

**OS Parcel 2636 NW Of Baynards House Ardley  
Green Farm Street To Horwell Farm Baynards  
Green**

**21/03268/OUT**

**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:** 31 May 2025

**Committee Date:** 3rd July 2025

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**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, 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 B4100 and the A43. Three residential properties separate the junction from the site and sit along the north-eastern corner of the site
- 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. 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 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 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 building is the Grade II building on 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 & Fawcett (800m, respectively) and Fritwell (1.2km)
- 2.6. The site is entirely in flood zone 1.

## **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1 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.
- 3.2 This application seeks outline planning consent (all matters reserved except means of access) for 170,000 sqm 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.
- 3.3 A new access from the B4100 is also proposed via a new roundabout. A second new roundabout would also be developed inside the site leading to two separate phases of development
- 3.4 As part of the s.106 mitigation measures, the applicants are, in conjunction with Tritax Big Box, are proposing to make the following changes to Baynard's Green Roundabout:
  - The full signalisation of the roundabout
  - 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.
- 3.5 Albion Land and Tritax Big Box have both signed a Land Collaboration Agreement that will ensure all Baynard's Green highway improvement works will come forward, prior to the commencement of development, even if only one of these logistics developments were to come forward.
- 3.6 It is also proposed to create a cycle/pedestrian link between the site and Braeburn Avenue, Bicester along with a contribution to turn the existing number 500 bus service from an hourly service into a 30-minute service, for a period of 8 years

- 3.7 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 as, my understanding is there are a couple of potential pinch points along the route.
- 3.8 The distribution of development would be guided by three parameter plans:
- 3.9 *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.
- 3.10 *Parameter Plan 2: Building Heights.* This plan caps the maximum height of the buildings at 23m
- 3.11 *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.
- 3.12 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.
- 3.13 The illustrative Landscape Strategy Plan depicts
- Multiple SuD 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
- 3.14 However, it should be noted that the illustrative Landscape Strategy Plan is not a formal plan and is submitted for illustrative purposes only.
- 3.15 CBRE, in their 'Logistics Marketing and Land Availability Report', anticipates that this site, along with the eastern parcel, would lead to 400 construction jobs and 3,000 permanent jobs. My understanding is that DHL, a leading Logistics company to lease two of the buildings on this western parcel.

#### **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:

##### **OS 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 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*.

OS 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*.

Os 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 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 – *to be determined*.

OS 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 7,161 m<sup>2</sup> of B2 and/or B8 industrial development with ancillary offices (B1a), access and landscaping – refused on the 21 September 2018.

- 4.3. It was subsequently dismissed on appeal under Ref: APP/C3105/W/19/3225084 – see **Appendix A**) 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.”*

## **5. PRE-APPLICATION DISCUSSIONS**

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

Part Of M40 In OS 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 the 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 a Site Notices displayed near the site, by advertisement in the local newspaper expiring **18 July 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 is the **18 July 2025**.

6.2 The comments raised by third parties are summarised as follows:

129 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 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 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 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.”

#### STATUTORY CONSULTEES

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

7.7 CDC Arboriculture: No comments received

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

7.9 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.*

#### 7.10 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.

#### 7.11 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. 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.

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. “

#### 7.12 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.

#### 7.13 CDC Ecology: Objection

- 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.

#### 7.14 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 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.*

#### 7.15 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."*

#### 7.16 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.

7.17 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.*

7.18 Historic England: **No Objection**

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

7.20 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.

7.21 Natural England: No Objection

- 7.22 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*

7.23 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.*

7.24 National Planning Casework Unit: No Comments received

- 7.25 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.

7.26 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 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

7.27 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 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
- 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

#### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF, Dec 2024)
- Planning Practice Guidance (PPG)
- Developer Contributions SPD
- Conservation of Habitats and Species Regulations 2017

### **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. Where the Local Plan is absent, silent or out-of-date, paragraph 11 of the National Planning Policy states that a presumption in favour of sustainable development applies, granting permission unless the benefits of the proposal are demonstrably outweighed by any harm caused.

9.1. As the Council has an up-to-date local plan, the starting point for the consideration of this proposal is the Cherwell Local Plan. 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 Local Plan for Cherwell, which seeks to provide sufficient land for housing and local employment up to 2042, is at Regulation 19 stage. The document proposes a number of new employment allocations at Bicester and an employment and mixed-use allocations at Banbury. The spatial strategy focuses the majority of employment and residential new development at Bicester and Banbury, with some residential development directed to the more sustainable villages.
- 9.13. The importance of the M40 Motorway corridor is recognised within the district. Accordingly, three of the five employment allocations at Bicester are at the junction of the M40 Junction 9. This also enables the sites to maximise the location of the A41 corridor into Bicester. There are no employment allocations proposed at Junction 10



of the M40 in either the existing or emerging local plans. Therefore, development here would be on unallocated land.

- 9.14. 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”*
- 9.15. 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).”*
- 9.16. 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”.*
- 9.17. 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*
- 9.18. 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)”.*
- 9.19. Albion are proposing to deliver three ‘XXL’ units on this parcel of land, each with a floor area of 500,000 sq ft per unit) 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.
- 9.20. 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.”*
- 9.21. 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.
- 9.22. 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.

- 9.23. 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.
- 9.24. 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 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 386,000 sq ft and 1,179,000 sq ft 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.*

- 9.25. 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.
- 9.26. 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.
- 9.27. It should be noted that the Cherwell ENA 2025 has been produced to support the emerging Local Plan, rather than the adopted Plan, against which this application is being determined. The Cherwell ENA 2025 estimates an overall need of employment land between 2020 and 2042 of between 274 and 359 hectares. This need is heavily focussed on B2/B8 uses which represent 198 and 283.5 hectares of that overall figure. On an annual basis this need equates to 9.0–12.4ha (lower and upper-end demand) for all B2/B8 land at a district level.
- 9.28. It remains the Council's choice where in that estimated range to plan for. In looking at the top end of the range, the Council, currently, would have a potential shortfall of around 22.5ha of B2/B8 land. The quantum of employment space required will ultimately be set in the Cherwell Local Plan 2042.
- 9.29. In light of the conclusions of the LSH report and the scheme's compliance with the current NPPF paragraphs, the proposal broadly 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:
- 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 construction jobs
  - 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>

9.32. ***"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, therefore, partially, rather than fully complies with this policy.
- 9.40. Overall, the delivery of new employment land, on such a big scale, is a very significant benefit of this scheme. There would be a great number of jobs created: from the temporary construction workforce to the long-term annual jobs. 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’.

#### Landscape & Visual Impact

- 9.41. 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;*
- 9.42. 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.
- 9.43. 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.
- 9.44. 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.*”
- 9.45. 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.
- 9.46. 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.

- 9.47. 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.
- 9.48. 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.
- 9.49. 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."*
- 9.50. As noted elsewhere in the report, it is not practical to direct development to suitable sites at Banbury or Bicester. The Banbury M40 J11 site, which is the subject of an appeal, is the only site available and is unsuitable in landscape and highways terms. Bicester's suitable sites do not yet have consent. C8 is therefore accorded with.
- 9.51. 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.*
- 9.52. Of the two Albion applications, this western parcel is the least sensitive location. It is well screened along the A43 and along the B4100 and the most open views are from motorway where cars move quickly.
- 9.53. That said, at circa 43.9 ha hectares, the combined fields form a very large site and, given the site's proximity three residential properties, public rights of way, and the views from the M40 and part of the A43, it is nonetheless a prominent and sensitive site.
- 9.54. 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?
- 9.55. 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.

- 9.56. 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.*
- 9.57. 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...
- 9.58. 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 (Photoviewpoints 2 and 3) due to views of the building in the western development; users of the PRoW west and northwest of A43 (Photoviewpoints 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 (Photoviewpoints 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.*

9.59. This application will lead to long-term significant adverse harm on the receiving environment with a medium overall sensitivity.

9.60. When assessed against the criteria of Policy ESD13, there is conflict:

<b>Policy Requirement</b>	<b>ESD13</b>	<b>My Response</b>	<b>Accordance with ESD13 Bullet Points</b>
Bullet point 1. Cause undue visual intrusion into the open countryside.		This scheme would be an almost complete urbanisation of 8 open, gently undulating arable fields and would have a very dominating effect, post 15 years.	No.
Bullet point 2. Cause undue harm to important natural landscape features and topography		<p>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.</p> <p>However, the landscape is not valued or of historical importance. So, in that sense, it would comply with this part of the policy</p>	Yes
Bullet point 3. Be inconsistent with local character		<p>The loss of longstanding hedgerows and the urbanisation of the site would not only be at odds with the rural site, but, because of the scale and massing, would jar with it.</p> <p>However, the local character also includes the M40, the A43 and B4100 which their tarmac, noise and lights.</p>	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.
Bullet point 5. Harm the setting of settlements, buildings, structures or other landmark features, or	It wouldn't harm the setting of settlements or landmark features or the closest residential property which is 205m away	Yes
Bullet point 6 Harm the historic value of the landscape.	It is not a landscape with historic value	Yes

9.61. Therefore, there is partial conflict with the Cherwell local plan 2015, the Mid-Cherwell Neighbourhood Plan policies and the NPPF. The landscaping scheme proposed on the parameter plan and phased landscaping schemes, secured through detailed reserved matters applications would very much be a case of mitigation measures rather than enhancement of the site and the local landscape.

9.62. Nevertheless, there is recent case law (*Corbett v Cornwall County Council [2020] EWCA Civ 508. April 2020*) which establishes that a development does not have to comply with every policy of a development plan to be found to be in compliance with a development plan as a whole.

9.63. Moreover, in my view, and LUC's, is that this application site would be the most suitable location of all the logistics applications around Baynards Green: it is a 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 significant adverse harm will not be as keenly felt here.

9.64. I would also expect any reserved matters application to include a robust layout strategy for that phase. 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 would need to be secured by condition, if approved.

#### Highways

9.65. 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.

9.66. 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.

9.67. 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.

9.68. 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;*

9.69. 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.

9.70. 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.

9.71. 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 Baynards Green Roundabout by...

9.72. 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).

9.73. OCC Highways are also satisfied with the principal of the proposed capacity improvement works to Baynards Green Roundabout but, at the time of writing this

report, they are currently reviewing the Land Collaboration Agreement to ensure that, in the event that the Tritax or one of the two Albion Schemes comes forward first, one applicant/landowner couldn't prohibit the other from carrying out the works. OCC Highways concern comes from the need for Tritax and Albion Land East parcel to provide land (E of the A43 & S of the B4100 ) to allow for an adequate forward visibility to the roundabout, small areas of land are required outside the highway boundary.

9.74. 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.

9.75. 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.

9.76. 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

9.77. 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:

9.78. *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."

9.79. *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. "

9.80. *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.

9.81. *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.

9.82. *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. “

9.83. I agree with OCC re: the concern over the 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 it 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.

9.84. OCC’s Highways conditions are set out in the ‘Infrastructure’ chapter below. Subject to those contributions being agreed, along with their conditions and those recommended by National Highways, including most crucially of all, the Grampian condition, then this aspect of the proposal complies with national and local planning policy.

Ecology

9.85. Policy ESD10 (Protection and Enhancement of Biodiversity and the Natural Environment) seeks to protect and enhance biodiversity and the natural environment.

9.86. 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.

9.87. 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.

9.88. 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.

9.89. Cherwell Local plan policy ESD11 states: “*Development which would prevent the aims of a Conservation Target Area being achieved will not be permitted.*”

- 9.90. 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.
- 9.91. 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
- 9.92. Tyler Grange, on behalf of the applicants, have conducted an Ecology Appraisal and provided additional foraging information and a HHMP.
- 9.93. This information confirms that 2.6k 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.
- 9.94. 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.
- 9.95. 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.
- 9.96. 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.
- 9.97. 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.
- 9.98. I note that there has been a number of objections to the scheme 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.
- 9.99. The Council's ecology officer is also 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 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. However, badgers are protected species and will need to be looked after. Consequently, a planning condition requiring mitigation measures is recommended.
- 9.100. In response to the Environmental Agency, my understanding is that as part of the HHMP, no buildings or structure will be erected there as part of the habitat improvement works.
- 9.101. I do think 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.

### Drainage

9.102. 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.

9.103. 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.

9.104. 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.

9.105. The applicants, in their submission documents, have included an updated Flood Risk Assessment (September 2024), prepared by Bailey Johnson Hayes Consulting Engineers.

9.106. 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.*

9.107. 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



- 9.108. 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.”*
- 9.109. 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. However, Anglia Water has said that in the event that the Council were minded to approve the application, they require a condition is 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.
- 9.110. 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. Consequently, they request that the following condition be added to any planning permission which prevents the buildings from being 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.”*
- 9.111. Subject to conditions, neither the CDC Drainage officer, nor OCC, as the LLFA, have raised any objections to the proposal. Therefore, with the appropriate conditions attached, the proposal accords with the Local and National Planning Policies.

### Energy

- 9.112. 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)”*.
- 9.113. 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.
- 9.114. 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.
- 9.115. 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).

- 9.116. 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.
- 9.117. 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).
- 9.118. 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.
- 9.119. 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

- 9.120. 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."
- 9.121. 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."*
- 9.122. 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).

9.123. 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."*

9.124. 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."*

9.125. 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

9.126. 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.

9.127. 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.

9.128. 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.

9.129. For this reason, this element of the scheme accords with the local planning policies and the NPPF.

#### Residential Amenity

9.130. 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.

9.131. 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."*

- 9.132. The three closest residential properties to the application site, which are close to the north 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).
- 9.133. However, given the significant setback between the closest building shown on the parameter plan, and these properties (205m), I do not anticipate that the neighbours would experience a loss of daylight/sunlight or privacy.
- 9.134. 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.
- 9.135. 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, a number of lighting mitigation measures are proposed. The Council's Environmental Protection officer advises that these are acceptable and can be secured by condition.
- 9.136. 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

- 9.137. 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;*

- 9.138. The applicants have submitted an Agricultural Land Assessment, prepared by Askew Land & Soil Limited. This report concludes that the majority of the site is predominantly 3b (moderate quality agricultural land) with the remainder being classed as 3a (Good Quality Agricultural Land) albeit it the Grade 3a is not consistent and is mixed in with the 3b land.
- 9.139. In developing this site, the district would not be losing its 'best and most versatile' agricultural land (Grades 1 & 2) but it is a loss however, which is a harm of the development. However, this harm would be countered by the creation of a great number of jobs on a short-term and long-term basis.

#### Air Quality

- 9.140. 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.

9.141. 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.

9.142. 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.

9.143. The Site does not lie within an Air Quality Management Area (AQMA) – the closest AQMA is 6.5km to the southern east of Bicester.

9.144. 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.

9.145. 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."*

9.146. 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

9.147. 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

9.148. 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

9.149. Policy INF1 requires development proposals to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.

9.150. 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.

9.151. 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

9.152. 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*

- 9.153. 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*

- 9.154. The OCC Highways officer's 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.
- 9.155. Crossing setbacks can be adjusted at detailed design stage if necessary.

### *Albion West Accessibility*

- 9.156. OCC Highways have requested a condition to deal with how cyclists access the western units.

### *Cycle Pathway*

- 9.157. 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 at detailed design stage.
- 9.158. Access and egress points, and bus stop bypass design can be addressed at detailed design stage.
- 9.159. Noted re rails and fencing, but we have accepted that there will be narrowings in places where there are constraints.
- 9.160. 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.
- 9.161. 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.
- 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. With a forecast of 400 construction jobs and a great number of permanent jobs (3,000, if combined with the eastern parcel), this benefit attracts significant weight. Although the construction jobs would be time-limited, on this scale, I attach significant weight instead of modest weight.
- 10.5. It will also help the Government realise its's ambitious plans to ensure that the Oxford – Cambridge corridor is an engine for the whole of the UK.

### Social

- 10.6. 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, the job provision is still a very significant benefit, as there will be residents who are likely to work there.
- 10.7. Accordingly, I attach very significant weight to this aspect of the proposal.

### Environmental

- 10.8. The proposals committing to a minimum of 10% biodiversity net gain, through on-site enhanced landscape schemes and 20ha of off-site 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. It is also important to recognise that every development has to consider negative impacts in terms of the development and consider whether the positive benefits outweigh these negative impacts.
- 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 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 significant negative rather than very significant negative
- 10.14. 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 significant negative weight rather than very significant negative.
- 10.15. 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, 20ha of arable land will be made available to compensate. Therefore, I give the level of harm significant negative weight rather than very significant weight.
- 10.16. 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 it moderate negative harm to this aspect of the development.
- 10.17. The loss of a mixture of Class 3a and 3b Agricultural Land would also be a shortcoming of the scheme although when weighed against the jobs provided, I would give modest negative weight to its loss.

### **Conclusion**

- 10.18. On balance, the very significant benefits of creating a large amount of jobs in a suitably accessible location, which will support the modern economy at national, regional and sub-regional levels, outweigh the harms caused by developing this particular site. For this reason, I respectfully request that planning permission be granted.

## **11. RECOMMENDATION**

That permission be granted, subject the conditions set out in **Appendix 1** and the identified planning obligations (to be set out in the written update).