

**Case Officer:** Tom Webster

**Applicant:** Tritax Symmetry Ardley Ltd.

**Proposal:** Application for outline planning permission (all matters reserved except means of access (not internal roads) from B4100) for the erection of buildings comprising logistics (use class B8) and ancillary offices (use class e(g)(i)) floorspace; energy centre, hgv parking, construction of new site access from the B4100; creation of internal roads and access routes; hard and soft landscaping; the construction of parking and servicing areas; substations and other associated infrastructure.

**Ward** Fringford & Heyford

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

**Reason for Referral:** Major application

**Expiry Date:** 13 July 2025

**Committee Date:** 3 July 2025

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

### **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is located to the east of the A43 and Baynard Green Services, to the northeast of Baynards Green Roundabout with the B4100 and to the north of Cherwell Valley Services at M40 Junction 10 (which is well enclosed by trees) and Stoke Wood, an ancient woodland run by the Woodland Trust. It is also located to the south/southwest of Tusmore Park and Stoke Wood. It also straddles to the north and south, and includes part of, the B4100.
- 1.2. The closest villages are Stoke Lyne and Hardwick to the east, and the closest residential property is Lone Farm on an unnamed road leading north from the B4100 to Stoke Lyne.
- 1.3. The application site comprises two parcels of land: one larger parcel to the north of the B4100, extending between the A43 to the west and the road to Hardwick to the east, and the other smaller parcel immediately to the south of the B4100, which also incorporates part of the B4100.
- 1.4. The northern parcel is irregular shaped, made up of 6 arable fields with a gently undulating landscape. Each field is separated by rows of low clipped mature hedgerows.
- 1.5. The parcel is framed along the eastern and western boundaries by mature low clipped hedgerows with some loss/gaps in. It is framed along the northern boundary by

mature low clipped hedgerow and mature trees. The western boundary with the A43 is distinguished by mature hedging and trees which lose their leaves in the autumn and winter months. Public Bridleway 367/24/10, which runs along a former road, and a planted young tree belt, run parallel with the northern boundary of the site. The access point to this site is from the north-eastern corner, just below the Bridleway.

- 1.6. The southern parcel is also irregular shaped and gently undulating in character. It is currently in use as a single arable field. It is significantly smaller than the northern parcel. It is currently accessed from the eastern boundary via the B4100.
- 1.7. Both parcels are open in nature and the landscape is, therefore, similar. The total floor area of the whole site is 83.28ha. The centre of the northern parcel is located approximately 1,200m northeast from Junction 10 of the M40 and the centre of the southern parcel is approximately 900m northeast of the junction.
- 1.8. The northern Tritax site parcel extends further north than the two Albion Land sites to the west and is located slightly further away from the M40 junction (the centres of the two Albion sites are approximately 600m northeast and 900m north of junction 10) and closer to Tusmore Park, with Tusmore Park House located about 1,200m to the north.
- 1.9. Public Right of Way (PRoW) bridleway No. 367/24/10 and a planted young tree belt adjoin the northern boundary of the site. The site straddles the B4100, and the A43 forms the western boundary of the Application Site. A residential property at Lone Barn adjoins the eastern side of an unnamed lane heading northeast to Hardwick, which also forms the eastern boundary of the site. The Application Site is located to the east of Baynard's Green, to the north-west of the village of Stoke Lyne, and to the north of Cherwell Valley Services (which is well enclosed by trees).

## **2. CONSTRAINTS**

- 2.1. Both the northern and southern parcels comprise grade 3b (moderate) quality agricultural land.
- 2.2. The site is adjacent to the Tusmore and Shellswell Park Conservation Target Area.
- 2.3. The sites sit within Flood Zone 1 (the lowest probability of flooding) on the Environmental Agency Map.
- 2.4. A Public Right of Way (PRoW) bridleway No. 367/24/10 runs in parallel to the northern part of the northern site.
- 2.5. Public Right of Way (PRoW) bridleway No. 367/21/10 is situated below the southern parcel of the site.
- 2.6. Local Wildlife site (Stoke Bushes) lies within 50m of the site boundary.
- 2.7. There are no listed buildings on the site and the site sits outside any Conservation Area.
- 2.8. Ardley Cutting and Quarry SSSI (beside the M40) lies about 1 mile south of the site.
- 2.9. The two closest Ancient Woodlands are: Stoke Bush Wood (to the northeast) and Stoke Little (to the Southeast).

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

- 3.1 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 300,000sqm GIA of logistics (Use Class B8) with ancillary office (Use Class E(g)(i)) floorspace, and the construction of associated parking, servicing, hard and soft landscaping.
- 3.3 A new access into both parcels from the B4100 is also proposed via a new roundabout junction.
- 3.4 As part of the s.106 mitigation measures, the applicants are, in conjunction with Albion Land, proposing to make the following changes to Baynard's Green Roundabout:
- The full signalisation of the roundabout;
  - 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 Tritax Big Box and Albion Land have both signed a Land Collaboration Agreement that will ensure all necessary Baynard's Green highway improvement works required by National Highways and OCC as Local Highway Authority will come forward prior to the commencement of development, even if only one or two of their three proposed logistics developments were to come forward.
- 3.6 Also, in conjunction with Albion, one option Tritax are exploring, as advocated by OCC, is the creation of a new pedestrian and cycle route to/from Bicester along the B4100. It would extend 4.5km on adopted highways verge land south of the carriageway.
- 3.7 It is also proposed to provide a contribution to turn the existing number 500 bus service from Bicester from an hourly service into a 30-minute service, for a period of 8 years.
- 3.8 An alternative option proposed by the developers, which they claim would likely achieve a greater modal shift away from private car travel, would be to pay an increased developer contribution to provide an 8-year subsidised bus service to the site that would run every 15 minutes, instead of the 30-minute frequency service suggested by the County Council as LHA. This latter option would be instead of the 4.5km cycle way.
- 3.9 The distribution of development would be guided by the parameter plan. The parameter plan defines the two parcels of land as being Zone A (Northern Parcel) and Zone B (Southern Parcel). The breakdown of development, according to this parameter plan, would be:

#### Zone A

- 255,000sqm GIA (excluding energy centre) of logistics (Use Class B8) with ancillary office (Use Class E(g)(i)) floorspace;
- The employment buildings would have a maximum height of 23m above finished floor level, reducing to a maximum of 20m along the eastern edge;
- The developable area would be set back from the western boundary with the A43 by 35m. It would also be set back from the southern boundary line with the B4100 by 35m. It would be inset from the northern boundary by 10m and from the eastern boundary by varying degrees ranging from 45.1m to 111.3m;
- A bund running the length of the eastern boundary; and
- An indicative location for a lorry park, shown close to the Baynards Green roundabout junction.

### Zone B

- 45,000sqm GIA of logistics (Use Class B8) with ancillary office (Use Class E(g)(i)) floorspace;
- The employment buildings would have a maximum height of 23m above finished floor level;
- The developable area would be set back from the boundaries by the following distances:
  - 35m from the northern boundary with the B4100;
  - 7.5m from the southern boundary with the woodland surrounding Cherwell Valley Services;
  - A mean average of about 20m from the western boundary with the proposed Albion East site;
  - Between 81m and 208.9m from the eastern boundary; and
- A strategic landscaping bund close to the centre of a south-eastern strategic landscaping strip.

3.10 Access to the Site is proposed via the creation of a new roundabout on the B4100 which would provide spine roads into the two parcels of land.

3.11 A new bus stop/layby would also be provided for future employees and visitors of the sites.

3.12 The proposals include HGV, staff and visitor car parking areas (including disabled car parking spaces, Electric Vehicle (EV) charging point spaces and car share spaces), motorcycle parking spaces and cycle spaces.

3.13 The applicants have submitted a revised illustrative plan which shows:

- Minor changes to the alignment of estate roads and parking areas;
- An Energy centre moved to the middle of the northern Site parcel;
- Attenuation basins shown in accordance with updated drainage strategy;

- Park trail shown as a circular recreation path with activity stations.
- 3.14 However, it should be noted that the illustrative plan is not a formal plan and is submitted for illustrative purposes only.
- 3.15 The applicant's planning statement and Savills' socio-economic review anticipates that development would deliver the following number of jobs:
- **500** on-site jobs per annum during the construction period. Once leakage, displacement, and multiplier effects are considered, it is anticipated there would be a net addition of 610 jobs; and
  - Up to **2,430** on-site jobs per annum during the lifetime of the development.

#### **4. RELEVANT PLANNING HISTORY**

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

##### OS Parcel 0006 Southeast of Baynards House, Adjoining A43, Baynards Green

21/03267/OUT - Outline planning permission (all matters reserved except for access) for the erection of 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 Northwest of Baynards House, Ardley

21/03268/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; construction of new site access from the B4100; creation of internal roads and access routes; hard and soft landscaping including noise attenuation measures; and other associated infrastructure – *to be determined*.

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

- 4.2. In addition, the land to the northwest of the Baynards Green roundabout, behind the petrol filling station and restaurant, was the subject of a speculative outline planning application for a mixed B1, B2 and B8 employment development in 20018 (Ref: 18/00672/OUT). Planning permission was refused for that development proposal and a subsequent appeal (Ref: APP/C3105/W/19/3225084) was dismissed. The reasons for those decisions are available to see on the Council's planning applications website.

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

- 5.1. No pre-application discussions took place with respect to this proposal.

#### **6. RESPONSE TO PUBLICITY**

6.1 This EIA application has been publicised multiple times by way of Site Notices displayed near the site, by advertisement in the local newspaper 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:

492 letters of objection (although some, not all, of these letters are duplications due to several different consultations on amended details):

- The land bordering the application site is stated to be designated as a Conservation Target Area in the revised Cherwell Local Plan 2042 review and this proposed designation should be extended on all the land up to the edge of the A43 (so as to encompass the application site).
- The application site sits squarely in land defined (under the new terminology) as Open Countryside and the proposed development would seem to violate some of the proposed Policy LEC3, especially paragraphs vii - ix as they relate to Category C villages and open countryside (the proposed development also violates paragraphs i, ii, iv and vi). Paragraphs ii and iv of LEC3 are also drawn out in the LUC "Review of Landscape and visual effects" which acknowledges that "there will be significant adverse effects on landscape and visual receptors" and that these long-term adverse effects are "beyond that which could be mitigated".
- It is noted by OCC, as Highways Authority that the VISSIM traffic modelling work has not taken into account the proposed Puy Du Fou application at Bucknell which would direct all vehicles along exactly the same route, via the Baynards Green Roundabout and the B4100, as is proposed for access to the application site.
- This proposal is vastly over scaled especially when added to other proposals at Baynards Green and Heyford for warehousing and a strategic rail freight depot. Taken together, these proposals would industrialize the Cherwell Valley.
- The proposed development would encroach on Stoke Wood, which is the only natural woodland within six miles of Bicester.
- All employees would have to commute by car; and an extensive archaeological survey would be required. (Pictures supplied)
- It is not an allocated site.
- Employment land is allocated elsewhere in the district through the Local Plan.
- This area is open countryside and the proposed development would significantly change the characteristics of the area and local vicinity.
- The landscape has already been harmed by the approval of the garage.
- The site is within close proximity to at least 12 Grade-2, Grade-2\* and Grade-1 listed buildings and the ancient woodland Stoke Wood, owned by the Woodland Trust.

- The proposal would lead to increased traffic causing traffic to divert using local road arteries for cut-throughs, including Stoke Lyne.
- Cumulatively, this application, along with the Albion Land proposals and the Oxford Strategic Rail Freight Interchange would lead to light pollution, environmental pollution & nature conservation harm.
- Cumulatively, these proposals would be 4 x the size of the warehouse scheme dismissed at appeal (18/00672/OUT).
- The B4100 is a very busy road and at rush hour there are long delays going toward the M40. The warehouse use would add to those delays.
- The application is also flawed as it fails to recognise the significance of Stoke Wood, a medieval coppice very popular with dog walkers in close proximity to the proposed development and a number of listed buildings within Stoke Lyne and Bainton Parish.
- The proposed development is in the wrong place. The materials and design are not in keeping with the countryside. The proposal would be incredibly disruptive and increased traffic and emissions would diminish the air quality for local people, putting public health at risk.
- The proposal would ruin the tranquillity of the countryside and mental health of residents.
- There is no need to provide extra jobs in the local area as very low unemployment rate.
- The journey from the M40, along the A43 and then down the B4100 (heading South-East) would be akin to driving in a roofless tunnel.
- The proposal would generate significant number of HGVs attempting to join the roundabout from the B4100 south would only exacerbate the problem of long tail-backs forming along the B4100 (currently, often as far down as the Stoke Lyne turning).
- The development site is within sight of St Peter's Church, Stoke Lyne, a Grade-2-star listed building which would be harmed as a result of the development.
- Increased jobs would lead to pressure for more houses.
- There is no public transport available to this site & cycling along the surrounding roads is extremely dangerous as they are either dual carriageway or have a high volume of traffic.
- Inappropriate design, appearance and materials.
- Would result in overlooking and a loss of privacy and light and also overshadowing.
- Impact on the conservation area.
- Would cause flooding.
- Would harm the wildlife.

- Noise impact on the residents of Stoke Lyne and Hardwick.
- The removal of agricultural land and is at odds with the drive towards a plant-based diet.
- Ironically, the ES statement lists agriculture as being the second highest in the applicants' assessment of Gross Value Added per worker. Transportation and storage are 9th on the list.
- Not satisfied that the applicant has adequately demonstrated that there would be no impact to great crested newts and/or their habitat as a result of the development being approved.
- It is acknowledged that significant weight should be placed on supporting economic growth in the logistics sectors as outlined with the NPPF (2023). However, a logistics development of this nature and scale would be far more suitable and sustainably located adjacent or in close proximity to Banbury, Bicester or Kidlington.

#### 8 letters of support

- It would provide the local area with jobs.
- The development would bring good business to the area and, as a result of this, much needed housing - more houses are needed in Croughton.

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 Farthinghoe Parish Council: – Objects**

We have just read the National Highways submission to this application. Farthinghoe Parish Council would like to receive early reassurances that full account is taken of the negative effects of extra traffic generated by this proposal when the M40 is closed by accidents or by road repairs and the traffic is forced to use the official signposted A43/A422 diversion both to and from Junction 11 M40.

Update:

Farthinghoe Parish Council are very dismayed that there has been no meaningful response from West Northants Council either Planning or Highways.

Surely they must realise the effect this Logistics Centre would have on the A422, as well as the A43, during M40 closures these roads being the automatic diversion for any such closures

#### **7.3 Fritwell Parish Council: Objects**



- Would generate low skilled jobs leading to an increase in people driving to the area.
- Dispute the applicant's assessment that there is a shortage of jobs locally.
- Have concerns over the drainage solutions, particularly with regards to long-term maintenance.
- Disregards local planning norms as this is not a designated site for development.
- Irreparably harms the character and visual appearance of the area.
- Would lead to an urbanisation of the area, as the catchment area will not support the employment needs of this facility (despite the analysis report suggesting otherwise). These employees will come from elsewhere in the country and this influx of people will have to live somewhere. The Bicester to Banbury corridor is exhausted by the pressures of already planned and now, speculative developments.
- Would be a "speculative development" referencing the "need for warehouse space" does not accommodate a strategic plan for where it should be located to accommodate minimum traffic movements to serve the real needs of the country, FPC see nowhere in this application a reference to this as a strategic location other than it is located along a major road system. Thousands of square feet of warehouse space already developed along the M40 corridor remains unused.
- States in the Statement of Community Involvement a local consultation has been concluded. Villages, and estates (Tusmore Park) that will be affected by this development, have been excluded from the consultation, in FPC opinion, rendering this exercise unproductive.
- FPC supports the view that this development would irrevocably damage the rural nature of this area and the species it supports.
- Building such large structures at this junction would only exacerbate already intractable problems and increase traffic pollution in this area, an area that is essentially rural in nature. While this development is close to a motorway junction, there is no public transport to this site.
- Would prefer to retain the site as farmland and develop previously developed land elsewhere in the district.
- *Noise, light, and Air pollution* are of significant concern during the construction and operation of these warehouses, particularly the cumulative effect that would surround the village of Fritwell with the Heyford development to the Southwest, the potential for the Rail Freight Terminal in the South and this development with Albion Land and this development to the East. Fritwell Parish are deeply concerned about noise attenuation resulting from this facility operating 24/7. Fritwell is Class 3/Class 4 on the Bortle Scale for Night Sky Brightness, this would be compromised by additional light pollution from this planned facility. We enjoy good air quality in Fritwell despite the proximity of the motorway, this will be compromised by this development.
- Updated objection – 15.3.2025:

*In reviewing the current objections more recently lodged, without repeating themes already identified, FPC have reviewed the following and unequivocally support the comments therein of the: objection lodged by Tusmore Park in Public Comments; objection lodged by Anglian Water (6th March 2025); objection lodged by CDC Ecology (28th January 2025).*

#### 7.4 Fringford Parish Council: – Objects

1. The proposed large scale logistics site is on green-belt land which should be resisted. The number and scale of similar developments is negatively swamping rural North Oxfordshire at a rapid rate with an over-bearing, dominant impact on the visual, natural landscape and environment. The amount of such logistical development in the area of Cherwell District Council appears to be disproportionate to other areas.
2. There will be a significant negative impact on biodiversity and wildlife of the area which is rural in character made up of agricultural fields, currently supporting wildlife. The huge scale of this proposed development will bring additional noise, sound and light pollution to the area.
3. There will be a negative impact on highway safety and traffic. The proximity of the proposed development will negatively impact the existing traffic flow issues and delays at Baynards Green roundabout which already struggles with the volume of vehicles and has already seen an increase in lorries and larger vehicles. Junction 10 of the M40 will negatively be impacted as traffic already backs up in both directions on the motorway which is dangerous. The current exit slip road is only one lane and relatively short in length.

#### 7.5 Godington Parish Council: – Objects – to this planning application and supports all the concerns of Stoke Lyne Parish Council. We believe the application has many flaws and will have a huge negative impact on local residents and the local environment.

Our main reasons for objecting are as follows: Contrary to the Cherwell Local Plan which does not support such development in rural areas; Uses agricultural land in greenfield sites when we should be maximising our ability to be sustainable; Will hugely increase traffic on already busy local roads, many of which are small in nature; Inaccessible to public transport; Will be visually harmful to local communities as set in a flat landscape; Significant disruption caused by it's construction - at a time when local roads and residents already hugely affected by EWR and HS2 construction traffic.

#### 7.6 Middleton Cheney Parish Council – Objects

1. The environmental impact particularly to local agriculture and the noise and light pollution from increased traffic and deliveries and night time lights in the warehouses. The local roads are already at saturation point if there is an incident on the M40. This development will inevitably increase traffic on ALL neighbouring roads as lorries move in and out of the site.
2. Although this site does not directly join our parish, we consider that the inevitable increase in traffic particularly along the A43 and the A422 will have a detrimental effect on the environment around us.
3. The design, appearance and layout of the site is unsuitable for this position and the character of the land. Cherwell's local development plan references, respect for heritage assets conservation of tranquillity and biodiversity and environmental character. These plans pay no regard to these statements.

4. Cherwell DC has declared a climate emergency, it is difficult to reconcile these plans with that!"

#### 7.7 Stoke Lyne Parish Council: - Objects

1. Sustainability Any development at this site is not a sustainable option – while it is situated adjacent to major roads, there is no public transport accessing the site, and employees and vehicles would add to the current road use, which is already over capacity.

2. Visual Intrusion Any development would be visually intrusive, (as stated by the Inspector at the 2015 Local Plan Inquiry) “in the open countryside due to the size of the buildings, as well as potentially difficult and/or expensive to cater for satisfactorily at the M40 junctions in highway capacity terms” (para 41).

3. Location While the site is located close to the strategic highway network, this does not in itself justify the location as buildings (as observed by Inspector K Ford when dismissing the appeal against refusal of planning application ref 18/00672/OUT), who noted that the proposal would: “lead to an urbanisation of the site .... This is regardless of whether it is deemed large or small in scale” (para 18)

The inspector “consequently disagree(d) with the LVIA [Landscape Visual Impact Assessment] that the proposal would not have an unacceptable visual impact” (para 19)

*“Whilst the roads and neighbouring petrol station and drive-thru have eroded the landscape quality of the area, the harm would be compounded by the development in an area that otherwise has an open character with open fields of which the site forms part. The impact of the surrounding development does not weigh in favour of the proposal and does not justify further exacerbation of the harm ..... the proposal would make a significant contribution in urbanising the junction to an unacceptable degree” (para 20)*

*“The proposal would harm the character and appearance of the area ..... It would also conflict with saved Policy C8 of the Cherwell Local Plan 1996 which resists sporadic development in open countryside, including developments in the vicinity of the motorway or major road junctions” (para 21)*

4. Not appropriate: The proposal would lead to the creation of a significant amount of commercial floor space in a geographically unsustainable location. The development is not in accordance with Local plan proposals, and the applicant has not demonstrated any exceptional circumstances for the development. The development should be in a more sustainable location

5. Traffic implications: The traffic impacts of the development must robustly be assessed within any Transport Assessment particularly in regard to the impact on the junction into the site when approach along the B4100. This is a highway which is already overused, leading onto junction 10 of the M40. The road network at this point cannot accommodate more traffic into the area.

6. Cumulative impact of developments in the area The Parish Council is aware of major development proposals in the area, including the Dorchester new Town, work to upgrade Junction 10 of the M40 and proposals for a strategic rail/freight interchange near Ardley. The cumulative effects on residents and the road network will be completely unacceptable.

#### STATUTORY CONSULTEES

7.8 OCC Archaeology: **No objection, subject to conditions** - As an update to my previous comments on the 24th June 2024, the Phase 2 archaeological evaluation report has now been submitted with the application (Cotswold Archaeology 2024). A further area of archaeological activity was recorded in this phase 2 trenching, and this will also require archaeological mitigation excavation, which can be achieved through conditions. This advice should be read in conjunction with previous comments from the Archaeology Service in April 2023.

7.9 Active Travel England: No Comments.

7.10 Berkshire, Buckinghamshire & Oxfordshire Wildlife Trust: – **Objection** - The document dated December 2021 shows a net loss of -5.39% habitat units and a net loss of -22.17% hedgerow units.

We refer you to paragraph 1 of our previous response which argues that the application does not provide evidence of an adequate net gain in biodiversity as required by National Planning Policy Framework, The Cherwell Local Plan, Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment and Cherwell District Council's Community Nature Plan 2020–2022 A natural environment for people and wildlife.

For this reason and the other reasons set out in our response of 8th June 2022, it is our opinion that this application should not be approved, and certainly not so in its current form

7.11 Buckingham & Drainage Board: On the basis that any proposed surface water discharge into the land drainage system upstream of the Board's district would be restricted to greenfield run-off rates, the Board has **no objection** to the proposal.

7.12 CDC Building Control: **No Objection** - Fire service access and external wall fire ratings to be in accordance with approved document B vol 2

7.13 Campaign to Protect Rural Oxfordshire: **Object**

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

7.14 CDC Conservation – **No objections**

*Nearby Heritage*: The application site is an area of land to the east of the A43 dual carriageway. To the north west is Baynards Green Farm which includes a Grade II Listed barn and directly to the south is Cherwell Valley services. The village conservation areas of Ardley and Fewcott, and Fritwell lie to the west beyond the M40 motorway. To the east the village of Stoke Lyne has a Grade II\* Listed church. In heritage terms the significance of the site is its overall contribution to the setting of the listed buildings and conservation areas.

*Assessment:* The Listed barn at Baynards Farm to the north is part of a farm complex that has now been converted to business use. These buildings are located adjacent to the A43 and behind a modern petrol station and fast-food outlet. It is therefore considered that the setting of the Listed barn is somewhat compromised by the existing buildings and the large road network in its immediate surroundings. Because of this the proposed development of this site is unlikely to further harm the significance of the Listed Building through development within its setting.

The two village conservation areas closest to the site are Ardley and Fewcott, and Fritwell. From within these conservation areas the development site is not considered to be visible and Fritwell conservation area in particular is surrounded by more modern development on the east side that is not part of the conservation area. In both cases once you are well outside the village on the footpaths the logistic sheds may be visible in the wider landscape, however the views and countryside setting are considered to be interrupted by the existing road infrastructure (The M40 and A43) and in the case of Ardley and Fewcott the Cherwell Valley services. Because of this and the distances involved the proposals are not considered to be harmful to the significance of the conservation areas.

To the east the Grade II\* Church at Stoke Lyne and its setting needs to be considered. There is considered to be no notable interrelationship between the church, its churchyard, and the development site. It is noted that the proposed development to the east of this site (22/01340/OUT) will come closer to the village of Stoke Lyne. Because of the distance of this application site from the church and due to the mature trees and landscaping that surrounds the church the development is not considered to result in harm to the significance of this heritage asset through development within its setting.

It is accepted that large developments of this kind will have a visual impact on the landscape. Landscape mitigation should consider the setting of conservation areas and Listed Buildings. It should also be noted that as this application is an outline application the indicative details may change. If the building heights were to increase, then there is potential for greater impact. The final design, colour and type of materials used in the buildings will also be key to mitigating the impact of the development.

*Overall.* in terms of Heritage Assets, the developments are considered to have limited direct impacts and therefore we defer to the landscape team and where appropriate OCC Archaeology for comment.

#### 7.15 CDC Drainage – **No objections, subject to conditions:**

##### *Surface water Drainage:*

No further comments. However, the Padbury Brook to which any surface water will drain that cannot be infiltrated enters the area of the Buckingham and River Ouzel Internal Drainage Board a little downstream of the site discharge. Therefore, ensure they are also consulted.

NB: In an email, dated the 13 October 2024, the applicants advised the case officer and the Council's Drainage officer that they have liaised with the Drainage Board. The Drainage Board, I am told, have confirmed that the development has now been discussed, and they will not be seeking any SWDC to be applied, due to the distance from the Board maintained watercourse. My understanding is that they will respond to the planning application stating that on the basis that any discharge would be restricted to greenfield run-off rates, the Board has no objection to the proposal.

*Foul Drainage:* - A pumped solution to Stoke Lyne STW, which is operated by Anglian Water, is proposed. It is clear from the estimated foul flows generated on the site that the sewage treatment facility will require substantial advance upgrading.

7.16 CDC Ecology: – **Objection**

- Proposed loss of priority habitat, species rich hedgerows, contrary to NPPF and Cherwell Local Plan.
- Inadequate Net Gain.
- Insufficient baseline data.
- Impact on farmland birds onsite and in cumulation contrary to NPPF and Cherwell Local Plan.
- Impact on brown hairstreak butterfly contrary to NPPF and Cherwell Local Plan.
- Impact on ancient woodland priority habitat contrary to NPPF and Cherwell Local Plan.
- Impact on CTA contrary to Cherwell Local Plan.

NB: The applicant provided further information, but CDC's Ecologist still maintains her objection

7.17 CDC Economic Development: - Commented

I have been liaising with Tritax very recently - and over the months and years - to encourage development of a diverse range of employment uses, particularly with regard to extending the knowledge economy. In relation to this site, I have encouraged the provision of a skills and employment facility on site and/or in cooperation with enhanced educational provision in Bicester.

This is key to prepare years ahead for the construction, logistics and other skills required by such a proposal – to avoid shortages in both the short-term construction phase and longer-term operational phases of the development. I am unaware of any local 'need' for such large-scale logistics units but acknowledge the regional and national 'demand' – extending from the 'golden triangle' (around the A5, M6 and M1) – into the A43 and M40 corridors. I am also aware both of a need and demand locally for smaller flexible units that have been developed in accordance with the Local Plan, adjacent to existing settlements (evident in recent years).

The scale of the proposal – distant from centres of population and tied to the Strategic Road Network - is therefore important to consider with regard to regional and national need, demand and context. Ideally this would be in relation to a national economic framework, county plan and the Arc policies but – given the absence of such mechanisms - the Local Plan is key to assess the suitability of this site (and those adjacent to it).

Doubtlessly, a significant number of jobs would be created, and economic growth and benefits would arise. However, it is unclear for example how the jobs created would address the needs of the local population, redressing the current out-commuting patterns to create all elements of sustainable development.

7.18 Environmental Agency: **No objections.**

7.19 CDC Environmental Protection: – **No objections, subject to conditions:**

The CEMP needs to be finalised and agreed with the LPA prior to works commencing on site.

*Noise:* Having read the updated noise chapter of the ES I am satisfied with the findings and proposed mitigation and have no further comments at this stage.

*Contaminated Land:* Having read Chapter 14 - Ground Conditions and Soils of the updated ES I agree that further intrusive investigation is required.

*Air Quality:* Having read the AQ chapter of the ES I am satisfied with the contents and findings.

*Odour:* No comments.

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

- 7.20 Oxfordshire Fire Service: **No objection** - It is taken where required, works will be subject to a Building Regulations application and subsequent statutory consultation with the fire service, to ensure compliance with all the functional requirements of The Building Regulations from B1 to B5. Oxfordshire Fire and Rescue.

- 7.21 OCC Highways: **No Objection, subject to conditions and planning obligations:**

OCC Highways had previously raised objections, but those objections have now been addressed. This is discussed in the transport section of the report. OCC Highways latest comments can also be found in full on public access.

- 7.22 Historic England: **No comments.**

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

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

- 7.25 National Planning Case Officer Unit: No comments received.

- 7.26 Natural England: – **No Objection** - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

- 7.27 National Grid: **No objection.**

- 7.28 OCC Public Rights of Way: **No objection, subject to s.106 contribution** - While there are no PROW running through the proposed site, the development is likely to have a negative impact on the local road network which is used to link up many of the Public Rights of Ways, in particular for Bridleway users.

Therefore, I would like to see some additional access provided North to South through or along the edge of the site to link up bridleways 367/24/10 and 367/21/10. This should be in addition to securing funding via S106 to improve the PROW network within and linking to the immediate area. This would allow OCC to improve existing routes and to potentially secure additional route for public access.

7.29 Thames Water: **No objection, subject to a pre-occupation condition** due to an inability of the existing water network infrastructure to accommodate the needs of this development proposal.

7.30 CDC Urban Design: **Objects**

The proposal would constitute large-scale development in a rural location. The scale and character of the strategic green infrastructure proposals are not commensurate with the scale of built form proposed and the wider landscape character. The illustrative proving layout, sections, DAS and fixed parameters plan do not provide sufficient reassurance that detailed proposals would reflect design policy and guidance. Overall, the proposals do not reflect design policy and guidance.

I suggest amendments are made to the parameter plan, supported by an amended proving layout, amended and additional sections.

- Wider eastern and southern multi-functional landscape buffers. These buffers should be of sufficient width to accommodate bunding (where appropriate), woodland planting, woodland edge scrub and rough grass, drainage features, footways (where appropriate) and activity hubs (where appropriate). I suggest the parameter plan allows for a width range (i.e. not a uniform width), that is informed by illustrative sections and plans.
- Wider northern and western landscape buffers to provide an appropriate relationship to the adjacent road and bridleway. These buffers should be of sufficient width to allow footways and activity hubs (where appropriate). The width range parameter will need to be informed by illustrative sections/ plans.
- Building frontages offset from landscape buffers to provide an appropriate building offset and relationship to trees, planting, adjacent roads and footpaths. The exact offset should be informed by illustrative plans/ sections.
- Retention and enhancement of existing established species rich hedges and ditches as part of a multi-functional green infrastructure network. Retention and appropriate offsets to be informed by illustrative plans/ sections.

No further comment yet received in respect to the amended plans, which addressed these concerns.

7.31 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.

7.32 West Northamptonshire Council: Commented:

This site is not allocated in either the existing or the emerging local plans for Cherwell and as such remains an unallocated site in a rural area outside of settlement confines. In our recent responses to consultations on the review of the



Cherwell Local Plan this Council cautioned against proposals that would see the further allocation of land for employment near to junctions 10 and 11 of the M40 which could have a significant impact on the highway network and the character and functioning of the area, with it and the south western corner of West Northamptonshire which it directly adjoins being rural in nature, character and appearance. We urge our colleagues at Cherwell to give these matters full and proper consideration as they progress this application, in addition to those other matters identified in Policy SLE1 of the Part 1 Plan and the Development Plan at large.

With regards to highway matters,

- TA and ES demonstrate negligible impact to traffic flows in Aynho and Croughton
- ES states construction traffic will be mitigated via a Construction Traffic Management Plan. This should be conditioned and WNC should be consulted in order to review magnitude of impacts on our network, programming and mitigation measures.
- 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.

#### OTHER CONSULTEES

##### 7.33 Bicester BUG:

#### **B4100/A43 Junction**

*We would advise providing crossings over all junction arms to include the north arm. This will enable pedestrians on the NE corner of the junction to cross to the services on the NW corner by making only 2 crossings. At present they will be required to cross 6 very slow and indirect crossings.*

#### **B4100 Road**

*Along the frontage of the site, segregated and buffered pedestrian and cycle paths should be provided on both sides of the B4100 to facilitate foot and bike movements within and between the development. This is essentially now a spine road. See the Oxford Cycle Design Standards.*

*Pedestrians and cycle crossings over minor junctions need to be set back a minimum of 5m for reasons of safety, particularly given the paths are bi-directional.*

#### **Tritax North Access**

*It would be cheap and significantly facilitate pedestrian and cycle movements to have uncontrolled crossings over each of the junction arms. There appears to be a pedestrian only path on the north-east arms of the junction. This will inevitably be ridden on by cyclists. It would make sense to at least make this shared, but preferably segregated.*

#### **Tritax South Access**

*The proposed parallel crossing is excellent, though the landing areas either side need to be expanded to avoid conflict.*

## **Cycle Path**

*Priority needs to be continuous across access points.*

*There needs to be access and egress points from the cycle path near to where there are junctions off the B4100 to other destinations to allow cyclists to join and exit the path.*

*The bus stop bypass design is quite fussy and complicated. Better to provide a wide section of shared area adjacent to the bus stop to enable pedestrians and cyclists to pass without risking collisions.*

*Metal rails / fencing is proposed at various points. Note that this effectively reduces the width of the path by 0.5m so the path will need to be widened in these areas. It is not clear where the cycle path ends in Bicester. It should be continuous until it joins onto the cycle provision at the new Banbury Road junction.*

*The path runs along the back of the large layby near Bicester. Either the layby needs to be redesigned, or the path needs to run in front of the layby for safety and security, even if this requires two (setback) crossings over the mouths of the layby.*

## **Tritax North**

*It is not clear whether cyclists are expected to share the carriageway with heavy goods vehicles. This would be very dangerous. Off-carriageway shared paths would be required as a minimum within the site.*

## **8. RELEVANT PLANNING POLICY AND GUIDANCE**

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 (CLP 2015) was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

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

- PSD1 – Presumption in Favour of Sustainable Development
- SLE1 – Employment Development
- SLE4 – Improved Transport and Connections
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems

- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Landscape Protection
- ESD15 – The Character of the Built and Historic Environment
- INF1 – Infrastructure

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- EMP4 – Employment generating development in rural areas
- TR1 – Transport
- TR10 – Heavy Good Vehicles
- C8 – Sporadic development in the open countryside
- C28 – Layout, design and external appearance of new development

#### 8.3. Other Material Planning Considerations:

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

### 9. APPRAISAL

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

- Principle of development
- Landscape/impact on the character of the area
- Highways Impact
- Ecology
- Drainage
- Energy
- Heritage
- Residential Amenity
- Archaeology
- Loss of Agricultural Land
- Air Quality
- Planning Obligations
- Other Matters

#### Principle of Development

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act outlines that the starting point for the consideration of a planning application is the Local Plan unless material considerations dictate otherwise. 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.
- 9.3. 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.

- 9.4. The overall spatial strategy within the adopted 2015 Local Plan has an urban focus with the bulk of the District's strategic growth to 2031 directed to Banbury and Bicester.
- 9.5. In the rural areas, growth is much more limited and is focussed on meeting local community and business needs. It is directed towards the larger and more sustainable villages. Development in the open countryside is strictly controlled.
- 9.6. A key objective of the adopted local plan (SO1) is to facilitate economic growth and employment and a more diverse local economy with an emphasis on attracting and developing higher technology industries.
- 9.7. Paragraph B.30 of the plan explains that the aim is to secure:
- business-friendly and well-functioning towns
  - an eco-innovation hub along the Oxford – Cambridge technology corridor
  - internationally connected and export driven economic growth
  - investment in people to grow skills and the local workforce
  - vibrant, creative and attractive market towns
  - family housing
  - measures to reclaim commuters where possible
  - measures to increase labour productivity.
- 9.8. Paragraph B.31 continues by listing the types of employment development the District wants to attract, including advanced manufacturing/high performance engineering, the green economy, innovation, research and development. Paragraph B.32 states support for well-designed logistics development in recognition of the areas attractive transport links.
- 9.9. Paragraph B.43 sets out that that land is allocated taking account of economic evidence base matching growth in housing and to cater for company demand, particularly for logistics.
- 9.10. Policy SLE1 helps to deliver the Plan's strategy to locate strategic employment proposals at Banbury, Bicester and Kidlington. The adopted Local Plan allocated approximately 175 hectares of employment land at Banbury and Bicester, the majority of which has already been developed.
- 9.11. The application is largely inconsistent with, and would be a departure from, the Local Plan strategy in this regard, although there are criteria against which other development proposals brought forward can be assessed as to their appropriateness. The Plan has an urban focus, and justification is needed for new sites in the rural areas.
- 9.12. Paragraph B.44 states that to ensure employment development is located in sustainable locations, to avoid problems such as traffic on rural roads and commuting, employment development in the rural areas will be limited.
- 9.13. The site is located in the rural area, including in the context of Policy SLE1, and, therefore, the third part of Policy SLE1 applies. For completeness, the relevant criteria of this policy are set out in full, further on in this chapter at paragraphs 8.28-8.31, where an assessment of the scheme is made against each criterion.
- 9.14. The emerging review Local Plan for Cherwell, which seeks to provide sufficient land for housing and local employment up to 2042, is at Regulation 19 stage and is due for submission for Examination before the end of the month. The document proposes a

number of new employment allocations at Bicester (sites E1 – E5) and a single employment site and several mixed-use allocations at Banbury. The spatial strategy focuses the majority of employment and residential new development at/near to Bicester and Banbury, with some residential development directed to the more sustainable villages. It should be noted that this review plan will be examined/has been 'saved' for consideration under the 2023 version of the NPPF.

- 9.15. 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 Junctions 10 or 11 of the M40 in either the existing or emerging local plans beyond those previously developed. Therefore, development here would be on unallocated land.
- 9.16. Paragraph 85 of the latest NPPF version (Feb.'25) states, *"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. **Significant weight** (my emphasis) should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development".*
- 9.17. Paragraph 86 (which applies to preparing policies) of the NPPF goes on to set out several criteria to encourage Councils to positively and proactively plan for growth. Sub-section c) of this paragraph explains that *"Planning policies should pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying **suitable locations for uses such as logistics** (my emphasis)."*
- 9.18. 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".*
- 9.19. Paragraph 87c of the NPPF adds that, *"Planning policies and decisions should also include the expansion or modernisation of other industries **of local, regional or national importance** (my emphasis) to support economic growth and resilience*
- 9.20. The PPG also recognises the importance of logistics development in the employment sector, stating:

*The logistics industry plays a critical role in enabling an efficient, sustainable and effective supply of goods for consumers and businesses, as well as contributing to local employment opportunities, and has distinct locational requirements that need to be considered in formulating planning policies (separately from those relating to general industrial land)".*

N.B. The emphasis and support now given to logistics development in the latest version of the NPPF is notably different from that contained with the 2023 version, against which the District's review Local Plan 2020-2042 will be examined.

- 9.21. The applicants are proposing to deliver a number of large-scale logistics buildings on these two parcels of land, either side of the B4100. Savills, on behalf of the applicants, submitted Symmetry Park, Ardley Market Analysis Report and an update to that report in January 2025. Their evidence includes a detailed quantitative assessment of need and supply at both district and wider PMA level. It tests three scenarios: lower, core

and upper to establish an average. Savills conclusion is that the 'core' estimate *"provides a reasonable estimate of the influence of the relevant demand factors"*.

- 9.22. The applicants' original and updated planning statements state that being in close proximity to the strategic highway network is a key requirement of logistics operators, particularly along the M40 corridor, where the applicants consider there to be a significant need for logistics floorspace.
- 9.23. The Council instructed Lambeth Smith Hampton (LSH) to review Savill's evidence to help establish the level of need and supply at both district and the wider PMA level. Despite some minor differences in approach, LSH have confirmed that they are in broad agreement with Savills conclusion that the proposed development would bring a range of economic benefits to the local and wider economies.
- 9.24. 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.
- 9.25. 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.
- 9.26. 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.
- 9.27. The delivery of new employment land, in a sustainably suitable location, is a significant benefit of this scheme. However, I attach even more weight to the benefits of this scheme in the context of LSH's conclusions. Not only would there be a big temporary construction workforce (500+), which of course would be time-limited, but there would also be high numbers (2,400+) of long-term annual job creation. The scheme, if allowed, would also remove any potential shortfall of employment land at the upper level and afford greater flexibility bearing in mind that some employment sites would almost inevitably be developed for Class E(g) purposes rather than B2 or B8 use, which are other material benefits of the scheme.
- 9.28. In light of the conclusions of the two recent LSH reports, 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 in the paragraphs below.

#### **Policy SLE 1:**

- 9.29. *"Unless exceptional circumstances are demonstrated, employment development in the rural areas should be located within or on the edge of those villages in Category A (see Policy Villages 1)*
- the applicant has provided an assessment of suitability and availability of land at, and within, Category A villages as part of their assessment. The details of which are contained in Table 3 of the Planning Statement and Appendix 3 of

the PS which accompanied the application. The results showed the proposal cannot go within or on the edge of Cat A villages;

- LSH have concluded that at the higher bound long-term scenario there is a need for at least 22.5ha of B2/B8 employment land (more if any of the mixed employment use allocations are ultimately developed for non-B8 purposes) which will need to be in a suitably accessible location;
- This application would deliver 2,430 permanent jobs and 500 construction jobs rising to 610 and 83ha of employment land;
- Para 85 of the NPPF advises that: "Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development";
- Para 86 of the NPPF: "Planning policies should pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying suitable locations for uses such as logistics";
- Para 87 of the NPPF acknowledges the importance of 'suitably accessible locations' - this site is very close to the Motorway, away from villages;
- The development will bring a range of economic benefits to the local and wider economies and help support the modern economy;
- An Established potential occupiers (including GXO), so part of the site could come forward quickly, providing construction and permanent jobs to the area;
- This site sits inside the Oxford – Cambridge Arc corridor. The Government wishes this corridor to be an economic engine for the whole of the UK. For further info, see: <https://www.gov.uk/government/news/minister-vallance-underlines-how-oxford-cambridge-corridor-ambitions-can-boost-whole-uk>

9.30. ***"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.***

9.31. Officer Comment: Complies

- This application sits outside the Green Belt.

- ***Sufficient justification is provided to demonstrate why the development should be located in the rural area on a non-allocated site.***

9.32. Officer Comment: Complies

- This site will help plug a potential shortfall in B2/B8 use at the upper end, of the estimated employment range, as concluded by LSH;
- Whilst in the rural area, the two parcels of land are close to the motorway and the A43 and, therefore, would not constitute sporadic development;
- There are no sites on the edge of Category A Villages capable of delivering schemes of this form or scale, and they are not as close to the motorway. Also, development on this scale would harm the setting of Category A villages, if they were located on the edge.

- ***They will be designed to very high standards using sustainable construction and be of an appropriate scale and respect the character of villages and the surroundings***

9.33. Officer Comment: Complies

- The delivery of a high quality of design for the buildings and the internal landscaping scheme, can be secured through robust pre app discussions and reserved matters applications;

- Sustainable construction conditions would be imposed, to ensure that the buildings would be completed to a BREEAM Standard 'Very Good' and that a net zero carbon would be achieved during construction;
  - Following officer advice, the applicants have submitted a revised parameter plan that has increased the width of landscaped boundaries on prominent edges from 20m to 35m to allow for a deeper and more robust landscaping scheme which would ensure a more sensitive scheme overall;
  - The buildings would be 3m smaller in height and scale closer to the nearest buildings and settlement (Stoke Lyne) and then gain height (up to 23m) closer to the A43
- ***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.***

9.34. Officer Comment: Partial compliance

- The buildings would not be small in scale. However, they wouldn't impact on the setting of Stoke Lyne, but there would be significant adverse harm on the character and appearance of the area from some views;
  - A robust landscaping and tree plan would, in the long term, shield large parts of the scheme. The tops of the logistics buildings, at **up to 20m and 23m** in height, respectively, would still be visible, but, after 15 years the impact would be significantly softened.
- ***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).***

9.35. Officer Comment: Partial Compliance

- 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 from Historic England or CDC Conservation);
  - There would be some harm to the character of the landscape, some of which could be mitigated in part 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".***

9.36. Officer Comment: Complies

- National Highways and OCC Highways have, subject to conditions and planning obligations, no objections to the scheme from a highway safety point of view nor do they consider that the scheme would give rise to excessive or inappropriate traffic on the national and local highways networks, respectively;



- As noted above, the applicant has provided an assessment of suitability and availability of land at, and within, Category A villages as part of their assessment. The details of which are contained in Table 3 of the Planning Statement and Appendix 3 of the PS, which accompanied the application. The results showed the proposal cannot go within or on the edge of Category A villages;
- There are no suitable alternative sites within Bicester or Banbury which are in close proximity to the M40 that could absorb a scheme of this scale. J11 is not appropriate from a landscape or highways perspective and J9 does not currently have any allocated sites (albeit there are some employment sites in the emerging Local Plan Review) that would be able to accommodate some/most of the identified employment needs.

9.37. Whilst the proposal does not fully comply with every criteria of this policy, it complies with the majority, and, therefore, partially rather than fully complies with this policy.

9.38. 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.

#### Landscape & Visual Impact

9.39. 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;*

9.40. 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.

9.41. The policy goes on to list 6 criteria where proposals will not be permitted. An assessment of the proposals against those 6 criteria is contained in table 1 below.

9.42. 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.*”

9.43. 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.

- 9.44. Strategic objective SO12 of the Cherwell Local Plan seeks to focus development in Cherwell's sustainable locations, making efficient and effective use of land, conserving and enhancing the country and landscape and the setting of its towns and villages.
- 9.45. 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.
- 9.46. 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.*"
- 9.47. 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 at Huscote Farm, Daventry Road, which is the subject of a currently undetermined appeal, is the only site that could be available but is considered unsuitable in landscape and highways terms by the District and County Council and by National Highways in respect to strategic highway network impacts. Bicester's suitable sites at M40 J9 do not yet have consent. C8 is therefore accorded with.
- 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 several factors that would, together, result in significant harm to the character and appearance of the area.
- 9.49. I also note that the Cherwell Landscape Designation Assessment (2024), which forms part of the evidence base to the draft Cherwell Local Plan, shows the northern parcel of this site falling within the proposed North Ploughley Valley Landscape Designation.
- 9.50. LUC, who carried out and wrote the Cherwell Landscape Designation Assessment 2024, sets out a number of Landscape Management criteria for this designation, including:
- *Encourage the management and strengthening of hedgerows particularly in areas where there are gaps;*
  - *Preserve the tranquillity and strong rural character of locations remote from transport infrastructure and urban edges.*
- 9.51. LUC also set out some suggested Development Management measures for this designation:
- *Maintain the characteristic sparse pattern of development by avoiding large-scale development.*
- 9.52. That said, as the draft Local Plan has yet to be submitted for examination, and does not yet form part of the development plan. This proposed designation carries limited

decision-making weight, but it does show that the Council and LUC, a leading Landscaping Consultancy, consider the northern part of this site to have landscape value.

- 9.53. At circa 83.28ha hectares, the combined fields form a very large site. Given the site's proximity to roads, public footpaths, and the low-lying nature of the hedgerows, which afford clear local views into the agricultural fields, and from further afield (Stoke Lyne), it is a prominent and sensitive site. It provides relief from the urban influence of the A43.
- 9.54. 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 would be an undoubted impact on the landscape and the character and appearance of the area. The key question then, is what would the extent of such harm be? Also, would the character of the area be compromised and undermined as part of that harm?
- 9.55. The applicant has submitted a Landscape Visual Impact Assessment (LVIA) with the application. It was prepared by EDP, and the updated version is dated MAY 2024). Of the 18 views EDP have looked at, they have concluded that the scheme would result in long term significant adverse harm from only 1 view - view 12 from PRoW367/24/10 looking south).
- 9.56. EDPs assessment finds that the adverse landscape and visual effects are at a lower level (the majority of the views ranging from very low to medium adverse, once the proposed landscaping scheme had matured).
- 9.57. The Council appointed (LUC) to review the submitted LVIA. LUC provided their response to the applicants' LVIA in January 2025. LUC concluded that *"Construction will result in adverse effects on the character of a localised part of the Wooded Estate lands that includes the site and its immediate context (as recognised in the LVIA), due to the removal of all internal hedgerows and trees, and the change from rural agricultural fields to construction sites including remodelling of topography to create the development platforms and temporary construction lighting. This will also adversely affect views from the local community of Stoke Lyne; individual properties at Lone Barn and Park Farm; local public rights of way particularly to the north, east and south of the site; and from the roads bordering the site (B4100 and A43)."*
- 9.58. Moreover, LUC also concluded that *"During operation significant adverse effects are predicted on landscape features and character of the site and its localised surrounds due to the change from rural agricultural fields to large scale shed development) – resulting in a large change in character. This will be a long-term adverse change (i.e. beyond 15 years) and non-reversible. This adverse effect will also be present after dark due to the proposed lighting on this currently rural site, resulting in an urbanising effect."*
- 9.59. LUC identified the following specific viewpoints where there would be significant long term adverse effects:
- *Users of local public rights of way – users of PRoW to the north (ref. Viewpoint 2); users of PRoW to the east (ref. Viewpoints 4 and 5); users of PRoW to the south (Viewpoint 6); and users of PRoW to the west (ref. Viewpoints 1 and 11);*
  - *The local community of Stoke Lyne (ref. Viewpoint 5); and individual properties at Lone Barn and Park Farm;*

- *The roads bordering the site – the A43 and B4100 (ref. Viewpoint 6 taken on the approach along the A4100).*

9.60. LUC also noted that *“After dark lighting will also be visible from these same receptors resulting in adverse effects (although the lighting assessment concludes no impact to residential amenity as a result of glare arising from the lighting installation – baffles would be used to protect against this).”*

9.61. The detrimental effect is also readily apparent from the montages and demonstrate the dual harmful impacts of the scheme: the loss of significant parcels of the countryside; whilst also having an imposing effect on the surrounding area to the east, along the B4100 (including absorbing part of this defensible boundary and creating a tunnelling effect) and the public rights of way, particularly close to the northern boundary. I consider the views from this public right of way to be of high sensitivity given the route is mostly used for recreational purposes. Its proximity to the new, extremely large commercial buildings and associated parking cannot be overstated.

9.62. Whilst buildings of this scale and height will never be fully screened, even when landscape treatment fully matures, given the open nature of the site, it is imperative that a robust landscaping scheme is secured as soon as possible. A revised parameter plan has now been received from the applicants that increases the depth of the landscaping zones around the site.

9.63. LUC, in their review, cautioned that the *“information about mitigation within the parameter plans cannot predict how effective the structural planting is likely to be at Year 15 – it will be important that the detailed landscape proposals are developed with input from the Council and key mitigation such as bunding and proposed planting stock sizes are agreed and appropriate to the situation.*

9.64. LUC added that *“This should include woodland planting that is at the full widths shown on the strategic parameters plan (i.e. between 45m and 200m along the eastern boundary), and aiming for a minimum of 35m locally appropriate (and climate resilient) woodland along the B4100. Bunds should be softened (using approaching landform profiling) to appear as ‘natural’ as possible, and tree species and planting ages selected to ensure they can establish successfully, especially on bunds that can provide a more difficult environment for establishment and growth.*

9.65. Whilst any reserved matters application (in the event of an approval) would need to wash its own face from a landscaping perspective, it is vital that a robust landscape scheme which frames the site and provides as much mitigation as is possible are fixed now. For example, to achieve the minimum 35m deep landscape buffer along the A43 and the B4100, suggested by LUC. The revised parameter plan has been amended to ensure compliance with LUC suggestions and condition compliance would ensure it was delivered.

9.66. The Council’s Urban Designer also raised concerns about the effectiveness of the landscaping proposed on the original parameter plan and was concerned about the loss of all the internal hedging, noting that the National Design Guide expects development to integrate existing natural features into multifunctional networks that support quality of place, biodiversity and water management, and address climate change mitigation and resilience.

9.67. His view, which has yet to be updated following receipt of the amended parameters plan, is that:

- Wider eastern and southern multi-functional landscape buffers are required, these buffers should be of sufficient width to accommodate bunding (where

appropriate), woodland planting, woodland edge scrub and rough grass, drainage features, footways (where appropriate) and activity hubs (where appropriate).

- The parameter plan should allow for a width range (i.e. not a uniform width), that is informed by updated illustrative sections and plans.
- Wider northern and western landscape buffers are required to provide an appropriate relationship to the adjacent road and bridleway. These buffers should be of sufficient width to allow footways and activity hubs (where appropriate). The width range parameter will need to be informed by illustrative sections/ plans.

9.68. The applicants submitted an illustrative layout plan which, although not a formal document, pointed towards overdevelopment of the site with insufficient boundary landscaping, potentially over engineered bunds which would be out of character with the area, and not enough internal landscaping. The urban designer advised that it would be helpful to see a revised illustrative plan and section plans that demonstrate that the following can be achieved:

- Building frontages offset from landscape buffers to provide an appropriate building offset and relationship to trees, planting, adjacent roads and footpaths.
- The retention and enhancement of existing established species rich hedges and ditches as part of a multi-functional green infrastructure network.

9.69. The potential over-development of the site is another major shortcoming of the scheme. The original illustrative layout suggested a car parking provision of 1,780 bays, which would have represented an exceedance of 78% over the OCC maximum parking standards of 1,000 bays for a development of this size. I recognise that with the nature of shift work there would be short overlap periods where staff taking over shifts won't always be able to park in the same bay. However, there is scope to significantly reduce the amount of parking bays (and therefore the urban tarmac/development area) being presented on both the illustrative plan and the parameter plan, allowing for greater depths of landscaping provision – the number of bays being proposed would also run counter to the applicants' transport modelling work's reliance on a travel plan being used to encourage a modal shift. The revised parameters plan with significantly larger landscape boundaries and building off-sets would reduce the amount of parking availability, ensuring greater consistency with adopted parking standards.

9.70. Another shortcoming is OCC's requirement, from a safety and sustainability point of view, for there to be a 4.5km pedestrian/cycle way on highway land which would result in some loss of hedging, a tree and scrub in some pinch-point locations and urbanise the rural area still further.

9.71. When assessed against the criteria of policy ESD13 (See table 1 below), there is a combination of compliance and conflict with the criteria. It also falls short of fully meeting the requirements of Local Plan policy ESD15 and paragraph 187 of the NPPF.

Table 1

Policy ESD13 Requirement	Officer Response	Accordance with ESD13 Bullet Points
Bullet point 1. Cause undue visual intrusion into the open countryside.	This scheme would be an almost complete urbanisation of two open, gently undulating arable fields and would have a visual impact, even after 15 years, albeit the impact would be softened through strategic planting	No.
Bullet point 2. Cause undue harm to important natural landscape features and topography	<p>The undeveloped character of the application site, as two parcels of land, contribute positively to what is a prevailing rural feel to the east and south of this site. This proposal would remove that character entirely.</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 be at odds with the rural surroundings. However, part of the local character is busy roads, the service station, garage and the fast food restaurant. Also, there are some heavily wooded areas in the locality and a heavily wooded landscape scheme would not be wholly inconsistent with the local character.</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 majority of the two parcels being at the lower end with the north	Yes

	eastern parcel being medium.	
Bullet point 5. Harm the setting of settlements, buildings, structures or other landmark features, or	No, it would not harm the setting of Stoke Lyne, Lone Barn and Park Farm	Yes
Bullet point 6 Harm the historic value of the landscape.	The field pattern of this site has been intact since at least the 1st edition OS mapping of the early 1800's and this pattern would, of course, be permanently altered by the removal of the hedges and the introduction of large logistics buildings along with the associated lorry and car parking bays. That said, it is not an historic valued landscape.	Yes.

9.72. In short, the consequence of inserting large-scale logistics buildings into this open countryside (particularly on the northern parcel) would represent significant adverse harm that is permanent and enduring. It is compounded by the loss of hedgerows on the 'interior' of the site and insufficient landscaping offered up in return in the original submission (since revised). This harm would result in conflict with policies ESD13 and ESD15 of the Local Plan and 187 of the NPPF and weighs against the proposal in the planning balance.

9.73. 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.

#### Highways

9.74. 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.

- 9.75. 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.
- 9.76. 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.
- 9.77. 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;
- 9.78. 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.
- 9.79. 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.
- 9.80. In March 2023, National Highways requested another 3 months pause to allow for further information to assess the potential impact on a similar extent of the SRN, including the Baynards Green roundabout and establish the level of mitigation would be required at this junction, as the Growth Fund scheme was no longer in place as originally expected. This holding objection remained in place until April 2024 following the applicants scheme to improve the Baynards Green Roundabout with additional north-south highway capacity on the A43 and enhanced signal controls.
- 9.81. National Highways were satisfied by the mitigation plans and subsequently withdrew their holding objection on the basis that a stringent pre-occupation of development condition was imposed to ensure that the highway improvement plan, as shown on SLR Consulting drawing ref: 216285-A-14A, entitled 'Baynards Green General Arrangement', is completed and open to traffic. National Highways then subsequently recommended an additional condition for a Construction Environmental Management Plan (CEMP).
- 9.82. 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 scheme or one of the two Albion Schemes comes forward in advance of the others, one applicant/landowner couldn't prohibit the other from carrying out the agreed works. OCC Highway concern comes from a need for Tritax and Albion Land East parcel to provide land (East of the A43 and South of the B4100)



to allow for adequate forward visibility to the roundabout when approaching along the B4100 from the east, small areas of land are required outside the highway boundary.

9.83. 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.

9.84. 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.

9.85. 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:

9.86. *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."

9.87. *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. “

- 9.88. *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.

- 9.89. *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.

- 9.90. *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. "

- 9.91. I agree with OCC regarding their concern over the exceedance of parking bays (the original illustrative plan suggested 1,025 bays against OCC maximum standards of 600 bays per 180,000sqm of employment space - a 70% exceedance). Not only would it result in further landscape harm and potentially a poor-quality internal layout, it would also run counter to the aims and aspirations of the travel plan and its ability to help encourage a modal shift from driving to cycling, walking and public transport. The revised parameters plan increased boundary landscaping and that would afford a significant but as yet unspecified reduction in available parking space.
- 9.92. I noted in paragraph A.6.25 of Tritax's updated Environmental Statement note (February 2025), the proposed cycleway extends adjacent to Twelveacre Copse; an Ancient Woodland site. This paragraph advises that, *"No direct loss to Ancient Woodland habitat is anticipated, however the route extends through the 15m Ancient Woodland buffer zone. The potential for impacts to the woodland's root protection zone that may result in impacts to the integrity of the Ancient Woodland will be assessed as part of the Ecological Assessment. This will be informed with input from the Arboricultural survey and, if needed, appropriate mitigation will be detailed to ensure there are no impacts to the Ancient Woodland from the creation of the cycleway."*
- 9.93. The advice I have received from the OCC Highways officer on this matter is that a no-dig construction could be used for the construction of the cycleway. Potentially a flexible surface could be used, as has been used in other locations close to trees. This isn't suitable for vehicles but would be OK for cycles and pedestrians.
- 9.94. OCC's Highway 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**

- 9.95. Policy ESD10 (Protection and Enhancement of Biodiversity and the Natural Environment) seeks to protect and enhance biodiversity and the natural environment.
- 9.96. 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.
- 9.97. 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.
- 9.98. 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.

- 9.99. Cherwell Local plan policy ESD11 states: *“Development which would prevent the aims of a Conservation Target Area being achieved will not be permitted.”*
- 9.100. 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.
- 9.101. 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.
- 9.102. The applicants’ Environmental Statement (ES) (2024) and the response prepared by EDP, confirms that approximately 2.46km or 39% of hedgerows onsite would be lost. Hedgerows are priority habitats according to NERC Act 2006, and as such are offered protection under the NPPF and Cherwell Local Plan.
- 9.103. According to the Pre-Development Habitats figure in The ES Appendix 0.8.4 (Drawing number edp2355\_d)58a), the majority of this hedgerow loss would be species rich hedgerow. This remains a concern for the Council’s Ecologist who, in her response in January 2025, commented that, *“Currently without information about how and where the lost hedgerows will be compensated, we cannot fully assess the impact of the scheme even in outline stage and our objection based on loss of priority habitat stands.”*
- 9.104. The Council’s Ecology officer raised a great number of other concerns to the proposal relating to:
- 1) Inadequate Net Gain
  - 2) Insufficient baseline data
  - 3) Impact on farmland birds onsite and in cumulation contrary to NPPF and Cherwell Local Plan
  - 4) Impact on brown hairstreak butterfly contrary to NPPF and Cherwell Local Plan
  - 5) Impact on ancient woodland priority habitat contrary to NPPF and Cherwell Local Plan
  - 6) Impact on CTA contrary to Cherwell Local Plan.
- 9.105. The applicants responded to the officer’s comments with additional information submitted on the 12 March 2025 including a draft LEMP. An agreement has been reached where objections to 2, 3, 4, 5 and 6 in the list above can be adequately addressed through conditions/and or planning obligations, which secure detailed LEMP/LHMP/CEMPs, prior to the commencement of development, and ensure that features for wintering birds should be incorporated into the design of offsite measures.
- 9.106. As noted in the Highway chapter, OCC Highways have requested that a 4.5km cycleway/pedestrian route, for safety and sustainability reasons, is created which would connect the site to Bicester. The length of the route is an indication of how far the site is from one of the main urban settlements in the district.
- 9.107. The lack of precise information about where any hedgerow would be removed to facilitate this route is not ideal, but I do not think it would warrant a refusal in itself. This absent information could be secured via condition and through a reserved matters application. The real harm would be the loss of the species rich hedgerow on

site in the first instance to accommodate a large commercial development, which isn't allocated and in the wrong location.

- 9.108. Despite the imposition of conditions, this element of the scheme would not be fully compliant with the Local Plan policies Policy ESD10, ESD 11 and BL11 along with the relevant provisions in the NPPF and would only be permissible if the benefits of the scheme outweighed the harm of the scheme overall.

#### Drainage

- 9.109. 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.
- 9.110. 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.
- 9.111. 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.
- 9.112. The applicants, in their submission documents, have included a Flood Risk Assessment and Drainage Strategy. The strategy is for all surface water flow to be attenuated in a series of basins (combination of soakaways and impermeable basins) and below ground storage prior to discharging at QBAR Greenfield run off rate of 4.5l/s/ha.
- 9.113. Part of the surface water strategy would also involve dividing the site into 3 catchment areas (See Appendix F).
- 9.114. Catchment 1 would utilise a hybrid system of attenuation basins and soakaways, in addition to below ground storage. It is anticipated that surface water would infiltrate into the ground for majority of design storms, and, during more extreme storms, the surface water would rise to a level of 113.150m and then overflow from the attenuation systems discharging into an existing ditch located south of catchment 1 at a controlled greenfield runoff rate. The Drainage Strategy assumes that the existing ditch is culverted beneath the B4100 and flows further south into another existing ditch.
- 9.115. Catchment 2 would attenuate the surface water flows entirely within a series of attenuation basins prior to discharging into an existing pipe east of catchment 2 which further connects into an existing ditch. Due to the low permeability of the existing strata in this area, the attenuation basins will only partially act as soakaways. The drainage strategy advises that due to the existing 300mm diameter pipe size, the flow

would be restricted to a maximum of 90l/s, reducing the discharge rate from the greenfield run off rate.

- 9.116. Catchment 3 would be located south of the development site and is proposed to drain entirely through a soakaway basin due to the permeability of the underlying strata. Permeable paving is proposed to be installed to all external car parking areas. This will be a 'Type B' system (after CIRIA 735), where the proportion of rainfall that exceeds the infiltration capacity of the subsoil will flow into the engineered drainage network.
- 9.117. The Drainage Strategy confirms that the whole of the drainage network has been designed to accommodate the critical storm event up to and including the 1 in 100-year return period plus a 40% allowance for climate change, whilst still preventing off-site flooding.
- 9.118. The Drainage Strategy also confirms that the drainage system will be designed to accord with BS EN 752:2017 requirements.
- 9.119. Regarding the foul water, the Drainage Strategy advises that *"All foul effluent from the north side of the development will be directly discharged into an on-site main pumping station located on the north eastern side of the development (see Appendix F). It is proposed that the foul flows from the south side of the development discharge into a private pumping station located within the southern area, pumping the foul water into the main pumping station via a rising main. The main pumping station will then pump all the foul water drainage into an existing Anglian Water manhole (Ref:5301) in Stoke Lyne village located east of the site."*
- 9.120. 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, Anglian Water has said that in the event that the Council were minded to approve the application, they would require a condition be imposed which prohibits the development from commencing until a strategic foul water strategy has been submitted to and approved in writing by the Local Planning Authority, in consultation with Anglian Water.
- 9.121. 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."*
- 9.122. 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 relevant Local and National Planning Policies.

### Energy

- 9.123. 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)".*

- 9.124. 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.
- 9.125. 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.
- 9.126. 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).
- 9.127. 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.
- 9.128. 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).
- 9.129. The applicants' Environmental Statement (prepared by Savills) and Planning Statement (Framptons) advises that each building on each site would have PV solar panels on a minimum of 18% of the roof area and that an 'energy hierarchy' would be employed "to reduce carbon emissions from the built development: by minimising heat losses, reducing air permeability, maximising the use of natural light; maximising the energy efficiency of the fittings and equipment that is incorporated into the development; and to incorporate renewables / low carbon technology."
- 9.130. A compound would also be used as an energy centre and there would be EV charge parking for cars and sustainable drainage solutions. These are all energy mitigation measures which can be secured via condition.
- 9.131. Based on the above points it is considered that the applicants have demonstrated that the proposal would comply with the requirements of Policies ESD1, ESD2 and ESD3 of the CLP 2015

## Air Quality

- 9.132. 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.
- 9.133. 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.
- 9.134. 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.
- 9.135. Paragraph 6.1.4 of the Air Quality chapter of the applicants Environmental Statement states: *"It is anticipated that the day-to-day energy strategy during the operational phase of the Proposed Development will incorporate an all-electric approach, in compliance with Part L of the Building Regulations. As such, assessment of day-to-day on-site air quality emissions during the operational phase has been scoped out."*
- 9.136. The Air Quality assessment concludes that the impact from dust generated from the earthworks and the construction phase would be low. It goes on to set out the Predicted Annual Mean NO<sub>2</sub> and PM<sub>10</sub> Concentrations during the proposed development, as being negligible. The Council's Environmental Protection Officer agrees with these conclusions and raises no objections.
- 9.137. Moreover, the Site does not lie within an Air Quality Management Area (AQMA) – the closest AQMA is 6.5km to the southeast of Bicester.
- 9.138. For the above reasons, 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.

## Heritage

- 9.139. 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."
- 9.140. 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."*



- 9.141. The applicants have included an Archaeology and Heritage chapter in the ES, prepared by EDP. It assesses the relationship between the site and all the Heritage Assets within a 2km radius of the site. This appraisal concludes that there would not result in any adverse effects on the non-designated and designated heritage assets.
- 9.142. This is a view shared by the Council's Conservation Officer, who has concluded that, due to a combination of distance, screening (buildings, landscaping & trees), there is no notable interrelationship between the site and the closest heritage assets (Grade II\* Church in Stoke Lynn, Conservation Areas in Ardley, Fewcott & Fitwell).
- 9.143. For this reason, this aspect of the proposal is policy compliant.

#### Residential Amenity

- 9.144. 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.
- 9.145. 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.*"
- 9.146. Given the significant setback between the proposed development area shown on the parameter plan, and the closest neighbouring buildings (56m), I do not anticipate that the neighbours would experience a loss of daylight/sunlight or privacy.
- 9.147. 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 or lighting grounds, subject to conditions.
- 9.148. However, the scale of this employment park, its open location and proximity to two isolated dwellings and Stoke Lynn means that a few local residents would suffer a significant change in their views. Although it is long established that no one has a right to a view, this is another element which weighs against the scheme in the planning balance.

#### Archaeology

- 9.149. OCC's Archaeologist, in her original comments noted that "*the site was known to be of archaeological interest and potential, with a range of features recorded from cropmarks, and a Roman coin hoard recovered from within the development area.*"
- 9.150. *The geophysical survey revealed extensive remains beyond those known from cropmarks and so trenching was undertaken. The archaeological trenching has recorded dense Iron Age, Late Iron Age – Early Romano British (transitional period) and Romano British activity in the east of the site, with evidence for Saxon settlement being recorded in the southern field. As well as these remains, a small assemblage of later prehistoric, worked flint was recovered from the site, suggesting there was also earlier activity across the area.*
- 9.151. *The Iron Age settlement remains include enclosures and a north – south trackway. Associated with the settlement, four burials were also identified. The Iron Age features underlie the later Romano-British settlement, which expanded across the site and mostly dates from the 2nd-4th century. Within this period, a single rectilinear stone building was erected which could represent a basic villa rustica, or large barn. The*

*Saxon settlement to the south of the B4100 is represented by four sunken featured buildings, which have been dated to the 7-8th century.”*

- 9.152. During the course of the application OCC’s Ecologist, following a review of Cotswold Archaeology’s first phase of evaluation, requested sight of their second phase evaluation, along with the results of the geophysical survey. This was subsequently submitted, and, on the 12 September 2024, OCC’s Archaeologist made the following comments:

*“A further area of archaeological activity was recorded in this phase 2 trenching, and this will also require archaeological mitigation excavation, which can be achieved through conditions. This advice should be read in conjunction with previous comments from the Archaeology Service in April 2023.”*

- 9.153. Subject to OCC’s recommended pre-commencement condition for an Archaeological Written Scheme of Investigation, this aspect of the proposal is acceptable.

#### Loss of Agricultural Land

- 9.154. 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;

- 9.155. The applicants have submitted an Agricultural Land Classification report, prepared by Land Research Associates. This report concludes that the land is of moderate quality (subgrade 3B) and, therefore, not the ‘best and most versatile land’.

- 9.156. The Agricultural Land Classification report also sets out that that the majority of land (67%) within the Cherwell District is either Very Good (Grade 2) or Good to Moderate (grade 3) agricultural land, a percentage that is significantly higher than the national average.

- 9.157. In summary, the district would not be losing the ‘best and most versatile’ land. It would still result in the loss of agricultural land that is of some (moderate) use, of course, but this would be balanced out by the creation of new jobs. In the planning balance, I give the loss of this moderate 3b agricultural land a neutral impact when measured against the creation of a significant number of short-term and long-term jobs.

#### Planning Obligations

- 9.158. 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.

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

9.160. Oxfordshire County Council have requested the following contributions:

- Highways works contribution 1 - Signalisation of Charlotte Ave/B4100 junction - **£98,840**
- Highways works contribution 2 - Traffic management in Caversfield/Aunt Emm's Lane - **£26,000**
- Public Transport – Bus service serving the site - **£2,133,133** Public transport infrastructure (if not dealt with under S278/S38 agreement) - Bus real time information (other bus stop infrastructure to be provided as part of S278/on site highway works - **£11,352**
- Traffic Reg Order (if not dealt with under S278/S38 agreement) - Consultation on change to speed limit on B4100 - **£4,224**
- Travel Plan Monitoring - To cover the cost to OCC of monitoring the travel plan over its life - **£3,265** for each site's framework Travel Plan & 3,265 for each unit.
- Public Rights of Way - Improvements to public rights of way in the vicinity of the sites - **£83k**
- Off-Site Highways Works - Improvements to Baynards Green roundabout, including widening, additional lanes and active travel infrastructure, as per drawing SLR 216285/A/14 Rev B. This scheme will be required prior to first occupation of any of the sites. Note that this is also a requirement of National Highways.
- Footway/cycleway link to Bicester - For all three application sites: Required for any one of the application sites prior to first occupation: footway/cycleway link to Braeburn Ave, Bicester, as shown in Appendix C

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.

9.161. In their consultation response, Oxfordshire County Council Highways have provided detailed information to justify the need for their contributions and demonstrate how they meet the three tests contained in paragraph 58 of the NPPF and ensure CIL Reg.122 compliance.

### **Other Matters**

9.162. 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

9.163. 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

9.164. The OCC Highways officer disagrees that this is like a normal spine road in terms of the requirements for movements. All likely movements between the sites and the petrol filling station and the bus stops would be catered for, and in the only place where there would be significant pedestrian movements (between the sites and the bus stops on the B4100) pedestrians would be segregated from cyclists. Elsewhere shared use is considered acceptable.

9.165. Crossing setbacks can be adjusted at detailed design stage, if necessary.

#### *Tritax North Access*

9.166. An uncontrolled crossing could be added at detailed design stage. The northeast arm of the junction is unlikely to get much use by pedestrians, as the crossing of the B4100 is west of the junction. There will need to be a crossing point for cyclists to get across the arm, probably further into the development.

#### *Tritax South address*

9.167. Landing areas could be expanded at detailed design stage.

#### *Cycle Pathway*

9.168. 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.

9.169. Access and egress points, and bus stop bypass design can be addressed at detailed design stage.

9.170. Noted re rails and fencing, but we have accepted that there will be narrowings in places where there are constraints.

9.171. 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.

9.172. The details of how the cycle path goes through the layby can be addressed at detailed design stage.

9.173. The other comments relate to internal layouts and so can be addressed at RM stage.

## **10. PLANNING BALANCE AND CONCLUSION**

10.1. Sustainability is the golden thread that runs through the National Planning Policy Framework, and this is reflected in the policies of the adopted Cherwell Development Plan. The three strands of sustainability are economic, social and environmental as set out at Paragraph 8 of the NPPF.

#### *Positive Benefits*

### Economic

- 10.2. The proposals would contribute significantly to the Council's Employment Land Supply.
- 10.3. With a forecast of 500 construction jobs (potentially rising to 610 jobs) and 2,430 permanent jobs, this benefit attracts very significant weight. Although the construction jobs would be time-limited, on this scale, I attach significant weight to this benefit.
- 10.4. It will also help towards the Government's renewed plans to ensure that the Oxford – Cambridge Arc corridor is an engine for the whole of the UK.
- 10.5. For these reasons, very significant weight should be attached.

### 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. That will bring a community aspect to the scheme as well.
- 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 on off-site ecological improvements (Secured by condition), carries modest weight, but not more than that, because the off-site parcel of land is not known at this stage.
- 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 or be used to top it up. This is needed to help make the development more sustainable. Therefore I give it modest weight.
- 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 would have significant adverse harm, on a long-term (15 year +) basis from a number of very clear and open vantage points. It would irrevocably alter a landscape that LUC consider to be significant enough to be included in the North

Ploughley Valley Landscape Designation of the emerging local plan. However, as it stands, the value of landscape is classed as 'modest'.

- 10.14. The scale of the site, at 83.28ha, which would accommodate a significant amount of floorspace, exacerbates the harm further still. The impact of the landscape is a major shortcoming of the proposal, albeit I am mindful that the landscape is of medium value and not currently a valued landscape. Therefore, I attach significant negative weight. Instead of very significant negative weight.
- 10.15. The loss of 2.46km of hedgerow, 1.63 km of which is species-rich priority hedgerow, by building on unallocated land also affords significant negative weight, albeit on site planting and off-site mitigation measures reduce this harmful impact to the extent that I attach moderate negative harm.
- 10.16. The new 4.5km cycleway, required to make the scheme acceptable from a safety and sustainability point of view, will result in further urbanisation of the area. However, this is likely to be the loss of predominantly scrubs and overgrown hedges, 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.
- 10.17. The loss of Class B 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, help contribute towards identified employment needs and help provide a diversity of job opportunities at the local and regional level, outweighs the harms caused by developing this particular site. For these reasons, I respectfully conclude that conditional outline planning permission be granted, subject to the prior completion of an acceptable S106.

### **11. RECOMMENDATION**

**DELEGATE TO THE ASSISTANT DIRECTOR OF PLANNING AND DEVELOPMENT TO GRANT PERMISSION SUBJECT TO CONDITIONS AND A S106 LEGAL AGREEMENT AS SET OUT IN APPENDIX 1.**