

Case Officer: Tom Webster

Applicant: Albion Land

Proposal: Site clearance, construction of new site access from the B4100, permanent and temporary internal roads, an internal roundabout and a foul drainage station, diversion of an existing overhead power cable and public right of way, and soft landscaping

Ward: Fringford & Heyford

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

Reason for Referral Major Application

Expiry Date: 31 May 2025

Committee Date: 3 July 2025

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

1. APPLICATION SITE AND LOCALITY

- 1.1. The site to which this application relates, and which would afford access to, sits just north of Junction 10 of the M40, comprises 43.9ha of arable farmland. The farmland is divided by low-clipped hedgerows (with some loss/gaps in places) into six separate fields. An overhead power cable crosses over the site.
- 1.2. The site is bounded by the B4100 to the north, the A43 to the east, the M40 & M40 south-bound slip road to the south/southeast, and a farm track and hedgerow to the west (with arable fields beyond). The land is relatively flat with a gently undulating nature. The highest point is 126m above ordnance datum (AOD) on the northwestern part of the site and gradually slopes down to 114m AOD.
- 1.3. The site is also in close proximity to Baynard's Green roundabout, which forms the junction of the B4100 and the A43 trunk road linking the M40 and M1 motorways. Three residential properties separate the junction from the site and sit along the north-eastern corner of the site.
- 1.4. Public Right of Way 109/5/10 runs down the eastern part of the site but then cuts through a third of the site and continues along the western boundary.

- 1.5. The northern, eastern and western boundaries are distinguished by mature tree belts and hedgerows. The southern part of the site, close to the M40 is more open in nature, with the level and density of planting increasing in parallel with the slip road.
- 1.6. There are no structures on site other than a small building in agricultural use.

2. CONSTRAINTS

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

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. Planning permission is sought for the construction of a new access roundabout from the B4100 as well as the construction of an internal roundabout and connecting roadway.
- 3.2. These works constitute enabling works to help facilities the proposed logistics scheme of 170,000sqm GIA of XXL logistics units on this site.
- 3.3. The enabling works will also include the construction of a bus layby, foul drainage station, a temporary road, as well as the installation of in-ground services, the diversion of an existing overhead cable and the existing Public Right of Way (PROW which cuts across the site east down to the southern boundary, and soft landscaping.
- 3.4. For the avoidance of doubt, the works will comprise:
 - Clearance of existing vegetation (Crops & Hedges) and existing agricultural storage building;
 - Construction of a new access roundabout on the B4100;
 - Construction of an internal roundabout, including adjacent footpaths, landscape verge and street lighting;
 - Construction of a 7.3m wide roadway (and adjacent footpaths, landscape verge, street lighting and a bus layby) to connect the new roundabouts;
 - Construction of a foul drainage station to serve the Site and a temporary access road and electrical point, to connect to the foul drainage station.

- Construction of two swales – one adjacent to the internal roundabout and the other in south-eastern corner
- Installation of utility connections, including electricity, water, BT and GTT fibre infrastructure. These will be installed underground and include high and low voltage electricity cables. They will connect with the existing services located to the northeast and northwest of the site.
- Diversion of an existing overhead cable -the existing overhead power cable will be removed and diverted beneath the site to facilitate the vertical construction of buildings proposed in the Outline Planning Application.
- Provision of soft landscaping and planting; and
- Diversion of the existing public right of way through the centre of the site in a L- shape form.

3.5. This application seeks outline planning consent (all matters reserved except means of access) for 300,000 sqm GIA of logistics (Use Class B8) and ancillary office (Use Class E(g)(i)) floorspace, and the construction of associated parking, servicing, hard and soft landscaping.

4. RELEVANT PLANNING HISTORY

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

OS Parcel 0006 South East of Baynards House Adjoining A43 Baynards Green

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

OS Parcel 2636 NW Of Baynards House, Ardley

21/03268/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*.

Os Parcel 6124 East of Baynards Green Farm Street to Horwell Farm Baynards Green

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

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 have taken place with regard to this proposal

6. RESPONSE TO PUBLICITY

6.1. This EIA application has been publicised multiple times by way of a Site Notices displayed near the site, by advertisement in the local newspaper expiring **18 July 2025** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **18 July 2025**.

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

100 letters of objection (although some, although not all of these letters are duplications due to several different consultations):

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

- This area is open countryside and the proposed development would significantly change the characteristics of the area and local vicinity.
- The landscape has already been harmed by the approval of the garage.
- The site is within close proximity to at least 12 Grade-2, Grade-2* and Grade-1 listed buildings and the ancient woodland Stoke Wood, owned by the Woodland Trust
- The proposal will lead to increased traffic causing traffic to divert using local road arteries for cut-throughs, including Stoke Lyne.
- Cumulatively, this application, along with the Albion Land proposals and the Oxford Strategic Rail Freight Interchange will lead to light pollution, environmental pollution & nature conservation harm.
- Cumulatively, these proposals would be 4 x the size of the warehouse scheme dismissed at appeal (18/00672/OUT)
- The B4100 is a very busy road and at rush hour there are long delays going toward the M40. The warehouse use will add to these delays.
- The application is also flawed as it fails to recognise the significance of Stoke Woods, a medieval coppice very popular with dog walkers in close proximity to the proposed development and a number of listed buildings within Stoke Lyne and Bainton Parish.
- The proposed development is in the wrong place. The materials and design are not in keeping with the countryside. The proposal would be incredibly disruptive and increased traffic and emissions would diminish the air quality for local people, putting public health at risk.
- The proposal would ruin the tranquillity of the countryside and mental health of residents.
- There is no need to provide extra jobs in the local area as very low unemployment rate.
- The journey from the M40, along the A43 and then down the B4100 (heading South-East) would be akin to driving in a roofless tunnel.
- The proposal would generate significant number of HGVs attempting to join the roundabout from the B4100 south would only exacerbate the problem of long tailbacks forming along the B4100 (currently, often as far down as the Stoke Lyne turning)
- The development site is within sight of St Peter's Church, Stoke Lyne, a Grade-2-star listed building which would be harmed as a result of the development
- Increased jobs would lead to pressure for more houses.
- There is no public transport available to this site & cycling along the surrounding roads is extremely dangerous as they are either dual carriageway or have a high volume of traffic.
- Inappropriate design, appearance and materials

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

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

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. Evenley Parish Council: **Object**

Evenley Parish Council strongly objects to the proposals, as we did in 2022. The impact on the local environment and infrastructure will be immense, with a significant increase in traffic on already heavily used roads, already full of HS2 traffic. This will result in more pollution and light and noise disturbance to peaceful local communities.

This is a very large-scale development proposal, on a greenfield site and in a rural area. It would dwarf the small-scale buildings in the neighbouring countryside. Further, it would result in considerable loss of biodiversity.

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

STATUTORY CONSULTEES

7.4. OCC Archaeology: No Objections

No archaeological deposits which will require further mitigation were recorded in the western land parcel, which is subject to apps. 21/03266/F and 21/03268/OUT.

7.5. BBOW: **Object**

- Loss of hedgerow priority habitat
- Insufficient evidence that populations of farmland bird species will be maintained, contrary to the NPPF, Cherwell Local Plan, and the Conservation of Habitats and Species Regulations 2010 as amended by paragraph 9a of the Conservation of Habitats and Species (Amendment) 2012 Regulations).
- The importance of a net gain in biodiversity being in perpetuity
- Further justification required to illustrate how net gain in biodiversity will be achieved
- Cumulative effects on farmland birds in the context of other infrastructure proposals for the area

7.6. CDC Conservation: **No Objection**

The comments relate to the two applications, an outline planning application for logistics buildings and ancillary offices and a full planning application for site clearance, access roads and other internal drainage works etc. As such both applications are considered together.

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

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

The works proposed by application 21/03266/F are localised to within the site and providing access from the existing road, consequently these proposals are not considered to be harmful to the heritage assets.

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

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

7.7. Campaign to Protect Rural Oxfordshire – **Objection**

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

7.8. OCC LLFA: **No objection, subject to conditions**

7.9. Environmental Agency: **No Objections**

7.10. OCC Highways: **No Objection, subject to conditions**

Original comments

An updated highways plan has been submitted as part of the Transport Topic Paper Addendum, in Appendix E. This shows that our previous comments have been partially addressed by providing a footway on the western side of the access road and an informal crossing for pedestrians at the splitter island of the roundabout. However, this is considered potentially unsafe due to the proximity to the roundabout. It will certainly feel uncomfortable for pedestrians to use given the large number of turning HGVs.

It is also not clear from the plans how cyclists coming from the proposed new shared use footway/cycleway along the B4100 would access the unit(s) to the west of the access road. There should be a facility for cyclists to cross the access road safely. This could be provided as a parallel crossing further into the site.

Although this is a full application, if the outline planning application which it relates to is approved, I recommend that the submitted plans for the access are not approved but a condition is applied as below requiring further detail of a crossing and cycle link to the western units.

Officer update: OCC Highways comments have now been addressed -see Highways chapter of this report- and are satisfied with the proposal.

6.4. OCC Local Lead Flood Authority: **No comments, subject to conditions**

6.5. National Highways: **No objection, subject to condition**

The application concerns enabling works for the development at the same location which is the subject of application 21/03268/OUT. National Highways has no objection in principle to this planning application, but recommends to West

Northamptonshire Council that the following conditions are attached to any grant of planning consent in the interest of maintaining the safety and integrity of the A43:

7.11. National Planning Policy Case Unit: **No Comment**

7.12. National Grid: **No comments received**

7.13. Mid-Cherwell Neighbourhood Forum: **Objection**

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

6.6. OCC Public Right of Way: **No objection**

Original comments:

Footpath 109/5/10 is proposed to be diverted as it passes through the site. OCC would like to see this dedicated as a bridleway at the same time as any diversion, which would allow for cycling, and complete a missing link between Stoke Lyne Bridleway 367/29 and Ardley Bridleway 109/2. This could be a 3m wide tarmac path with a verge on either side. See map and annotations below. This comment is made without prejudice to the desirability/outcome of any application to divert PRoW. The existing/alterd footpath connection to opposite the services should be retained.

The preferred alignment would be as shown below and make use of the 3m wide cycle connection to the site, although as stated above, it would be better within the site rather than alongside the B4100. An improved crossing point leading across the B4100 into the service area site, would provide an onward connection to bridleway 367/29. As the area of highway land on the western side of the service area access is quite wide, it should be separated from the access road by a verge until it can connect with the access road at a safe point.

Officer comment: The public right of way diversion has been relocated on a revised plan, in accordance with the advice of the Public Right of Way Officer.

- 7.14. 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.

OTHER CONSULTEES

- 7.15. Bicester BUG:

B4100 Road

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

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

Albion West Access

There is a shared path on one side of the road, but a pedestrian only path on the other. It is inevitable as arranged that cyclists will ride on the pedestrian path to avoid the need to make the crossing. Better to ensure that there are shared paths on both sides of the access road.

Cycle Path

Priority needs to be continuous across access points.

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

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

Metal rails / fencing is proposed at various points. Note that this effectively reduces the width of the path by 0.5m so the path will need to be widened in these areas.

It is not clear where the cycle path ends in Bicester. It should be continuous until it joins onto the cycle provision at the new Banbury Road junction.

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

Albion Land Site Western Parcel

The shared paths seem incoherent and only lead into car parks, rather than close to the entrances of the buildings. The shared paths should lead all the way to the entrance to the buildings where the cycle parking should be located to enable effective surveillance of valuable e-bikes.

The shared paths seem only to be shown on one side of the internal road with a narrow pedestrian path on the other, and similarly to the bus stop. Cyclists will inevitably ride on the pedestrian paths as currently designed, causing conflict and annoyance. It would be preferable to have shared paths on both sides of the carriageways.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 The Cherwell Local Plan 2011-2031 - Part 1 (CLP 2015) was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 replaced 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

Mid Cherwell Neighbourhood Plan 2018 - 2031

- Policy PD4: Protection of important views and vistas
- Policy PD5: Building and site design
- Policy PD6: Control of light pollution

- 8.3 Other Material Planning Considerations:

- National Planning Policy Framework (NPPF, Dec 2024)
- Planning Practice Guidance (PPG)

- Developer Contributions
- 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
- Residential Amenity
- Other Matters

Principle of Development

- 9.2. Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. This paragraph makes clear that these dimensions are needed to help build a strong, responsive, and competitive economy; to support strong, vibrant, and healthy communities; and to protect and enhance our natural, built, and historic environment.
- 9.3. This enabling development proposal is broadly compliant with these core principles in that it seeks to help facilitate a significant amount of B8 logistics space (the subject of an outline application 21/03268/OUT) and, with it, deliver a large amount of job growth, whilst minimising disruption to neighbouring residents and people using the public right of way and the users of the B4100 .
- 9.4. In the event that Outline application 21/03268/OUT obtains consent, the principle of this revised temporary access road would be acceptable, provided it does not result in highways safety problems on the local highways network, does not cause landscape harm or other wider impacts and satisfies other relevant policies.

Highway Safety

- 9.5. Paragraph 116 of the NPPF 2024 (December) states that: *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.
- 9.6. Policy ESD15 of the CLP 2031 Part 1 states, amongst other matters, that new development proposals should: be designed to deliver high quality safe...places to live and work.
- 9.7. OCC Highways were consulted and whilst they are comfortable with the principle of the proposal. They had raised highways safety concerns. An updated highways plan has been submitted as part of the Transport Topic Paper Addendum, in Appendix E. This has partially addressed OCC Highways previous comments, by providing a footway on the western side of the access road and an informal crossing for pedestrians at the splitter island of the roundabout.
- 9.8. However, OCC Highways considered it potentially unsafe because of the proximity of the footway/crossing to the roundabout. Their view was that it would feel uncomfortable for pedestrians and cyclists to use this crossing, given the large number of turning HGVs.

9.9. Following detailed discussions with OCC Highways Officers, the applicants have responded to OCC Highways concerns by submitting plan 17213-13 Revision O and a Road Safety Audit (RSA). The plan includes:

- a) A parallel crossing provided further into the site.
- b) an increased verge width of 0.5m on the western side; and
- c) 3m surfaced area duly moved 0.5m across to the west.
- d) Belisha beacons have been added too.

9.10. The RSA recommends the need for the access link to be subject to 30mph (or by inference lower) speed limit restriction. OCC Highways are noW satisfied with the proposal.

9.11. Subject to conditions, this aspect of the proposal complies with national and local planning policy.

Residential Amenities

9.12. The NPPF identifies, as a core planning principle, that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.

9.13. This core principle is reflected in Policy ESD15 of the CLP 2011-2031 Part 1, which states that new development proposals should: *"consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space."*

9.14. Given the significant setback between the access into the site, the internal roads and the internal roundabout, from the closest neighbouring residential property (135m – 146m respectively, I do not anticipate this proposal materially impacting on the existing amenities of the neighbours.

9.15. Noise, lighting and dust, resulting from the site clearance and construction works, will be controlled by conditions to ensure compliance with national, local and neighbourhood plan policies.

Public Right of Way

9.16. The PROW footpath 105/5/10 which extends across the site, from east to south will be diverted as part of these enabling works. The Public Right of Way officer was consulted as part of this application and Outline application 21/03268/OUT and is content with the proposed (revised) arrangement, subject to developer contributions being secured for public rights of way improvements (see planning obligations section).

Landscape and Visual Impact

9.17. LUC, as part of their LVIA review work for the Council during outline application concluded that:

"The enabling works will be visible from local community/residential receptors at Baynard's Green. Views will also be opened up due to removal of vegetation along the B4100 (as shown on Parameter Plan 03). Construction activities will result in adverse effects on landscape features and character of the Eastern Site and Western Site (localised parts of LCT 6: Farmland Plateau and 19 Wooded Estate lands) due to the removal of all internal hedgerows, trees and change from rural agricultural fields

to construction sites including remodelling of topography to create the development platforms and temporary construction lighting.

This will also adversely affect views from the local community of Baynard's Green (these are the properties closest to the Site and are open to the Western Site) and Fritwell, and to a lesser extent the local communities of Stoke Lyne, Ardley/ Fewcott, from local public rights of way and from the three roads bordering the site (M40, A43 and B4100)."

- 9.18. I agree with her conclusions but, given the substantial material benefits of the outline scheme, leading to my recommendation for approval for that application, the enabling works are necessary to deliver a significant number of jobs. Moreover, some of the harm caused by the enabling works would be short-term as the site will be built upon and landscaping schemes (secured by condition) will be put in place to soften the impact on the neighbouring residents.

Ecology

- 9.19. Policy ESD10 (Protection and Enhancement of Biodiversity and the Natural Environment) seeks to protect and enhance biodiversity and the natural environment.
- 9.20. 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.
- 9.21. Policy BL11 states that all development shall be encouraged to respect the local character and the historic and natural assets of the area. Policy BL11 goes on to state that development should take opportunities to protect and wherever possible enhance biodiversity and habitats.
- 9.22. 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.
- 9.23. Cherwell Local plan policy ESD11 states: "*Development which would prevent the aims of a Conservation Target Area being achieved will not be permitted.*"
- 9.24. 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.
- 9.25. 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
- 9.26. Tyler Grange, on behalf of the applicants, have conducted an Ecology Appraisal and provided additional foraging information and a HHMP.
- 9.27. This information confirms that 2.6k of hedgerow (some of it is species rich) across this parcel of land and Albion's Eastern parcel, on the other side of the A43, would be lost and a general loss of habitat for farmland birds (Lapwing, Skylark, Yellowhammer) and the hairstreak butterfly.

- 9.28. The applicants are proposing on-site mitigation measures through the provision of Enhanced Areas of Landscape Zones (shown on the Land use plans) which would be areas designated for retention and strengthening of existing vegetation.
- 9.29. The applicants have also acquired 20ha of arable land located near Piddington. This site will be used for the creation of neutral grassland (comprising grassland with a high proportion of flowering grasses) and hedgerows.
- 9.30. The applicants have also submitted a draft Habitat Management and Monitoring Plan (HMMP) which sets out measures to maximise the biodiversity potential of retained and newly created habitats through appropriate management covering a period of 30 years.
- 9.31. Collectively, through on-site and the off-site measures, the applicants anticipate that this development would be able to achieve a BNG of 16% for habitat units and 11% for hedgerow units.
- 9.32. I note that there has been a number of objections to this scheme and the outline application on ecology grounds including, but limited to, residents, Fritwell Parish Council, CDC Ecology, CPRE, Tusmore Park Estate & BBOWT who do not think the BNG proposal is policy compliant. The Environmental Agency also raised concerns that the 20ha off-site area near Piddington is in Flood Zones 2 and 3 and, therefore, at risk of flooding.
- 9.33. The Council's ecology officer is also concerned about the impact the proposal would have on the existing badger set and fears that due to the loss of so much foraging areas for them, they will essentially become landlocked and would like to see further buffer habitat for badgers as well as wildlife tunnels beneath all roads. The applicants have responded that, due to the size of the buildings and the foundations it will not be possible to provide further on-site buffer habitat. However, badgers are protected species and will need to be protected. Consequently, a planning condition requiring mitigation measures is recommended.
- 9.34. In response to the Environmental Agency, my understanding is that as part of the HMMP, no buildings or structure will be erected there as part of the habitat improvement works.
- 9.35. I do think the loss of so much species rich hedgerow, and the reduction in farmland birds and hairstreak butterfly, conflicts with local plan policies, and it is a harmful aspect of the development. However, I also think that, whilst the harm cannot be completely compensated, the provision of robust ecology conditions to ensure the delivery of on-site replacement hedging and off-site wildlife and planting provision, this element of the scheme would not warrant a refusal in itself.

Drainage

- 9.36. 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.

- 9.37. 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.
- 9.38. 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.
- 9.39. A new water main would be installed in order to provide points of connection to the future buildings. The water main will follow the alignment of the proposed access road. The new water main will pass along the B4100 to the north of the Site towards its junction with the A43. The necessary works to the public highway will be secured via a S278 Agreement.
- 9.40. The proposed enabling works also include the installation of a foul water drainage station to serve the Site. The foul water drainage station will be located in the southeastern corner of the Site.
- 9.41. Two swales will be installed within the Site. One will be adjacent to the internal roundabout and the other will be located in the southeastern corner of the Site.

“The swales will provide a sustainable drainage function within the Site. Water will drain towards the larger swale located in the southern corner of the Site. Water from the largest swale will drain at greenfield rate to a local ditch.” (para 4.21 of the planning statement)

- 9.42. The applicants, in their updated submission documents, have included an updated Flood Risk Assessment (September 2024), prepared by Bailey Johnson Hayes Consulting Engineers.
- 9.43. This report recommends that the following drainage measures are put in place to mitigate the impacts of the development: *“Raising thresholds and building levels outside of design flood levels, providing safe access and egress around the development, directing overland flows towards areas of low risk, implementation of SuDS to manage runoff at sources thus reducing flood volume, installation of pollution prevention features to prevent contamination at discharge locations, tree planting to increase biodiversity and absorption of water, management and maintenance to ensure correct operation of all drainage systems and managing residual risks post development.”*

- 9.44. The report goes on to recommend the following SuDs features:

- Swales
- Infiltration Basins
- Permeable Paving
- Petrol Interceptors
- Catchpits, Gullies and Line Drains
- Flows control devices

- 9.45. It concludes by stating that, *“Further design will be required to establish the detailed drainage network and to ensure no flooding is created on the site during the 30-year event and flooding is contained on site safely during the 100-year + 40% event.”*
- 9.46. Subject to conditions, Thames Water, CDC Drainage officer, and OCC, as the LLFA, have not raised any objections to the proposal. Therefore, with the appropriate conditions attached, the proposal accords with the Local and National Planning Policies.

Archaeology

- 9.47. OCC's Archaeologist is satisfied that there are no archaeological deposits which will require further mitigation on this site.

Planning Obligations

- 9.48. 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
- 9.49. Policy INF1 requires development proposals to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.
- 9.50. Oxfordshire County Council have requested the following contributions, which will be subject to indexation:

Public Rights of Way - Improvements to public rights of way in the vicinity of the site - **£54k**

Other Matters

- 9.51. I note the advice received from Bicester BUG, as part of their consultation response and, having sought the advice of the OCC Highways officer, I shall address each relevant point in turn:

B4100 Road

- 9.52. 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.
- 9.53. Crossing setbacks can be adjusted at detailed design stage if necessary.

Albion West Accessibility

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

Cycle Pathway

- 9.55. 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.
- 9.56. Access and egress points, and bus stop bypass design can be addressed at detailed design stage.
- 9.57. Noted re rails and fencing, but we have accepted that there will be narrowing's in places where there are constraints.
- 9.58. 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.
- 9.59. The details of how the cycle path goes through the layby can be addressed at detailed design stage.

10. CONCLUSION

- 10.1. The proposed site clearance and construction of a new site access from the B4100, along with the creation of permanent and temporary internal roads, an internal roundabout, a foul drainage station, the diversion of an existing overhead power cable and public right of way, and the provision of soft landscaping, is considered to be acceptable and in accordance with the NPPF (Dec 2024), the Cherwell Local Plan: Part 1 (2015) and the Mid-Cherwell Neighbourhood Plan (2018 -2031).
- 10.2. Accordingly, it is recommended that, subject to conditions, planning permission be granted

11. RECOMMENDATION

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