 km study area, which identified the following additional schemes that fall within 5 km of the site:

- Heyford Park (application ref. 25/02190/HYBRID)
- NW Bicester (application ref. 21/04275/OUT)
- Puy du Fou (application ref. 25/02232/OUT)

9.93. The Council did not require the above applications to be included the applicants' cumulative assessment on the grounds that there are objections and holding objections to all three applications from OCC Highways and National Highways (and other consultees) and significant changes may well be required to the respective Transport Assessments. By contrast, OCC Highways are of the opinion that the trip

generation and modelling information from the OxSRFI, from an OCC Highways perspective, can be relied upon at this stage.

- 9.94. The Applicant, as explained in their covering letter dated 7 November 2025, has *“chosen to include these in the updated CEA to ensure that a robust review of likely cumulative effects has been undertaken in conjunction with the Proposed Development.”*
- 9.95. In short, *“the additional schemes identified above have been reviewed by the Applicant’s EIA technical team, with a sensitivity test undertaken to confirm the findings of the previous assessment. This review should be read alongside the analyses provided in the CEAs from the 2024 ES Update and September 2025 ES Addendum.”*
- 9.96. The applicants’ sensitivity testing, based on the available information, identifies no additional likely significant cumulative effects.
- 9.97. OCC Highways have reviewed this information and made the following comments:

The ES Addendum transport topic is addressed through a sensitivity test carried out by SLR Consulting on behalf of the current Albion Land and Tritax applications at Baynards Green, as set out in the ES Sensitivity Tests document, which I have reviewed. The assessment focusses on peak-hour traffic at M40 J10 and the junction of A4095 and B4100 at Bicester, reflecting the scope of the original TA.

To meet the Regulation 25 requirement, cumulative traffic assessment is provided including OxSRFI traffic, with its mitigation, on top of Albion, Tritax, and background traffic including traffic from committed development. Further cumulative assessment has been carried out and included within the Sensitivity Tests document, adding in traffic from speculative development proposals currently under consultation at Heyford Park and Bucknell (Puy du Fou). However, I am not considering these further assessments in my response because a) at this time those developments are not considered to have sufficient certainty of coming forward to require the assessment and b) OCC is not yet satisfied with the transport assessment of either of these developments, so in my opinion the information regarding their traffic flows cannot be relied upon.

In line with guidance, the original ES considered increases in traffic across the day arising from the development on a number of road links. The ES Addendum now submitted does not provide a revision of this assessment. However, taking into account the links that were assessed, and the low sensitivity ascribed to them in the ES, I think this is reasonable. The B4100 southeast of Baynards Green, and the B430 through Ardley are predicted to see net reductions in traffic as a result of the OxSRFI embedded mitigation (Ardley bypass and Middleton Stoney Relief Road). The additional traffic on the B4100 west of Baynards Green associated with the OxSRFI, Albion and Tritax applications is unlikely to exceed the guidance thresholds requiring further environmental assessment, although this does rely on HGV routing restrictions being adhered to, preventing the use of the route by HGVs from the proposed developments.

Although the B4100 has been classified as low sensitivity in the original ES, to the west it routes past Souldern, where there are properties very close to the road and adjacent to the carriageway. It then proceeds towards Aynho where traffic could turn right through Croughton to get to the A43 N. The route through Croughton village has properties including a primary school fronting directly onto the road. Traffic proceeding towards Banbury would pass through Aynho village, where there are properties fronting directly onto the road, and pedestrian crossing demand. It would then pass

through Adderbury, where there is primary school frontage on the B4100 and crossing demand. We have requested a condition for an HGV Routing Strategy to complement the legal routing agreement, acknowledging that routing agreements are difficult to enforce when there are a number of operators. In the routing strategy we will be looking for strong measures to prevent HGVs using routes other than the permitted routes. This should be comparable to the measures proposed by OxSRFI, which includes ANPR cameras.

The methodology of the Sensitivity Tests is set out in the SLR document. It is based on a model scenario run by OxSRFI as part of their assessment, referred to as scenario DS3A. This is a 2034 scenario including the SRFI full development and their full package of embedded mitigation, including the proposed improvements to M40 Junction 10/Baynards Green. It also includes the Albion Land (21/03267/OUT and 21/03268/OUT) traffic because those applications already had a committee resolution to approve. The mitigation scheme for Baynards Green included in this scenario is the OxSRFI 'Alternative scheme' which is a widening of the mitigation scheme to be delivered by Albion and Tritax prior to first occupation of their sites, to provide additional lanes.

The B4100/A4095 junction was also assessed as part of the Albion and Tritax planning applications (including all of these developments). OxSRFI, with its mitigation package, is predicted to reduce traffic at this junction because of their proposed Middleton Stoney Relief Road, such that there would be a net reduction in flows at the junction.

OxSRFI have assessed J10 using a linked LinSig model of the junction including Ardley Roundabout in the south and Baynards Green Roundabout to the north. Further testing as recommended by National Highways is being carried out by OxSRFI using the NH VISSIM microsimulation model of the junction but is not yet available. SLR (for Albion and Tritax) have copied OxSRFI's LinSig DS3A scenario (taking the details from the consultation materials) and added in the agreed predicted traffic flows for the Tritax development proposal.

The LinSig results predict that the junction, with the improvements provided by OxSRFI and Albion/Tritax, as well as the wider OxSRFI mitigation package, is likely to operate within capacity in 2034. The model also includes the Albion Eastern site access, which is also predicted to operate within capacity.

Separately an ARCADY model of the Tritax site access roundabout on the B4100 has been provided demonstrating that it is also predicted to operate within capacity with OxSRFI.

- 9.98. National Highway were reconsulted and advised that, from a transport perspective, their previous comments on the original application, as set out in their updated response of 13 January 2025, stand and National Highways has no objection to the sensitivity tests outlined above.
- 9.99. We would also note that in the event of any future development in the area, further assessment would be required into the cumulative impact on the A43 Barley Mow roundabout
- 9.100. The emerging local plan policy CSD 23 (Assessing Transport Impact/Decide and Provide) encourages development to:
 - i. Contribute towards the improvement of public transport and the improvement and delivery of walking and cycling routes that serve the site. This could be achieved through the design of development and/or

through financial contributions appropriate to the scale and impact of the development;

ii. Be expected to provide, or make a proportionate contribution to the provision of, new and/or improved public transport infrastructure and services considering cumulative impacts of other approved developments in the area;

iii. Limit motor vehicle trips and identify and deliver highway safety measures at and around the development site, including temporary measures during the construction phase. This measure should reduce road danger and facilitate safer movements for all users and transport modes, and

iv. Comply with the latest Oxfordshire guidance on design, cycle and car parking provision, servicing facilities and electric charging infrastructure. Development which improves or provides new public transport infrastructure and facilities will be supported subject to:

v. Being acceptable in terms of impact on the environment including townscape, public realm and amenity of adjoining areas;

vi. Being designed to be safe, convenient, attractive and accessible for use especially for people with disabilities and specific mobility needs, and

vii. Providing adequate cycle parking and safe and suitable access on foot and by bicycle, including consideration of pedestrian and cycle desire lines.

9.101. For reasons set out in the policy chapter, I afford limited weight to this policy at present. Nonetheless, subject to planning conditions and an agreed s.106 agreement, and reasons set out above and below, the proposal would in my view comply with this emerging policy.

9.102. Paragraph 115 of the NPPF states that in assessing specific applications for development, it should be ensured that:

- a. appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b. safe and suitable access to the site can be achieved for all users;
- c. the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d. any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

9.103. Paragraph 116 of the NPPF makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

9.104. Policy SLE4 of the Local Plan reflects the NPPF policy: it states that development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported.

9.105. Paragraph 117 of the NPPF states that within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

9.106. Paragraph 118 of the NPPF requires all developments which generate significant amounts of movement to provide a travel plan, and the application should be supported by a vision-led transport statement or transport assessment so the likely impacts of the proposed development can be assessed and monitored.

9.107. National Highways had originally (September 2022) requested that planning permission was not granted for a period of 3 months to allow time for the applicant to provide the additional information required to help National Highways better understand trip generation and the level of impact on the national road network, including Baynards Green roundabout.

9.108. In March 2023, National Highways requested another 3 months pause to allow for further information to assess the potential impact on a similar extent of the SRN, including the Baynards Green roundabout and establish the level of mitigation would be required at this junction, as the Growth Fund scheme was no longer in place as originally expected. This holding objection remained in place until April 2024 following the applicants scheme to improve the Baynards Green Roundabout with additional north-south highway capacity on the A43 and enhanced signal controls.

9.109. National Highways were satisfied by the mitigation plans and subsequently withdrew their holding objection on the basis that a stringent pre-occupation of development condition was imposed to ensure that the highway improvement plan, as shown on SLR Consulting drawing ref: 216285-A-14 Rev B, entitled 'Baynards Green General Arrangement', is completed and open to traffic. National Highways then subsequently recommended an additional condition for a Construction Environmental Management Plan (CEMP).

9.110. OCC Highways are also satisfied with the principal of the proposed capacity improvement works to Baynards Green Roundabout, particularly now it will be secured through the s.106 agreement. This means that in the event that the Tritax scheme or one of the two Albion Schemes comes forward in advance of the others, one applicant/landowner cannot prohibit the other from carrying out the agreed works. OCC Highways' concern comes from a need for Tritax and the Albion Land East parcel to provide land outside the highways boundary (East of the A43 and South of the B4100) to allow for adequate forward visibility to the roundabout when approaching along the B4100 from the east. Therefore, this agreement is required to ensure that the scheme can come forward prior to the first occupation of any of the application sites.

9.111. Following an OCC Highways objection in August 2024, and a request for further information in March 2025, the applicants, along with Albion Land, have jointly submitted the following additional documents:

- Transport covering letter on behalf of applicants, Albion Land and Tritax; and
- Transport Modelling Appendix A Topic Paper Addendum providing summary of current situation, details of cycle facility and an appendix with details of a

test to address OCC's previous concerns regarding modelling of B4100 junctions.

9.112. The updated information sets out the following:

- How the scheme would integrate with the proposed cycle route to Bicester.
- How the crossing facilities at the southern arm have been amended to a parallel crossing arrangement.
- How the splitter island has been increased in width at the access and at the B4100.
- Confirmation that detailed highway boundary has been obtained to confirm land ownerships.
- Further details regarding the design of the bus stop areas which aim to reduce conflict between cyclists and waiting bus passengers.
- Transport Modelling work.

9.113. For completeness, I have set out OCC's key concerns (written in italic font) in 2024 and OCC's response, following receipt of this additional transport information:

9.114. *Lack of commitment to providing the cycle route between the sites and Bicester, with the applicants seeking to justify not providing it:*

"This is now offered as mitigation, as set out in Transport Topic Paper Addendum Appendix C, drawings DTA 17213-30-GA- 0-6 Rev N, and further work has been done by the applicant to demonstrate its feasibility, including a Road Safety Audit Stage 1, to the point where OCC highways is satisfied that it could be delivered, albeit with constraints requiring narrowing in places. Points raised in the RSA can be addressed through detailed design. Since the submission of this additional material, there has been further discussion as to how the route could safely transition into Braeburn Avenue, and the works are likely to require some changes to the geometry of the junction, to tighten up the radii. There is insufficient agreed-carriageway facilities but cycling on carriageway in Braeburn Avenue is considered acceptable due to the low traffic volumes (it is not a through road because of the bus-only link at the northern end of Charlotte Ave) and 20mph speed limit. OCC remains firmly of the opinion that this mitigation is required alongside public transport improvements as part of the sustainable transport strategy for the site, and in order to provide safe access for all users. (NB: For OCC's full justification please see their response of November 2024). There would be some loss of vegetation including overgrown hedgerow, and possibly some complete loss of hedgerow along parts of the route. However, in my opinion this should be considered in the context of the significant loss of hedgerow arising from the developments themselves and the mitigation scheme at Baynards Green."

9.115. *Aspects of the access arrangements required revision for safety reasons:*

"These have been largely addressed (see Appendix E of 'Topic Paper Addendum' dated 3 February 2025), and the proposed access for the Albion Land eastern plot (to the east of the Baynard Green Roundabout) has been changed from a roundabout to traffic signals, which is considered acceptable. The revised junction arrangement for the Albion Land E site has been subject to RSA1 and are considered acceptable in combination with one other in terms of safety.

The accesses E of the B4100 accommodate the proposed cycle/pedestrian link to Bicester, which has been subject to a separate Road Safety Audit Stage 1

(Appendix C of the Topic Paper Addendum). The detailed design stage of the accesses must be carried out in conjunction with detailed design of the ped/cycle facility.

Accesses for Albion E and Tritax are shown in combination, together with their required bus stop laybys and crossing, on drawing SLR 216285_PD12 Rev A. Drawing DTA 17213-35-GA Rev D shows the signalized junction for Albion E.

For the Albion Land W site, additional footway has been added to the W side of the access road and an informal crossing at the roundabout junction with B4100. I would prefer to see the crossing set back from the roundabout for safety reasons and therefore a condition is requested. Consideration will also need to be given to cycle access to the western plots. The arrangements are the subject of a full application, ref 21-03266-F.

Careful consideration will need to be given to the construction phase, and it is expected the CTMP will consider the construction of the junctions. The highway works necessary for each application site will be secured through the respective S106 agreements. For each site this will include continuous footway and cycleway linking to the Baynards Green junction improvement scheme and to Bicester (Braeburn Avenue), bus stop facilities including laybys and crossing of B4100. Completion of these works will be required prior to first occupation. “

- 9.116. *Concern that the assessment of the B4100/A4095 junction in Bicester was underestimating the traffic impact of the development at that junction.*

Further modelling work has since been undertaken, which is discussed further below.

- 9.117. *Assessment of impact on villages to the north in Northamptonshire.*

It is noted that WNC concluded that there would be negligible impact on traffic flows in Aynho and Croughton. Difference plots from the Bicester Transport Model show that approximately 14% of the development traffic would route via the B4100 west, which would result in a change of less than 5% on the B4100 through Aynho, which could not be considered severe in NPPF terms. The increase in traffic will be from cars, not HGVs, which would be subject to a routing agreement prohibiting them from travelling north on the B4100.

- 9.118. *Concern about the level of car parking at the developments.*

“Whilst this is only indicative and would be agreed at reserved matters stage, from the layouts provided it is evident that the number of car parking spaces envisaged (these are marked on the plans – not just a general area indicated for parking) is far in excess of OCC’s parking standards. If parking levels were to be allowed as shown, this would potentially undermine travel plan objectives to promote sustainable travel and car sharing. The travel plan is especially important here since the applicant’s traffic modelling of the A4095/B4100 junction relies on significant modal shift away from single occupancy car trips between the site and Bicester. “

- 9.119. I agree with OCC regarding their concern over the exceedance of parking bays (the original illustrative plan suggested 1,025 bays against OCC maximum standards of 600 bays per 180,000sqm of employment space - a 70% exceedance). Not only would

it result in further landscape harm and potentially a poor-quality internal layout, it would also run counter to the aims and aspirations of the travel plan and its ability to help encourage a modal shift from driving to cycling, walking and public transport. The revised parameters plan increased boundary landscaping and that would afford a significant but as yet unspecified reduction in available parking space.

9.120. I noted in paragraph A.6.25 of Tritax's updated Environmental Statement note (February 2025), the proposed cycleway extends adjacent to Twelveacre Copse; an Ancient Woodland site. This paragraph advises that, *"No direct loss to Ancient Woodland habitat is anticipated, however the route extends through the 15m Ancient Woodland buffer zone. The potential for impacts to the woodland's root protection zone that may result in impacts to the integrity of the Ancient Woodland will be assessed as part of the Ecological Assessment. This will be informed with input from the Arboricultural survey and, if needed, appropriate mitigation will be detailed to ensure there are no impacts to the Ancient Woodland from the creation of the cycleway."*

9.121. The advice I have received from the OCC Highways officer on this matter is that a no-dig construction could be used for the construction of the cycleway. Potentially a flexible surface could be used, as has been used in other locations close to trees. This isn't suitable for vehicles but would be OK for cycles and pedestrians. At the 3rd July planning committee Members were supportive of this cyclepath.

9.122. OCC's Highway obligations are set out in the 'Infrastructure' chapter below. Subject to those contributions being agreed, along with the conditions, then this aspect of the proposal complies with national and local planning policy. The improvement works to Baynards Green roundabout will now be secured through the s.106 agreement instead of condition, this is to ensure that all the relevant parties (landowners and applicants) are signed up to it.

9.123. A concern raised by Members at the 3 July planning committee was the potential for use of the roads by 'last mile' van drivers. A condition (**condition 44**) that would prohibit the use of 'last mile' van drivers would be attached to the decision notice, in the event of an approval.

Ecology

9.124. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.

9.188. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.

9.189. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or

forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

9.190. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:

- 1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- 2) That there is no satisfactory alternative.
- 3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

9.191. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipelines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

9.192. Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) established a legal requirement for Biodiversity Net Gain (BNG) in England, mandating that all new developments, except for a few exemptions, must deliver at least a 10% net gain in biodiversity. This requirement applies to all major planning applications received from 12 February 2024 and all small sites from 2 April 2024.

9.194. Paragraph 187 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs.

9.195. Paragraph 193 of the NPPF states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.196. Paragraph 198 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so, they should (amongst others) limit

the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

9.125. Policy ESD10 (Protection and Enhancement of Biodiversity and the Natural Environment) of the Local Plan 2015 seeks to protect and enhance biodiversity and the natural environment.

9.126. Policy ESD10 of the Local Plan 2015 sets out 12 criteria for how biodiversity and the natural environment will be achieved. The criteria include achieving a net gain in biodiversity, protection of existing trees, increasing the number of trees through planting of new trees and incorporation of features to encourage biodiversity.

9.127. Cherwell Local plan policy ESD11 states: *“Development which would prevent the aims of a Conservation Target Area being achieved will not be permitted.”*

9.128. Moreover, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.

9.129. The PPG dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

9.130. The applicants' Environmental Statement (ES) (2024) and the response prepared by EDP, confirms that approximately 2.46km or 39% of hedgerows onsite would be lost. Hedgerows are priority habitats according to NERC Act 2006, and as such are offered protection under the NPPF and Cherwell Local Plan.

9.131. According to the Pre-Development Habitats figure in The ES Appendix 0.8.4 (Drawing number edp2355_d)58a), the majority of this hedgerow loss would be species rich hedgerow which was a concern for the Council's Ecologist who, in her response in January 2025, commented that, *“Currently without information about how and where the lost hedgerows will be compensated, we cannot fully assess the impact of the scheme even in outline stage and our objection based on loss of priority habitat stands.”*

9.132. The Council's Ecology officer also previously raised a number of other concerns to the proposal relating to:

- 1) Inadequate Net Gain
- 2) Insufficient baseline data
- 3) Impact on farmland birds onsite and in cumulation contrary to NPPF and Cherwell Local Plan
- 4) Impact on brown hairstreak butterfly contrary to NPPF and Cherwell Local Plan
- 5) Impact on ancient woodland priority habitat contrary to NPPF and Cherwell Local Plan
- 6) Impact on CTA contrary to Cherwell Local Plan.

9.133. The applicants responded to the officer's comments with additional information submitted on the 12 March 2025 including a draft LEMP. On this basis, the Ecology officer confirmed that her objections set out in points 2, 3, 4, 5 and 6 in the list above could be adequately addressed through conditions/and or planning obligations, which

secure detailed LEMP/LHMP/CEMPs, prior to the commencement of development, and ensure that features for wintering birds should be incorporated into the design of offsite measures.

9.134. The lack of precise information about where any hedgerow would be removed to facilitate this route is not ideal, but I do not think it would warrant a refusal in itself. This absent information could be secured via condition and through a reserved matters application. The real harm would be the loss of the species rich hedgerow on site in the first instance to accommodate a large commercial development, which isn't allocated for employment development.

9.135. As part of the Addendum to the ES (July 2025), the applicants are now proposing to increase the creation of new mixed scrub, native trees, other neutral grassland and native hedgerows within the Site. They are also now providing to deliver substantial off-site mitigation measures (as shown in Appendix EDP 3 (plan ref. edp2355_d065) of the Landscape and Visual ES Addendum note (report ref. edp2355_r035).

9.136. These measures include the planting of 10-30m woodland blocks to connect Stoke Wood Local Wildlife Site (LWS) to Stoke Bushes LWS, as well as the creation of a wildlife area along a section of a stream. This document advises that the wildlife area will be planted with a mix of native broadleaved woodland (5.833ha), native mixed scrub (1.59ha) and other neutral grassland (1.59ha), thereby creating an ecotone edge adjacent to a stream.

9.137. As this section of stream is currently bordered by arable land, the creation of natural habitats in this area will enhance the stream's function as a wildlife corridor.

9.138. In total, there will be planting of 5.833ha native broadleaved woodland, 1.59ha native mixed scrub and 1.59ha other neutral grassland. There will also be the planting of at least 1.9km of off-site native species-rich hedgerow in this area.

9.139. On the 30 October 2025, as part of the Council's Regulation 25 letter to the applicants, the Council requested the following information:

"The Council's Ecology Officer notes that there have been a few changes to the Sept 25 proposed habitats plan. For example, the applicants had removed the individual trees from the site plan. However, there are still trees in the metric. These changes needed to be clarified/addressed: the Council's Ecology Officer would expect the site plan to match the metric.

The Council's Ecology Officer also required:

- updated Bat Survey report
- updated Dormouse survey report
- commitment that the farmland bird strategy will be in perpetuity
- confirmation in the addendum that a minimum 10% BNG can be achieved
- Finalised Impact Assessment for habitats and protected species based on updated surveys
- Mitigation and enhancement strategy
- Update biodiversity metric and HMMP."

9.140. In November 2025, the Applicants also updated the Environmental Statement to include the following information:

- Technical Appendix 8.5: Updated Biodiversity Net Gain metric (edp2355_r038b);
- Technical Appendix 8.6: Farmland Bird Mitigation Strategy (edp2355_r047);

- Technical Appendix 8.7: Bat Activity Technical Note (edp2355_r048b);
- Technical Appendix 8.8: Dormouse Survey Report (edp2355_r049);
- Draft Landscape and Ecological Management Plan (DLEMP) (edp2355_r033c); and
- Figure 8.6: Post-Development Habitats Plan (edp2355_d072).

9.141. The Council's Ecologist has reviewed these additional surveys and documents and is generally satisfied. Her view is that some of the BNG elements will need to be finalised once the layout is confirmed at the REM stage, but what has been submitted at this point is acceptable.

9.142. The updated dormouse survey showed no evidence of dormouse activity on site. This (the applicants state in their letter) means that the baseline report of the original Environmental Statement (ES) remain valid – that report had advised that Site habitats are of low value to dormice, and, given the nature and context of the Site, that hazel dormice are considered likely absent. In light of the above, no further mitigation for dormice is required and the conclusions of the original ES remain unchanged.

9.143. The Council's Ecologist advises that it is worth noting that the bat surveys recorded higher levels of barbastelle activity during the 2025 survey period compared to previous years. Accordingly, a biodiversity-focused lighting strategy will be required to ensure these species are fully considered and not negatively impacted (this will be **conditioned**). The proposed off-site BNG provisions will also benefit this species.

9.144. The Council's Ecologist is also happy with the details of the Farmland Bird Mitigation Strategy, which, although they will be delivered for a period of 25 years, and not in perpetuity, is acceptable as it replicates the approach the Council takes on other applications in the district.

9.145. Although the site is not subject to mandatory 10% biodiversity net gain under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), it is still required to demonstrate an overall net gain in line with the NPPF and local policy, which aim for at least 10%.

9.146. The applicants are committing to deliver a minimum of 10% BNG. Their draft LEMP (DLEMP) sets out a framework mitigation and enhancement strategy with respect to habitats and species, which includes:

- Compensating the habitat loss (which primarily consists of lower-value arable land), by *“enhancing retained habitats and creating a variety of new, ecologically valuable habitats, both on-site and off-site. These include species-rich grasslands, hedgerows, native scrub, trees and wetland habitats. While some loss of more valuable habitat, comprising the species-rich hedgerows, is unavoidable, it is considered that the habitat creation and enhancement efforts on-site, along with off-site measures necessary to achieve the Developer's commitment to 10% BNG, will adequately offset this loss. These efforts will include the provision of additional hedgerow habitat both on- and offsite, as well as mixed scrub to support foraging, shelter, and commuting for a variety of species, replicating the benefits provided by the hedgerows.”*

9.147. The DLEMP will be linked with a Biodiversity Enhancement and Management Plan (BEMP) (secured by **condition 14**) that would be submitted at Reserved Matters stage, as well as the Habitat Management and Monitoring Plan (HMMP), prepared in

accordance with the approved Biodiversity Gain Plan. The HMMP would also form part of any Reserved Matters application (also secured through planning obligation in the draft S.106 Agreement).

9.148. As noted in the 'Landscape' chapter above, part of this off-site planting lies within the Tusmore and Shellswell Park CTA, the aims of which include the management and creation of lowland mixed deciduous woodland. EDP advise that *"given that the majority of off-site woodland planting lies within, or adjacent to this CTA, including the wildlife area along the stream, it is considered that the off-site habitat creation will further the aims of the Tusmore and Shellswell Park CTA, and will provide enhanced wildlife corridors between the LWS woodland blocks and newly created habitats within the Site."*

9.149. I do consider that the loss of so much species rich hedgerow, and the reduction in farmland birds and hairstreak butterfly, conflicts with local plan policies, and it is a harmful aspect of the development. However, I also think that, whilst the harm cannot be completely compensated, the provision of robust ecology conditions to ensure the delivery of on-site replacement hedging and off-site wildlife and planting provision, this element of the scheme would not warrant a refusal in itself.

9.150. The off-site woodland/landscaping plans has also greatly improved this element of the scheme and, subject to conditions (12 - 16) and a S.106 agreement, will ensure overall compliance with the Local Plan policies Policy ESD10, ESD 11 and BL11 along with the relevant provisions in the NPPF. I give this element moderate negative weight in the overall planning balance.

Drainage

9.151. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 181 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient.
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

9.152. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.

9.153. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.

- 9.154. The applicants, in their submission documents, have included a Flood Risk Assessment and Drainage Strategy. The strategy is for all surface water flow to be attenuated in a series of basins (combination of soakaways and impermeable basins) and below ground storage prior to discharging at QBAR Greenfield run off rate of 4.5l/s/ha.
- 9.155. Part of the surface water strategy would also involve dividing the site into 3 catchment areas (See Appendix F).
- 9.156. Catchment 1 would utilise a hybrid system of attenuation basins and soakaways, in addition to below ground storage. It is anticipated that surface water would infiltrate into the ground for majority of design storms, and, during more extreme storms, the surface water would rise to a level of 113.150m and then overflow from the attenuation systems discharging into an existing ditch located south of catchment 1 at a controlled greenfield runoff rate. The Drainage Strategy assumes that the existing ditch is culverted beneath the B4100 and flows further south into another existing ditch.
- 9.157. Catchment 2 would attenuate the surface water flows entirely within a series of attenuation basins prior to discharging into an existing pipe east of catchment 2 which further connects into an existing ditch. Due to the low permeability of the existing strata in this area, the attenuation basins will only partially act as soakaways. The drainage strategy advises that due to the existing 300mm diameter pipe size, the flow would be restricted to a maximum of 90l/s, reducing the discharge rate from the greenfield run off rate.
- 9.158. Catchment 3 would be located south of the development site and is proposed to drain entirely through a soakaway basin due to the permeability of the underlying strata. Permeable paving is proposed to be installed to all external car parking areas. This will be a 'Type B' system (after CIRIA 735), where the proportion of rainfall that exceeds the infiltration capacity of the subsoil will flow into the engineered drainage network.
- 9.159. The Drainage Strategy confirms that the whole of the drainage network has been designed to accommodate the critical storm event up to and including the 1 in 100-year return period plus a 40% allowance for climate change, whilst still preventing off-site flooding.
- 9.160. The Drainage Strategy also confirms that the drainage system will be designed to accord with BS EN 752:2017 requirements.
- 9.161. Regarding the foul water, the Drainage Strategy advises that *"All foul effluent from the north side of the development will be directly discharged into an on-site main pumping station located on the north eastern side of the development (see Appendix F). It is proposed that the foul flows from the south side of the development discharge into a private pumping station located within the southern area, pumping the foul water into the main pumping station via a rising main. The main pumping station will then pump all the foul water drainage into an existing Anglian Water manhole (Ref:5301) in Stoke Lyne village located east of the site. "*
- 9.162. On the 6 March 2025, Anglian Water, who hadn't objected to the proposal previously, objected to any connection into their foul network from the proposed development, due to capacity constraints and pollution risk. Anglian Water also made the following comments:

Wastewater Treatment

- *The proposed development is situated within the catchment area of the Stoke Lyne Water Recycling Centre (WRC), which is currently classified as a Descriptive Works – a small WRC with a descriptive permit. There is no planned investment in this catchment and any additional flow poses an environmental risk to the watercourse.*
- *To overcome our objection the applicant should carry out 12 months of flow monitoring to measure the total daily volume of treated effluent being discharged from the WRC. The data should be shared with us and if it is proven that the total volume, with the addition from the proposed development, does not exceed the permitted volume for this WRC then our objection could be removed.*
- *Prior to carrying out flow monitoring the applicant needs to contact Anglian Water to discuss how this must be undertaken.*

Used Water Network

- *In order to overcome our objection we require that the applicant consults Anglian Water in a form of a Pre- Development enquiry (PPE) in order to define a Sustainable Point of Connection (SPOC). This will avoid the constrained network which could cause pollution and flood risk downstream. The developer is to be responsible for the infrastructure to convey foul water flows from the proposed development to the receiving network. Once a SPOC has been identified and a strategy has been agreed with Anglian Water, we would expect the applicant to submit this PPE as part of their submitted documents for this application, we will the review and respond appropriately. Anglian Water is committed to supporting sustainable growth and in doing so we must continue to meet the statutory obligations whilst balancing factors such as climate change as environmental protection. However, if the LPA are minded to approve the application, despite our objection and risk of pollution, we recommend the following condition is applied:*

9.163. Whilst Anglia Water has objected to the proposal, as noted in their comments, they have said that in the event that the Council were minded to approve the application, they would require a condition to be imposed which prohibits the development from commencing until a strategic foul water strategy has been submitted to and approved in writing by the Local Planning Authority, in consultation with Anglian Water.

9.164. Consequently, the pre commencement nature of this condition would ensure that the concerns raised by Anglian Water do not come to pass because their concerns will have to be addressed/overcome before any development can take place.

9.165. Similarly, Thames Water, in their consultation response, have advised that, following initial investigations, they have identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. As a consequence, they have requested for a condition to be imposed which prohibits any of the buildings from being occupied until confirmation has been provided that demonstrates that either:- *“all water network upgrades required to accommodate the additional demand to serve the development have been completed; or – a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied.”*

9.166. Subject to conditions, including Anglian Water’s Grampian condition **(39)** Thames Water pre-occupation condition **(38)**, neither the CDC Drainage officer, nor OCC, as the LLFA, have raised any objections to the proposal. Therefore, with the appropriate

stringent conditions attached, the proposal would accord with relevant Local and National Planning policies and I give neutral weight to this matter in the planning balance.

Energy

- 9.167. Planning plays a vital role in ensuring that developments minimise their contribution towards climate change. This is recognised by the Government and why one of the NPPF's core principles is that *"the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure (paragraph 152)".*
- 9.168. Cherwell District Council is committed to tackling climate change. For many years Cherwell District Council has been at the forefront of developing and implementing robust and innovative planning policies and standards to tackle climate change. In July 2019 it declared a Climate Change Emergency.
- 9.169. When the 2011-2031 Local Plan was adopted, it strengthened previous planning policies relating to energy in order to ensure that the Council continues to take a robust and ambitious approach to minimising carbon emissions in the district, which is why policies ESD 1 – 5 were introduced.
- 9.170. Policy ESD1 of the CLP 2015 covers the issue of Mitigating and Adapting to Climate Change and includes criteria under which application for new development will be considered. Included in the criteria is the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts. These requirements will include the consideration of, taking into account the known physical and environmental constraints when identifying locations for development. Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling. Minimising the risk of flooding and making use of sustainable drainage methods and reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).
- 9.171. Policy ESD5 of the CLP 2031 Part 1 requires new commercial development of over 1000sqm floorspace and for new residential development for 100 dwellings or more to provide a feasibility assessment of the potential for significant on-site renewable energy provision. This is expected to then be provided if it is shown to be deliverable and viable. Policy ESD4 of the CLP 2031 Part 1 also requires a feasibility assessment to be carried out for such developments to consider whether District Heating/ Combined Heat and Power could be incorporated.
- 9.172. Policy ESD3 of the CLP 2031 Part 1 requires that all non-residential development will be expected to meet at least BREEAM 'Very Good' standard. It also requires development to reflect high quality design and environmental standards and for water, it is expected that a higher level of water efficiency than required by the Building Regulations be sought to achieve a limit of 110 litres/ person/per day (this applies to residential uses too).
- 9.173. The applicants' Environmental Statement (prepared by Savills) and Planning Statement (Framptons) advises that each building on each site would have PV solar panels on a minimum of 18% of the roof area and that an 'energy hierarchy' would

be employed “to reduce carbon emissions from the built development: by minimising heat losses, reducing air permeability, maximising the use of natural light; maximising the energy efficiency of the fittings and equipment that is incorporated into the development; and to incorporate renewables / low carbon technology.” The applicants have also agreed to deliver a scheme which would achieve a BREEAM ‘Excellent’ rating. This will be secured by **Condition 7** and is a benefit of the scheme.

9.174. A compound would also be used as an energy centre and there would be EV charge parking for cars and sustainable drainage solutions. These are all energy mitigation measures which will be secured via **Condition 7**).

9.175. Although officers are aware of concerns over energy capacity issues in/around Bicester, National Grid has been consulted repeatedly and has not voiced any objection to the schemes, and it is their responsibility to supply adequate electricity to the development. On that basis, officers are not minded to consider this a reason for refusing the scheme.

9.176. Based on the above points it is considered that the applicants have demonstrated that the proposal would comply with the requirements of Policies ESD1, ESD2 and ESD3 of the CLP 2015.

Air Quality

9.177. Policy ESD 1: Mitigating and Adapting to Climate Change Measures contained within the Cherwell Local Plan 2011-2031 Part 1 states that measures will be taken to mitigate the impact of development within the District on climate change. At a strategic level, this will include: Distributing growth to the most sustainable locations as defined in this Local Plan; and delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.

9.178. Policy ESD 10: Air quality assessments will also be required for development proposals that would be likely to have a significantly adverse impact on biodiversity by generating an increase in air pollution.

9.179. Saved policy ENV1 contained within the Cherwell Local Plan 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted.

9.180. Paragraph 6.1.4 of the Air Quality chapter of the applicants Environmental Statement states: *“It is anticipated that the day-to-day energy strategy during the operational phase of the Proposed Development will incorporate an all-electric approach, in compliance with Part L of the Building Regulations. As such, assessment of day-to-day on-site air quality emissions during the operational phase has been scoped out.”*

9.181. The Air Quality assessment concludes that the impact from dust generated from the earthworks and the construction phase would be low. It goes on to set out the Predicted Annual Mean NO₂ and PM₁₀ Concentrations during the proposed development, as being negligible. The Council’s Environmental Protection Officer agrees with these conclusions and raises no objections. Moreover, having spoken with the Environmental Protection Officer (23 December 2025), he has confirmed that, subject to conditions, cumulatively (the Tritax and Albion applications combined), Air quality impacts would be of an acceptable level and that the schemes are policy compliant and he raises no objection.

- 9.182. Furthermore, the Site does not lie within an Air Quality Management Area (AQMA) – the closest AQMA is 6.5km to the southeast of Bicester.
- 9.183. For the above reasons, this aspect of the proposal, subject to conditions, complies with policies of ESD 1 – ESD 5 and ESD10 of the Cherwell Local Plan:2015 and Saved policy ENV1 of the 1996 Cherwell Local Plan.

Heritage

- 9.184. Policy ESD15 of the CLP 2015 makes it clear that new development to, or near, non-designated heritage assets, should: “Conserve, sustain and enhance designated and non-designated ‘heritage assets’ (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG.”
- 9.185. Paragraph 207 of the NPPF states that *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*
- 9.186. The applicants have included an Archaeology and Heritage chapter in the ES, prepared by EDP. It assesses the relationship between the site and all the Heritage Assets within a 2km radius of the site. This appraisal concludes that there would not result in any adverse effects on the non-designated and designated heritage assets.
- 9.187. This is a view shared by the Council’s Conservation Officer, who has concluded that, due to a combination of distance, screening (buildings, landscaping & trees), there is no notable interrelationship between the site and the closest heritage assets (Grade II* Church in Stoke Lynn, Conservation Areas in Ardley, Fewcott & Fitwell).
- 9.188. Sub-section v.ii of emerging local plan policy COM 10 makes clear that new developments should not “Reduce the historic significance of the landscapes”. The proposal would comply with part of the policy as well.
- 9.189. I note in one of the objection letters from Somerton Parish Council there is concern that this application, along with the Albion, Heyford ‘New Town’ and Puy Du Fou applications, would result in a national heritage impact on Rousham House & Garden - a Grade I listed house set within a Grade I Registered Park and Gard. I requested the views of the Council’s Conservation Officer on this point. Her advice was:

“In respect of Rousham House and The Registered Park surrounding it, the significance of these heritage assets is recognised. However, because of the location of Rousham in relation to the proposed developments it is considered that there will be no direct harm to significance. It is acknowledged that the developments will visually alter the wider landscape, but this does not necessarily equate to heritage harm. “

- 9.190. For these reasons, this aspect of the proposal is policy compliant and has neutral weight in the planning balance.

Residential Amenity

- 9.191. The NPPF identifies, as a core planning principle, that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.192. This core principle is reflected in Policy ESD15 of the CLP 2011-2031 Part 1, which states that new development proposals should: *“consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.*
- 9.193. Given the significant setback (56m) between the proposed development area shown on the parameter plan, and the closest neighbouring building (Lone Far.), I do not anticipate that the neighbours would experience a loss of daylight/sunlight or privacy.
- 9.194. Although there would be a great deal of lorry and car movement on the site, the Council's Environmental Protection Officer has not objected on noise or lighting grounds, subject to conditions. A condition (**condition 44**) would also be imposed (it has also been offered up by the applicants) which would ensure that there are no 'last mile' van drivers using this site.
- 9.195. However, the scale of this employment park, its open location and proximity to two isolated dwellings and Stoke Lynn means that a few local residents would suffer a significant change in their views. Although it is long established that no one has a right to a view and I note that the bund in front of the closest employment shed, as shown on section plan (ref:edp2355_do63d) would have a depth of approximately 40m and a minimum height of 6.6m. It is anticipated that the trees on top of the bund would have a height of 12.2m at the 15-year growth stage, lessening the impact on the views of the occupiers of Lone Farm. The bunds will be secured by **Conditions 5 & 45 – 48**)

Archaeology

- 9.196. OCC's Archaeologist, in her original comments noted that *“the site was known to be of archaeological interest and potential, with a range of features recorded from cropmarks, and a Roman coin hoard recovered from within the development area.*
- 9.197. *The geophysical survey revealed extensive remains beyond those known from cropmarks and so trenching was undertaken. The archaeological trenching has recorded dense Iron Age, Late Iron Age – Early Romano British (transitional period) and Romano British activity in the east of the site, with evidence for Saxon settlement being recorded in the southern field. As well as these remains, a small assemblage of later prehistoric, worked flint was recovered from the site, suggesting there was also earlier activity across the area.*
- 9.198. *The Iron Age settlement remains include enclosures and a north – south trackway. Associated with the settlement, four burials were also identified. The Iron Age features underlie the later Romano-British settlement, which expanded across the site and mostly dates from the 2nd-4th century. Within this period, a single rectilinear stone building was erected which could represent a basic villa rustica, or large barn. The Saxon settlement to the south of the B4100 is represented by four sunken featured buildings, which have been dated to the 7-8th century.”*
- 9.199. During the course of the application, OCC's Ecologist, following a review of Cotswold Archaeology's first phase of evaluation, requested sight of their second phase evaluation, along with the results of the geophysical survey. This was

subsequently submitted, and, on the 12 September 2024, OCC's Archaeologist made the following comments:

"A further area of archaeological activity was recorded in this phase 2 trenching, and this will also require archaeological mitigation excavation, which can be achieved through conditions. This advice should be read in conjunction with previous comments from the Archaeology Service in April 2023."

- 9.200. Subject to OCC's recommended pre-commencement condition for an Archaeological Written Scheme of Investigation, this aspect of the proposal is acceptable.
- 9.201. Subsequently, when the applicants submitted revised proposals to provide offsite mitigation area (blue line boundary), OCC's Archaeologist advised that the mitigation area lies in an area of archaeological interest and, potentially, where earthworks have been recorded on aerial photographs and within LiDAR data. OCC's Archaeologist's view is that the earthworks likely represent previous field boundaries, and possibly some periphery settlement activity.
- 9.202. However, through discussions with the applicant, landowner and OCAS, it was found that the area has been subject to ploughing between the recording of the earthworks on the site and the current application, via a Natural England scheme.
- 9.203. A geophysical survey was conducted on the area which recorded anomalies corresponding to the former field boundaries, some undetermined anomalies and features likely linked to 19th century drainage. No earthworks were observed on the ground during this survey, and it is likely that the ploughing activity has removed them.
- 9.204. OCC's Archaeologies has advised that she has no objection to the proposal, provided that a further phase of archaeological investigation is carried out to investigate the survival of the earthworks in the ground. Her advise is that this must consist of a trenched evaluation, and based on the results of this, a further mitigation excavation may be required prior to any tree planting in this area.
- 9.205. OCC's Archaeologist adds that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be carried out prior to any tree planting or landscaping in the offsite mitigation area as shown in drawing number edp2355_d073a. This can be ensured through the attachment of a suitable negative condition.
- 9.206. Subject to conditions **8 - 11**, this element of the proposal is acceptable and policy compliant.

Loss of Agricultural Land

- 9.207. Paragraph 187b states that planning policies and decisions should contribute to and enhance the natural and local environment by:
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- 9.208. Emerging policy LEC 7 (Best and Most Versatile Land) makes clear that Best and most versatile agricultural land will be protected from unplanned development to

maximise opportunities for food and other agricultural production. The policy goes on to state that:

“Development resulting in the loss of the best and most versatile agricultural land will only be supported if all of the following criteria are met:

- a) the development meets a demonstrable essential need in the public interest;*
- b) there is insufficient lower grade land available in other suitable locations;*
- c) the contribution to the achievement of sustainable development outweighs the need to protect the land, and*
- d) the likely impact on existing agricultural operations has been minimised.*

An agricultural land classification report will be required and will require independent verification on behalf of the Council which must be paid for by the applicant.”

9.209. The Agricultural Land Classification (ALC) system sets out what it considers to be the Best and Most Versatile Agricultural Land, in the following order:

- *Grade 1: Excellent quality* agricultural land, with very few or negligible limitations to agricultural use.
- *Grade 2: Very good quality* agricultural land, with minor limitations that affect the range of crops or level of yield.
- *Grade 3: Good to moderate quality* agricultural land, with moderate limitations.

This grade is subdivided:

- *Subgrade 3a: Good quality* agricultural land, which falls under the BMVAL definition.
- *Subgrade 3b: Moderate quality* agricultural land, which does not fall under the BMVAL definition.
- *Grade 4: Poor quality* agricultural land, with severe limitations that significantly restrict the range of crops.
- *Grade 5: Very poor quality* agricultural land, with very severe limitations.

9.210. The applicants have submitted an Agricultural Land Classification report, prepared by Land Research Associates. This report concludes that the land is of moderate quality (subgrade 3B in the BMVL table) and, therefore, not the ‘best and most versatile land’ and there would not be any conflict with emerging policy LEC 7.

9.211. The Agricultural Land Classification report also sets out that that the majority of land (67%) within the Cherwell District is either Very Good (Grade 2) or Good to Moderate (grade 3) agricultural land, a percentage that is significantly higher than the national average.

9.212. In summary, the district would not be losing the ‘best and most versatile’ land. It would still result in the loss of agricultural land that is of some (moderate) use, of course, but this would be balanced out by the creation of a significant number of new

jobs and training and apprenticeship opportunities. In the planning balance, I give the loss of this moderate 3b agricultural land a neutral impact when measured against the creation of a significant number of short-term and long-term jobs.

Planning Obligations

9.213. The use of planning obligations to address the impact of development and ensure they are acceptable in planning terms is well established in legislation and national, regional, and local planning policy. The NPPF and Cherwell District Council's Local Plan: Part 1 2015 both recognise the importance of addressing the impacts of development and having effective mitigation in place to ensure that development can be accommodated sustainably.

9.214. Policy INF1 requires development proposals to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.

9.215. Oxfordshire County Council have requested the following contributions:

- Highways works contribution 1 - Signalisation of Charlotte Ave/B4100 junction - **£98,840**
- Highways works contribution 2 - Traffic management in Caversfield/Aunt Emm's Lane - **£26,000**
- Public Transport – Bus service serving the site - **£2,133,133** Public transport infrastructure (if not dealt with under S278/S38 agreement) - Bus real time information (other bus stop infrastructure to be provided as part of S278/on site highway works - **£11,352**
- Traffic Reg Order (if not dealt with under S278/S38 agreement) - Consultation on change to speed limit on B4100 - **£4,224**
- Travel Plan Monitoring - To cover the cost to OCC of monitoring the travel plan over its life - **£3,265** for each site's framework Travel Plan & 3,265 for each unit.
- Public Rights of Way - Improvements to public rights of way in the vicinity of the sites - **£83k**
- Off-Site Highways Works - Improvements to Baynards Green roundabout, including widening, additional lanes and active travel infrastructure, as per drawing SLR 216285/A/14 Rev B. This scheme will be required prior to first occupation of any of the sites. Note that this is also a requirement of National Highways.
- Footway/cycleway link to Bicester - For all three application sites: Required for any one of the application sites prior to first occupation: footway/cycleway link to Braeburn Ave, Bicester, as shown in Appendix C

9.216. In their consultation response, Oxfordshire County Council Highways have provided detailed information to justify the need for their contributions and demonstrate how they meet the three tests contained in paragraph 58 of the NPPF and ensure CIL Reg.122 compliance.

Other Matters

9.217. I note the advice received from Bicester BUG, as part of their consultation response and, having sought the advice of the OCC Highways officer, I shall address each point in turn:

B4100/A43 Junction

9.218. B4100/A43 junction – my understanding is that the possibility of a crossing on the A43 north arm was ruled out early in the design process by National Highways. There isn't the available highway space, particularly on the NW corner of the roundabout by the service station. There are crossings proposed on the other three arms of the roundabout, allowing access between the sites and the facilities at the PFS.

B4100 Road

9.219. The OCC Highways officer disagrees that this is like a normal spine road in terms of the requirements for movements. All likely movements between the sites and the petrol filling station and the bus stops would be catered for, and in the only place where there would be significant pedestrian movements (between the sites and the bus stops on the B4100) pedestrians would be segregated from cyclists. Elsewhere shared use is considered acceptable.

9.220. Crossing setbacks can be adjusted at detailed design stage, if necessary.

Tritax North Access

9.221. An uncontrolled crossing could be added at detailed design stage. The northeast arm of the junction is unlikely to get much use by pedestrians, as the crossing of the B4100 is west of the junction. There will need to be a crossing point for cyclists to get across the arm, probably further into the development.

Tritax South address

9.222. Landing areas could be expanded at detailed design stage.

Cycle Pathway

9.223. Cycle path: priority across access points will be given where it is safe to do so, noting points above about set back – not always sufficient land to set the crossing back far enough, in which case it may not be safe to give priority to cyclists – this will be looked at detailed design stage.

9.224. Access and egress points, and bus stop bypass design can be addressed at detailed design stage.

9.225. Noted re rails and fencing, but we have accepted that there will be narrowings in places where there are constraints.

9.226. The proposed cycle path ends at Braeburn Avenue, where it is considered safe for cyclists to join the carriageway. The developers have shown (to OCC) a design where the junction radii are reduced to allow a safe transition onto the carriageway. Unfortunately, there isn't enough highway land on Braeburn avenue for a segregated cycle facility. On the B4100 south of Braeburn Avenue, there is a building close to the carriageway near the bend, which makes it unsuitable for an off-carriageway route alongside the B4100 to the A4095 junction.

9.227. The details of how the cycle path goes through the layby can be addressed at detailed design stage.

9.228. The other comments relate to internal layouts and so can be addressed at RM stage.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Sustainability is the golden thread that runs through the National Planning Policy Framework, and this is reflected in the policies of the adopted Cherwell Development Plan. The three strands of sustainability are economic, social and environmental as set out at Paragraph 8 of the NPPF.

Positive Benefits

Economic

- 10.2. The proposals, individually, and collectively, would contribute significantly to the Council's Employment Land Supply at a time when there is an identified need at the upper level. Moreover, a further benefit is that the scheme would be providing logistics use in line with the aspirations of paragraphs 86 and 87 of the NPPF which seeks to meet the needs of a modern economy, support economic growth and in a suitably accessible location.
- 10.3. The proposals would provide a forecast of 500 construction jobs (potentially rising to 610 jobs) and 2,430 permanent jobs.
- 10.4. It will also contribute towards the Government's renewed plans to ensure that the Oxford – Cambridge Arc corridor is an engine for the whole of the UK.
- 10.5. The provision of employment training and apprenticeships is also another welcome benefit of the scheme.
- 10.6. Very significant weight should be attached to the economic benefits of the scheme.

Social

- 10.7. As already noted above, there is an economic benefit arising from the provision of jobs. The proposals will likely provide a range of job types from the low-skilled to the highly skilled. Although, given the location, not every post is likely to be taken by people living locally. However, the job provision is still very significant, regardless of ward boundary, and it is likely that there will be some local residents who are able to access some of the jobs over the full length of development. That will bring a community aspect to the scheme as well. This is reflected above in the provision of very significant weight to the economic benefits.

Environmental

- 10.8. The proposals commit to delivering a minimum of 10% biodiversity net gain (the application pre-dates 10% BNG becoming a minimum requirement), through on-site enhanced landscape schemes and substantial off-site ecological improvements (Secured by condition and planning obligations). Providing such a rich and natural habitat carries significant weight.
- 10.9. I also attach significant weight to the applicant's commitment to delivering a BREEAM 'Excellent' condition which goes beyond the policy ESD3 requirement of a minimum BREEAM 'Very Good' rating.
- 10.10. There is an existing bus service – the 500, but it is hourly, doesn't extend into the early morning and late evening, and is only funded for a limited time (until 2027) from development in Brackley. The s106 contribution, although needed to make the development less car reliant, would cover a new bus service in the event the existing

service ceases or be used to top it up. This is needed to help make the development more sustainable. Therefore, I give this element modest weight.

- 10.11. Similarly, the cycle and pedestrian route connecting the site with Braeburn Avenue is necessary to help reduce the need for the car. Therefore, I give these aspects of the proposal significant weight.

Negatives

- 10.12. No development or construction site is silent and dark and, therefore, the development will result in impacts on the area in terms of noise and disturbance, as the development is completed. There would also be disruption through the implementation of the traffic mitigation. This is minimised through the development and implementation of construction management plans. However, some disturbance is expected. This carries moderate negative weight.
- 10.13. The proposed changes mean that the development would result in some adverse harm, on a long-term (15 year +) basis, from only a small number of viewpoints. The extent of the new mitigation measures, would result in the overall impact being greatly reduced, to the extent that the Council's landscape consultant now considers the impacts of the development on the most sensitive views, to no longer be significant.
- 10.14. The scale of the site, at 83.28ha, represents a very large development, particularly as it will not be possible to fully screen it. That will always be a shortcoming of any proposal of this size in the countryside. That said, I am mindful that the landscape is of medium value and not currently a valued or designated landscape and, as noted above, the applicants have taken great care to submit an enhanced landscape proposal which will lessen the impacts. Therefore, I attach moderate negative weight.
- 10.15. The loss of 2.46km of hedgerow, 1.63 km of which is species-rich priority hedgerow, by building on unallocated land also affords significant negative weight, albeit the increased on site planting, and substantial off-site mitigation measures, reduce this harmful impact to the extent that I attach moderate negative harm.
- 10.16. The new 4.5km cycleway, required to make the scheme acceptable from a safety and sustainability point of view, will result in further urbanisation of the area. However, this is likely to be the loss of predominantly scrubs and overgrown hedges, and it wouldn't be the same level of harm as the new access points on the B4100, for example. I give it moderate negative weight to this harm.
- 10.17. The loss of Class 3b Agricultural Land would be a modest shortcoming of the scheme. As Class 3b represents 'moderate' quality agricultural land, I would attach very limited weight to its loss.

Conclusion

- 10.18. Exceptional circumstances, as required by local policy, have been demonstrated. On balance, the very significant benefits of creating a substantial amount of wide ranging jobs in a suitably accessible location, through logistics development which will support the modern economy at national, regional and sub-regional levels, in line with National and Local Plan policies, outweigh the harms caused by developing this particular site. Although I have identified some local policy non-compliance as set out above. Overall, I consider the proposal to accord with the development plan when taken as a whole, and material considerations do not justify a departure from the plan. For this reason, I respectfully recommend that planning permission be granted.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING TO GRANT PERMISSION, SUBJECT TO

- i. THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- ii. THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**
 - a. Payment of financial contributions towards Signalisation of Charlotte Ave/B4100 junction
 - b. Payment of financial contributions towards Traffic management in Caversfield/Aunt Emm's Lane
 - c. Payment of financial contributions towards Bus service serving the site and on site highways works
 - d. Payment of financial contribution towards Traffic Reg Order
 - e.** Payment of financial contributions towards improvements to public rights of way in the vicinity of the sites
 - e. BNG provisions related to HMMP and monitoring fees.
 - f. Appropriate monitoring fees for the delivery of the s106.
 - h. Off-site transport improvement works.
 - i. The provision of a cycle route to Bicester

FURTHER RECOMMENDATION: IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED WITHIN 6 MONTHS OF THIS RESOLUTION AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions and provisions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to contrary to Policies BSC3, BSC10, BSC11, BSC12, SLE4 and INF1 Cherwell Local Plan 2015 and the aims and objectives of the National Planning Policy Framework.

Conditions

Reserved Matters Phasing Plan

1. Prior to or concurrently with the submission of the first reserved matters application(s), a Site Wide Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. Concurrently with the submission of any

application for an approval of reserved matters relating to layout, which result in amendments to this plan, an updated Site Wide Phasing Plan, shall be submitted to the Local Planning Authority for approval. Thereafter the development shall be carried out in accordance with the approved Site Wide phasing plan.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

2. No development shall commence on any phase identified within the approved Site Wide phasing plan approved under condition 1 until full details of access (insofar as not approved by this decision), layout, scale, appearance, and landscaping (hereafter referred to as reserved matters) of the development proposed to take place within that phase have been submitted to and approved in writing by the Local Planning Authority.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Reserved Matters Timing of Submissions

3. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). A longer period is considered appropriate to ensure the development is viable and can progress in phases though should be restricted to eight years to ensure that the assessments made of the development's impacts as part of considering the application are still robust.

Use Class

4. The development hereby permitted shall be used only for purposes falling within B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order and for no other purpose(s) whatsoever.

Reason: In order to retain planning control over the use of the site and in accordance with Government guidance contained within the National Planning Policy Framework.

Approved Plans

5. Except where otherwise stipulated by condition, the development shall be carried out in accordance with the following plans and documents:

Location Plan ref. 14-019-SGP-XX-XX-DR-A-13100 Rev P2

Site Access Plan ref. 216285_PD12 Rev A

Parameters Plan ref. 14-019-SGP-XX-XX-DR-A-131003 Rev P14

The Site Access Plan may be amended by Road Safety Audit or Detailed Design of Section 278 Agreement.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework and Planning Practice Guidance.

Ground Levels

6. All reserved matters submissions relating to a phase shall be accompanied by details of the existing and proposed ground levels as well as finished floor levels of all proposed buildings within that phase. Where the proposed ground and floor level details are approved as part of the reserved matters approval for that phase, the development in that phase shall be undertaken in accordance with those approved levels.

Reason: To ensure that the proposed development is in scale and harmony with its surroundings and to comply with Policy ESD 15 of the Cherwell Local Plan 2011- 2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Energy

7. All applications for approval of reserved matters shall be accompanied by details of the on-site renewable energy provision to be incorporated into that phase, including the provision of solar PV. Development within that phase shall take place in accordance with the approved details of on-site renewable energy provision and no unit shall be occupied until the approved on-site renewable energy provision serving that unit is operational and shall be retained as such thereafter. Each Phase shall deliver, as a minimum, A BREEAM 'Excellent' standard.

Reason: In the interests of ensuring that major development takes all reasonable opportunities to operate more sustainably in accordance with the requirements of Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1.

Archaeology – Witten Scheme of Investigation -Application Site

8. Prior to the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site

area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2024).

Archaeology – Compliance

9. Following the approval of the Written Scheme of Investigation referred to in condition 9, and prior to the commencement of each phase of the development (other than in accordance with the agreed Written Scheme of Investigation), a programme of archaeological mitigation for that phase shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork for that phase.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2024).

Archaeology – Witten Scheme of Investigation - Offsite mitigation area

10. Prior to any tree planting or landscaping in the offsite mitigation area, as shown in drawing number edp2355_d073a, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2024).

Archaeology – Compliance

11. Following the approval of the Written Scheme of Investigation referred to in condition 11, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage

assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2024).

LEMP

12. No building construction shall commence for each phase of development until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall be in general accordance with the draft LEMP (ref: edp2355_r033c) dated November 2025 but will be updated to accord with the increased buffers in the Parameters Plan ref. 14-019-SGP-XX-XX-DR-A-131003 Rev P14.

Reason: To ensure the maintenance and management of open space areas, to secure a high standard of amenity for the site and to protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Ecology CEMP

13. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) based on the measures outlined in the Ecology Appraisal by EDP has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of 'Biodiversity Protection Zones';
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs
- i) No removal of hedgerows, trees or shrubs nor any site clearance work (including vegetation removal) shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to

commencement of the development as it is fundamental to the acceptability of the scheme.

Ecology BEMP

14. The development hereby approved shall not commence until a Biodiversity Enhancement and Management Plan (BEMP) for enhancing biodiversity on the site and/or elsewhere within the Cherwell District so that an overall net gain, of at least 10%, is achieved and has been submitted to and approved in writing by the local planning authority. This shall also include a timetable for provision of measures and a finalised BNG metric to support the BEMP. Thereafter, the biodiversity enhancement scheme shall be carried out and retained in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Reserved Matters Surveys

15. No reserved matters application shall be submitted unless the ecological surveys supporting this outline permission remain valid in accordance with current CIEEM guidance. Where surveys are considered out-of-date by the Local Planning Authority, the reserved matters application shall include an updated ecological walkover survey and any further species-specific surveys identified as necessary.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

Protected Species

16. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by an ecologist (Member of CIEEM or equivalent professional organisation) to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Employment Floorspace Cap

17. No more than 300,000sqm GIA of employment floor space shall be provided across the site as demonstrated on drawing 14-019-SGP-XX-XX-DR-A-131003 Rev P14.

Reason: To ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement, and sustainable development is achieved in accordance with Government guidance contained within the National Planning Policy Framework.
PD Rights Above Ground Infrastructure

PD Rights Water Infrastructure

18. Notwithstanding any provisions contained within the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any Order or Statutory Instrument amending, revoking or re-enacting that order), all water supply, foul water, energy, power and communication infrastructure to serve the development provided at the site shall be provided underground and retained as such thereafter except where specifically approved otherwise as part of a grant of reserved matters approval for a phase or discharge of other conditions forming part of this permission.

Reason: In the interests of ensuring that such above ground infrastructure is not constructed in unsuitable locations on the site where it would be harmful to visual amenity and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Landscape Strategy & Management

19. As part of the Reserved Matters submission, for each phase of development, a scheme of hard and soft landscaping works in that phase of development will be submitted for the approval of the Local Planning Authority. The submitted detail will set out how this supports, enhances, and is complimentary to the Illustrative Strategy (Landscape). The submitted details will include the following in relation to that phase:

- Identification of existing trees, shrubs and other vegetation to be retained
- Wildlife habitat creation of potential benefit to protected species. The extent, location and design of such habitat shall be shown clearly and fully described.
- The creation of a visually attractive and stimulating environment for the occupiers of the future development, and other users of the site.
- Details of street furniture including bins, seating, dog bins, and boundary treatment
- The eradication of Japanese knotweed or other invasive species on the site, if applicable.
- The replacement of trees proposed to be lost in site clearance works.
- Details of the future management of the landscape scheme.
- Ground preparation measures to be adopted.
- Full botanical details, numbers, locations, planting specifications and densities/ seeding rates of all plant material included within the landscape scheme.
- Existing and proposed levels.
- Programme for delivery of the approved scheme.
- A colour study and photomontages to inform the selection of colours, cladding, fenestration, signage and roof appearance;

- Detailed landscape design proposals that reflect the landscape strategy and include integration of car parking and employee amenity areas.
- Full details of drainage features to be designed in accordance with the landscape strategy to provide multiple benefits – wildlife, amenity seasonal cooling and drainage; and
- Full details of all auxiliary buildings and structures including boundary treatments gatehouses bin and bike stores.

The approved scheme shall be implemented in accordance with the relevant approved programme for delivery forming part thereof and shall be managed for at least 5 years from the completion of the relevant scheme, in accordance with the approved management details.

Reason: To ensure the satisfactory appearance of the development and protect wildlife in accordance Policies ESD10, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework.

Arboricultural Method Statement

20. Prior to the commencement of each phase of development, an arboricultural method statement for that phase, which includes tree protection measures shall be submitted to and improved in writing by the Local Planning Authority. The development shall be carried out in accordance with the statement's recommendations and shall be retained in place for the duration of the construction of the development.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity in accordance with Policies ESD10 and ESD13 of the Cherwell Local Plan Part 1 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

Contaminated Land - Desk Study

21. No part of the development hereby permitted shall take place until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out by a competent person and in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management (LCRM)" and has been submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Contaminated Land – Outcome of Desk Study

22. If a potential risk from contamination is identified as a result of the work carried out under condition 22, prior to the commencement of each phase of the

development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals for that phase shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management (LCRM)" and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Contaminated Land – Further contamination

23. For each phase, If contamination is found by undertaking the work carried out under condition 23, prior to the commencement of the development of each phase hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management (LCRM)" and submitted to and approved in writing by the Local Planning Authority. No development for that phase shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Contaminated Land – Unexpected contamination at a later date

24. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out on that part of the site until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

Lighting

25. Prior to the installation of any external lighting in each phase, the design, position, orientation, any screening of the lighting and a full lighting strategy to include illustration of proposed light spill and which adheres to best practice guidance in relation to ecological impact, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved strategy.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage and harm to the environment from light pollution in accordance with Policy ESD10 of the Cherwell Local Plan 2011- 2031 Part 1, Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Fire Hydrants

26. No above ground works shall commence on any phase identified within the approved the phasing plan approved under condition 1 until full details of the fire hydrants to be provided or enhanced on the site for that phase have been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development in that phase, the fire hydrants shall be provided or enhanced in accordance with the approved details for that phase and retained as such thereafter.

Reason: To ensure sufficient access to water in the event of fire in accordance with Government guidance contained within the National Planning Policy Framework

Pedestrian/Cycleway connection southeast

27. The development shall not commence until full specification details have first been submitted to and approved in writing by the local planning authority of a direct pedestrian/cycle connection to the adjacent public highway to the southeast between points A and B on the parameters plan ref. 14-109-SGP-XX-XX-DR-A-131003 Rev P14. Thereafter the connection shall be provided in accordance with the approved details.

Reason: In the interest of highway safety, to provide a route for cycling between the site and nearby villages without using the carriageway of the B4100.

Pedestrian/Cycleway connection south

28. The development shall not commence until full specification details have first been submitted to and approved in writing by the local planning authority of a pedestrian/cycle connection to the adjacent public bridleway to the south between points E and F on the parameters plan ref. 14-109-SGP-XX-XX-DR-A-131003 Rev P14. Thereafter the connection shall be provided in accordance with the approved details.

Reason: To provide a connection to the adjacent public rights of way network, allowing employees access to nearby facilities at Cherwell Valley Services and to Stoke Woods.

Site Details

29. No development shall commence on any phase identified within the phasing plan approved under condition [1] unless and until full specification details (including construction, layout, surfacing and drainage) of the turning areas HGV and car parking spaces within that phase have been submitted to and approved in writing by the Local Planning Authority. The car parking provision shall be in accordance with Oxfordshire County Council's Parking Standards for New Developments or such standards as may replace it. The turning area and parking spaces shall be constructed in accordance with the approved details prior to the first occupation of the development in that phase.

Reason: In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

HGV Routing

30. The development shall not commence until details have first been submitted and approved in writing of an HGV Routing Strategy which shall set out measures to prevent HGVs travelling to and from the site during the operational phase from using routes other than approved HGV routes, which shall be in accordance with Oxfordshire County Council's Freight and Logistics Strategy. And for the avoidance of doubt these shall not include the B4100 northwest of the Baynards Green Roundabout.

Reason: In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Construction Details

31. No development shall commence on any phase identified within the phasing plan approved under condition (1) unless and full specification details (including construction, layout, surfacing and drainage) of the internal access roads, footways and segregated cycle facilities within the site, have been submitted to and approved in writing by the Local Planning Authority. The roads, footways and cycle facilities shall be constructed in accordance with the approved details prior to the first occupation of the development.

Reason: In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Cycle Parking Details

32. Prior to the first use or occupation of any phase of the development hereby permitted, cycle parking facilities shall be provided for that phase on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be in accordance with Oxfordshire County Council's Parking Standards for New Developments or such standards as may replace it. Thereafter, the cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

Electric Vehicle Charging Points

33. Prior to the first occupation of any phase of the development, a scheme for the provision of vehicular electric charging points to serve that phase of the development, which shall be in accordance with the Oxfordshire Electric Vehicle Infrastructure Strategy, shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of the unit they serve and retained as such thereafter.

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

Construction Traffic Management Plan

34. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority for the A43 and the local highways network. This shall include details of phasing of the highway works. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP.

Reason: In the interests of highway safety and the residential amenities of neighbouring occupiers and to comply with Government guidance contained within the National Planning Policy Framework.

Signage

35. The development shall not be occupied until a signage strategy for the site including off-site signage on nearby routes has been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be completed and signage installed in accordance with the approved details prior to the first use of any building on the site.

Reason: To ensure that traffic is directed along the most appropriate routes and to comply with Government guidance contained within the National Planning Policy Framework.

Travel Plan

36. Prior to the first occupation of the development hereby approved, a Framework Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved details.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.

Site Travel Plan

37. Within three months of the first occupation of each unit at the site a Site Travel Plan prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and based on the Framework Travel Plan approved under Condition 38, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved details.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.

Water Supply – Thames Water

38. No development shall be occupied in each phase until confirmation has been provided that either:- all water supply network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water (or the relevant drainage undertaker) to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

Foul Water – Anglian Water

39. No development shall commence until a strategic foul water strategy has been submitted to and approved in writing by the local Planning Authority, in consultation with Anglian Water or the relevant drainage undertaker, This strategy will identify what public foul network capacity improvements are required to accommodate the flows from the development, a strategy and programme for their delivery and confirm a sustainable point of connection to the public foul network. Prior to occupation within any phase, the foul water drainage works for that phase must have been carried out in complete accordance with the approved strategy.

Reason: to protect water quality, prevent pollution and secure sustainable development having regard to paragraphs 7/8 and 180 of the National Planning Policy Framework.

Surface Water Drainage

40. For each phase of development, no development shall commence until a detailed surface water drainage scheme for that phase the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall

subsequently be implemented in accordance with the approved details The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
- Full drainage calculations for the following storm events: 1 in 1 year, 1 in 30 year and all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive Infiltration testing across the site to BRE DG 365 (if applicable), sufficient to confirm the design;
- Detailed design drainage layout drawings of the SuDS proposals including cross section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction and for the lifetime of the development;
- Confirmation of any outfall details;
- Consent for any connections into third party drainage systems.

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

Surface Water Management Scheme

41. As part of any related reserved matters application, a detailed Surface Water Management Scheme for each phase or sub-phase of development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the details approved as part of the strategic scheme (Strategic Surface Water Management Scheme) and include all supporting information as listed in the Condition. The scheme shall be implemented in accordance with the approved details and timetable.

Reason: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards

SuDS as Built Details

42. Prior to first occupation of each phase, a record of the installed SuDS and site wide drainage scheme for that phase shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- (a) As built plans in both .pdf and .dwg file format;
- (b) Photographs to document each key stage of the drainage system when installed on site;
- (c) Photographs to document the completed installation of the drainage structures on site;

(d) The name and contact details of any appointed management company information.

Reason: To ensure that the development does not increase risk of flash flooding in an extreme storm event in accordance with the requirements of Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.

Employment Training & Apprenticeships

43. No development above ground level shall take place until a strategy has been submitted to and agreed in writing by the Local Planning Authority which sets out how Apprenticeships and Training Opportunities will be encouraged to be provided during the construction phase. Prior to the first occupation and prior to the occupation of any subsequent occupiers of the building, a further strategy shall be submitted to and approved in writing by the Local Planning Authority which sets out how Apprenticeships and Training Opportunities will be encouraged to be provided by the occupiers of the unit. The strategies above shall include details of the number of apprenticeships and training posts, over what period of time they will be employed, where the apprentices may be placed within the company and where apprentices will be taken from. The strategies shall be implemented in accordance with the approved details.

Reason: In the interests of ensuring appropriate and adequate apprenticeships are made available in accordance with policy BSC7 of the Cherwell Local Plan 2011-2031, the Council's SPD on Developer Contributions (2018) and Government guidance within the National Planning Policy Framework.

Last Mile Restriction

44. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any statutory instrument revoking and re-enacting the Order and to ensure compliance with saved Policy TR1 in the Cherwell Local Plan 1996, none of the Use Class B8 floorspace hereby approved shall include occupation by any use for 'Last Mile Parcel Delivery Services'.

'Last Mile Parcel Delivery Services' means the movement of goods by parcels to residential and business users where product is moved from the warehouse shelf (or distribution centre) to the customer's doorstep by Light Goods Vehicle (LGV), as distinct from a retail warehouse and distribution centre where goods are distributed on pallets by Heavy Goods Vehicle (HGV).

Reason: To ensure that the traffic impact of the development, taking account of the material difference in traffic generation and impacts of last mile parcel delivery by LGV as compared to more traditional Use Class B8 uses with delivery by HGV, does not exceed that which has been assessed on the surrounding road network, in accordance with saved Policy TR1 in the Cherwell Local Plan 1996.

Landscape Bund Conditions

45. Notwithstanding the provision on the Parameters Plan Drawing No 14-109-SGP-XX-XX-DR-A-131003 Rev P14:

a. the minimum top of bund height along the entire eastern boundary of Zone A shall be increased by one metre in height to 120.2m AOD

b. the minimum top of bund height along the entire eastern boundary of Zone B shall be increased by 3.5 metres in height to 120m AOD.

Reason: To ensure the satisfactory appearance of the development and protect wildlife in accordance Policies ESD10, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework.

46. The bunds shown on Parameters Plan Drawing No 14-019-SGP-XX-XX-DR-A-131003 Rev P14 for Zone A as amended in height by Condition 47 shall be fully formed with within 18 months of the commencement of development on Zone A. The bunds shall be planted in accordance with an approved structural landscaping scheme that has been submitted to and approved by the LPA. The details shall be pursuant to the approved Landscaping Matrix Ref edp2355_d064a. The detailed landscaping scheme shall be completed within the first planting season following the formation of the bunds.

Reason: To ensure the satisfactory appearance of the development and protect wildlife in accordance Policies ESD10, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework.

47. The bunds shown on Parameters Plan Drawing No 14-019-SGP-XX-XX-DR-A-131003 Rev P14 for Zone B as amended in height by Condition 48 shall be fully formed with within 18 months of the commencement of development on Zone B. The bunds shall be planted in accordance with an approved structural landscaping scheme that has been submitted to an approved by the LPA. The details shall be pursuant to the approved Landscaping Matrix Ref edp2355_d064a. The detailed landscaping scheme shall be completed within the first planting season following the formation of the bunds.

Reason: To ensure the satisfactory appearance of the development and protect wildlife in accordance Policies ESD10, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework.

48. The landscaping of the bunds shall be managed in accordance with details to be submitted to and approved by the LPA pursuant to the provisions of the approved draft Landscape and Ecological Management Plan reference edp2355_r033a, including arrangements for the irrigation of planted trees. Any tree that dies or is damaged within 10 years of the completion of a bund (on either phase) shall be replaced with a tree of similar type and size as originally planted within the first planting season thereafter. Any tree that is replanted shall be managed for a period of 10 years following the replanting.

Reason: To ensure the satisfactory appearance of the development and protect wildlife in accordance Policies ESD10, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework.

This report is public	
Appeals Progress Report	
Committee	Planning Committee
Date of Committee	16 January 2026
Portfolio Holder presenting the report	Portfolio Holder for Planning and Development, Councillor Jean Conway
Date Portfolio Holder agreed report	6 January 2026
Report of	Assistant Director Planning, David Peckford

Purpose of report

To keep Members informed about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

1. Recommendations

The Planning Committee resolves:

- 1.1 To note the position on planning appeals as set out in the report.

2. Executive Summary

- 2.1 This report provides a monthly update regarding planning appeals, including new appeals, status reports on those in progress, and determined appeals.
- 2.2 The report sets out the main issues of the appeal and, where determined, the decision is summarised.

Implications & Impact Assessments

Implications	Commentary
Finance	The Current cost of appeals has exceeded core budget as of mid-December and if the service is unable to absorb then a request for use of reserves will be necessary. The Appeals detailed in this report are small cases that do not pose significant financial risk to the Council, but the position will be closely monitored. Kimberley Digweed, Finance Business Partner, 19 December 2025
Legal	As this report is purely for information there are no legal implications arising.

	Denzil Turbervill, Head of Legal, 17 December 2025			
Risk Management	This is an information report where no recommended action is proposed. As such there are no risks arising from accepting the recommendation. Any arising risk will be managed through the service operational risk and escalated to the Leadership Risk Register as and when necessary. Celia Prado-Teeling, Performance Team Leader, 16 December 2025			
Impact Assessments	Positive	Neutral	Negative	Commentary
Equality Impact				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		Not applicable. This is an information report where no recommended action is proposed. As such there are no equality implications arising from accepting the recommendation. Celia Prado-Teeling, Performance Team Leader
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		N/A
Climate & Environmental Impact				N/A
ICT & Digital Impact				N/A
Data Impact				N/A
Procurement & subsidy				N/A
Council Priorities	N/A			
Human Resources	N/A			
Property	N/A			
Consultation & Engagement	N/A			

Supporting Information

3. Background

- 3.1. When a planning application is refused, the applicant has the right to appeal within six months of the date of decision for non-householder appeals. For householder applications the time limit to appeal is 12 weeks. Appeals can also be lodged against conditions imposed on a planning approval and against the non-determination of an application that has passed the statutory time period for determination.
- 3.2. Where the Council has taken enforcement action, the applicant can lodge an appeal in relation to the served Enforcement Notice. An appeal cannot be lodged though in relation to a breach of condition notice. This is on the basis that if the individual did not agree with the condition, then they could have appealed against the condition at the time it was originally imposed.
- 3.3. Appeals are determined by Inspectors appointed by the Secretary of State and administered independently by the Planning Inspectorate.
- 3.4. Monitoring of all appeal decisions is undertaken to ensure that the Council's decisions are thoroughly defended, and that appropriate and defensible decisions are being made under delegated powers and by Planning Committee.

4. Details

Written Representations

4.1. New Appeals

Application Number	Location	Description (summary)	LPA Decision:	Start Date
25/00794/TPO	4 Paxman Place, Banbury, Oxon	Tree T1 - Maritime Pine - Remove to ground, grind stump and replant with 1 No Sweet Gum (pot grown, 3-4m high) in same location - subject to TPO 13/1991	Refused Delegated	25.11.2025
25/02043/F	1 Holly Close, Kidlington, Oxon	RETROSPECTIVE - Erection of a 6 ft composite fence and related landscaping	Refused Delegated	17.11.2025
25/00830/PIP	Land East Of Manor Farm	Permission in Principle - housing development site on land adjacent	Refused Delegated	12.11.2025

	Banbury Lane Horley			

4.2. In Progress/Awaiting Decision

Application Number	Location	Description (summary)	LPA Decision:	Start Date
24/00379/TPO	Rectory Farm, Mill Lane, Upper Heyford	T1 Walnut - overall crown reduction of approximately 1m back from branch tips. Lateral branch spread beyond boundary and into Glebe House curtilage shall not exceed 1.8m; T2 - Beech - overall crown reduction of approximately 1m back from branch tips Lateral branch spread beyond boundary and into Glebe House curtilage shall not exceed 1m. - subject to TPO 13/2019.	Refused Delegated	06.07.2024.
24/00658/CLUE	Log Cabin, Bainton Woodyard, Bainton, Bicester, Oxon, OX27 8RL.	Certificate of Lawfulness of Existing Development for a building used as a dwellinghouse.	Refused Delegated	10.12.2024.
23/03366/OUT	Land Opposite Hanwell Fields Recreation Adj To Dukes Meadow Drive Banbury	Outline planning application for up to 114 dwellings and associated open space with all matters reserved other than access	Refused Committee	20.03.2025
24/01646/CLUP	Greenhill Leisure Park Greenhill Farm	Certificate of Lawfulness of Proposed Use for Use of static	Refused Delegated	27.03.2025

	Station Road Bletchingdon Kidlington OX5 3BQ	caravans for permanent residential occupation		
22/03163/F	Cropredy Lawn, Cropredy Lawn Road	RETROSPECTIVE: - siting of 4 glamping pods	Refusal Delegated	25.07.2025.
25/00007/LB	Little Brook, The Colony, 7 Colony Road, Sibford Gower, OX15 5RY.	RETROSPECTIVE - Revision of roof slope from consented drawings application 21/00438/LB	Refused Delegated	18.08.2025.
24/03296/F	Little Brook, The Colony, 7 Colony Road, Sibford Gower, OX15 5RY.	RETROSPECTIVE - Revision of roof slope from consented drawings application 21/00438/LB	Refused Delegated	18.08.2025.
25/00449/REM	Reynards Lodge North Lane Weston On The Green Bicester OX25 3RG	Reserved Matters application to 24/00804/OUT - Access (with Construction Traffic Management Plan), Layout (with part drainage), Scale, Appearance, Landscaping and Biodiversity (with Construction Environment Management Plan)	Refused Delegated	05.09.2025
24/03218/F	Church View, Manor Road, Great Bourton, OX17 1QP	Change of Use of The Bell Inn Public House (Sui Generis Use) to use as a dwellinghouse (Class C3 Use) and associated minor external alterations to the building and works	Refusal (Against Officers Recommendation)	10.09.2025
25/00762/F	113 Danesmoor Banbury OX16 1QE	RETROSPECTIVE - raising of front garden to level off	Refusal Delegated	22.09.2025

25/01773/F	2 Somerville Drive Bicester OX26 4TU	RETROSPECTIVE - Erection of 0.83m close board fencing, on top of existing original front garden 1m brick wall and installation of 2m wooden gates/posts.	Refusal Delegated	24.09.2025
25/016931/F	Fir Cottage, Fir Lane, Steeple Aston, OX25 4SF	Demolition of existing single-storey extensions and part demolition of an existing first-floor extension. Erection of a part single-storey/part two-storey rear extension and associated internal alterations.	Refusal Delegated	07.10.2025
25/01694/LB	Fir Cottage, Fir Lane, Steeple Aston, OX25 4SF	Demolition of existing single-storey extensions and part demolition of an existing first-floor extension. Erection of a part single-storey/part two-storey rear extension and associated internal alterations	Refusal Delegated	07.10.2025
25/01615/PIP	Land East of OS Parcel 3386, Adj to Burycroft Road, Hook Norton	Permission in Principle for a residential development of 3-5 dwellings.	Refused Delegated	15.10.2025
25/02077/AGN	Tuther Corner Brill Buck HP18 9UZ	Prior approval application for 2 No agricultural general-purpose barns	Refused Delegated	28.10.2025
24/02234/F	Field Farm, Stratton Audley Road, Stoke Lyne, Bicester, Oxon, OX27 8FT	Self-Build - Alterations and conversion of 3 no. existing barns to form 3 no. residential dwellinghouses (re-8FT	Refused Delegated	28.10.2025

		submission of 23/02255/F)		
25/02149/PIP	Bishops End, Burdrop, Banbury Oxon, OX15 5RQ	Permission in principle - 3-4 new dwellings	Appeal Against Non-Determination	31.10.2025

Informal Hearings

4.3. New Appeals

Application Number	Location	Description (summary)	LPA Decision:	Start Date
NONE				

4.4. In Progress/Awaiting Decision

Application Number	Location	Description (summary)	LPA Decision:	Start Date
25/01461/PIP	Land North of Rattlecombe Road, Shennington, OX15 6LZ.	Permission in Principle - housing development for up to 9 self-build plots	Refused Delegated	21.10.2025
24/03218/F	The Bell Inn, Church View, Great Bourton	Change of Use of The Bell Inn Public House (Sui Generis Use) to use as a dwellinghouse (Class C3 Use) and associated minor external alterations to the building and works	Refused Committee	10.11.2025

Public Inquiries

4.5. New Appeals

Application Number	Location	Description (summary)	LPA Decision:	Start Date
NONE				

4.6. In Progress/Awaiting Decision

Application Number	Location	Description (summary)	LPA Decision:	Start Date
24/00245/OUT	South Lodge, Land West of Fringford Road, Caversfield, OX27 8TJ.	Outline application for demolition of existing structures and erection of up to 99 dwellings, access, open space and associated works with all matters reserved except for access.	Refused Committee	28.11.2024.

Enforcement Appeals

4.7. New Appeals

Application Number	Location	Description (summary)	LPA Decision:	Start Date
NONE				

4.8. In Progress/Awaiting Decision

Application Number	Location	Description (summary)	LPA Decision:	Start Date
23/00001/ENF	Ashberry Cottage, Duns Tew, Bicester	Without the benefit of planning permission, the unauthorised erection of a single-storey porch, finished with timber cladding, to the principal elevation of a mid-terrace dwelling attached to a curtilage listed grade II building Owl Barn (Historic England reference 1046304)	Enforcement Notice	28.11.2023 Written Reps
25-10-ENF (25/00012/ENF)	Point to Point Farm, Street from Claydon to Southam Road, Mollington Banbury,	Erection of barn and use as an indoor riding arena, pilates studio and chiropractors and associated hard standing.	Enforcement Notice	08.09.2025
25-11-ENF 22/00527/ENF)	Point to Point Farm, Street from Claydon	Without the benefit of planning permission, the erection of a building outlined in green on the	Enforcement Notice	08.09.2025

	to Southam Road, Mollington Banbury,	attached plan titled 'Location Plan' including the erection of a dwelling house wholly inside that building in the area outlined in blue on the attached plan titled 'Location Plan'. Without the benefit of planning permission, the material change of use of land on which the building outlined in green has been is erected to a mixed use comprising use as a dwellinghouse (which, inside the building is taking place in the area identified in blue on the attached plan titled 'Location Plan') and agriculture and domestic storage use (which, inside the building, is taking place in the area identified in yellow on the attached plan titled 'Location Plan') associated with the both unauthorised dwelling and the adjacent farm dwelling.		

Forthcoming Public Inquiries and Hearings between 15 January 2026 and 12 February 2026.

4.9

25/01461/PIP	Land North of Rattlecombe Road, Shennington, OX15 6LZ.	Permission in Principle - housing development for up to 9 self-build plots	Refused Delegated	21.10.2025. 1 Day Hearing 28.01.2026.

24/03218/F	The Bell Inn, Church View, Great Bourton	Change of Use of The Bell Inn Public House (Sui Generis Use) to use as a dwellinghouse (Class C3 Use) and associated minor external alterations to the building and works	Refused Committee	10.11.2025. 1 Day Hearing 15.01.2026.

4.10 **Award of costs**

None

4.11 **Appeals Results**

25/01186/F - Garage At 2 The Limes, Oxford Road, Banbury, OX16 9AN.

Demolition of existing garage and erection of a flat-roofed two-storey dwelling.

Appeal Allowed.

The Inspector, A.J. Boughton, allowed the appeal for the demolition of an existing garage and the erection of a flat-roofed two-storey dwelling at 2 The Limes, Oxford Road, Banbury. The decision concluded that the proposal would not harm the character or appearance of the area, including the setting of the Banbury Conservation Area, nor would it adversely affect the living conditions of neighbouring properties or protected species. The design was deemed proportionate and in keeping with local distinctiveness, while privacy and amenity concerns were addressed through conditions such as obscure glazing. Ecology issues raised in the refusal were resolved by a submitted report confirming no impact on protected species, with biodiversity enhancements secured by condition. The appeal was therefore allowed subject to eight conditions covering materials, boundary treatments, landscaping, tree protection, ecological measures, and window glazing.

25/01052/F - 37 Fernhill Road, Begbrook, Kidlington, OXON, OX5 1RR.

Proposed first floor extension to existing dwelling and cladding of existing external walls with render.

Appeal Allowed

The Inspector, A.J. Boughton, allowed the appeal for a first-floor extension and external wall cladding with render at 37 Fernhill Road, Begbroke. He concluded that the proposal would not harm the character or appearance of the area, which already features a mix of one- and two-storey dwellings, nor would it adversely affect the living conditions of neighbouring properties. While the extension introduces upper-floor windows, conditions requiring obscure glazing and restricted openings will mitigate privacy concerns. The development was found to comply with

relevant local plan policies, and planning permission was granted subject to conditions on timing, approved plans, materials, and window treatments.

5. Alternative Options and Reasons for Rejection

5.1 None. This report is submitted for information.

6 Conclusion and Reasons for Recommendations

6.1 The report provides the current position on planning appeals for information for Members.

Decision Information

Key Decision	N/A
Subject to Call in	N/A
If not, why not subject to call in	N/A
Ward(s) Affected.	Appeal dependent

Document Information

Appendices	
Appendix 1	None
Background Papers	None
Reference Papers	All documents in respect of the planning appeal
Report Author	Sarah Gevaux, Appeals Administrator Paul Seckington, Head of Development Management
Report Author contact details	Sarah.gevaux@cherwell-dc.gov.uk Paul.seckington@cherwell-dc.gov.uk

Appendices	
Appendix 1	None
Background Papers	None
Reference Papers	All documents in respect of the planning appeal

Report Author	Sarah Gevaux, Appeals Administrator Paul Seckington, Head of Development Management
Report Author contact details	planning@cherwell-dc.gov.uk
Executive Director Approval (unless Executive Director or Statutory Officer report)	Executive Director Place & Regeneration, Ian Boll, 6 January 2026