

**Case Officer:** Tom Webster

**Applicant:** Albion Land.

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

**Ward:** Fringford & Heyford

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

**Reason for  
Referral:** Major Development/Departure from Plan

**Expiry Date:** 16 January 2026

**Committee Date:** 15 January 2026

---

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

**1. APPLICATION SITE AND LOCALITY**

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

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

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

## **2. CONSTRAINTS**

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

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

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

- Updated Dormouse survey results to go into the addendum;
- Updated Breeding bird survey results to go into the addendum;
- Outline farmland bird mitigation strategy to include details of the requirements being delivered offsite (the final strategy will need to specify off-site details and include baseline surveys for the mitigation site);
- Commitment that the farmland bird strategy will be in perpetuity;
- Confirmation in the addendum that a minimum 10% BNG can be achieved;
- Confirmation of purchase of hedgerow units from a BNG habitat bank (the closer the site is to the development, the better);
- Finalised Impact Assessment for habitats and protected species based on updated survey results;
- Mitigation and enhancement strategy; and
- Updated biodiversity metric and HMMP.

4. The Council received letters of objection from Richard Buxton Solicitors, acting on behalf of Stoke Lyne Parish Council and The Tusmore Estate, alleging, amongst other things, that the applicants' ES was inadequate, that Officers had misdirected Members at Committee, that all the Baynards Green applications should be considered concurrently and should be presented again at Planning Committee for redetermination, exceptional circumstances had not been demonstrated to justify any approval and the Council's own economic evidence in support of its emerging Review Local Plan shows there to be sufficient employment land already. The letters are published in full online, and they have been summarised in the 'Consultation' part of this report under Stoke Lyne Parish Council.

5. The wording of the planning conditions and s.106 agreement has progressed – it is anticipated that an agreed list of recommended conditions and an agreed draft s.106 agreement will be in place by the time of Planning Committee

3.3 The actual description of development remains unchanged: the applicants are seeking permission for an outline planning application where EIA is required, the description of the development must be sufficient to enable the requirements of the EIA Regulations to be fulfilled, and in particular, to enable the potential significant effects of the development to be identified.

3.4 This application seeks outline planning consent (all matters reserved except means of access) for 170,000sqm GEA of logistics (Use Class B8) and 10,000sqm of ancillary office (Use Class E(g)(i)) floorspace, and the construction of associated parking, servicing, hard and soft landscaping.

3.5 A new access from the B4100 is also proposed via a new roundabout (which is the subject of a separate full application Ref: 21/03266/F). A second new roundabout would also be developed inside the site leading to two separate phases of development, either side of a central access road.

3.6 As part of the s.106 mitigation measures, the applicants are, in conjunction with Tritax Big Box, proposing to make the following changes to Baynard's Green Roundabout:

- The full signalisation of the roundabout junction of the A43 and B4100;
- Widening on the approaches and circulatory carriageway; and
- the introduction of active mode infrastructure to ensure pedestrians and cyclists are able to navigate the junction.

3.7 Albion Land and Tritax Big Box have both agreed that all the Baynard's Green highway improvement works necessary to accommodate their proposals will be tied

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

- 3.8 It is also proposed to create a cycle/pedestrian link along the south side of the B4100 between the site and Braeburn Avenue, Bicester along with a financial contribution to turn the existing number 500 bus service from an hourly service into a 30-minute service, for a subsidised period of 8 years, as requested by OCC Highways.
- 3.9 The applicants have also offered the alternative scenario where they increase the level of bus contribution to ensure a 15-minute bus service for 8 years. This scenario would either be instead of the cycle/pedestrian path or in the event that it is not practically possible to deliver the cycle/pedestrian route and is the applicants' preferred option. My understanding is that there are a couple of potential pinch points along the route that could restrict the width of any such route at those points.
- 3.10 The distribution of development would be guided by three parameter plans:

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

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

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

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

- 3.12 The illustrative Landscape Strategy Plan depicts

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 5. PRE-APPLICATION DISCUSSIONS

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

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

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

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

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

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

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

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

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

## 6. RESPONSE TO PUBLICITY

6.1 This EIA application has been publicised multiple times by way of Site Notices displayed near the site, by advertisements in the local newspaper and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments on the latest submissions is the **3 January 2026**.

6.2 A total of 129 letters of objection were received since the application was validated. Those comments are summarised below:

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

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

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

## 7. RESPONSE TO CONSULTATION

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

## PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2 Ardley with Fewcott Parish Council: No comments received.

7.3 Piddington Parish Council: No comments received.

7.4 Fritwell Parish Council: Objects

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

7.5 Somerton Parish Council – Objects for the following reasons

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

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

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

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

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

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

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

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

Update: Of major concern is:

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

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

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

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

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

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

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

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

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

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

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

#### STATUTORY CONSULTEES

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

7.8 CDC Arboriculture: No comments received.

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

7.10 BBO Wildlife Trust: **Objection**:

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

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

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

#### 7.12 CDC Conservation: No objection

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

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

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

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

*Update:* No comments.

#### 7.14 CDC Ecology:

The previous comments were:

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

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

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

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

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

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

21/03268/OUT (WEST)

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

#### 7.15 CDC Economic Growth:

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

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

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

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

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

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

#### 7.16 Environmental Agency: Comment

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

#### 7.17 CDC Environmental Protection: No objection, subject to conditions

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

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

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

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

*Odour:* No comments.

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

#### 7.18 Oxfordshire Fire & Rescue Service: No Objection

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

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

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

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

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

7.20 Historic England: No Objection.

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

7.22 Mid-Cherwell Neighbourhood Forum: Objection

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

7.23 Natural England: No Objection

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

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

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

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

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

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

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

SLR Consulting (on behalf of TBBD) have undertaken two sensitivity tests, one that considers OxSRFI and TBBD development and one that additionally considers Heyford Park (25/02190/HYBRID), Puy du Fou (25/021232/OUT) and North West Bicester (21/04275/OUT) planning applications. It is noted however that a change of modelling assessment tool has been used for this application from modelling evidence previously presented. A LinSig model assessment has been used, based on the LinSig model output reports in the draft SRFI documents, rather than VISSIM modelling previously reviewed for this application.

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

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

7.25 West Northamptonshire Council: - No objection.

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

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

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

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

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

7.26 Legal Services Rights of Way – Object

Thank you for consulting us on this application, Ardley Public Footpath 109/5/10 is affected by these proposals, and our comments on the previous consultation dated 19/1/2021 still remain relevant and must be abided by.

We note that the updated parameter plan shows a proposed diverted route, has this new footpath alignment been agreed with Oxfordshire County Council's Countryside Service? As the legal team will need to receive a copy of correspondence confirming the formal approval of the new route please.

Furthermore, under section 7 of the planning application form the final box refers to a drawing list as well as parameter plans, we are unable to identify a drawing list from the documents shown on the planning portal, can the drawing list be provided to us also?

We will send you an extract of the Definitive Map for Oxfordshire showing the legal alignment of Ardley Public Footpath 109/5/10 for your information under separate cover as this will not attach to the portal page.

7.27 National Planning Casework Unit: No Comments received.

7.28 CDC Policy: No Objection CDC Policy commented that the proposal was not an allocation in either the adopted 2011-2031 Local Plan or the emerging review 2020-2042 Local Plan. Accordingly, the proposal was advertised as a departure. Notwithstanding this departure, CDC Policy has not raised objection to the application proposals on economic needs grounds, on the grounds that they consider it to be broadly compliant with the criteria listed in adopted SLE1 policy that relates to speculative, unallocated employment developments and to the adopted 2015 Local Plan overall.

*Update:*

Previously, CDC Policy commented that the proposal was not an allocation in either the adopted 2011-2031 Local Plan or the emerging review 2020-2042 Local Plan. Accordingly, the proposal was advertised as a departure. Notwithstanding

this departure, CDC Policy has not raised objection to the application proposals on economic needs grounds, on the grounds that they consider it to be broadly compliant with the criteria listed in adopted SLE1 policy that relates to speculative, unallocated employment developments and to the adopted 2015 Local Plan overall.

CDC Policy were re-consulted and made the following comments:

The Cherwell Local Plan Review 2020-2042 was submitted for examination, in July 2025 but there have yet to be any hearing sessions. The initial sessions are currently scheduled for February 2026. At this point in time, the emerging Plan and its policies is therefore considered to carry limited weight. It is also not considered that a reasonable argument could be made on prematurity at the point of writing.

The most relevant emerging Local Plan policies to these applications are;

- Policy LEC 1: Meeting business and employment needs
- Policy LEC 3: New employment development on unallocated sites
- Policy COM 10: Protection and enhancement of the landscape

As indicated earlier, limited weight should be attached to the emerging Plan. The Plan, its evidence and the representations have yet to be explored independently at an Examination in Public.

Policy COM 10: Protection and enhancement of the Landscape attracted fewer representations than those related to employment. This policy resulted in 11 separate comments, the majority of which were in support. Other comments included concerns about the need to submit a Landscape and Visual Impact Assessment, that all development would result in a change local character and so the policy aims could not be met, and that the coalescence between settlements should not be a reason to not permit development.

It is not considered that these proposals, individually or cumulatively, materially prejudice the emerging Local Plan, including its spatial strategy. The applications would make a positive contribution towards the employment needs of the district over the plan period

NB: The policy officers' comments on emerging policies LEC 1 and LEC 3 are set out in the 'Principle of Development' chapter of this report.

7.29 Thames Water: Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that a prior to occupation Grampian condition be added to any planning permission to ensure that either all the water network upgrades required to accommodate the additional demand to serve the development have been completed; or

a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

#### OTHER CONSULTEES

## 7.30 Bicester BUG:

### **B4100/A43 Junction**

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

### **B4100 Road**

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

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

### **Albion West Access**

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

### **Cycle Path**

*Priority needs to be continuous across access points.*

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

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

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

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

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

### **Albion Land Site Western Parcel**

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

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

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

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

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

- PSD1 – Presumption in Favour of Sustainable Development
- SLE1 – Employment Development
- SLE4 – Improved Transport and Connections
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Landscape Protection
- ESD15 – The Character of the Built and Historic Environment
- INF1 – Infrastructure

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

- EMP4 – Employment generating development in rural areas
- TR1 – Transport
- TR10 – Heavy Good Vehicles
- C8 – Sporadic development in the open countryside
- C9 – Scale of development compatible with a rural location
- C28 – Layout, design and external appearance of new development

### EMERGING CHERWELL LOCAL PLAN REVIEW 2042 (CLP 2042)

The weight afforded to different policies is always a matter for the decision maker, and in the case of the emerging Cherwell Local Plan Review 2042, this weight should be determined in line with NPPF para 49, which states:

*"Local planning authorities may give weight to relevant policies in emerging plans according to:*

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."

The Cherwell Local Plan Review 2020-2042 was submitted for examination, at the end of July 2025, but there are a number of objections to the policies and there has yet to be any hearing sessions. The initial sessions are currently scheduled for February 2026.

Therefore, at this point in time, the emerging Plan (and its policies) is considered to carry limited weight. For the ease of reference, the relevant emerging policies of the Local Plan Review 2042 are set out below:

- Policy SP 1: Settlement Hierarchy
- Policy CSD 1: Mitigating and adapting to Climate Change
- Policy CSD 3: Achieving net zero carbon development, non residential
- Policy CSD 5: Embodied carbon
- Policy CSD 7: Sustainable flood risk management
- Policy CSD 8: Sustainable drainage systems
- Policy CSD 9: Water resources and wastewater infrastructure
- Policy CSD 11: Protection and enhancement of biodiversity
- Policy CSD 12: Biodiversity Net Gain
- Policy CSD 14: Natural Capital and Ecosystem Services
- Policy CSD 15: Green and Blue Infrastructure
- Policy CSD 16: Air quality
- Policy CSD 17: Pollution and Noise
- Policy CSD 18: Light pollution
- Policy CSD 21: Waste collection and recycling
- Policy CSD 22: Sustainable Transport and Connectivity Improvements
- Policy CSD 23: Assessing Transport Impact/Decide and provide
- Policy CSD 24: Freight
- Policy LEC 1: Meeting Business and Employment Needs
- Policy LEC 3: New employment development on Unallocated sites
- Policy LEC 5: Community Employment Plans
- Policy COM 10: Protection and enhancement of the landscape
- Policy COM 11: Cherwell Local Landscape Designations
- Policy COM 14: Achieving Well Designed Places
- Policy COM 15: Active Travel – Walking and Cycling
- Policy COM 16: Public Rights of Way
- Policy COM 18: Creating Healthy Communities
- Policy COM 20: Providing supporting infrastructure and services
- Policy COM 22: Public services and utilities

### 8.3. Other Material Planning Considerations:

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

Draft NPPF

On the 16 December 2025, the Government published its revised draft NPPF. The consultation on the proposed changes is set to run until 10 March 2026.

The proposed changes set out in the draft NPPF go beyond amendments and, instead, propose a complete restructure. However, given the infancy of the draft, which is at the start of the consultation process, I afford the draft document no weight, at the time of writing this Committee report.

## 9. APPRAISAL

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

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

### Principle of Development

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

9.1. The Cherwell Local Plan outlines the Council's policies for the period 2011- 2031. These policies include the allocation of sites for employment purposes to meet the district's needs.

9.2. The overall spatial strategy within the adopted 2015 Local Plan has an urban focus with the bulk of the district's strategic growth to 2031 directed to Banbury and Bicester.

9.3. In the rural areas growth is much more limited and is focussed on meeting local community and business needs. It is directed towards the larger and more sustainable villages. Development in the open countryside is strictly controlled.

9.4. A key objective of the adopted local plan (SO 1) is to facilitate economic growth and employment and a more diverse local economy with an emphasis on attracting and developing higher technology industries.

9.5. Paragraph B.30 of the plan explains that the aim is to secure

- business-friendly and well-functioning towns
- an eco-innovation hub along the Oxford – Cambridge technology corridor
- internationally connected and export driven economic growth
- investment in people to grow skills and the local workforce
- vibrant, creative and attractive market towns
- family housing

- measures to reclaim commuters where possible
- measures to increase labour productivity.

9.6. Paragraph B.31 continues by listing the types of employment development the district wants to attract, including advanced manufacturing/high performance engineering, the green economy, innovation, research and development. Paragraph B.32 states support for well-designed logistics development in recognition of the areas attractive transport links.

9.7. Paragraph B.43 sets out that that land is allocated taking account of economic evidence base matching growth in housing and to cater for company demand, particularly for logistics.

9.8. Policy SLE 1 helps to deliver the Plan's strategy to locate strategic employment proposals at Banbury, Bicester and Kidlington. The adopted Local Plan allocated approximately 175 hectares of employment land at Banbury and Bicester.

9.9. The application is inconsistent with, and a departure from, the Local Plan strategy in this regard. The Plan has an urban focus, and justification is needed for new sites in the rural areas.

9.10. Paragraph B.44 states that to ensure employment development is located in sustainable locations, to avoid problems such as traffic on rural roads and commuting, employment development in the rural areas will be limited.

9.11. The site is located in the rural area, including in the context of Policy SLE1, and, therefore, the third part of Policy SLE1 applies. For completeness, the relevant criteria of this policy is set out in full, further on in this chapter, where an assessment of the scheme is made against each criterion.

9.12. The emerging review Local Plan for Cherwell, which seeks to provide sufficient land for housing and local employment up to 2042, has been submitted for examination. Notwithstanding that the Policy Officer gives limited weight to the emerging local plan policies, she has provided the following comments on emerging policies LEC 1 (Meeting Business and Employment Needs) and LEC 3 (New employment development on Unallocated sites) in context with this proposal:

*“Policy LEC 1 attracted 32 comments directly to the policy. The policy is concerned with the level of employment need for the district over the plan period and how this will be delivered. It refers to the committed employment sites and new allocations, which together with other commitments and completions provide sufficient delivery of employment land to 2042.*

*These comments include a mix of support and objection. Those objecting to the policy question the deliverability of the committed sites, insufficient reference to the Oxford-Cambridge corridor and overall concerns about the level of supply. Some respondents criticise the level of supply for warehouse/distribution uses claiming it is too high, others consider that the provision of research and development should be increased. Spatially there is reference to a lack of provision in the Oxford hinterland/Kidlington area and indicates that there could be more provision within Banbury and in close proximity to the M40.*

*Policy LEC 3 is directly relevant to these proposals as it is concerned with employment development on unallocated land. This policy attracted 15 representations with mixed views regarding its purpose, with some support and criticism for its flexible approach to unallocated land. Where the policy is supported*

*some of those representations include reference to specific locations in the district for additional employment land, including capitalising on M40 junctions and Oxford hinterland.*

*The emerging plan's spatial strategy directs development to Banbury, Bicester and to a lesser extent in the Kidlington area. Whilst these proposals lie outside these immediate areas within the open countryside it is not considered that they would materially undermine this strategy.*

*NPPF paragraph 87 states*

*"Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for:*

- a) clusters or networks of knowledge and data-driven, creative or high technology industries; and for new, expanded or upgraded facilities and infrastructure that are needed to support the growth of these industries (including data centres and grid connections);*
- b) storage and distribution operations at a variety of scales and in suitably accessible locations that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain, transport innovation and decarbonisation; and c) the expansion or modernisation of other industries of local, regional or national importance to support economic growth and resilience."*

*The plan seeks to meet identified employment needs in full. The emerging Local plan allocates 97.5 hectares for employment, but it is not expected that the delivery of these sites will be adversely impacted by development proposed. The need for employment land in the district to 2042 is estimated to be in the range of 274-359 hectares. Given the inherent uncertainty of long term projections, it is considered appropriate to plan for the mid point of the range of 274-359 hectares. Given the inherent uncertainty of long term projections, it is considered appropriate to plan for the mid point of the range of 316 hectares. These applications, if approved, would enable the supply to be at the top end of the range.*

*Indeed, following the earlier resolutions to approve the potential contribution of these sites towards employment land need has already been factored into the local plan land supply calculations. It is therefore considered that the plan is not prejudiced by bringing these sites forward."*

- 9.13. Paragraph 85 of the NPPF states, "*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. **Significant weight** (my emphasis) should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'*
- 9.14. Paragraph 86 of the NPPF (which applies to preparing policies) goes on to set out a number of criteria to encourage Councils positively and proactively plan for growth. Sub-section c of this paragraph explains that "*Planning policies should pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying **suitable locations for uses such as logistics** (my emphasis).*
- 9.15. Paragraph 87b of the NPPF (which applies to both preparing policies and decision making) reinforces this point by making clear that, "*Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for storage and distribution operations at a variety of*

**scales and in suitably accessible locations** (my emphasis) that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain, transport innovation and decarbonisation”.

9.16. Paragraph 87c of the NPPF adds that, “*Planning policies and decisions should also include the expansion or modernisation of other industries of local, regional or national importance to support economic growth and resilience*”

9.17. The PPG also recognises the importance of logistics development in the employment sector, stating:

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

9.18. Albion are proposing to deliver three ‘XXL’ units on this parcel of land, each with a floor area of 500,000sqft per unit (46,451sqm)) and, as such, require at least 11ha of land. Although the precise floorspaces for each unit are not fixed on the parameter plan, they would have a maximum height of 23m.

9.19. The applicants’ planning statement states that being immediately adjacent to the strategic highway network is a fundamental requirement of logistics operators (DHL), adding that “*there are no other suitable sites capable of accommodating development of the scale proposed.*”

9.20. CBRE, on behalf of the applicants, submitted a Logistics Market Assessment and Land Availability Report and an update to that report in February 2025. This report considers that all other committed or allocated sites in Cherwell DC, either currently existing or potentially coming forward, are smaller or of irregular shape and not capable of delivering the ‘XXL’ units Albion are proposing.

9.21. I am inclined to agree with this viewpoint: developing this scale of development next to Junction 11, for example, would result in landscape harm and severe highways safety issues (both National Highways and Oxfordshire County Council Highways objected to the recent appeal application APP/C3105/W/24/3352512); and Junction 9 is currently unallocated (albeit it has land allocated in the emerging plan for district scale B2/B8 development). Moreover, this scale of development would not be appropriate for this scale of development to be located on the edge of Category A Villages.

9.22. The other part of CBRE’s assessment is their review of the existing principal logistics schemes on the M40, predominantly, but not limited to, the Cherwell District.

9.23. The Council instructed Lambeth Smith Hampton (LSH) to review CBRE’s evidence to help establish the actual level of need and supply at both district and the wider PMA level. LSH are in agreement with CBRE that there is a regional/national demand for XXL units. For the ease of reference, I have included LSH’s assessment of CBRE’ evidence, in the paragraphs below:

*“Overall, we consider the evidence provided by CBRE shows that there is high demand for XXL units from businesses requiring premises from which to serve regional and national requirements. This is distinct from the market for units serving a more local market; and whereas both will favour locations with easy*

*access to the strategic highway network, the drive time advantages make this part of the country of particular interest to businesses wanting XXL units.*

*As the level of occupier enquiries demonstrates, the M40 corridor meets the locational criteria of businesses with XXL requirements by providing proximity to the strategic highway network, access to workers, and sites with the capacity and topography to accommodate the largest requirements that are not within Green Belt or constrained by other national designations that would prevent development. Baynards Green is within this area and meets these criteria*

*The need for XXL units is difficult to estimate at a district level using typical forecasting methods, due to the very small number of units of this size which makes establishing trends at a local level difficult. Additionally, the catchment areas covered by distribution units of this size are generally regional or even national in scale. These factors mean that defining the need for XXL units at a district level is not practicable or advisable.*

*Ideally, there would be a strategic logistics study which examines the need for these large-scale logistics at a regional scale, however at present there is a lack of such strategic evidence. It is not within the scope of this commission to quantify need at this scale and due to the size of the catchment areas, these XXL units are not included within the Cherwell ENA which is focused on district need.*

*Whilst the evidence presented by CBRE does not constitute a full strategic study, in our opinion the evidence they have presented in relation to demand for XXL units is compelling. Based on the evidence presented from CBRE alongside our own market knowledge, we are in agreement that there is a high demand for XXL units in this area. Given the very large catchments, it is not possible to conclude that this need is specifically required within Cherwell district, however it is clear that the district is a very attractive location and therefore demand is high.*

*Whilst the focus of CBRE's evidence is XXL (with some analysis of XL units over 350,000sqft), it is noted that the layout of the site and therefore the unit sizes are indicative at this stage and to be determined at reserved matters stage. Two options are presented within the CBRE report, with only Option 2 providing unit sizes. For Option 2 the unit sizes range between 386,000sqft and 1,179,000sqft and although not stated the unit sizes for option 1 appear to be smaller with the majority below the XXL threshold.*

*Given the focus of their evidence on XXL units, it is assumed that Albion wish to develop units of this size and therefore if the Council are minded to grant permission, the indicative nature of the unit sizes and the options presented may need to be considered and discussed further.*

- 9.24. Despite some minor differences in approach, and whilst no survey has been undertaken to establish the exact level of national need, LSH agree with CBRE that there is a high need/demand for this type of development, for regional and national needs, noting that the scheme would also bring a range of economic benefits to the local and wider economies.
- 9.25. Moreover, I am advised by LSH that the Cherwell Economic Needs Assessment (ENA) 2025 has led to an increased estimate of need, reflected in the draft review Local Plan 2042. The 'upper end' of the range of employment need figure is now much more closely aligned with the level of need identified by Savills (in respect to the Tritax proposals), despite the differences in methodology.

9.26. The plan seeks to meet identified employment needs in full. I am also advised by the Council's Policy Officer that the emerging Local plan allocates 97.5 hectares for employment, but it is not expected that the delivery of these sites (Tritax and Albion) will be adversely impacted by development proposed. The Policy Officer advises that the need for employment land in the district to 2042 is estimated to be in the range of 274-359 hectares. The policy officer adds that , "given the inherent uncertainty of long-term projections, it is considered appropriate to plan for the mid-point of the range of 316 hectares. These applications (Albion and Tritax applications), if approved, would enable the supply to be at the top end of the range."

9.27. The delivery of new employment land, in a sustainably suitable location, is a very significant benefit of this scheme. However, I attach even more weight to the benefits of this scheme in the context of LSH's conclusions and the Policy Officer's comments.

9.28. I note in some of the representations received it is alleged that the previous committee report did not take into account the Council's own Cherwell Local Plan Review 2042 Employment Topic Paper, dated July 2025, which appeared to show exceedance of need by supply. However, and firstly, the Topic paper was published after the 3<sup>rd</sup> July 2025 Planning Committee. Second, the evidence underpinning the report erroneously assumed that Members had resolved to grant permission for the Tritax application. Therefore, the employment floorspace of that application was already factored into the assessment of supply but should not have been.

9.29. Consequently, with the conclusions of the LSH report and the Council's Employment need background paper for the emerging Local Plan, the scheme's compliance with the current NPPF paragraphs, the proposal in my view overall complies with the criteria of the policy SLE1. For the ease of reference, I have set out my assessment of the scheme against the criteria of this policy:

**Policy SLE 1:**

9.30. ***"Unless exceptional circumstances are demonstrated, employment development in the rural areas should be located within or on the edge of those villages in Category A (see Policy Villages 1)."***

9.31. I consider there to be exceptional circumstances. These exceptional circumstances arise from a consideration of the planning balance as a whole, which I undertake below, taking into account all material considerations assessed in this report. However, the key points which I would highlight at the present time are as follows:

- LSH have concluded that CBRE have provided compelling evidence that there is high demand for XXL units from businesses requiring premises from which to serve local, regional and national requirements
- The applicants' planning statement confirms that there are no other suitable alternative sites or opportunities for large scale logistics buildings of this nature along the M40 corridor
- Collectively, there would be 3000 permanent jobs across Albion's two sites (East & West) + 400 temporary construction jobs created
- Para 85 of the NPPF advises that there should be "Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development"
- Para 86 of the NPPF states: "Planning policies should pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying suitable locations for uses such as logistics"
- Para 87 of the NPPF acknowledges the importance of 'suitably accessible locations' - this site is next to the Motorway, away from villages

- The development would bring a range of economic benefits to the local and wider economies and help support the modern economy
- Established occupiers (DHL) lined up, so a big part of the site could come forward quickly
- This site sits inside the Oxford – Cambridge corridor. The Government wishes this corridor to be an economic engine for the whole of the UK. For further info, see: <https://www.gov.uk/government/news/minister-vallance-underlines-how-oxford-cambridge-corridor-ambitions-can-boost-whole-uk>

9.32. ***"New employment proposals within rural areas on non-allocated sites will be supported if they meet the following criteria:***

- ***They will be outside of the Green Belt, unless very special circumstances can be demonstrated.***

9.33. Officer Comment: Complies

- Both Albion east and west parcels are outside the Green Belt
- ***Sufficient justification is provided to demonstrate why the development should be located in the rural area on a non-allocated site.***

9.34. Officer Comment: Complies for the following reasons:

- Para 322 of the LSH report: “As the level of occupier enquiries demonstrates, the M40 corridor meets the locational criteria of businesses with XXL requirements by providing proximity to the strategic highway network, access to workers, and sites with the capacity and topography to accommodate the largest requirements that are not within Green Belt or constrained by other national designations that would prevent development. Baynards Green is within this area and meets these criteria”
- This site will help plug a potential shortfall in B2/B8 use at the upper end of the estimated employment range, as concluded by LSH
- Also, whilst in the rural area, the sites are close to the motorway and therefore wouldn't comprise sporadic development.
- There are no sites on the edge of Category A Villages capable of delivering schemes of this scale, and they are not as close to the motorway. Also, development on this scale would harm the setting of Category A villages, if they were located on the edge.
- ***They will be designed to very high standards using sustainable construction and be of an appropriate scale and respect the character of villages and the surroundings***

9.35. Officer Comment: Complies

- The delivery of a very high quality of design for the buildings and the internal landscaping scheme, can be secured through robust pre app discussions and reserved matters applications.
- The buildings would not impact on the character of the neighbouring villages, which are significantly set back from the site.
- The buildings, with appropriate screening, would respect the urban character of the surrounding M40, B4100, the garage & MacDonalds and the A43
- Sustainable construction conditions will be imposed, which require the development to be completed to BREEAM Very Good/Excellent as offered by the applicants in their planning statement.

- ***They will be small scale unless it can be demonstrated that there will be no significant adverse impacts on the character of a village or surrounding environment.***

9.36. Officer Comment: Partial compliance

- The buildings would not be small in scale. However;
- They wouldn't impact on the setting of Ardley, Fritwell or Fewcott, the three closest villages. Nor would they be out of keeping with the urban nature of the M40, the A43, and the garage and the MacDonalds to the North of the site.
- There would be significant adverse harm on the character and appearance of the area when viewed from the vantage points identified in LUC's assessment and set out in the Landscape and Visibility chapter of this committee report, noting that this landscape is of 'modest' value.
- ***The proposal and any associated employment activities can be carried out without undue detriment to residential amenity, the highway network, village character and its setting, the appearance and character of the landscape and the environment generally including on any designated buildings or features (or on any non-designated buildings or features of local importance).***

9.37. Officer Comment: Complies

- The scheme can be carried out without undue detriment to residential amenity or the highways network.
- The site is not near a village and would not affect the setting of the closest village
- The scheme will not unduly impact on the setting of any listed and non-designated buildings (no objections Historic England or CDC Conservation).
- There would be some harm to the character of the landscape, the majority of which can be mitigated through robust landscaping plans.
- ***The proposal will not give rise to excessive or inappropriate traffic and will wherever possible contribute to the general aim of reducing the need to travel by private car. There are no suitable available plots or premises within existing nearby employment sites in the rural areas”.***

9.38. Officer Comment: Complies

- National Highways and OCC Highways have, subject to conditions and planning obligations, no objections to the scheme from a highway's safety point of view.
- The provision of either an improved or new bus service and cycle/pedestrian path would contribute to the general aim of reducing the need to travel by private car.
- There are no suitable alternative sites within Bicester or Banbury which are in close proximity to the M40 that could absorb a scheme of this scale. J11 is not appropriate from a landscape or highways perspective and J9 does not currently have any allocated sites (albeit there are some employment sites in the emerging Local Plan Review).

9.39. Whilst the proposal does not fully comply with every criteria of this policy, it complies with the majority of them and, taking the policy as a whole, I consider that the proposal overall complies with this policy.

9.40. Overall, this proposal would contribute to the provision of logistics to meet the needs of a modern economy (as supported by NPPF para. 86(c)) and generate a great number of jobs (with various salaries): from the temporary construction workforce to the long-term annual jobs, including Warehouse workers, drivers, cleaners, office staff (IT etc) and managerial staff. This is a very significant benefit of this scheme.

9.41. A point has been raised in third party representations about whether there would be local demand for these jobs. Officers' views are that not allowing new economic development on this basis is not supported by national or local policy and, moreover, there are a number of settlements in the area, some of the residents of which might obtain jobs on this site during the lifespan of the development.

9.42. These significant job projections are, I note, not theoretical – LSH consider them to be accurate, helping to create a diverse employment base in the district. The XXL units would also have the added benefit of not only serving the district and the region, but serving at a national level as well, given their position in a 'suitably accessible location'.

9.43. The development, with the improved landscaping proposal, along with the proposed training and apprenticeships scheme, complies with the majority of the criteria of policy SLE1 and partially complies with the remaining criteria. Therefore, my view is that the revised scheme now complies with this policy overall.

9.44. Several third-party representatives have observed that this proposal would not comply with emerging policy LEC3 of the proposed draft Cherwell Local Plan Review 2042 and I agree with that as the site is not in or on the edge of a main town, local service centre or Category A village criteria i) – vi) to LEC3 do not apply. In terms of criteria vii) – ix), which relate to sites within smaller villages and in the open countryside, it would not comply with criteria vi of emerging policy LEC3 because the site does not constitute previously developed land. It would, however, comply with the other criteria because there is currently an employment need, there are not alternative available sites to deliver employment schemes on this scale in Banbury or Bicester, after 15 years the impact on the local views would not be significantly harmful and the site is not inside the Green Belt. Also, the proposal for XXL-sized warehousing is not designed to meet local business and community needs but is instead focussed primarily on addressing regional and national needs, resulting in conflict with criterion vii). However, as the Council's policy officer has stated, there have been numerous objections made to this proposed policy during the representations stage; and the policy has not yet been through the rigour of an Examination in Public. Therefore, whilst some weight can be attached to the policy the weight is still very limited and not enough for this application to be determined against this policy.

#### Landscape & Visual Impact

9.45. The two emerging local plan policies relevant to this part of the application are policies COM 10 (Protection and Enhancement of the Landscape) and COM 11 (Local Landscape Designations). Emerging policy COM 10 seeks to protect and enhance the landscape and, as well as requiring all major developments proposals to be supported by a Landscape and visual Impact Assessment, it sets out criteria that, if triggered, would result in a development not being supported from a landscape (and Heritage) perspective. Those criteria are:

- i. Cause an unacceptable visual intrusion into the open countryside;*
- ii. Be inconsistent with local character;*

- iii. *Introduce disturbances to areas with a high level of tranquillity;*
- iv. *Cause coalescence between settlements;*
- v. *Harm the setting of natural, built and historic landmark features, or*
- vi. *Reduce the historic significance of the landscapes.*

9.46. Emerging policy COM 11 not only lists the seven Local Landscape Designations (LLD) included in the Local Plan Review 2042, it also requires development proposals “within or affecting a designated local landscape” to be assessed “based on its specific landscape and visual impact on the valued characteristics of the designated landscape.”

9.47. One of the LLD’s listed is North Ploughley, which covers land east of the A43 and mostly north of the B4100. Cherwell Landscape Designation Assessment (2024), which forms part of the evidence base to the draft Cherwell Local Plan Review 2042 describes the North Ploughley LLD as comprising a series of shallow limestone valleys with a rural, well wooded character with some long views across areas of larger scale arable farmland. The site sits outside within this LLD.

9.48. The emerging policy COM11 goes on to add that development must have regard to the Cherwell LLD and should study and avoid loss or harm to the aspects of landscape value and qualities of the designated landscape. Another aspect of this policy is that development will be required to respond appropriately to the recommendations for managing the designated local landscape.

9.49. To this end, the Council instructed Land Use Consultants (LUC) to assess this application (both in isolation and cumulatively with the neighbouring Albion East and Tritax proposals) against these two emerging local plan policies (COM 10 and COM 11).

9.50. LUC’s full report can be found on public access, but, in short, the conclusions are that the Albion proposals would not be fully compliant with all of Policy COM 10 due to the significant effects on landscape character due to the proposals’ size, scale and character. LUC’s Landscape Architect writes:

*“The development of Albion Land’s proposal would affect the openness of the landscape, and views, in a localised area around the proposed development. This is inevitable for a development of this type and scale.*

*Whether the proposed development complies with Policy COM 10 (criterion i) depends on whether the level of visual intrusion is deemed to be acceptable. Acceptability can only be judged in a planning balance exercise because the landscape and visual impact would not be acceptable unless there were a need for the development, or other benefits from implementing it. There would be significant adverse effects on views and these would persist into the long term, but they would be localised. It is recommended that the acceptability of the development is judged as part of the planning balance exercise, acknowledging this long term adverse visual effect in a localised area.*

*There would also be significant effects on landscape character of the site and locality due to the proposal’s size, scale and character and so for this reason the proposal would not be fully compliant with Policy COM 10 (criterion ii). The way in which the reserved matters applications are brought forwards (including the detailed design of, and materials used for, the buildings and landscape proposals) would be influenced by the way in which the development fits with landscape character. This should aim*

*to use materials that are sympathetic to local character, and provision of a minimum of 35m locally appropriate (and climate resilient) woodland screen planting for the development edges that adjoin the existing rural landscape/ B4100 / Baynard's Green”*

- 9.51. LUC's report also concluded that Albion's proposal to the east of the A43 is just outside this designated area (the other side of the B4100) and, therefore, would be visible from the Local Landscape Designation (LLD) but would not directly affect the land within it.
- 9.52. LUC commented that the Albion Land proposal east of the A43 “*would affect the sense of rurality and farmland fields on the south-western boundary of this LLD and views from the south-western edge of the LLD, but this is not considered to result in loss or harm to the aspects of landscape value and qualities of the landscape for which it is designated or the integrity of the designation. The proposal would therefore comply with COM 11*”
- 9.53. LUC also concluded that “Tritax would have a greater influence on the LLD than Albion Land's proposal and the combined effect of both would be very similar to the effect of Tritax alone”.
- 9.54. LUC's conclusions, notwithstanding, it is important to acknowledge that whilst the emerging Local Plan policies now carry more weight than they did at the 3 July 2025 Planning Committee, the emerging Local Plan has not been through the rigour of an Examination in Public. There remain objections to these policies whilst they await examination. Therefore, only limited weight can be applied to these emerging policies, at this stage. By contrast, the NPPF 2024 and the Local Plan: Part 1 2031 do still carry full weight.
- 9.55. Paragraph 187 of the NPPF requires planning policies and decisions contribute to and enhance the natural and local environment by, amongst other things:
  - a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and*
  - b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- 9.56. Policy ESD13 states that development will be required to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.
- 9.57. The policy goes onto list 6 criteria where proposals will not be permitted. An assessment of the proposals against the 6 criteria is contained in table 1 below.
- 9.58. Policy ESD15 opens with, “*Successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. All new development will be required to meet high design standards. Where development is in the vicinity of any of the District's distinctive natural or historic assets, delivering high quality design that complements the asset will be essential.*”

9.59. Sitting underneath this paragraph is a list of design criteria, including the requirement for new development to be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. This part of the policy adds that development of all scales should be designed to improve the quality and appearance of an area and the way it functions.

9.60. Strategic objective 12 of the Cherwell Local Plan seeks to focus development at Cherwell's sustainable locations, making efficient and effective use of land, conserving and enhancing the country and landscape and the setting of its towns and villages.

9.61. Paragraph B.87 of the Cherwell Local Plan explains that Cherwell's countryside, landscape and green spaces are important natural resources. It goes onto state that they form the setting of our towns and villages, contribute to their identity and the well-being of Cherwell's communities. The countryside's intrinsic character and beauty is important to the quality of life in Cherwell and remains an economically important agricultural resource.

9.62. The Cherwell District Council proposals map does not identify the site as falling within the Area of Outstanding Natural Beauty or being within a locally designated valued landscape area. However, it does not automatically follow that development on it would be acceptable and, for reasons set out below, there are several factors that would, together, result in harm to the character and appearance of the area.

9.63. Saved policy C8) of the Cherwell Local Plan 1996 seeks to resist development "*if its attractive, open, rural character is to be maintained*". It explains that this policy "*will apply to all new development proposals beyond the built-up limits of settlements including areas in the vicinity of motorway or major road developments but will be reasonably applied to accommodate the needs of agriculture. There is increasing pressure for development in the open countryside particularly in the vicinity of motorway junctions. The Council will resist such pressures and will where practicable direct development to suitable sites at Banbury or Bicester.*"

9.64. In paragraph 35 of the recent Caversfield Appeal decision (PINS Ref: APP/C3105/W/24/3355576), the Inspector addressed Saved Policy C8 as follows:

*Saved CLP 1996 policy C8 seeks to resist development beyond built up limits. Whilst the intention of protecting the countryside is clear this policy is at odds with the Framework given the land supply situation in this area and, as such, it can only be accorded limited weight, other more specific policies referred to above are of greater weight given they do not relate to such an 'in principle' objection outside of built up limits.*

9.65. Although the Inspector with that appeal was dealing with a housing application and five-year housing land supply, there are parallels with this application because, at present, the Council does not have adequate employment space at the upper level; and the Council's policy officer advises, in the latest consultation response, that

*"Indeed, following the earlier resolutions to approve the potential contribution of these sites towards employment land need has already been factored into the local plan land supply calculations. It is therefore considered that the plan is not prejudiced by bringing these sites forward."*

9.66. Policy DM4 of the Mid Cherwell Neighbourhood Plan 2018 -2031 makes clear that "*development proposals within the plan area must demonstrate sensitivity to the important views and vistas described in Table 4 and illustrated by photographs in the documents referred to in that Table, by including an assessment of the significance*

*of the views and the effect of the proposed development on them. Proposals which cause significant harm to any of these views will only be acceptable where the benefits of the proposal clearly outweigh any harm. “*

*Development proposals must also be designed such that there is no adverse impact on the sensitive skylines identified in Fig. 8 and referenced in Table 4.*

- 9.67. Of the two Albion applications, this western parcel is the least sensitive location. It is well screened along the A43 and along much of the B4100. The most open views are from the motorway where cars move quickly.
- 9.68. That said, at circa 43.9 ha hectares, the combined fields form a very large site and, given the site's proximity to three residential properties, public rights of way, and the views from the M40 and parts of the A43 and B4100, it is nonetheless a prominent and sensitive site.
- 9.69. In this context, the introduction of large-scale buildings, associated large-scale lorry and car parking spaces, along with the presence of the lorry's, and, in some places, significant earth bunds, there will be an impact on the landscape and the character and appearance of the area. The key questions then, are what is the extent of the harm? Will the character of the area be compromised and undermined as part of that harm? Can harmful effects be adequately mitigated?
- 9.70. Tyler Grange, on behalf of the applicant has viewed the site from 15 different viewpoints in their Viewpoints and the Zone of Theoretical Visibility (ZTV). Their ZTV covers a radius of 2km from the centre of the site.
- 9.71. Tyler Grange considers the Fritwell and Middleton Stoney LCAs, in which the Western and Eastern Sites lie, to have a high/medium susceptibility to the Development and a localised importance (medium / low landscape value) resulting in a medium overall sensitivity to proposals. LUC, on behalf of the Council, broadly agree with this assessment, noting that, *“noting that Cherwell Council's published Landscape Sensitivity Assessment (September 2022) identifies assessment unit LS M40 J10\_2 (equivalent to the (Albion) Eastern site) as having a slightly higher sensitivity to logistics development (moderate-high sensitivity to logistics development and moderate sensitivity to commercial development) than the Western site (assessment unit LS M40 J10\_3) which is stated as having a moderate sensitivity to commercial and logistics development. LUC's view is that the sensitivity rating of moderate is about right, with sensitivity increasing with distance from the M40/A34 junction.*
- 9.72. LUC's position is that *“Given the height and scale of the proposed development parameters there will be a number of significant adverse effects on landscape and visual receptors”* for 15 years and beyond...
- 9.73. As part of their assessment LUC reviewed the viewpoints in Tyler Grange's ZTV and made the following comments:

*If only the western site were to be developed then then the area of landscape that will experience a change to character will be reduced, with the area to the east of the A43 being unaffected, and the significant effects on users of the bridleway abutting the southern boundary of the Eastern site, users of footpaths around Stoke Lyne, the local community of Stoke Lyne and motorists on the A43 would fall away. Also, a shorter stretch of the B4100 would be urbanised. The remaining key significant (long terms) effects would be on:*

- *Users of local public rights of way, and particularly the footpath crossing the western site (Photo viewpoints 8 and 9) which will need diverting between the new buildings.*
- *Users of the PRoW network abutting the site i.e. the bridleway abutting the western edge of the Western Site (Photo viewpoint 7).*
  - *To a slightly lesser extent, users of the footpaths and bridleway network in the vicinity of the sites including the footpath south of Tusmore Park (Photo viewpoints 2 and 3) due to views of the building in the western development; users of the PRoW west and northwest of A43 (Photo viewpoints 10, 18 and 20) due to views of the Western development, and users of the PRoW to the west and southwest of the Site on the edges of Fewcott and Fritwell (Photo viewpoints 12 and 13) due to views of the buildings in the western development.*
- *The local community of Baynard's Green (Viewpoint 8) comprising Medkre, Baynard House, cottages to the south of Baynard House, Baynard's Green Farm and Baynard's Barn - these are the properties closest to the Site and are open to the Western Site so will experience a big change in views, particularly Medkre and the cottages to the south of Baynard House (but no residential visual amenity threshold breaches);*
  - *and to a lesser extent the local communities of Fritwell (Viewpoint 12) and Ardley/ Fewcott (Viewpoint 13) – from these communities most views will be from edges or upper storeys of individual properties, and they will be more distant than at Baynard's Green.*
- *Urbanisation of a section of the B4100, west of the A43 roundabout and views into the development site from here;*
  - *To a lesser extent users of the M40 who, although they will experience clear views of buildings on the western site, the motorists will be passing at speed and have lower interest in their views than on local roads.*

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

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

Policy Requirement	ESD13	My Response	Accordance with ESD13 Bullet Points
Bullet point 1. Cause undue visual intrusion into the open countryside.	This scheme would urbanise 8 open, gently undulating arable fields and would have a dominating effect from the Motorway and a neighbouring field, post 15 years. However, the impact would be reduced by a robust landscaping plan and it would be well screened from the A43 and the B4100.	Partial Compliance	

Bullet point 2. Cause undue harm to important natural landscape features and topography	<p>The undeveloped character of the application site contributes positively to a medium sensitive landscape setting. This proposal would alter the character of the landscape. The gently undulating topography landscape would not be as visible.</p> <p>However, the landscape is not valued or of historical importance and not readily visible at present from surrounding roads. So, in that sense, it would comply with this part of the policy</p>	Yes - complies
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 site and because of the scale and massing, would jar with it without landscape mitigation in those areas where the site is visible.</p> <p>However, the local character also includes the M40, the A43 and B4100 which their tarmac, noise, lights and traffic.</p>	Partial Compliance
Bullet point 4. Impact on areas judged to have a high level of tranquillity	Map 4.4 of The Landscape Character Assessment (2024) identifies the tranquillity of the site as being medium to low.	Yes - complies
Bullet point 5. Harm the setting of settlements, buildings, structures or other landmark features, or	It wouldn't harm the setting of any settlements or landmark features or the closest residential properties, which are already largely screened by hedgerows and trees <del>is 205m away</del> .	Yes - complies
Bullet point 6 Harm the historic value of the landscape.	It is not a landscape with historic value	Yes - complies

9.76. Overall, I consider that there is partial conflict with the Cherwell Local Plan 2015, the Mid-Cherwell Neighbourhood Plan policies and the NPPF in relation to the issue of landscape impacts. The landscaping scheme proposed on the parameter plan and phased landscaping schemes, secured through detailed reserved matters applications would provide mitigation rather than enhancement of the site and the local landscape.

9.77. However, it is my view, and LUC's, that this application site would be the most suitable location of all the logistics applications around Baynards Green: it is a far less visible location and less sensitive site than the neighbouring logistics planning application sites: Albion eastern parcel (the east of the A43) and Tritax Big Box (to the northeast of the Baynards Green roundabout – part of which has a high tranquillity rating on the CBRE Tranquillity Maps 2006). The adverse landscape harm will not be as keenly felt here given the surrounding road network.

9.78. I would also expect any reserved matters application to include a robust layout strategy for that phase (to be secured via **Condition 17**). As noted in the 'Highways' chapter, the amount of urban tarmac and parking bays shown on the illustrative plans are 780 bays which, when measured against OCC maximum standards of 1000 bays per 300,000sqm of employment space, represents a 78% exceedance. A robust landscaping scheme with significantly less parking would need to be secured by condition, if approved.

9.79. Cumulatively, all four applications around Baynards Green roundabout, subject to conditions, would be broadly compliant with policies ESD 13, ESD 15 and the NPPF.

#### Highways

9.80. In response to the Council's Regulation 25 Letter, the applicants have submitted an updated Environmental Statement which includes 'the Oxfordshire Strategic Rail Freight Interchange (OxSRFI) as part of the updated cumulative impacts assessment.

9.81. Although not requested in the Council's Regulation 25 letter, the applicants also looked at other existing and/or proposed schemes coming forward with a 5 km study area, which identified the following additional schemes that fall within 5 km of the site:

- Dorchester's Heyford Park new town (application ref: 25/02190/HYBRID)
- Hallam Land's NW Bicester urban extension (application ref: 21/04275/OUT)
- Puy du Fou's historic theme park at Bucknell (application ref: 25/02232/OUT)

9.82. The Council did not require the above applications to be included in the applicants' cumulative assessment on the grounds that there are objections and holding objections to all three applications from OCC Highways and National Highways (and other consultees) and significant changes may well be required to the respective Transport Assessments. By contrast, OCC Highways are of the opinion that the trip generation and modelling information from the OxSRFI, from an OCC Highways perspective, can be relied upon at this stage.

9.83. The Applicant, in their updated Planning Statement, dated November 2025 commented that they do not agree "*that CDC's request for this further environmental information was fully justified Albion Land has updated the Planning Applications by virtue of this Planning Statement Addendum and the submission of a further Environmental Statement*

*Addendum comprising Non-Technical Summary and Transport, Ecology, Landscape and Visual Impacts, Socio-Economics and Cumulative Effects chapters.*

*Though not requested by CDC, and substantially less advanced / certain than the Proposed Development, the ES Addendum additionally reflects the submission of planning applications for/ advancement of other development proposals in the vicinity of the sites that have the potential to interact with the Proposed Development.*

*Together, these documents ensure that CDC has sufficient, proportionate and up to date information on which to reconsider the applications at a forthcoming meeting of the Planning Committee.”*

9.84. The applicants' sensitivity testing, based on the available information, concludes that there would be no additional likely significant cumulative effects.

9.85. OCC Highways have reviewed this information and made the following comments:

*The ES Addendum transport topic is addressed through a sensitivity test carried out by SLR Consulting on behalf of the current Albion Land and Tritax applications at Baynards Green, as set out in the ES Sensitivity Tests document, which I have reviewed. The assessment focusses on peak-hour traffic at M40 J10 and the junction of A4095 and B4100 at Bicester, reflecting the scope of the original TA.*

*To meet the Regulation 25 requirement, cumulative traffic assessment is provided including OxSRFI traffic, with its mitigation, on top of Albion, Tritax, and background traffic including traffic from committed development. Further cumulative assessment has been carried out and included within the Sensitivity Tests document, adding in traffic from speculative development proposals currently under consultation at Heyford Park and Bucknell (Puy du Fou). However, I am not considering these further assessments in my response because a) at this time those developments are not considered to have sufficient certainty of coming forward to require the assessment and b) OCC is not yet satisfied with the transport assessment of either of these developments, so in my opinion the information regarding their traffic flows cannot be relied upon.*

*In line with guidance, the original ES considered increases in traffic across the day arising from the development on a number of road links. The ES Addendum now submitted does not provide a revision of this assessment. However, taking into account the links that were assessed, and the low sensitivity ascribed to them in the ES, I think this is reasonable. The B4100 southeast of Baynards Green, and the B430 through Ardley are predicted to see net reductions in traffic as a result of the OxSRFI embedded mitigation (Ardley bypass and Middleton Stoney Relief Road). The additional traffic on the B4100 west of Baynards Green associated with the OxSRFI, Albion and Tritax applications is unlikely to exceed the guidance thresholds requiring further environmental assessment, although this does rely on HGV routing restrictions being adhered to, preventing the use of the route by HGVs from the proposed developments.*

*Although the B4100 has been classified as low sensitivity in the original ES, to the west it routes past Souldern, where there are properties very close to the road and adjacent to the carriageway. It then proceeds towards Aynho where traffic could turn right through Croughton to get to the A43 N. The route through Croughton village has properties including a primary school fronting directly onto the road. Traffic proceeding towards Banbury would pass through Aynho village, where there are properties fronting directly onto the road, and pedestrian crossing demand. It would then pass through Adderbury, where there is primary school frontage on the B4100 and crossing demand. We have requested a condition for an HGV Routing Strategy to complement*

*the legal routing agreement, acknowledging that routing agreements are difficult to enforce when there are a number of operators. In the routing strategy we will be looking for strong measures to prevent HGVs using routes other than the permitted routes. This should be comparable to the measures proposed by OxSRFI, which includes ANPR cameras.*

*The methodology of the Sensitivity Tests is set out in the SLR document. It is based on a model scenario run by OxSRFI as part of their assessment, referred to as scenario DS3A. This is a 2034 scenario including the SRFI full development and their full package of embedded mitigation, including the proposed improvements to M40 Junction 10/Baynards Green. It also includes the Albion Land (21/03267/OUT and 21/03268/OUT) traffic because those applications already had a committee resolution to approve. The mitigation scheme for Baynards Green included in this scenario is the OxSRFI 'Alternative scheme' which is a widening of the mitigation scheme to be delivered by Albion and Tritax prior to first occupation of their sites, to provide additional lanes.*

*The B4100/A4095 junction was also assessed as part of the Albion and Tritax planning applications (including all of these developments). OxSRFI, with its mitigation package, is predicted to reduce traffic at this junction because of their proposed Middleton Stoney Relief Road, such that there would be a net reduction in flows at the junction.*

*OxSRFI have assessed J10 using a linked LinSig model of the junction including Ardley Roundabout in the south and Baynards Green Roundabout to the north. Further testing as recommended by National Highways is being carried out by OxSRFI using the NH VISSIM microsimulation model of the junction but is not yet available. SLR (for Albion and Tritax) have copied OxSRFI's LinSig DS3A scenario (taking the details from the consultation materials) and added in the agreed predicted traffic flows for the Tritax development proposal.*

*The LinSig results predict that the junction, with the improvements provided by OxSRFI and Albion/Tritax, as well as the wider OxSRFI mitigation package, is likely to operate within capacity in 2034. The model also includes the Albion Eastern site access, which is also predicted to operate within capacity.*

*Separately an ARCADY model of the Tritax site access roundabout on the B4100 has been provided demonstrating that it is also predicted to operate within capacity with OxSRFI.*

- 9.86. National Highway were reconsulted and advised that from a transport perspective, their previous comments on the original application, as set out in their updated response of 13 January 2025, stand and National Highways has no objection to the sensitivity tests outlined above.
- 9.87. The emerging Local Plan policy CSD 23 (Assessing Transport Impact/Decide and Provide) encourages development to:
  - i. Contribute towards the improvement of public transport and the improvement and delivery of walking and cycling routes that serve the site. This could be achieved through the design of development and/or through financial contributions appropriate to the scale and impact of the development;*
  - ii. Be expected to provide, or make a proportionate contribution to the provision of, new and/or improved public transport infrastructure and services considering cumulative impacts of other approved developments*

*in the area;*

*iii. Limit motor vehicle trips and identify and deliver highway safety measures at and around the development site, including temporary measures during the construction phase. This measure should reduce road danger and facilitate safer movements for all users and transport modes, and*

*iv. Comply with the latest Oxfordshire guidance on design, cycle and car parking provision, servicing facilities and electric charging infrastructure. Development which improves or provides new public transport infrastructure and facilities will be supported subject to:*

*v. Being acceptable in terms of impact on the environment including townscape, public realm and amenity of adjoining areas;*

*vi. Being designed to be safe, convenient, attractive and accessible for use especially for people with disabilities and specific mobility needs, and*

*vii. Providing adequate cycle parking and safe and suitable access on foot and by bicycle, including consideration of pedestrian and cycle desire lines.*

9.88. For reasons set out in the policy chapter, I afford limited weight to this policy at present. Nonetheless, subject to planning conditions and an agreed s.106 agreement, and reasons set out above and below, the proposal would in my view comply with this emerging policy.

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

- a. appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b. safe and suitable access to the site can be achieved for all users;
- c. the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d. any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

9.90. Paragraph 116 of the NPPF makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

9.91. Policy SLE4 of the Local Plan reflect the NPPF policy: it states that development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported.

9.92. Paragraph 117 of the NPPF states *inter alia* that within this context, applications for development should:

*a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

9.93. Paragraph 118 off the NPPF requires all developments which generate significant amounts of movement to provide a Travel Plan, and the application should be supported by a vision-led transport statement or Transport Assessment so the likely impacts of the proposed development can be assessed and monitored.

9.94. National Highways had originally (September 2022) requested that planning permission was not granted for a period of 3 months to allow time for the applicant to provide the additional information required to help National Highways better understand trip generation and the level of impact on the national road network, including Baynards Green roundabout.

9.95. In March 2023, National Highways requested another 3 months pause to allow for further information to assess the potential impact on a similar extent of the SRN, including the Baynards Green roundabout and establish the level of mitigation that would be required at this junction, as the Growth Fund scheme was no longer in place as originally expected. This holding objection was repeated several times and remained in place until April 2024 following the applicants' scheme to improve the Baynards Green Roundabout with additional north-south highway capacity on the A43 and enhanced signal controls, as shown in general accordance with SLR Consulting drawing ref: 216285-A-14A, titled Baynards Green General Arrangement.

9.96. National Highways were satisfied by the mitigation plans and subsequently withdrew their holding objection on the basis that a stringent pre-occupation of development condition is imposed to ensure that the highway improvement plan, as shown on SLR Consulting drawing ref: 216285-A-14A, titled Baynards Green General Arrangement, is completed and open to traffic. National Highways then subsequently recommended an additional condition for a Construction Environmental Management Plan (CEMP).

9.97. OCC Highways are also satisfied with the principal of the proposed capacity improvement works to Baynards Green Roundabout, particularly now that it will be secured through the s.106 agreement. This means that in the event that the Tritax scheme or one of the two Albion Schemes comes forward in advance of the others, one applicant/landowner cannot prohibit the other from carrying out the agreed works in full. OCC Highways' concern comes from a need for Tritax and the Albion Land East parcel to provide land outside the highways boundary (East of the A43 and South of the B4100) to allow for adequate forward visibility to the roundabout when approaching along the B4100 from the east. Therefore, this agreement is required to ensure that the scheme can come forward prior to the first occupation of any of the application sites.

9.98. Notwithstanding the support in principle for the Baynard's Green mitigation measures, OCC Highways also have to be satisfied that the application is not going to unduly impact on the local road network from an increased journey time and highways safety perspective and ensure that any impacts are not severe.

9.99. Following an OCC Highways objection in August 2024, and a request for further information in March 2025, the applicants, along with Tritax Big Box, have jointly submitted the following additional documents:

- Transport covering letter on behalf of applicants, Albion Land and Tritax; and
- Transport Modelling Appendix A Topic Paper Addendum providing summary of current situation, details of cycle facility and an appendix with details of a

test to address OCC's previous concerns regarding modelling of B4100 junctions.

9.100. The updated information sets out the following:

- How the scheme would integrate with the proposed cycle route to Bicester.
- How the crossing facilities at the southern arm have been amended to a parallel crossing arrangement.
- How the splitter island has been increased in width at the access and at the B4100.
- Confirmation that detailed highway boundary has been obtained to confirm land ownerships.
- Further details regarding the design of the bus stop areas which aim to reduce conflict between cyclists and waiting bus passengers.
- Transport Modelling work

9.101. For completeness, I have set out OCC's key concerns (written in italic font) in 2024 and OCC's response, following receipt of this additional transport information:

9.102. *Lack of commitment to providing the cycle route between the sites and Bicester, with the applicants seeking to justify not providing it:*

"This is now offered as mitigation, as set out in Transport Topic Paper Addendum Appendix C, drawings DTA 17213-30-GA- 0-6 Rev N, and further work has been done by the applicant to demonstrate its feasibility, including a Road Safety Audit Stage 1, to the point where OCC highways is satisfied that it could be delivered, albeit with constraints requiring narrowing in places. Points raised in the RSA can be addressed through detailed design. Since the submission of this additional material, there has been further discussion as to how the route could safely transition into Braeburn Avenue, and the works are likely to require some changes to the geometry of the junction, to tighten up the radii. There is insufficient agreed-carriageway facilities but cycling on carriageway in Braeburn Avenue is considered acceptable due to the low traffic volumes (it is not a through road because of the bus-only link at the northern end of Charlotte Ave) and 20mph speed limit. OCC remains firmly of the opinion that this mitigation is required alongside public transport improvements as part of the sustainable transport strategy for the site, and in order to provide safe access for all users. (NB: For OCC's full justification please see their response of November 2024). There would be some loss of vegetation including overgrown hedgerow, and possibly some complete loss of hedgerow along parts of the route. However, in my opinion this should be considered in the context of the significant loss of hedgerow arising from the developments themselves and the mitigation scheme at Baynards Green."

9.103. *Aspects of the access arrangements required revision for safety reasons:*

"these have been largely addressed (see Appendix E of 'Topic Paper Addendum' dated 3 February 2025), and the proposed access for the Albion Land eastern plot (to the east of the Baynard Green Roundabout) has been changed from a roundabout to traffic signals, which is considered acceptable. The revised junction arrangements for the Albion Land E site have been subject to RSA1 and are considered acceptable in combination with one other in terms of safety.

The accesses E of the B4100 accommodate the proposed cycle/pedestrian link to Bicester, which has been subject to a separate Road Safety Audit Stage 1 (Appendix C of the Topic Paper Addendum). The detailed design stage of the accesses must be carried out in conjunction with detailed design of the ped/cycle facility.

Accesses for Albion E and Tritax are shown in combination, together with their required bus stop laybys and crossing, on drawing SLR 216285\_PD12 Rev A. Drawing DTA 17213-35-GA Rev D shows the signalized junction for Albion E.

For the Albion Land W site, an additional footway has been added to the W side of the access road and an informal crossing at the roundabout junction with the B4100. I would prefer to see the crossing set back from the roundabout for safety reasons and therefore a condition is requested. Consideration will also need to be given to cycle access to the western plots. The arrangements are the subject of a separate full application, ref: 21/03266/F.

Careful consideration will need to be given to the construction phase, and it is expected the CTMP will consider the construction of the junctions. The highway works necessary for each application site will be secured through the respective S106 agreements. For each site this will include continuous footway and cycleway linking to the Baynards Green junction improvement scheme and to Bicester (Braeburn Avenue), bus stop facilities including laybys and crossing of B4100. Completion of these works will be required prior to first occupation. “

*9.104. Concern that the assessment of the B4100/A4095 junction in Bicester was underestimating the traffic impact of the development at that junction.*

Further modelling work has since been undertaken which is discussed further below.

*9.105. Assessment of impact on villages to the north in Northamptonshire.*

It is noted that WNC concluded that there would be negligible impact on traffic flows in Aynho and Croughton. Difference plots from the Bicester Transport Model show that approximately 14% of the development traffic would route via the B4100 west, which would result in a change of less than 5% on the B4100 through Aynho, which could not be considered severe in NPPF terms. The increase in traffic will be from cars, not HGVs, which would be subject to a routing agreement prohibiting them from travelling north on the B4100.

*9.106. Concern about the level of car parking at the developments.*

“Whilst this is only indicative and would be agreed at reserved matters stage, from the layouts provided it is evident that the number of car parking spaces envisaged (these are marked on the plans – not just a general area indicated for parking) is far in excess of OCC’s parking standards. If parking levels were to be allowed as shown, this would potentially undermine travel plan objectives to promote sustainable travel and car sharing. The travel plan is especially important here since the applicant’s traffic modelling of the A4095/B4100 junction relies on significant modal shift away from single occupancy car trips between the site and Bicester. “

*9.107. I agree with OCC regarding the concern over the considerable exceedance of the parking bays (the illustrative plan suggests 1780 bays against OCC maximum standards of 1000 bays per 300,000sqm of employment space -a 78% exceedance).*

Not only would such a proposal result in further landscape harm and, potentially, a reduced quality internal layout, it would also run counter to the aims and aspirations of the Travel Plan and its ability to help encourage a modal shift from driving to cycling and walking.

9.108. OCC's Highway obligations are set out in the 'Infrastructure' chapter below. Subject to those contributions being agreed, along with the conditions, then this aspect of the proposal complies with national and local planning policy. The improvement works to Baynards Green roundabout will now be secured through the s.106 agreement instead of condition, this is to ensure that all the relevant parties (landowners and applicants) are signed up to it.

### Ecology

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

9.110. Policy ESD10 sets out 12 criteria for how biodiversity and the natural environment will be achieved. The criteria include achieving a net gain in biodiversity, protection of existing trees, increasing the number of trees through planting of new trees and incorporation of features to encourage biodiversity.

9.111. Policy BL11 states that all development shall be encouraged to respect the local character and the historic and natural assets of the area. Policy BL11 goes onto state that development should take opportunities to protect and wherever possible enhance biodiversity and habitats.

9.112. These polices are both supported by paragraph 187 of the NPPF which states that planning policies and decisions should contribute to, and enhance, the natural and local environment by minimising impacts on and providing net gains for biodiversity.

9.113. Cherwell Local Plan policy ESD11 states: "*Development which would prevent the aims of a Conservation Target Area being achieved will not be permitted.*"

9.114. Moreover, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.

9.115. The PPG dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity

9.116. Tyler Grange, on behalf of the applicants, have conducted an Ecology Appraisal and provided additional foraging information and a HHMP.

9.117. This information confirms that 2.6km of hedgerow (some of it species rich) across this and Albion's Eastern parcel on the other side of the A43 would be lost and a general loss of habitat for farmland birds (Lapwing, Skylark, Yellowhammer) and the hairstreak butterfly.

9.118. The applicants are proposing on-site mitigation measures through the provision of Enhanced Areas of Landscape Zones (shown on the Land use plans) which would be areas designated for retention and strengthening of existing vegetation.

9.119. The applicants have also acquired 20ha of arable land located near Piddington. This site will be used for the creation of neutral grassland (comprising grassland with a high proportion of flowering grasses) and hedgerows.

9.120. The applicants have also submitted a draft Habitat Management and Monitoring Plan (HMMP) which sets out measures to maximise the biodiversity potential of retained and newly created habitats through appropriate management covering a period of 30 years.

9.121. Collectively, through on-site and the off-site measures, the applicants anticipate that this development would be able to achieve a BNG of 16% for habitat units and 11% for hedgerow units.

9.122. I note that there have been several objections to the scheme on ecology grounds including, but not limited to, residents, Fritwell Parish Council, CPRE, Tusmore Park Estate, Stoke Lyne Parish Council, BBOWT and MKA Ecology Ltd who do not think the BNG proposal is policy compliant. The Environmental Agency had also previously raised concerns that a 20ha off-site area near Piddington, which the applicants had been proposing to use, was in Flood Zones 2 and 3 and, therefore, at risk of flooding.

9.123. In November 2025 the applicants submitted the updated Ecological Survey Results (badger, dormouse, breeding birds, a Draft Habitat Management and Maintenance Plan (HMMP) and an updated statutory BNG metric.

9.124. CDC's ecology officer is happy with the update information (2024 surveys), which explains that the conclusions of the 2022 assessment of effects presented within the ES Chapter remain unchanged (no dormouse present on Albion East and no conclusive evidence of hazel dormouse on the western site etc). The additional information also explains that the applicants are no longer proposing to use the 20ha site near Piddington. Instead, for BNG, they would be achieving net gain through both onsite habitat creation and off-site unit purchase.

9.125. The Council's ecology officer has advised me that the Council needs to ensure that both methods are secured, not just the off-site units. Albion have enough significant habitat onsite that the Ecology officer strongly recommends securing the Habitat Management and Monitoring Plan (HMMP) and associated monitoring fees via a Section 106 agreement. If this were a much smaller site, or if Albion were only delivering low-distinctiveness habitats, a condition could be appropriate. However, the onsite habitats here are significant and will require ongoing management and monitoring. Without this, the site will not achieve the agreed net gain, even though they are purchasing off-site units to cover the remainder of the requirement. Therefore, it is imperative that the HMMP and monitoring fees are secured through Section 106.

9.126. The Council's previous ecology officer had initially raised concerns about the impact the proposal would have on the existing badger set and fears that due to the loss of so much foraging areas for them, they would essentially become landlocked and would like to see further buffer habitat for badgers as well as wildlife tunnels beneath all roads. The applicants have responded that, due to the size of the buildings and the foundations it will not be possible to provide further on-site buffer habitat. However, crucially, badgers are protected species and will need to be safeguarded. Consequently, a pre commencement planning condition (14) requiring a mitigation strategy prior to site clearance is recommended. This strategy shall include details of a recent survey (no older than six months) and identify whether a development licence is required and the location and timing of the provision of any protective fencing

around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority.

9.127. I do consider that the loss of so much species rich hedgerow, and the reduction in farmland birds and hairstreak butterfly, conflicts with local plan policies, and it is a harmful aspect of the development. However, I also think that, whilst the harm cannot be completely compensated, the provision of robust ecology conditions to ensure the delivery of on-site replacement hedging and off-site wildlife and planting provision, this element of the scheme would not warrant a refusal in itself. In the planning balance below, I give modest negative weight.

#### Drainage

9.128. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 181 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

9.129. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.

9.130. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.

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

9.132. This report recommends that the following drainage measures are put in place to mitigate the impacts of the development: *“Raising thresholds and building levels outside of design flood levels, providing safe access and egress around the development, directing overland flows towards areas of low risk, implementation of SuDS to manage runoff at sources thus reducing flood volume, installation of pollution prevention features to prevent contamination at discharge locations, tree planting to increase biodiversity and absorption of water, management and maintenance to ensure correct operation of all drainage systems and managing residual risks post development.*

9.133. The report goes on to recommend the following SuDS features:

- Swales
- Infiltration Basins
- Permeable Paving

- Petrol Interceptors
- Catchpits, Gullies and Line Drains
- Flows control devices

9.134. It concludes by stating that, *“Further design will be required to establish the detailed drainage network and to ensure no flooding is created on the site during the 30-year event and flooding is contained on site safely during the 100-year + 40% event.”*

9.135. On the 6 March 2025, Anglian Water, who hadn't objected to the proposal previously, objected to the scheme connecting to their foul network due to capacity constraints and pollution risk. Anglian Water also made the following comments:

*Wastewater Treatment*

- *The proposed development is situated within the catchment area of the Stoke Lyne Water Recycling Centre (WRC), which is currently classified as a Descriptive Works – a small WRC with a descriptive permit. There is no planned investment in this catchment and any additional flow poses an environmental risk to the watercourse.*
- *To overcome our objection the applicant should carry out 12 months of flow monitoring to measure the total daily volume of treated effluent being discharged from the WRC. The data should be shared with us and if it is proven that the total volume, with the addition from the proposed development, does not exceed the permitted volume for this WRC then our objection could be removed.*
- *Prior to carrying out flow monitoring the applicant needs to contact Anglian Water to discuss how this must be undertaken.*

*Used Water Network*

- *In order to overcome our objection we require that the applicant consults Anglian Water in a form of a Pre- Development enquiry (PPE) in order to define a Sustainable Point of Connection (SPOC). This will avoid the constrained network which could cause pollution and flood risk downstream. The developer is to be responsible for the infrastructure to convey foul water flows from the proposed development to the receiving network. Once a SPOC has been identified and a strategy has been agreed with Anglian Water, we would expect the applicant to submit this PPE as part of their submitted documents for this application, we will then review and respond appropriately.*

*Anglian Water is committed to supporting sustainable growth and in doing so we must continue to meet the statutory obligations whilst balancing factors such as climate change as environmental protection. However, if the LPA are minded to approve the application, despite our objection and risk of pollution, we recommend the following condition is applied:*

9.136. Whilst Anglia Water has objected to the proposal, as noted in their comments, they have said that in the event that the Council were minded to approve the application, they would require a condition to be imposed which prohibits the development from commencing until a strategic foul water strategy has been submitted to and approved in writing by the Local Planning Authority, in consultation with Anglian Water.

9.137. Consequently, the pre commencement nature of this condition would ensure that the concerns raised by Anglian Water do not come to pass because their concerns will have to be addressed/overcome before any development can take place.

9.138. Similarly, Thames Water, in their consultation response, have advised that, following initial investigations, they have identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. As a consequence, they have requested a condition be imposed which prohibits any of the buildings from being occupied until confirmation has been provided that demonstrates that either:- *"all water network upgrades required to accommodate the additional demand to serve the development have been completed; or – a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied."*

Subject to conditions, including Anglian Water's Grampian condition (35) Thames Water pre-occupation Grampian condition (34), neither the CDC Drainage officer, nor OCC, as the LLFA, have raised any objections to the proposal. Therefore, with the appropriate stringent conditions attached, the proposal would accord with relevant Local and National Planning policies and I give neutral weight to this matter in the planning balance.

### Energy

9.139. Planning plays a vital role in ensuring that developments minimise their contribution towards climate change. This is recognised by the Government and why one of the NPPF's core principles is that "*the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure (paragraph 152)*".

9.140. Cherwell District Council is committed to tackling climate change. For many years Cherwell District Council has been at the forefront of developing and implementing robust and innovative planning policies and standards to tackle climate change. In July 2019 it declared a Climate Change Emergency.

9.141. When the 2011-2031 Local Plan was adopted, it strengthened previous planning policies relating to energy in order to ensure that the Council continues to take a robust and ambitious approach to minimising carbon emissions in the district, which is why policies ESD 1 – 5 were introduced.

9.142. Policy ESD1 of the CLP 2015 covers the issue of Mitigating and Adapting to Climate Change and includes criteria under which application for new development will be considered. Included in the criteria is the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts. These requirements will include the consideration of, taking into account the known physical and environmental constraints when identifying locations for development. Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling. Minimising the risk of flooding and making use of sustainable drainage methods and reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).

9.143. Policy ESD5 of the CLP 2031 Part 1 requires new commercial development of over 1000sqm floorspace and for new residential development for 100 dwellings or more to provide a feasibility assessment of the potential for significant on-site renewable energy provision. This is expected to then be provided if it is shown to be deliverable and viable. Policy ESD4 of the CLP 2031 Part 1 also requires a feasibility assessment to be carried out for such developments to consider whether District Heating/ Combined Heat and Power could be incorporated.

9.144. Policy ESD3 of the CLP 2031 Part 1 requires that all non-residential development will be expected to meet at least BREEAM 'Very Good' standard. It also requires development to reflect high quality design and environmental standards and for water, it is expected that a higher level of water efficiency than required by the Building Regulations be sought to achieve a limit of 110 litres/ person/ per day (this applies to residential uses too).

9.145. The applicants' Environmental Statement (prepared by Quod) advises that based on measures detailed in the Travel Plan, inherent design measures to minimise energy consumption, along with the use of PV (to ensure GHG emissions from energy use of office and core areas of buildings are zero) their scheme could achieve the ESD 3 requirement of "Very Good" under BREEAM, and remove the need for any form of decentralised energy supply.

9.146. Although officers are aware of concerns over energy capacity issues in/around Bicester, NG has been consulted repeatedly and has not voiced any objection to the schemes, and it is their responsibility to supply adequate electricity to the development. On that basis, officers are not minded to consider this a reason for refusing the scheme.

9.147. Based on the above points, and the imposition of a condition (10), it is considered that the proposal would comply with the requirements of Policies ESD1, ESD2 and ESD3 of the CLP 2015.

#### Heritage

9.148. Policy ESD15 of the CLP 2015 makes it clear that new development to, or near, non-designated heritage assets, should: "Conserve, sustain and enhance designated and non-designated 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG."

9.149. Paragraph 207 of the NPPF states that "*the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*"

9.150. The applicants have included a Cultural Heritage Report in the ES, prepared by RPS. This appraisal concludes that there would not result in any adverse effects on the closest heritage assets, which are:

- Barn at SP 5487 2940, Grade II listed (List entry number: 1046400);
- Manor Farmhouse, Grade II listed (List entry number: 1369564); and
- Fewcott Farmhouse, Grade II (List entry number: 1046880).

9.151. This is a view shared by the Council's Conservation Officer, who has concluded that, overall, in terms of Heritage Assets, the development is considered to have limited direct impacts. She commented, *"The Listed barn at Baynards Farm to the north of the site is part of a farm complex that has now been converted to business use. These buildings are located adjacent to the A43 and behind a modern petrol station and fast-food outlet. It is therefore considered that the setting of the Listed barn is somewhat compromised by the existing buildings in its immediate surroundings. Because of this the proposed development of this site is unlikely to further harm the significance of the Listed Building through development within its setting. It is noted that the indicative plans show the land surrounding Baynards House mot to be developed and landscaping to the north of the site around the site entrance."*

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

9.153. Sub-section vii) of emerging Local Plan policy COM 10 makes clear that new developments should not "Reduce the historic significance of the landscapes". The proposal would comply with this part of the policy as well.

9.154. I note in one of the objection letters from Somerton Parish Council there is concern that this application, along with the Albion, Heyford 'New Town' and Puy du Fou applications, would result in a national heritage impact on Rousham House & Garden - a Grade I listed house set within a Grade I Registered Park and Garden. I requested the views of the Council's Conservation Officer on this point. Her advice was:

*"In respect of Rousham House and The Registered Park surrounding it, the significance of these heritage assets is recognised. However, because of the location of Rousham in relation to the proposed developments it is considered that there will be no direct harm to significance. It is acknowledged that the developments will visually alter the wider landscape, but this does not necessarily equate to heritage harm."*

9.155. For these reasons, this aspect of the proposal would not unduly impact of the views set out in table.4 of the Mid Cherwell Neighbourhood Plan (2018 - 2031) and is policy compliant.

#### Archaeology

9.156. RPS, on behalf of the applicants, carried out an archaeological desk-based assessment (DBA) in June 2021. This was followed by a geophysical survey between May and August 2021, which, in turn, was supplemented further by a field evaluation comprising evaluation trenches between November 2022 and January 2023.

9.157. Based on the conclusions of this work, RPS do not anticipate there would be any archaeological remains present that would preclude development or form a material design consideration.

9.158. Similarly, OCC'S Archaeologist has commented that "no archaeological deposits which will require further mitigation were recorded in the western land parcel" and raised no objection.

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

#### Residential Amenity

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

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

9.162. The three closest residential properties to the application site, which are close to the south-eastern boundary, would be the only residential properties affected by the proposal. Their views would undoubtedly be altered which is a shortcoming of the development, although Tyler Grange, in Appendix 13/11A of the ES concludes that would be no effects on residential properties above the residential visual amenity threshold (NB: this threshold is not prescriptive but is in place to ensure developments are as neighbourly as possible).

9.163. However, given the significant setback between the closest building shown on the parameter plan, and these properties (205m) and intervening landscape screening, I do not anticipate that the neighbours would experience a loss of daylight/sunlight or privacy.

9.164. Although there would be a great deal of lorry, van and car movement on the site, the Council's environmental protection officer has not objected on noise grounds, subject to conditions which also secure the proposed barrier in para 10.7.25 of the ES and the low noise road surfacing to achieve a further noise reduction of 3dB in para 10.7.29be.

9.165. Similarly, the Lighting Assessment (prepared by Light Pad) concludes that although there would be no impact to residential amenity as a result of glare arising from the lighting installation– baffles would still be used as an extra protection. On page 17, several lighting mitigation measures are proposed. The Council's Environmental Protection officer advises that these are acceptable and can be secured by condition.

9.166. Therefore, subject to conditions, this element of the proposal complies with policy ESD15 of the CLP 2011-2031 Part 1 and Policy PD6 (Control of light pollution) of the Mid Cherwell Neighbourhood Plan 2018 – 2031.

#### Loss of Agricultural Land

9.167. Paragraph 187b states that planning policies and decisions should contribute to and enhance the natural and local environment by:

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

9.168. Best and most versatile agricultural land' is defined in the Glossary on page 70 of the NPPF (Dec, 2024) as being Land in grades 1, 2 and 3a of the Agricultural Land Classification.

9.169. The Agricultural Land Classification (ALC) system sets out what it considers to be the Best and Most Versatile Agricultural Land, in the following order:

- *Grade 1: Excellent quality* agricultural land, with very few or negligible limitations to agricultural use.
- *Grade 2: Very good quality* agricultural land, with minor limitations that affect the range of crops or level of yield.
- *Grade 3: Good to moderate quality* agricultural land, with moderate limitations.

This grade is subdivided:

- *Subgrade 3a: Good quality* agricultural land, which falls under the BMVAL definition.
- *Subgrade 3b: Moderate quality* agricultural land, which does not fall under the BMVAL definition.
- *Grade 4: Poor quality* agricultural land, with severe limitations that significantly restrict the range of crops.
- *Grade 5: Very poor quality* agricultural land, with very severe limitations.

9.170. Emerging policy LEC 7 (Best and Most Versatile Land) makes clear that Best and most versatile agricultural land will be protected from unplanned development to maximise opportunities for food and other agricultural production. The policy goes on to state that:

"Development resulting in the loss of the best and most versatile agricultural land will only be supported if all of the following criteria are met:

- the development meets a demonstrable essential need in the public interest;*
- there is insufficient lower grade land available in other suitable locations;*
- the contribution to the achievement of sustainable development outweighs the need to protect the land, and*
- the likely impact on existing agricultural operations has been minimised.*

*An agricultural land classification report will be required and will require independent verification on behalf of the Council which must be paid for by the applicant."*

9.171. The limited weight that should be applied to this emerging policy notwithstanding, proposal would comply with parts a, c and d.

9.172. The applicants have submitted an Agricultural Land Assessment, prepared by Askew Land & Soil Limited. This report concludes that the site is predominantly 3b (Moderate quality agricultural land) with the remainder being classed as 3a (Good

Quality Agricultural Land) albeit the Grade 3a Good Quality land is not consistent and is mixed in with the 3b Moderate quality land.

9.173. Therefore, in developing this site, the district would be losing a small amount of the lower end of the 'best and most versatile' agricultural land (Grade 3a) which is tempered with Grade 3b (Moderate Quality land). This is a minor harm of the development. However, this harm would be countered by the creation of a great number, and a wide variety, of jobs on a short-term and long-term basis which outweigh the harm which would be fairly limited, in any event.

9.174. I also note in the Tritax's Agricultural Land Classification report, submitted under 22/01/out, sets out that the majority of agricultural land (67%) within the Cherwell District is either Very Good (Grade 2) or Good (Grade 3a) to Moderate (grade 3b) agricultural land, a percentage that is significantly higher than the national average.

#### Air Quality

9.175. Policy ESD 1: Mitigating and Adapting to Climate Change Measures contained within the Cherwell Local Plan 2011-2031 Part 1 states that measures will be taken to mitigate the impact of development within the District on climate change. At a strategic level, this will include: Distributing growth to the most sustainable locations as defined in this Local Plan; and delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.

9.176. Policy ESD 10: Air quality assessments will also be required for development proposals that would be likely to have a significantly adverse impact on biodiversity by generating an increase in air pollution.

9.177. Saved policy ENV1 contained within the Cherwell Local Plan 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted.

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

9.179. The applicants commissioned Isabel Stanley to carry out an Air Quality Assessment which concludes that the impacts of dust on the environment and people is 'low risk'. It also concludes, having used 25 existing receptors, that impacts of Nitrogen Dioxide concentrations would be negligible for 25 out of 25 receptors during the construction stage, and negligible for 24 out of 25 receptors during the development stage, where one receptor would change to 'moderate adverse'. The impact on particular matters receptors is thought to be negligible.

9.180. The conclusions of the Air Quality Assessment are that:

*"The assessment has demonstrated that the overall air quality effect of the Development on human health receptors will be 'not significant'; the Development will not cause any exceedances of the air quality objectives, or lead to any impacts that would be described as significant. Therefore, further mitigation measures are not proposed in this regard."*

9.181. The Council's Environmental Protection Officer agrees with the conclusions and raises no objection.

9.182. Moreover, having spoken with the Environmental Protection Officer (23 December 2025), he has confirmed that, subject to conditions, cumulatively (the Tritax and Albion applications combined), Air quality impacts would be of an acceptable level and that the schemes are policy compliant and he raises no objection.

9.183. Therefore, this aspect of the proposal complies with policies of ESD 1 and ESD10 of the Cherwell Local Plan:2015 and Saved policy ENV1 of the 1996 Cherwell Local Plan.

#### Public Right of Way

9.184. I note the comments from the Council's Legal Rights of Way officer (which is listed as an objection) makes reference to the updated parameter plan that shows a proposed diverted route of Ardley Footpath 109/5/10. The Legal Rights of Way officer has queried whether OCC's Countryside Service have agreed to the new alignment of the Public Right of Way (PROW).

9.185. The indicated route has remained consistent since the application was first submitted in 2021 and, my understanding is that it is largely influenced by, a), the development plot and, b), the nature of the intended use of the buildings and their associated service yards. Therefore, there is limited scope for adjustment.

9.186. Moreover, the OCC Public Rights of Way Officer has raised no objections with the principle of the PROW diversion. In fact, OCC responses suggest a draft condition which requires the submission and approval of details of the PROW improvements, in addition to requests for contributions (see 'Planning Obligations' section of this report, below) towards enhancing the nearby existing PROWs. These contributions and conditions are included in the S106 Heads of Terms and draft conditions, and the applicants have agreed to them.

9.187. In the event of approval, a formal PROW Diversion Order will be required. Further detail can be found here:

<https://www.cherwell.gov.uk/info/115/planning-process/953/public-rights-of-way>

#### Planning Obligations

9.188. The use of planning obligations to address the impact of development and ensure they are acceptable in planning terms is well established in legislation and national, regional, and local planning policy. The NPPF and Cherwell District Council's Local Plan: Part 1 2015 both recognise the importance of addressing the impacts of development and having effective mitigation in place to ensure that development can be accommodated sustainably

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

9.190. Oxfordshire County Council have requested the following contributions, which will be subject to indexation:

- Highways works contribution 1 - Signalisation of Charlotte Ave/B4100 junction - **£56,643.24**
- Highways works contribution 2 - Traffic management in Caversfield/Aunt Emm's Lane - **£14,900**
- Public Transport – Bus service serving the site - **£2,133,133**

- Public transport infrastructure (if not dealt with under S278/S38 agreement) - Bus real time information (other bus stop infrastructure to be provided as part of S278/on site highway works - **£11,352**)
- Traffic Reg Order (if not dealt with under S278/S38 agreement) - Consultation on change to speed limit on B4100 - **£4,224**
- Travel Plan Monitoring - To cover the cost to OCC of monitoring the travel plan over its life - **£3,265** for each site's framework Travel Plan & 3,265 for each unit.
- Public Rights of Way - Improvements to public rights of way in the vicinity of the sites - **£54k**
- Off-Site Highways Works - Improvements to Baynards Green roundabout, including widening, additional lanes and active travel infrastructure, as per drawing SLR 216285/A/14 Rev B. This scheme will be required prior to first occupation of any of the sites. Note that this is also a requirement of National Highways.
- Footway/cycleway link to Bicester - For all three application sites: Required for any one of the application sites prior to first occupation: footway/cycleway link to Braeburn Ave, Bicester, as shown in Appendix C
- Access Arrangements - Site access roundabout junction with B4100 and footway/cycleway link to footway/cycleway facilities forming part of Baynards Green roundabout improvements. Internal access road linking to timetable case, ducting) on internal access road (to enable the site to be served by public transport). Note that this is a combination of on and off-site highway works, and is the subject of a separate full planning application, ref 21-03266-F.

NOTE: The above represents the overall contributions required for applications 21/03267/OUT, 21/03268/OUT (Albion Land) and 22/01430/OUT (Tritax), which are considered together in this response. Those marked with an asterisk (highway works 1 and 2, and PRoW) could be split proportionately between the sites. The public transport contribution is required in full by any one of these developments coming forward, as it is needed in full to provide an adequate bus service. Likewise, the Traffic Regulation Order contribution is required in full. Travel Plan monitoring contribution is as explained above.

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

#### Other Matters

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

#### *B4100/A43 Junction*

9.193. B4100/A43 junction – my understanding is that the possibility of a crossing on the A43 north arm was ruled out early in the design process by National Highways. There isn't the available highway space, particularly on the NW corner of the roundabout by the service station. There are crossings proposed on the other three arms of the roundabout, allowing access between the sites and the facilities at the PFS.

### *B4100 Road*

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

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

### *Albion West Accessibility*

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

### *Cycle Pathway*

9.197. Cycle path: priority across access points will be given where it is safe to do so, noting points above about set back – not always sufficient land to set the crossing back far enough, in which case it may not be safe to give priority to cyclists – this will be looked at detailed design stage.

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

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

9.200. The proposed cycle path ends at Braeburn Avenue, where it is considered safe for cyclists to join the carriageway. The developers have shown (to OCC) a design where the junction radii are reduced to allow a safe transition onto the carriageway. Unfortunately, there isn't enough highway land on Braeburn avenue for a segregated cycle facility. On the B4100 south of Braeburn Avenue, there is a building close to the carriageway near the bend, which makes it unsuitable for an off-carriageway route alongside the B4100 to the A4095 junction.

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

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

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

### Positive Benefits

#### Economic

10.2. The proposals will contribute significantly to the Council's Employment Land Supply, especially at a period of time when LSH has identified a potential shortfall of 22.5ha at the upper level. Moreover, a further benefit is that the scheme would be providing logistics use in line with the aspirations of paragraphs 86 and 87 of the NPPF which

seek to meet the needs of a modern economy, support economic growth and in a suitably accessible location.

- 10.3. LSH has also concluded that a benefit of the scheme would be helping to make a contribution towards national, regional and sub-regional strategic employment requirements.
- 10.4. The proposals would provide a forecast of 400 temporary construction jobs and a great number of permanent jobs (3,000, if combined with the eastern parcel).
- 10.5. It will also help the Government realise its's ambitious plans to ensure that the Oxford – Cambridge corridor is an economic engine for the whole of the UK.
- 10.6. Very significant weight should be attached to the economic benefits of the scheme.

#### Social

- 10.7. As already noted above, there is an economic benefit arising from the provision of jobs. The proposals will provide a range of job types with a variety of different salaries. Although not every post is likely to be taken by people living locally, the job provision is still a very significant benefit, and, given its proximity to a number of nearby settlements, there will be local residents who are likely to work there during the lifespan of the development. This is reflected above in the provision of very significant weight to the economic benefits.

#### Environmental

- 10.8. The proposals committing to a minimum of 10% biodiversity net gain, through a combination of on-site replacement habitat creation and off-site unit purchase land, also carries significant weight although it is balanced out by the loss of a significant number of species rich hedging.
- 10.9. There is an existing bus service – the 500, but it is hourly, doesn't extend into the early morning and late evening, and is only funded for a limited time (until 2027) from development in Brackley. The s106 contribution, although needed to make the development less car reliant, would cover a new bus service in the event the existing service ceases to be, or be used to top it up – in which case the money would last longer. I consider this to be a neutral benefit because it is required to help make a modal shift and ensure that the development is as sustainable as is possible.
- 10.10. Similarly, the cycle and pedestrian route connecting the site with Braeburn Avenue is necessary to help reduce the need for the car. Therefore, I give this neutral weight.

#### Negatives

- 10.11. No development or construction site is silent and dark and, therefore, the development will result in impacts on the area in terms of noise and disturbance, as the development is completed. There would also be disruption through the implementation of the traffic mitigation. This is minimised through the development and implementation of construction management plans. However, some disturbance is expected. This carries moderate negative weight.
- 10.12. The development, once built, would have a significant adverse harm from a small number of views. As the most harmful view would be from the Motorway, where cars are moving at speed, I consider this harm to be modest negative rather than significant negative.

10.13. Cutting into the well-established hedgerow along the B4100 will also be harmful, but a lot of screening will be retained, and the buildings are well set back. Therefore, I afford the harm modest negative weight rather than significant negative.

10.14. I do consider that the loss of so much species rich hedgerow, and the reduction in farmland birds and hairstreak butterfly, conflicts with local plan policies, and it is a harmful aspect of the development. However, I also think that, whilst the harm cannot be completely compensated, the provision of robust ecology conditions to ensure the delivery of on-site replacement hedging and off-site wildlife and planting provision, this element of the scheme would not warrant a refusal in itself. Therefore, I give the level of harm modest negative weight when weighed against the mitigation measures.

10.15. A new 4.5km cycleway, required to make the scheme acceptable from a safety and sustainability point of view, will result in further urbanisation of the area. However, this is likely to predominantly result in the loss of scrubs and overgrown hedges that have grown out over the embankment. It wouldn't be the same level of harm as the new access points on the B4100, for example. I give moderate negative weight to this harm.

10.16. The loss of a mixture of Class 3a and 3b Agricultural Land would also be a relatively modest shortcoming of the scheme especially when weighed against the number and variety of jobs provided. Therefore, I would give modest negative weight to its loss.

## **Conclusion**

10.17. Exceptional circumstances, as required by local policy, have been demonstrated. On balance, the very significant benefits of creating a substantial amount of wide-ranging jobs in a suitably accessible location, through logistics development which will support the modern economy at national, regional and sub-regional levels, in line with National and Local Plan policies, outweigh the harms caused by developing this particular site. Although I have identified some local policy non-compliance as set out above, overall, I consider the proposal to accord with the development plan when taken as a whole, and material considerations do not justify a departure from the plan. For this reason, I respectfully recommend that planning permission be granted.

## **11. RECOMMENDATION**

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

- i. **THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- ii. **THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**

- a. Payment of financial contributions towards Signalisation of Charlotte Ave/B4100 junction
- b. Payment of financial contributions towards Traffic management in Caversfield/Aunt Emm's Lane
- c. Payment of financial contributions towards Bus service serving the site and on site highways works
- d. Payment of financial contribution towards Traffic Reg Order

- e. Payment of financial contributions towards improvements to public rights of way in the vicinity of the sites
- e. BNG provisions related to HMMP and monitoring fees.
- f. Appropriate monitoring fees for the delivery of the s106.
- h. Off-site transport improvement works.
- i. The provision of a cycle route to Bicester
- j. Provision of agreed site access arrangements

**FURTHER RECOMMENDATION: IF THE SECTION 106**

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

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

Conditions

**Phasing Plan**

1. No development shall take place except for the enabling works approved under 21/03266/F until a phasing plan covering the entire application site has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved phasing plan and each reserved matters application shall be submitted in accordance with the terms of the approved phasing plan and refer to the phase (or phases) it relates to as set out in the approved phasing plan.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

2. No development shall commence on any phase identified within an approved the phasing plan approved under condition 1 except for the enabling works approved under 21/03266/F until full details of access (insofar as not approved by this decision), layout, scale, appearance, and landscaping (hereafter referred to as

reserved matters) of the development proposed to take place within that phase have been submitted to and approved in writing by the Local Planning Authority.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

### **Reserved Matters timings**

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

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). A longer period is considered appropriate to ensure the development is viable and can progress in phases though should be restricted to eight years to ensure that the assessments made of the development's impacts as part of considering the application are still robust.

### **Quantum of Development and Use Class**

4. The development hereby permitted shall be used only for purposes falling within B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order and for no other purpose(s) whatsoever.

Reason: In order to retain planning control over the use of the site and in accordance with Government guidance contained within the National Planning Policy Framework.

5. Notwithstanding Condition 4, none of the floorspace hereby approved shall be occupied for the purposes of 'Last Mile Parcel Delivery Services'.

'Last Mile Parcel Delivery Services' means the movement of goods by parcels to residential and business users where product is moved from the warehouse shelf (or distribution centre) to the customer's doorstep by Light Goods Vehicle (LGV), as distinct from a retail warehouse and distribution centre where goods are distributed on pallets by Heavy Goods Vehicle (HGV).

Reason: To ensure, taking account of the material difference in traffic generation and impacts of last mile parcel delivery by LGV as compared to more traditional Use Class B8 uses with delivery by HGV, the traffic impact of which (above 20% occupancy) has not been assessed on the surrounding road network, in accordance with saved Policy TR1 in the Cherwell Local Plan 1996.

6. No more than 170,000sqm GIA of employment floor space shall be provided across the site as demonstrated on the 'Parameters Plans' and there shall be no units of less than 46,452sqm (500,000sqft) GIA.

Reason: To ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement, and sustainable development is achieved in accordance with Government guidance contained within the National Planning Policy Framework.

7. Notwithstanding the provisions of section 55 (2A) of the Town and Country Planning Act 1990 (as amended by Section 49 of the 2004 Act), Part 10 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Part 7, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no internal operations or extensions increasing the floor space of any buildings hereby permitted shall be carried out without the prior planning permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the provision of additional floorspace in order to maintain a satisfactory layout and sustain an adequate overall level of parking provision and servicing, and traffic generation on the site in accordance with Policy SLE4 of the Cherwell Local Plan 2011 – 2031 Part 1 and paragraph 116 of the National Planning Policy Framework.

### **Approved Plans**

8. Except where otherwise stipulated by condition, the development shall be carried out in accordance with the following plans and documents:
  - 20005-TP-002 Revision A Parameter Plan 01 Land Use
  - 20005-TP-003 Parameter Plan 02 Building Heights
  - 20005-TP-004 Parameter Plan 03 Vegetation Retention and Removal
  - 14047\_P16 Rev A Landscape Parameter Plan

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

### **Ground Levels**

9. All reserved matters submissions relating to a phase shall be accompanied by details of the existing and proposed ground levels as well as finished floor levels of all proposed buildings within that phase. Where the proposed ground and floor level details are approved as part of the reserved matters approval for that phase, the development in that phase shall be undertaken in accordance with those approved levels.

Reason: To ensure that the proposed development is in scale and harmony with its surroundings and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **Energy**

10. All applications for approval of reserved matters shall be accompanied by details of the on-site renewable energy provision to be incorporated into that phase, including the provision of solar PV. Development within that phase shall take place in accordance with the approved details of on-site renewable energy provision and no

unit shall be occupied until the approved on-site renewable energy provision serving that unit is operational and shall be retained as such thereafter. Each phase shall deliver, as a minimum, a BREEAM 'Very Good' standard.

Reason: In the interests of ensuring that major development takes all reasonable opportunities to operate more sustainably in accordance with the requirements of Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1.

## **Ecology**

### **LEMP**

11. Prior to the first occupation of any part of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

Reason: To ensure the maintenance and management of open space areas, to secure a high standard of amenity for the site and to protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

### **Environmental CEMP**

12. Development shall take place in full accordance with the Construction Environmental Management Plan (CEMP included at Appendix 6.2 of the Environmental Statement (May 2024). No development shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) based on the measures outlined in the Ecology Appraisal has been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The CEMP: Biodiversity shall include as a minimum:
  - a) Risk assessment of potentially damaging construction activities;
  - b) Identification of 'Biodiversity Protection Zones';
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - d) The location and timing of sensitive works to avoid harm to biodiversity features;
  - e) The times during construction when specialist ecologists need to be present on site to oversee works;
  - f) Responsible persons and lines of communication;
  - g) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person;
  - h) Use of protective fences, exclusion barriers and warning signs.

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

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

commencement of the development as it is fundamental to the acceptability of the scheme.

### **BEMP**

13. The development shall not commence until a Biodiversity Enhancement and Management Plan (BEMP) and a completed Statutory BNG metric for enhancing biodiversity on the site and/or elsewhere within the Cherwell District so that an overall net gain of at least 10% is achieved has been submitted to and approved in writing by the Local Planning Authority. This shall also include a timetable for provision of measures. The BEMP should also include bat and bird boxes. Thereafter, the biodiversity enhancement scheme shall be carried out and retained in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

### **Reserved Matters Ecological Surveys**

14. No reserved matters application shall be submitted unless the ecological surveys supporting this outline permission remain valid in accordance with current CIEEM guidance. Where surveys are considered out-of-date by the Local Planning Authority, the reserved matters application shall include an updated ecological walkover survey and any further species-specific surveys identified as necessary.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

### **Protected Species:**

15. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by an ecologist (Member of CIEEM or equivalent professional organisation) to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any new protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

### **Badgers Mitigation**

16. Prior to the commencement of the development hereby approved including any demolition and any works of site clearance, a mitigation strategy for badgers, which shall include details of a recent survey (no older than six months), whether a

development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

### **Seasons**

17. No removal of hedgerows, trees or shrubs nor any site clearance work (including vegetation removal) shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

### **PD Rights**

18. Notwithstanding any provisions contained within the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any Order or Statutory Instrument amending, revoking or re-enacting that order), all water supply, foul water, energy, power and communication infrastructure to serve the development shall be provided underground and retained as such thereafter except where specifically approved otherwise as part of a grant of reserved matters approval for a phase or discharge of other conditions forming part of this permission.

Reason: In the interests of ensuring that such above ground infrastructure is not constructed in unsuitable locations on the site where it would be harmful to visual amenity and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **Landscape**

19. The submission of any Reserved Matters for each phase shall be accompanied by a scheme of hard and soft landscaping works in that Development Parcel will be submitted. The submitted detail will be in general accordance with the Illustrative Strategy (Landscape).

The submitted details will include the following in relation to that phase:

- Identification of existing trees, shrubs and other vegetation to be retained;
- Wildlife habitat creation of potential benefit to protected species. The extent, location and design of such habitat shall be shown clearly and fully described;
- The creation of a visually attractive and stimulating environment for the occupiers of the future development, and other users of the site;

- Details of street furniture including bins, seating, dog bins, and boundary treatment;
- The eradication of Japanese knotweed or other invasive species on the site, if applicable;
- The replacement of trees proposed to be lost in site clearance works;
- Details of the future management of the landscape scheme;
- Ground preparation measures to be adopted;
- Full botanical details, numbers, locations, planting specifications and densities/ seeding rates of all plant material included within the landscape scheme;
- Existing and proposed levels;
- Programme for delivery of the approved scheme.
- A colour study and photomontages to inform the selection of colours, cladding, fenestration, signage and roof appearance;
- Detailed landscape design proposals that reflect the landscape strategy and include integration of car parking and employee amenity areas;
- Full details of drainage features to be designed in accordance with the landscape strategy to provide multiple benefits – wildlife, amenity, seasonal cooling and drainage; and
- Full details of all auxiliary buildings and structures including boundary treatments gatehouse, bin and bike stores.

The approved scheme shall be implemented in accordance with the relevant approved programme for delivery forming part thereof and shall be managed for at least 5 years from the completion of the relevant scheme, in accordance with the approved management details.

Reason: To ensure the satisfactory appearance of the development and protect wildlife in accordance Policies SLE1, ESD10, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework.

### **Arboricultural Method Statement**

20. Prior to the commencement of development, except the enabling works approved under 21/03266/F, an Arboricultural Method Statement, which includes tree protection measures shall be submitted to and improved in writing by the Local Planning Authority. The development shall be carried out in accordance with the statement's recommendations and shall be retained in place for the duration of the construction of the development.

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

### **Contaminated Land**

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

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy

ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

### **Lighting**

22. Prior to the installation of any external lighting, the design, position, orientation, any screening of the lighting and a full lighting strategy to include illustration of proposed light spill and which adheres to best practice guidance in relation to ecological impact, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved document.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage and harm to the environment from light pollution in accordance with Policy ESD10 of the Cherwell Local Plan 2011- 2031 Part 1, Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **Fire Hydrants**

23. No above ground works shall commence on any phase identified within the approved phasing plan, except the enabling works approved under 21/03266/F, until full details of the fire hydrants to be provided or enhanced within that phase have been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development in that phase, the fire hydrants shall be provided or enhanced in accordance with the approved details for that phase and retained as such thereafter.

Reason: To ensure sufficient access to water in the event of fire in accordance with Government guidance contained within the National Planning Policy Framework.

### **Highways**

#### **Baynards Green Improvement works**

24. Prior to first occupation of the development hereby permitted, the scheme of works to improve the highway as shown in general accordance with SLR Consulting drawing ref: 216285-A-14A Rev B titled Baynards Green General Arrangement, shall be completed and open to traffic.

Reason: To mitigate any severe or unacceptable impact from the development on the A43 Baynards Green junction in accordance with paragraph 115 National Planning Policy Framework (December 2023) and paragraph 40 DfT Circular 01/2022.

#### **Public Right of Way Improvements**

25. The development shall not commence, except the enabling works approved under 21/03266/F, until full specification details have first been submitted to and approved in writing by the local planning authority of permanent improvements to the existing public footpath through the site and including its connection to the adjacent bridleway and its proposed diversion route through the site including route, width, surfacing, drainage, boundary treatments, gates and landscaping, together with a timetable for their implementation. Thereafter the improvements shall be provided in accordance with the approved details.

Reason: to ensure that the public right of way is usable and attractive.

### Access

26. The access arrangements to the public highway, including pedestrian and cycle infrastructure connecting the parcels east of the proposed access road to the proposed improvement scheme at Baynards Green, incorporating a safe crossing point of the access road, shall be constructed in accordance with Drawing ref 17213-13 Revision O. Thereafter the access arrangements shall be provided prior to first occupation of the site in accordance with the approved details. Agreed vision splays shall be kept clear of obstructions higher than 0.6m at all times.

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

### Details

27. No development shall commence on any phase identified within the phasing plan approved under condition 1 unless and until full specification details (including construction, layout, surfacing and drainage) of the turning areas HGV and car parking spaces within that phase have been submitted to and approved in writing by the Local Planning Authority. The car parking provision shall as a minimum be in accordance with Oxfordshire County Council's Parking Standards or New Developments, or such standards as may replace it. The turning area and parking spaces shall be constructed in accordance with the approved details prior to the first occupation of the development in that phase.

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

### HGV Routing

28. The development shall not commence until details have first been submitted and approved in writing of an HGV Routing Strategy which shall set out measures to prevent HGVs travelling to and from the site during the operational phase from using routes other than approved HGV routes, which shall be in accordance with Oxfordshire County Council's Freight and Logistics Strategy. And for the avoidance of doubt these shall not include the B4100 northwest of the site access.

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

### Construction details

29. No development shall commence on any phase identified within the phasing plan approved under condition (1) except the enabling works approved under 21/03266/F, unless and full specification details (including construction, layout, surfacing and drainage) of the internal access roads, footways and segregated cycle facilities within that phase, have been submitted to and approved in writing by the Local Planning Authority. The roads, footways and cycle facilities shall be constructed in accordance with the approved details prior to the first occupation of the development.

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

### **Cycle Parking Details**

30. Prior to the first use or occupation of any phase of the development hereby permitted, cycle parking facilities shall be provided for that phase on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be in accordance with Oxfordshire County Council's Parking Standards for New Developments, or such standards as may replace it. Thereafter, the cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

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

### **Electric Vehicle Charging Points**

31. Prior to the first occupation of any phase of the development, a scheme for the provision of vehicular electric charging points to serve that phase of the development, which shall be in accordance with the Oxfordshire Electric Vehicle Infrastructure Strategy, shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of the unit they serve and retained as such thereafter.

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

### **CTMP**

32. Prior to commencement of the development hereby approved, except the enabling works approved under 21/03266/F, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority for the A43. This shall include details of phasing of the highway works. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP.

Reason: In the interests of highway safety and the residential amenities of neighbouring occupiers and to comply with Government guidance contained within the National Planning Policy Framework and to mitigate any adverse impact from the development on the A43 in accordance with DfT Circular 01/2022.

### **Signage**

33. The development shall not be occupied until a signage strategy for the site including off-site signage on nearby routes has been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be completed and signage installed in accordance with the approved details prior to the first use of any building on the site.

Reason: To ensure that traffic is directed along the most appropriate routes and to comply with Government guidance contained within the National Planning Policy Framework.

### **Travel Plan**

34. Prior to the first occupation of the development hereby approved, a Framework Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved details.

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

### **Site Travel Plan**

35. Within three months of the first occupation of each unit at the site a Site Travel Plan prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and based on the Framework Travel Plan approved under Condition32, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved details.

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

### **Drainage**

#### **Water Supply**

36. No development shall be occupied until confirmation has been provided that either:  
- all water supply network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

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

#### **Foul Water**

37. No development shall commence, except the enabling works approved under 21/03266/F, until a strategic foul water strategy has been submitted to and approved in writing by the local Planning Authority, in consultation with Anglian Water. This strategy will identify what public foul network capacity improvements are required to accommodate the flows from the development, a strategy and programme for their delivery and confirm a sustainable point of connection. Prior to occupation within any phase, the foul water drainage works for that phase must have been carried out in complete accordance with the approved strategy.

Reason: To protect water quality, prevent pollution and secure sustainable development having regard to paragraphs 7/8 and 180 of the National Planning Policy Framework.

### **Surface Water Drainage**

38. No development except the enabling works approved under 21/03266/F, shall commence until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
- Full drainage calculations for the following storm events: 1 in 1 year, 1 in 30 year and all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive Infiltration testing across the site to BRE DG 365 (if applicable), sufficient to confirm the design;
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction for the lifetime of the development; and post development in perpetuity;
- Confirmation of any outfall details;
- Consent for any connections into third party drainage systems.

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

### **SuDS As Built and Maintenance Details**

39. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- (a) As built plans in both .pdf and .dwg file format;
- (b) Photographs to document each key stage of the drainage system when installed on site;
- (c) Photographs to document the completed installation of the drainage structures on site;
- (d) The name and contact details of any appointed management company information.

Reason: To ensure that the development does not increase risk of flash flooding in an extreme storm event in accordance with the requirements of Policy ESD7 of the

Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.

40. Each reserved matters submission for any phase shall be accompanied by a detailed Surface Water Management Scheme. The scheme shall be in accordance with the details approved as part of the strategic scheme approved pursuant to Condition 36 and include all supporting information as listed in the Condition. The scheme shall be implemented in accordance with the approved details and timetable.

Reason: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards.