

**O.S. Parcel 0006 South East Of Baynards House  
Adjoining A43 Baynards Green**

**21/03266/F**

**Case Officer:** Tom Webster

**Applicant:** Albion Land

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

**Ward:** Fringford & Heyford

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

**Reason for Referral** Major Application

**Expiry Date:** 16 January 2026

**Committee Date:** 15 January 2026

---

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

**1. APPLICATION SITE AND LOCALITY**

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

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

## **2. CONSTRAINTS**

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

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

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

- Updated Dormouse survey results to go into the ES addendum;
  - Updated Breeding bird survey results to go into the ES addendum ;
  - Outline farmland bird mitigation strategy to include details of the requirements being delivered offsite (the final strategy will need to specify off-site details and include baseline surveys for the mitigation site);
  - Commitment that the farmland bird strategy will be in perpetuity ;
  - Confirmation in the ES addendum that a minimum 10% BNG can and would be achieved;
  - Confirmation of purchase of hedgerow units from a BNG habitat bank (the closer the site is to the development, the better);
  - Finalised Impact Assessment for habitats and protected species based on updated survey results;
  - Mitigation and enhancement strategy; and
  - Updated biodiversity metric and HMMP.
4. The Council received letters of objection from Richard Buxton Solicitors, acting on behalf of Stoke Lyne Parish Council and The Tusmore Estate, alleging, amongst other things, that the applicants' ES was inadequate, that officers had misdirected Members at Committee, that all the Baynards Green applications should be considered concurrently and should be presented again at Planning Committee for redetermination, exceptional circumstances had not been demonstrated to justify any approval and the Council's own economic evidence in support of its emerging Review Local Plan shows there to be sufficient employment land already. The letters are published in full online, and the have been summarised in the 'Consultation' part of this report under Stoke Lyne Parish Council.
5. The wording of the planning conditions and s.106 agreement has progressed – it is anticipated that an agreed list of recommended conditions and an agreed draft s.106 agreement will be in place by the time of Planning Committee
- 3.3. The actual description of development remains unchanged: Planning permission is sought for the construction of a new access roundabout from the B4100 as well as the construction of an internal roundabout and connecting roadway.
- 3.4. These works constitute enabling works to help facilities the proposed logistics scheme of 170,000sqm GIA of XXL logistics units with ancillary office space, which is the subject of separate application ref: 21/03267/OUT.
- 3.5. The enabling works will also include the construction of a bus layby, foul drainage station, a temporary road, as well as the installation of in-ground services, the diversion of an existing overhead cable and the existing Public Right of Way (PROW) which cuts across the site east down to the southern boundary, and soft landscaping.
- 3.6. For the avoidance of doubt, the works will comprise:
- Clearance of existing vegetation (Crops & Hedges) and existing agricultural storage building;
  - Construction of a new access roundabout on the B4100;
  - Construction of an internal roundabout, including adjacent footpaths, landscape verge and street lighting;
  - Construction of a 7.3m wide roadway (and adjacent footpaths, landscape verge, street lighting and a bus layby) to connect the new roundabouts;

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

3.7. This application seeks full planning permission to afford access to the adjoining land to the SW of the B4100, which is the subject of a separate outline planning application (all matters reserved except means of access) for 170,000sqm GIA of logistics (Use Class B8) and 10,000sqm ancillary office (Use Class E(g)(i)) floorspace, and the construction of associated parking, servicing, hard and soft landscaping.

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

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

##### O.S. Parcel 0006, SE of Baynards House, Adjoining A43, Baynards Green

21/03267/OUT - Outline planning permission (all matters reserved except for access) for the erection of buildings comprising 100,000sqm logistics (Use Class B8) and 7,000sqm ancillary Office (Use Class E(g)(i)) floorspace and associated infrastructure; construction of new site access from the B4100; creation of internal roads and access routes; and hard and soft landscaping – *to be determined*.

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

21/03268/OUT - Outline planning permission (all matters reserved except for access) for the erection of buildings comprising 170,000sqm logistics (Use Class B8) and 10,000sqm ancillary Office (Use Class E(g)(i)) floorspace; construction of new site access from the B4100; creation of internal roads and access routes; hard and soft landscaping including noise attenuation measures; and other associated infrastructure – *to be determined*.

4.2. Also, of relevance to the current proposal are:

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

22/01340/OUT - Application by Tritax Big Box for outline planning permission (all matters reserved except means of access (not internal roads) from B4100) for the

erection of buildings comprising 300,000sqm logistics (use class B8) with ancillary offices (use class e(g)(i)) floorspace; energy centre, hgv parking, construction of new site access from the B4100; creation of internal roads and access routes; hard and soft landscaping; the construction of parking and servicing areas; substations and other associated infrastructure – *to be determined*.

- 4.3. In addition, the land to the northwest of the Baynards Green roundabout, behind the petrol filling station and restaurant, was the subject of a speculative outline planning application for a mixed B1, B2 and B8 employment development of 7,161sqm floorspace in 2018 (Ref: 18/00672/OUT). Planning permission was refused for that development proposal and a subsequent appeal (Ref: APP/C3105/W/19/3225084) was dismissed. The reasons for those decisions are available to see on the Council's planning applications website.

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

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

## **6. RESPONSE TO PUBLICITY**

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

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

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

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

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

- Increased jobs would lead to pressure for more houses.
- There is no public transport available to this site & cycling along the surrounding roads is extremely dangerous as they are either dual carriageway or have a high volume of traffic.
- Inappropriate design, appearance and materials.
- Would result in overlooking and a loss of privacy and light and also overshadowing.
- Impact on the conservation area.
- Would cause flooding.
- Would harm the wildlife.
- Noise impact on the residents of Stoke Lyne and Hardwick.
- The removal of agricultural land and is at odds with the drive towards a plant-based diet.
- Ironically, the ES statement lists agriculture as being the second highest in the applicants' assessment of Gross Value Added per worker. Transportation and storage are 9th on the list.
- Not satisfied that the applicant has adequately demonstrated that there will no impact to great crested newts and/or their habitat as a result of the development being approved.
- It is acknowledged that significant weight should be placed on supporting economic growth in the logistics sectors as outlined with the NPPF (2023). However, a logistics development of this nature and scale would be far more suitable and sustainably located adjacent or in close proximity to Banbury, Bicester or Kidlington.

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

## **7. RESPONSE TO CONSULTATION**

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

### **PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS**

7.2. **Evenley Parish Council:** **Object**

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

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

### 7.3. Fritwell Parish Council: **Object**

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



Brightness, this would be compromised by additional light pollution from this planned facility. We enjoy good air quality in Fritwell despite the proximity of the motorway, this will be compromised by this development.

7.4. Somerton Parish Council – **Objects** for the following reasons:

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

7.5. Stoke Lyne Parish Council: - **Objects**

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

1. *they are proposing development outside the limits of the development\_areas of Bicester, Banbury and Kidlington, and that the proposals will not\_bring with them the higher technology industries described in the plan SO1)\_or can be considered to support the development of a knowledge-based\_economy to create the desired support the creation of a globally competitive\_and lower carbon economy.*
2. *They do nothing to protect and enhance the natural environment or to\_minimise pollution in a rural area (SO15).*
3. *It will not help strengthen the rural economy or increase employment\_opportunities*
4. *The proposals are outside the boundaries of development proposals for\_either Bicester or Banbury and are situated on land where no development\_has been allocated in the Local Plan.*
5. *It is contrary to Policy SLE1 in that it is not an existing site, it is not within the\_built up limits of the settlement with no access by sustainable modes of\_transport, and the application being of a rural nature, fails to fails to comply\_with requirement to respect the rural nature of the area and the local\_villages, it will, by significantly increasing road use, have a detrimental effect\_on the highway network, at a time when other proposals – HS2, East/West\_Rail etc will also put pressure on the road network around J 10 of the M40\_motorway.*

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

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

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

Update: Of major concern is:

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

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

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

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

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

- The provision of jobs does not amount to exceptional circumstances to justify employment development under policy SLE1 and, if allowed, would set a precedent that would undermine the spatial strategy and the local plan;
- The Cherwell Local Plan Review 2024 Employment Topic Paper July 2025 makes clear that the supply of employment land with the district exceeds, even at the upper Level;
- LUC identify significant landscape impacts which further conflicts with policy SLE1;
- Committee were not given any advice on potential conflict with emerging policy;

- The application has not been assessed against the Emerging local plan policies LEC3 & there is conflict;
- The development would not be on previously developed land;
- The applicants have not offered alternative land;
- The Council's Ecologist and the Wildlife Trust are clear that without information explaining where and how species losses would be compensated, it is not possible to properly assess the impacts of the scheme;
- The application would result in the destruction of 2.46km of species rich hedgerow and loss of habitat for brown hairstreak butterfly and a wide range of wild birds including skylarks;
- In a recent appeal decision (APP/I3245/W/24) the Inspector concluded that a condition for a farmland bird strategy would not provide sufficient certainty;
- Therefore, the proposal does not comply with Natural England's Advice for Wild Birds, Natural England's Standing Advice and para 193(a) of the NPPF 2024;
- Inadequate breeding birds surveys, many of which are out of date;
- Members were misdirected by officers of Anglian Water response;
- Not the most sustainable location;
- Absence of SRFI, Puy du Fou and Heyford 'New Town' from the ES Cumulative impact assessment.

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

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

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

The ornithological assemblage at the proposed receptor site at Piddington is not understood and its promotion as a mitigation site for the loss of farmland assemblage cannot be reliably taken forward without an understanding of the baseline. Moreover, proposed restoration of this site has not evaluated the baseline soil composition and

may not be achievable given a conversion from arable to neutral grassland for anything beyond poor condition.

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

## STATUTORY CONSULTEES

### 7.6. OCC Archaeology: **No Objections**

No archaeological deposits which will require further mitigation were recorded in the western land parcel, which is subject to apps. 21/03267/F or the eastern land parcel (application 21/03268/OUT).

### 7.7. BBOWT: **Object**

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

### 7.8. CDC Conservation: **No Objection**

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

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

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

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

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

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

#### 7.9. Campaign to Protect Rural Oxfordshire – Objection

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

#### 7.10. CDC Ecology – No objection, subject to conditions & s.106 agreement

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

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

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

- HMMP and monitoring fees secured for onsite BNG
- Finalised Farmland Bird Mitigation Strategy

For clarity, the conditions required are:

21/03266/FUL (West clearance/enabling works)

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

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

7.12. Environmental Agency: **No Objections**

7.13. OCC Highways: **No Objection**, subject to conditions & s.106 agreement

#### *Original comments*

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

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

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

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

#### *Update*

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

It is important to reiterate that the Albion/Tritax proposed improvements to Baynards Green Roundabout (on which all three developments rely to make them acceptable) rely on small amounts of land on the Tritax and Albion E site, needed to provide sufficient forward visibility to signals. This means that the S106 agreements for each

will need to include the other respective landowners. At the time of writing, S106 agreements are being drafted, and we understand this point has been agreed.

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

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

The application concerns enabling works for the development at the same location which is the subject of application 21/03268/OUT. National Highways has no objection in principle to this planning application, but recommends to West Northamptonshire Council that the following conditions are attached to any grant of planning consent in the interest of maintaining the safety and integrity of the A43.

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

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

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

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

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

*Original comments:*

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

prejudice to the desirability/outcome of any application to divert PRow. The existing/alterd footpath connection to opposite the services should be retained.

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

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

7.20. Thames Water: **No objection**, subject to a pre-occupation Grampian condition

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

Thames Water are currently working with the developer of application 21/03266/F to identify and deliver the off site water infrastructure needs to serve the development. Works are on going to understand this in more detail and as such Thames Water feel it would be prudent for an appropriately worded planning condition to be attached to any approval to ensure development doesn't outpace the delivery of essential infrastructure.

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

Reason - The development may lead to low / no water pressures and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid low / no water pressure issues." Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (e-mail: devcon.team@thameswater.co.uk) prior to the planning application approval.

OTHER CONSULTEES

7.21. Bicester BUG:

**B4100 Road**

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



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

### **Albion West Access**

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

### **Cycle Path**

Priority needs to be continuous across access points.

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

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

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

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

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

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

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

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

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

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

retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

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

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

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

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

#### MID CHERWELL NEIGHBOURHOOD PLAN 2018 - 2031

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

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

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

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

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

The Cherwell Local Plan Review 2020-2042 was submitted for examination, at the end of July 2025, but there are numerous objections to the policies and there has yet

to be any hearing sessions. The initial sessions are currently scheduled for February 2026.

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

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

### 8.3 Other Material Planning Considerations:

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

#### Draft NPPF

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

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

## 9. APPRAISAL

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

- Principle of development
- Landscape/impact on the character of the area
- Highways Impact
- Ecology
- Drainage
- Residential Amenity
- Other Matters

#### Principle of Development

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

#### Highway Safety

- 9.5. Paragraph 116 of the NPPF 2024 (December) states that: *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.
- 9.6. Policy ESD15 of the CLP 2031 Part 1 states, amongst other matters, that new development proposals should: be designed to deliver high quality safe...places to live and work.
- 9.7. OCC Highways were consulted and whilst they are comfortable with the principle of the proposal. They had raised highways safety concerns. An updated highways plan has been submitted as part of the Transport Topic Paper Addendum, in Appendix E. This has partially addressed OCC Highways previous comments, by providing a footway on the western side of the access road and an informal crossing for pedestrians at the splitter island of the roundabout.
- 9.8. However, OCC Highways considered it potentially unsafe because of the proximity of the footway/crossing to the roundabout. Their view was that it would feel uncomfortable for pedestrians and cyclists to use this crossing, given the large number of turning HGVs.
- 9.9. Following detailed discussions with OCC Highways Officers, the applicants have responded to OCC Highways concerns by submitting plan 17213-13 Revision O and a Road Safety Audit (RSA). The plan includes:

- a) A parallel crossing provided further into the site.
  - b) an increased verge width of 0.5m on the western side; and
  - c) 3m surfaced area duly moved 0.5m across to the west.
  - d) Belisha beacons have been added too.
- 9.10. The RSA recommends the need for the access link to be subject to 30mph (or by inference lower) speed limit restriction. OCC Highways are now satisfied with the proposal.
- 9.11. Subject to conditions, this aspect of the proposal complies with national and local planning policy.

#### Residential Amenities

- 9.12. The NPPF identifies, as a core planning principle, that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.13. This core principle is reflected in Policy ESD15 of the CLP 2011-2031 Part 1, which states that new development proposals should: *“consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.*
- 9.14. Given the significant setback between the access into the site, the internal roads and the internal roundabout, from the closest neighbouring residential property (135m – 146m respectively, I do not anticipate this proposal materially impacting on the existing amenities of the neighbours.
- 9.15. Noise, lighting and dust, resulting from the site clearance and construction works, will be controlled by conditions to ensure compliance with national, local and neighbourhood plan policies.

#### Public Right of Way

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

#### Landscape and Visual Impact

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

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

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

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

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

- i. Cause an unacceptable visual intrusion into the open countryside;*
- ii. Be inconsistent with local character;*
- iii. Introduce disturbances to areas with a high level of tranquillity;*
- iv. Cause coalescence between settlements;*
- v. Harm the setting of natural, built and historic landmark features, or*
- vi. Reduce the historic significance of the landscapes.*

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

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

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

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

- 9.24. LUC's full report can be found on public access, but, in short, the conclusions are that the Albion proposals would not be fully compliant with all of Policy COM 10 due to the significant effects on landscape character due to the proposals' size, scale and character, albeit I think the LUC conclusions relate more to the Logistics applications than this site access and site clearance application. LUC's Landscape Architect writes:

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

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

*There would also be significant effects on landscape character of the site and locality due to the proposal's size, scale and character and so for this reason the proposal would not be fully compliant with Policy COM 10 (criterion ii). The way in which the reserved matters applications are brought forwards (including the detailed design of, and materials used for, the buildings and landscape proposals) would be influenced by the way in which the development fits with landscape character. This should aim to use materials that are sympathetic to local character, and provision of a minimum of 35m locally appropriate (and climate resilient) woodland screen planting for the development edges that adjoin the existing rural landscape/ B4100 / Baynard's Green"*

- 9.25. LUC's report also concluded that the Albion's proposal to the east of the A43 is just outside this designated area (the other side of the B4100) and, therefore, would be visible from the Local Landscape Designation (LLD) but would not directly affect the land within it.
- 9.26. LUC commented that the Albion Land proposal east of the A43 *"would affect the sense of rurality and farmland fields on the south-western boundary of this LLD and views from the south-western edge of the LLD, but this is not considered to result in loss or harm to the aspects of landscape value and qualities of the landscape for which it is designated or the integrity of the designation. The proposal would therefore comply with COM 11"*
- 9.27. LUC also concluded that "Tritax would have a greater influence on the LLD than Albion Land's proposals and the combined effect of both would be very similar to the effect of Tritax alone.
- 9.28. LUC's conclusions notwithstanding, it is important to acknowledge that whilst the emerging Local Plan policies now carry more weight than they did at the 3 July 2025 Planning Committee, the emerging Local Plan has not been through the rigour of an Examination in Public. There remain objections to these policies whilst they await examination. Therefore, only limited weight can be applied to these emerging policies, at this stage. By contrast, the NPPF 2024 and the Local Plan: Part 1 2031 do still carry full weight.

## Ecology

- 9.29. Policy ESD10 (Protection and Enhancement of Biodiversity and the Natural Environment) seeks to protect and enhance biodiversity and the natural environment.
- 9.30. Policy ESD10 sets out 12 criteria for how biodiversity and the natural environment will be achieved. The criteria include achieving a net gain in biodiversity, protection of existing trees, increasing the number of trees through planting of new trees and incorporation of features to encourage biodiversity.
- 9.31. Policy BL11 states that all development shall be encouraged to respect the local character and the historic and natural assets of the area. Policy BL11 goes on to state that development should take opportunities to protect and wherever possible enhance biodiversity and habitats.
- 9.32. These policies are both supported by paragraph 187 of the NPPF which states that planning policies and decisions should contribute to, and enhance, the natural and local environment by minimising impacts on and providing net gains for biodiversity.
- 9.33. Cherwell Local Plan policy ESD11 states: *“Development which would prevent the aims of a Conservation Target Area being achieved will not be permitted.”*
- 9.34. Moreover, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.35. The PPG dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.
- 9.36. Tyler Grange, on behalf of the applicants, have conducted an Ecology Appraisal and provided additional foraging information and a HHMP.
- 9.37. This information confirms that 2.6km of hedgerow (some of it is species rich) across this parcel of land and Albion’s Eastern parcel, on the other side of the A43, would be lost and a general loss of habitat for farmland birds (Lapwing, Skylark, Yellowhammer) and the hairstreak butterfly.
- 9.38. The applicants are proposing on-site mitigation measures through the provision of Enhanced Areas of Landscape Zones (shown on the Land use plans) which would be areas designated for retention and strengthening of existing vegetation.
- 9.39. The applicants have also acquired 20ha of arable land located near Piddington. This site will be used for the creation of neutral grassland (comprising grassland with a high proportion of flowering grasses) and hedgerows.
- 9.40. The applicants have also submitted a draft Habitat Management and Monitoring Plan (HHMP) which sets out measures to maximise the biodiversity potential of retained and newly created habitats through appropriate management covering a period of 30 years.
- 9.41. Collectively, through on-site and the off-site measures, the applicants anticipate that this development would be able to achieve a BNG of 16% for habitat units and 11% for hedgerow units.



- 9.42. I note that there have been several objections to this scheme and the outline application on ecology grounds including, but limited to, residents, Fritwell Parish Council, CDC Ecology, CPRE, Tusmore Park Estate & BBOWT who do not think the BNG proposal is policy compliant. The Environmental Agency also raised concerns that the 20ha off-site area near Piddington is in Flood Zones 2 and 3 and, therefore, at risk of flooding.
- 9.43. *Update:* In November 2025 the applicants submitted the updated Ecological Survey Results (badger, dormouse, breeding birds, a Draft Habitat Management and Maintenance Plan (HMMP) and an updated statutory BNG metric.
- 9.44. CDC's ecology officer is happy with the update information (2024 surveys), which explains that the conclusions of the 2022 assessment of effects presented within the ES Chapter remain unchanged (no dormouse present on Albion East and no conclusive evidence of hazel dormouse on the western site etc). The additional information also explains that the applicants are no longer proposing to use the 20ha site near Piddington. Instead, for BNG, they would be achieving net gain through both onsite habitat creation and off-site unit purchase.
- 9.45. The Council's ecology officer has advised me that the Council needs to ensure that both methods are secured, not just the off-site units. Albion have enough significant habitat onsite that the Ecology officer strongly recommends securing the Habitat Management and Monitoring Plan (HMMP) and associated monitoring fees via a Section 106 agreement. If this were a much smaller site, or if Albion were only delivering low-distinctiveness habitats, a condition could be appropriate. However, the onsite habitats here are significant and will require ongoing management and monitoring. Without this, the site will not achieve the agreed net gain, even though they are purchasing off-site units to cover the remainder of the requirement. Therefore, it is imperative that the HMMP and monitoring fees are secured through Section 106.
- 9.46. The Council's previous ecology officer had initially raised 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.
- 9.47. However, crucially, badgers are protected species and will need to be safeguarded. Consequently, a pre commencement planning condition (5) requiring a mitigation strategy prior to site clearance is recommended. This strategy shall include details of a recent survey (no older than three months) and identify whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Condition 6 will also ensure that, prior to the commencement of development, including any works of site clearance, a licence shall be obtained from Natural England.
- 9.48. I do consider that the loss of so much species rich hedgerow, and the reduction in farmland birds and hairstreak butterfly, conflicts with local plan policies, and it is a harmful aspect of the development. However, I also think that, whilst the harm cannot be completely compensated, the provision of robust ecology conditions to ensure the delivery of on-site replacement hedging and off-site wildlife and planting provision, this element of the scheme would not warrant a refusal in itself. Therefore, I give modest negative weight to this element.

### Drainage

- 9.49. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 181 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 9.50. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.
- 9.51. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.
- 9.52. A new water main would be installed in order to provide points of connection to the future buildings. The water main will follow the alignment of the proposed access road. The new water main will pass along the B4100 to the north of the Site towards its junction with the A43. The necessary works to the public highway will be secured via a S278 Agreement.
- 9.53. The proposed enabling works also include the installation of a foul water drainage station to serve the Site. The foul water drainage station will be located in the southeastern corner of the Site.
- 9.54. Two swales will be installed within the Site. One will be adjacent to the internal roundabout and the other will be located in the southeastern corner of the Site.
- "The swales will provide a sustainable drainage function within the Site. Water will drain towards the larger swale located in the southern corner of the Site. Water from the largest swale will drain at greenfield rate to a local ditch."* (para 4.21 of the planning statement)
- 9.55. The applicants, in their updated submission documents, have included an updated Flood Risk Assessment (September 2024), prepared by Bailey Johnson Hayes Consulting Engineers.
- 9.56. This report recommends that the following drainage measures are put in place to mitigate the impacts of the development: *"Raising thresholds and building levels outside of design flood levels, providing safe access and egress around the development, directing overland flows towards areas of low risk, implementation of SuDS to manage runoff at sources thus reducing flood volume, installation of pollution prevention features to prevent contamination at discharge locations, tree planting to increase biodiversity and absorption of water, management and maintenance to ensure correct operation of all drainage systems and managing residual risks post development."*

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

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

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

9.59. Thames Water, in their consultation response, have advised that they are currently working with the developer of application 21/03266/F to identify and deliver the off site water infrastructure needs to serve the development.

9.60. Presently, Thames Water have identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. As a consequence, they have requested for a Grampian condition to be imposed to the Outline application for this site (21/03268/OUT) which prohibits any of the buildings from being occupied until confirmation has been provided that demonstrates that either:- *“all water network upgrades required to accommodate the additional demand to serve the development have been completed; or – a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied.”*

9.61. Subject to condition **14**, neither Thames Water, the CDC Drainage officer, nor OCC, as the LLFA, have raised any objections to the proposal. Therefore, with the appropriate stringent conditions attached, the proposal would accord with relevant Local and National Planning Policies, and I give neutral weight to this matter in the planning balance.

#### Archaeology

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

#### Planning Obligations

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

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

9.65. Oxfordshire County Council have requested a public rights of way contributions, which will be subject to indexation, and the Council's Ecology Officer has requested that a Habitat Management and Monitoring Plan (HMMP) and associated monitoring fees are secured via a s.106 agreement.

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

*Habitat Management and Monitoring Plan* - and associated monitoring fees

#### Other Matters

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

##### *B4100 Road*

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

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

##### *Albion West Accessibility*

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

##### *Cycle Pathway*

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

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

- 9.72. Noted re rails and fencing, but we have accepted that there will be narrowing's in places where there are constraints.

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

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

## **10. CONCLUSION**

- 10.1. The proposed site clearance and construction of a new site access from the B4100, along with the creation of permanent and temporary internal roads, an internal

roundabout, a foul drainage station, the diversion of an existing overhead power cable and public right of way, and the provision of soft landscaping, is considered to be acceptable and in accordance with the NPPF (Dec 2024), the Cherwell Local Plan: Part 1 (2015) and the Mid-Cherwell Neighbourhood Plan (2018 -2031).

- 10.2. Accordingly, it is recommended that, subject to conditions and s 106 agreement, planning permission be granted.

## **11. RECOMMENDATION**

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

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

- b. Payment of financial contributions towards improvements to public rights of way on the site
- e. BNG provisions related to HMMP and monitoring fees.
- f. Appropriate monitoring fees for the delivery of the s106.

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

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

### Conditions

### **Time Limit**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

### **Approved Plans**

2. Except where otherwise stipulated by condition, the development shall be carried out in accordance with the following plans and documents:

- 20005 - TP - 001 Site Location Plan
- S1299-P-02 – Proposed Site Plan
- S1299-P-03 – Proposed Site Sections
- S1299-P-04 – Infiltration Drainage Basin Details
- S1299-P-05 – Drainage Spur Details
- 1717-ESC-00-ZZ-SK-Z-0002 Rev PO – Services Layout – Electricity
- 717-ESC-00-ZZ-SK-Z-0003 Rev PO – Services Layout – GTT Fibre
- 717-ESC-00-ZZ-SK-Z-0004 Rev PO – Services Layout – BT Openreach
- 717-ESC-00-ZZ-SK-Z-0005 Rev PO – Services Layout – Water
- 717-ESC-00-ZZ-SK-Z-0006 Rev PO – Services Layout – Existing Utilities
- 17213-13-GA Rev O – Western General Access with Parallel Crossing
- Lighting Assessment (prepared by Light Pad)
- Air Quality Assessment (prepared by part of the Logika Group)
- Site Specific Flood Risk Assessment & Drainage Strategy - Issue 4 September 2024

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

### **Ecology**

#### **CEMP**

3. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
- f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- g) Use of protective fences, exclusion barriers and warning signs.
- h) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.
- i) No removal of hedgerows, trees or shrubs nor any site clearance work (including vegetation removal) shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in

the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

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

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

#### Protected Species

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

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

#### Badger Surveys

5. Prior to the commencement of the development hereby approved including any demolition and any works of site clearance, a mitigation strategy for badgers, which shall include details of a recent survey (no older than three months), whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

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

#### Badger licence

6. Prior to the commencement of the development hereby approved, including any works of site clearance, a licence shall be obtained from Natural England for any works likely to result in an offence under the Badger Act 1992.

Reason: To ensure compliance with the Protection of Badgers Act 1992 and the Wildlife and Countryside Act 1981, and to prevent harm to a protected species and its habitat, in accordance with Policy ESD10 of the Cherwell Local Plan 2011–2031 and national guidance in the National Planning Policy Framework.

### BEMP

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

Reason: To ensure the development delivers a measurable net gain for biodiversity, in accordance with Policy ESD10 of the Cherwell Local Plan 2011–2031 and national guidance set out in the National Planning Policy Framework.

### Unexpected Contamination

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

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

### Arboricultural method statement

9. Prior to the commencement of development, an arboricultural method statement, which includes tree protection measures shall be submitted to and improved in writing by the Local Planning Authority. The development shall be carried out in accordance with the statement's recommendations and shall be retained in place for the duration of the construction of the development.

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

### Lighting

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

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



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

#### Access Arrangements

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

#### Excavation Works

12. Prior to the commencement of any works associated with the approved infiltration basin or pumping station/treatment works in the south-east of the site, geotechnical submissions shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with the Highway Authority for the A43 and M40).

Reason: To mitigate any adverse impact from the development on the A43 and M40 in accordance with DfT Circular 01/2022.

#### CTMP

13. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority for the A43 and the local highways network. This shall include details of phasing of the highway works. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP.

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

#### Surface Water

14. No development shall commence until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
- Full drainage calculations for the following storm events: 1 in 1 year, 1 in 30 year and all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive Infiltration testing across the site to BRE DG 365 (if applicable), sufficient to confirm the design;

- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction for the lifetime of the development; and post development in perpetuity;
- Confirmation of any outfall details;
- Consent for any connections into third party drainage systems.

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