

**Os Parcel 6124 East Of Baynards Green Farm  
Street To Horwell Farm Baynards Green**

**22/01340/OUT**

**Case Officer:** Tom Webster

**Applicant:** Tritax Symmetry Ardley Ltd.

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

**Ward** Fringford & Heyford

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

**Reason for Referral:** Major application

**Expiry Date:** 7 January 2025

**Committee Date:** 15 January 2025

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

**1. APPLICATION SITE AND LOCALITY**

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

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

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

## **2. CONSTRAINTS**

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

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

3.1 This application was previously presented at Planning Committee on the 3 July 2025. During that Planning Committee Officers recommended that the application be approved, but Members overturned that recommendation and resolved to refuse the planning application on grounds that there would be unjustified visual intrusion and harm into the open countryside and that the scheme would therefore be contrary to adopted Local Plan policies ESD13 and ESD15, as well as Government guidance within the National Planning Policy Framework (NPPF).

3.2 However, since then, there has been several material changes in circumstances. They are:

1. The applicants submitted significant landscape and ecological changes to the proposed scheme, designed to address the Committee concerns and its resolution to refuse outline planning permission.
2. 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.
3. On the 30 October 2025, the Council issued a Town and Country Planning (Environmental Impact Assessment) Regulations 2017 Regulation 25 request for further information in respect of the Application. The Regulation 25 letter requested that the Oxfordshire Strategic Rail Freight Interchange ("SRFI") be included in an amended ES, as part of an updated cumulative impacts assessment. The Council are of the opinion that this is required to ensure the legal adequacy of the ES. The Applicant has undertaken this work and submitted the conclusions.
4. The Regulation 25 Letter also recommended that the following supplementary information be submitted:
  - *Updated Bat Survey report*
  - *Updated Dormouse survey report*
  - *Commitment that the farmland bird strategy will be in perpetuity*
  - *Confirmation in the addendum that a minimum 10% BNG can be achieved*
  - *Finalised Impact Assessment for habitats and protected species based on updated surveys*
  - *Mitigation and enhancement strategy*
  - *Updated biodiversity metric and HMMP*

*NB: In response to the Council's Regulation 25 Letter, the applicants submitted the following information: "An ES Addendum ("the November ES Addendum") - with Chapters of this addendum which provides an update to the cumulative environmental assessment ("CEA"); an addendum chapter for Transport; and an update to the Ecology ES chapter."*

5. 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, that exceptional circumstances had not been demonstrated to justify any approval and that the Council's own economic evidence in support of its emerging Review Local Plan shows there to be sufficient employment land already. The letters are published in full online, and they have been summarised in the 'Consultation' part of this report under Stoke Lyne Parish Council.

6. 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 Turning to the significant new landscape and additional ecology information which the applicant submitted shortly after the 3rd July 2025 Planning Committee, it is important to note that this information was received inside a re-consultation period.
- 3.4 Officers consider the proposals, which have been consulted on, to be so significant (and also an improvement on the previous scheme) that they materially alter the development proposal and its relationship with the receiving environment. Therefore, these changes, in themselves, necessitate the application being returned to Committee for reconsideration.
- 3.5 For completeness, the additional proposals, which are set out in a combination of a Landscape Mitigation and Management Note (Ref: edp2355\_r034b), a revised Parameter Plan (14-019 SGP XX XX DR A 131003 Rev P14), bund height revised by conditions securing first two amendments as set out below, a Biodiversity Net Gain metric and an addendum (Chapter 8: Biodiversity & Chapter 9: Landscape) to the Environmental Statement, and off site mitigation measures (14-019-SGP-STE-XX-DR-A-111005 Rev P02), which cumulatively comprise:
- Increasing the height of the proposed landscape bund along the entire eastern boundary in Zone A of the red-edged application site by 1m to a height of 120.2m AOD (these are minimums) (making the bund up to 7.2m - 11m high – these are minimums);
  - Increasing the height of the proposed landscape bund along the entire eastern boundary in Zone B of the red-edged application site by 3.5m to a height of 120m AOD (these are minimums) (making the bund up to 11m high);
  - A commitment to fully form the bunds within 18 months of the commencement of development on Zone A and on Zone B. The bunds shall be planted in accordance with a structural landscaping scheme that has been submitted to and approved by the LPA. The details shall be pursuant to the approved Landscaping Matrix Ref edp2355\_d064a, which is included in the Landscape Management Note edp2355\_r043c. The detailed landscaping scheme shall be completed within the first planting season following the formation of the bunds;
  - An increase in the specification of strategic landscape planting proposals within the red-edge application site to include semi-mature trees, which would be planted at Day-1 at 5-5.5m height and, depending upon their species, would achieve typical heights at 15-years of between 7.4 - 7.9m height (Oak) and 12.2-13.2m height (Scots Pine);
  - A commitment that the landscaping of the bunds shall be managed in accordance with details to be submitted to and approved by the LPA pursuant to the provisions of the approved draft Landscape and Ecological Management Plan reference edp2355\_r033bc including arrangements for the irrigation of planted trees. Any tree that dies or is damaged within 10 years of the completion of a bund (on either phase) shall be replaced with a tree of similar type and size as originally planted within the first planting season thereafter. Any tree that is replanted shall be managed for a period of 10 years following the replanting;

- Creation of 3km of off-site linear woodland planting (comprising approximately 8,100 trees and 12,900 whips across 6ha of land); and
- Creation off-site of a block of 5ha of woodland (comprising approximately 4,000 trees and 6,000 whips);
- A net gain of +10.13% in habitat units and +10.48% in hedgerow units;
- A reduction in net loss of hedgerow units from -11.82% down to 7.43%;
- A BNG enhancement of at least 10% (the outline application was submitted for planning approval prior to February 2024 and therefore is not subject to mandatory Net Gain); and
- An offsite Farmland Bird Mitigation Strategy which will be delivered for a period of 25 years. In summary, the proposed mitigation will entail the provision of 20 hectares of cereal crop with skylark plots. The skylark plots will be delivered with reference to best practice guidance (AHW4: Skylark Plots) at a rate of two per hectare. The mitigation will be delivered for a period of 25 years; and details of the on-site provisions set out to compensate for loss of breeding bird habitat.
- In a letter dated 15 September 2025, the applicants have proposed two conditions which would deliver Apprenticeships and Training (**Condition 43**) and ensure that the development would achieve BREEAM excellent standard (**Condition 7**).

- 3.6 The agents' covering letter, dated 21 July 2025, explains that the applicant is now in a position to deliver the aforementioned off-site planting between the application site and Stoke Lyne because they have managed to secure extended land control.
- 3.7 In short, the red line application site boundary remains unchanged but the land within the control of the Applicant (blue edged) has been extended to the east of both parcels of the land that make up the application site.
- 3.8 The proposed off-site woodland would serve as a buffer between Stoke Lyne and the application site. The applicants have confirmed, in writing, their willingness for the off-site woodland planting, and a minimum of 10% BNG, to be secured through a planning obligation in the s.106 agreement (NB: it is anticipated that an agreed S.106 Agreement will be in place by the 15 January 2026 Planning Committee).
- 3.9 Paragraph A.2.3 of the Addendum to the ES states that the *“updated submission was prepared by the Applicant to address the objection raised by the Planning Committee that the Proposed Development gives rise to adverse visual effects which outweigh the benefits of the development.”*
- 3.10 For an outline planning application where EIA is required, the description of the development must be sufficient to enable the requirements of the EIA Regulations to be fulfilled, and in particular, to enable the potential significant effects of the development to be identified.
- 3.11 This application still seeks outline planning consent (all matters reserved except means of access) for 300,000sqm GIA of logistics (Use Class B8) with ancillary office (Use Class E(g)(i)) floorspace, and the construction of associated parking, servicing, hard and soft landscaping.

- 3.12 A new access into both parcels from the B4100 is also proposed via a new roundabout junction.
- 3.13 As part of the s.106 mitigation measures, the applicants are, in conjunction with Albion Land, proposing to make the following changes to Baynard's Green Roundabout:
- The full signalisation of the roundabout junction of the A43 and B4100;
  - Widening on the approaches and circulatory carriageway; and
  - the introduction of active mode infrastructure to ensure pedestrians and cyclists are able to navigate the junction.
- 3.14 Tritax Big Box (and Albion Land, the applicants for the neighbouring Baynards Green sites), and the respective landowners, have agreed to be signatories to the relevant parts/recitals of each other's s.106 agreements. This will ensure all necessary Baynard's Green highway improvement works (which are required by National Highways and OCC as Local Highway Authority) will come forward prior to the commencement of development, even if only one or two of the three proposed logistics developments were to come forward. A ransom strip situation would be avoided.
- 3.15 Also, in conjunction with Albion, one option Tritax are exploring, as advocated by OCC, is the creation of a new pedestrian and cycle route to/from Bicester along the B4100. It would extend 4.5km on adopted highways verge land south of the carriageway. Please note that this pedestrian/cycle route was supported and approved at the 3rd July Planning Committee, when determining the Albion East and West applications, respectively, and will be secured in the s.106 agreements.
- 3.16 It is also proposed to provide a financial contribution to turn the existing number 500 bus service from Bicester from an hourly service into a subsidised 30-minute service, for a period of 8 years.
- 3.17 An alternative option proposed by the developers, which they believe would likely achieve a greater modal shift away from private car travel, would be to pay an increased developer contribution to provide an 8-year subsidised bus service to the site that would run every 15 minutes, instead of the 30-minute frequency service suggested by the County Council as LHA. This latter option would be instead of the 4.5km cycle way albeit the 4.5km cycle way is now secured via the Albion applications (with their resolution to grant permission subject to a s.106 agreement and appropriate conditions).
- 3.18 The distribution of development would be guided by the parameter plan, and the off-site landscaping scheme would be secured by planning obligation. The revised parameter plan defines the two parcels of land as being Zone A (Northern Parcel) and Zone B (Southern Parcel). The breakdown of development, according to this parameter plan, would be:

#### Zone A

- 255,000sqm GIA (excluding energy centre) of logistics (Use Class B8) with ancillary office (Use Class E(g)(i)) floorspace;
- The employment buildings would have a maximum height of 23m above finished floor level, reducing to a maximum of 20m along the eastern edge;

- The developable area would be set back from the western boundary with the A43 by 35m. It would also be set back from the southern boundary line with the B4100 by 35m. It would be inset from the northern boundary by 10m and from the eastern boundary by varying degrees ranging from 45.1m to 111.3m;
- A bund running the length of the eastern boundary; and

#### Zone B

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

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

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

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

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

- Minor changes to the alignment of estate roads and parking areas;
- An Energy centre moved to the middle of the northern Site parcel;
- Attenuation basins shown in accordance with updated drainage strategy;
- Park trail shown as a circular recreation path with activity stations.

3.23 However, it should be noted that the illustrative plan is not a formal plan and is submitted for illustrative purposes only.

3.24 The applicant's planning statement and Savills' socio-economic review anticipates that development would deliver the following number of jobs:

- **500** on-site jobs per annum during the construction period. Once leakage, displacement, and multiplier effects are considered, it is anticipated there would be a net addition of 610 jobs; and
- Up to **2,430** on-site jobs per annum during the lifetime of the development.

#### 4. RELEVANT PLANNING HISTORY

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

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

21/03267/OUT - Outline planning permission (all matters reserved except for access) for the erection of 100,000sqm buildings comprising 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 – *Members resolved to grant planning permission on the 3 July 2025, subject to the conditions and the completion of a signed S.106 Agreement.*

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

21/03268/OUT - Outline planning permission (all matters reserved except for access) for the erection of 170,000sqm buildings comprising 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 – *Members resolved to grant planning permission on the 3 July 2025, subject to the conditions and the completion of a signed S.106 Agreement.*

21/03266/F - Site clearance, construction of new site access from the B4100, permanent and temporary internal roads, an internal roundabout and a foul drainage station, diversion of an existing overhead power cable and public right of way, and soft landscaping – *Members resolved to grant planning permission on the 3 July 2025, subject to the conditions and the completion of a signed S.106 Agreement.*

- 4.2. In addition, the land to the northwest of the Baynards Green roundabout, behind the petrol filling station and restaurant, was the subject of a speculative outline planning application for up to 7,161sqm mixed B1, B2 and B8 employment development 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 Inspector, in the decision letter, concluded that:
- The proposal would be sited in an inappropriate location.
  - The proposal would harm the character and appearance of the area
  - The proposal would fail to preserve the setting of the Listed Building and would cause less than substantial harm to its significance as a heritage asset.
- 4.3. On the 22 July 2025, the planning inspector dismissed appeal ref APP/C3105/W/24/3352512, which related to a proposed logisitcs park at Land east of Junction 11 of the M40 and southwest of Huscote Farm, Daventry Road, Banbury, Oxfordshire, OX17 2BH. The Inspector dismissed the proposal on the grounds that the unresolved highway impacts would result in substantial harm which outweighed the (acknowledged) economic benefits of the development. I consider this decision



to be a material consideration whilst noting that it was a different scheme which would not have provided the same number of jobs as this proposal, and was determined in a different context regarding the Council's employment land position.

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

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

## **6. RESPONSE TO PUBLICITY**

- 6.1 This EIA application has been publicised multiple times by way of Site Notices displayed near the site, by advertisement in the local newspaper 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. Prior to the 3 July Planning Committee, 515 letters of objection were received. Those comments are summarised below.
- 6.3 However, during the post Planning Committee consultations, a further **79** comments have been received, 29 of which are objections and 2 were letters of support. These consultation comments can be summarised as follows:

### Objections

- **Conflict with Current Local Plan:** This site is not 'allocated' for development as employment land in the current Cherwell Local Plan and it states that unallocated employment development should only be permitted in rural areas in "exceptional circumstances" (policy SLE1). There are no exceptional circumstances here.
- **Conflict with Proposed Local Plan:** The Councillors themselves have voted to submit a Local Plan update to the Secretary of State. The Proposed Local Plan (policy LEC3) sets out strict requirements for any non-allocated site in rural areas and this site does not meet them. The evidence about employment needs produced by the Council itself (Employment Topic Paper July 2025-6) also shows there will be sufficient employment land without this site being developed.
- **Landscape Harm:** The application will lead to major harm to the rural landscape by building a massive 76-foot-high warehouse complex in the middle of rural fields with all the associated HGV traffic, parking, and noise that logistics warehousing brings. The minor additional screening the applicant has proposed recently does not mitigate this harm to any significant degree.
- **No water treatment capacity:** Anglian Water have said that local water treatment capacity would be overburdened by this large new development and poses environmental risks. The application cannot be approved while such pollution risks remain.
- **Harm to biodiversity:** The proposed development would lead to unacceptable ecological harm including the destruction of 2.46km of hedgerows, and harms to bats, badgers and other protected species in breach of local and national policies. Nothing in the recent updated proposals addresses these harms.

- Whilst the increased planting and landscaping scheme around the southern boundary of the site can be welcomed of sorts, it is sufficient to mitigate the serious issues with this scheme.
- The Baynard's Green roundabout is already over-congested and an accident blackspot and the actual access to the sites will be off the narrow B4100 which isn't suitable for these types of vehicles. The development south of the A43 is also proposed to sit adjacent to the historic ancient woodland of Stoke Woods, and this development if it goes ahead will blight this landscape.
- This development clearly does not align with the climate ambitions of Cherwell District Council.
- Queries whether 10% BNG can be achieved given the extent to which habitats will be lost and limited opportunity to offset biodiversity on the site.
- Questions over the council's ability to provide land beyond the development to support the achievement of credible biodiversity offsetting - and whether this would be well governed in the future to maintain such measures implemented.
- There is no way a development project of this size, using technologies available to us today, could viably be classed as a "net-zero" development.
- The additional information, while more detailed, do not resolve the fundamental and material concerns already raised. In fact, the updates further highlight the scale of harm and uncertainty posed by the proposed development.
- There are no guarantees on local employment.
- No guarantees that future workers will be compelled to use sustainable transport modes.
- Lots of vacant sites in the district already.
- There is no acknowledgement of noise control requirements to prevent pollution on the die down of peak traffic movement from the M40, which is generally the sole contributor to the background noise levels. Night time operations should either be prohibited, or operations reduced to the bear minimum. Without such restrictions the business in place will not be minded to at all adhere to neighbourly conduct or practices, thus prioritising out of county employment over local residents who contribute to the local authority, community and local purse.
- Increase in air pollution.
- There is no control over light pollution to remain non-invasive to the local woodland and wildlife, which are not factored in to the ES.
- Lack of need for warehouses - There remains no demonstrable local or regional need for additional warehouse capacity on this scale. Existing nearby facilities continue to have vacancies, and the speculative nature of this development raises serious questions about long-term viability.
- Loss of high quality greenfield land cannot be offset by tree planting.

- Size and scale out of keeping with the area.
- Increased traffic, noise, and light pollution will negatively affect the quality of life for residents in surrounding areas.
- Over-subscribed Baynards Green/A43/B4100 junctions.
- How will this country continue to provide food for the population if agricultural land is built on?
- Trees on Bunds don't always survive.
- Stoke Lyne is not suitable for a development of this scale.
- The amendments made by Tritax do not mitigate the effects on the village.
- This new information is helpful but it does not resolve the fundamental concerns had regarding traffic congestion in Aynho and at Baynard's Green/Junction 10, the pollution, poor air quality in our village from HGVs and other damage to local residents quality of life.
- Constitutes sporadic development.
- Not allocated in the local plan.
- Dissatisfied and surprised that the application is coming back to Committee.
- Particularly object to the allowance in the proposals for HGVs to be allowed to use the B4100 south road to Bicester but not the B4100 northbound towards Aynho. The addition of such large numbers of slow-moving, slow-turning large HGVs on the B411 going south will just jam up the road, making it unusable.
- The cumulative effect of the increased traffic on the B4100 will make it a dangerous road. When travelling northwards, there will be 3 planned exits off it to serve the Puy du Fou proposal, followed by an additional roundabout to serve the new warehouses, before reaching Baynards Green roundabout itself.
- No substantial environmental assessments have been publicly shared or seemingly taken into proper consideration.
- The harm will impact people's mental health.
- This proposal is outside of plan and is one of a set of proposals that threaten to overwhelm a rural location and an already overstretched road network, all of which will bring large volumes of traffic with a potentially devastating cumulative impact on the local road network and local services. This site will be a short distance from the proposed Puy du Fou theme park, the proposed strategic rail interchange at Ardley and the proposed new town at Heyford Park, and the overall impact of such unprecedented levels of development needs to be assessed before any further permissions are granted.
- There is no water treatment capacity.
- Suggested mitigation measures:

### *Traffic Congestion*

- A mandatory and enforceable obligation to undertake major redesign and reconfiguration of both Baynard's Green Roundabout and M40 J10, with works triggered by performance thresholds based on verified traffic flow data.

### *Pollution & Air Quality*

- Installation of continuous air quality monitoring in affected settlements with binding mitigation triggered if thresholds are exceeded.
- Prohibition or strict curfew on HGV use of the B4100 through Aynho and surrounding villages, enforced by ANPR and legal traffic regulation orders (TROs).

### *Noise, Vibration, and Light Pollution*

- Compliance with Institute of Lighting Professionals (ILP) dark sky standards, with lighting caps, shielding, and scheduled audits.
- Post-construction noise and vibration monitoring, and enforcement of operational quiet hours where required.
- Submission of a detailed and legally-binding Landscape and Ecological Management Plan (LEMP) via condition, including:
  - o Planting specifications and timeline
  - o Stewardship plan for 30 years
  - o Habitat replacement or restoration clauses in case of failure

### *Construction Phase Impacts*

- Secured biodiversity net gain obligations via S106 agreement, with financial bonds to ensure delivery.
- Approval of a site-specific Construction Traffic Management Plan (CTMP) as a pre-commencement condition
- Strict routing of all HGVs via M40 only, with prohibition on B4100 village access during Works
- Limited construction hours and dust suppression mandates

### *Bund*

- Please ensure that if the development is granted that a 50 metre high bankment is constructed with planting so that this shields the unsightly mass of buildings to a residential property.

### Previous Consultation comments – Up to the 3 July 2025 Planning Committee

- The land bordering the application site is stated to be designated as a Conservation Target Area in the revised Cherwell Local Plan 2042 review and this proposed designation should be extended on all the land up to the edge of the A43 (so as to encompass the application site).

- The application site sits squarely in land defined (under the new terminology) as Open Countryside and the proposed development would seem to violate some of the proposed Policy LEC3, especially paragraphs vii - ix as they relate to Category C villages and open countryside (the proposed development also violates paragraphs i, ii, iv and vi). Paragraphs ii and iv of LEC3 are also drawn out in the LUC "Review of Landscape and visual effects" which acknowledges that "there will be significant adverse effects on landscape and visual receptors" and that these long-term adverse effects are "beyond that which could be mitigated".
- It is noted by OCC, as Highways Authority that the VISSIM traffic modelling work has not taken into account the proposed Puy Du Fou application at Bucknell which would direct all vehicles along exactly the same route, via the Baynards Green Roundabout and the B4100, as is proposed for access to the application site.
- This proposal is vastly over scaled especially when added to other proposals at Baynards Green and Heyford for warehousing and a strategic rail freight depot. Taken together, these proposals would industrialize the Cherwell Valley.
- The proposed development would encroach on Stoke Wood, which is the only natural woodland within six miles of Bicester.
- All employees would have to commute by car; and an extensive archaeological survey would be required. (Pictures supplied)
- It is not an allocated site.
- Employment land is allocated elsewhere in the district through the Local Plan.
- This area is open countryside, and the proposed development would significantly change the characteristics of the area and local vicinity.
- The landscape has already been harmed by the approval of the garage.
- The site is within close proximity to at least 12 Grade-2, Grade-2\* and Grade-1 listed buildings and the ancient woodland Stoke Wood, owned by the Woodland Trust.
- The proposal would lead to increased traffic causing traffic to divert using local road arteries for cut-throughs, including Stoke Lyne.
- Cumulatively, this application, along with the Albion Land proposals and the Oxford Strategic Rail Freight Interchange would lead to light pollution, environmental pollution & nature conservation harm.
- Cumulatively, these proposals would be 4 x the size of the warehouse scheme dismissed at appeal (18/00672/OUT).
- The B4100 is a very busy road and at rush hour there are long delays going toward the M40. The warehouse use would add to those delays.
- The application is also flawed as it fails to recognise the significance of Stoke Wood, a medieval coppice very popular with dog walkers in close proximity to the proposed development and a number of listed buildings within Stoke Lyne and Bainton Parish.

- The proposed development is in the wrong place. The materials and design are not in keeping with the countryside. The proposal would be incredibly disruptive and increased traffic and emissions would diminish the air quality for local people, putting public health at risk.
- The proposal would ruin the tranquillity of the countryside and mental health of residents.
- There is no need to provide extra jobs in the local area as very low unemployment rate.
- The journey from the M40, along the A43 and then down the B4100 (heading South-East) would be akin to driving in a roofless tunnel.
- The proposal would generate significant number of HGVs attempting to join the roundabout from the B4100 south would only exacerbate the problem of long tail-backs forming along the B4100 (currently, often as far down as the Stoke Lyne turning).
- The development site is within sight of St Peter's Church, Stoke Lyne, a Grade-2-star listed building which would be harmed as a result of the development.
- Increased jobs would lead to pressure for more houses.
- There is no public transport available to this site & cycling along the surrounding roads is extremely dangerous as they are either dual carriageway or have a high volume of traffic.
- Inappropriate design, appearance and materials.
- Would result in overlooking and a loss of privacy and light and also overshadowing.
- Impact on the conservation area.
- Would cause flooding.
- Would harm the wildlife.
- Noise impact on the residents of Stoke Lyne and Hardwick.
- The removal of agricultural land and is at odds with the drive towards a plant-based diet.
- Ironically, the ES statement lists agriculture as being the second highest in the applicants' assessment of Gross Value Added per worker. Transportation and storage are 9th on the list.
- Not satisfied that the applicant has adequately demonstrated that there would be no impact to great crested newts and/or their habitat as a result of the development being approved.
- It is acknowledged that significant weight should be placed on supporting economic growth in the logistics sectors as outlined with the NPPF (2023). However, a logistics development of this nature and scale would be far more

suitable and sustainably located adjacent or in close proximity to Banbury, Bicester or Kidlington.

#### 8 letters of support

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

#### Letters of objection received post 3rd July Planning Committee during the latest re-consultation period

- The new information is helpful, but it does not resolve the fundamental concerns they have regarding traffic congestion in Aynho and at Baynard's Green/Junction 10 and the pollution and poor air quality in Aynho from HGVs and other damage to our quality of life.
- The amended Environmental Statement (ES), updated Landscape & Visual Impact Assessment (LVIA) and updated Landscape and Ecological Management Plan (LEMP) revised Parameters Plan and Cover Letter do not mitigate the irreversible harm which a development of this magnitude and scale would have on the country side and skyline, on the night sky, on the road network, on the energy and water infrastructure and on local residents quality of life.
- The development is not in the local plan.
- This development is not necessary as developments at Junction 9, Junction 11, and further down the A43 at Towcester already fulfil any such perceived need, but these cannot recruit staff and cannot attract tenants which evidences definitively that further developments of this kind are currently entirely unjustified.
- *Visual impact* – It is not possible to conceal a development of this height and size in any convincing way. The proposal will dominate, and light and noise issues will be impossible to disguise.
- The employment sheds are not necessary, and it is not possible to compensate for covering farmland in concrete, environmentally or ecologically.
- This application is only ever going to have a detrimental impact on wildlife, the environment and food production. Offsetting the ecological impacts in other parts of the county is a futile gesture, and contrary to the spirit of the legislation.
- Original comments and objections carried over.
- There is a desperate shortage of labour, both skilled and unskilled employers. These cost pressures will only be exacerbated by the proposed developments and could lead to lower employment in other areas and site growth.
- Constitutes sporadic development.
- Would harm the setting of Stoke Lyne.

- The case officer allocated far too much weight to uncertain economic benefits but not enough weight to almost every other factor.
- The fundamental issues remain: the development would still have a significant negative impact on local traffic, noise levels, and the character of the surrounding area.
- The proposed changes appear superficial and seem designed simply to secure approval, rather than to genuinely mitigate the development's impact on the community.
- In addition, it has been publicised that the tree bunds at Kidlington Airport which were intended to mask a huge hanger from the residents have failed because they cannot hold enough water for the trees to survive - particularly a problem in a drought like we've had this summer. This issue needs further investigating as it would seem a crime to dig up existing trees and hedges, only to replace them with trees and hedges on a bund which could fail.
- The development relies upon green modes of transport to the site and token sustainable travel infrastructure but equally supports parking. Both cancel one another out and are not conducive to work on an already over capacity network.
- Additional peak vehicle movements from the M40, A43, A421, A4095 and B430 as vehicles cross from the A41 are all overlooked.
- Despite consultation with National Highways, they appear to be insular in their review at a local level around Baynards Green which is already over subscribed to vehicle movements.
- There are no guarantees on local employment. There is a report that suggests there is a benefit to local employment and GDV but there is no guarantee that the workforce will be local to put back to the economy, or indeed be compelled to use sustainable modes of transport. The proposal relies heavily on this.
- There is no acknowledgement of noise control requirements to prevent pollution on the die down of peak traffic movement from the M40, which is generally the sole contributor to the background noise levels. Night time operations should either be prohibited, or operations reduced to the bear minimum. Without such restrictions the business in place will not be minded to at all adhere to neighbourly conduct or practices, thus prioritising out of county employment over local residents who contribute to the local authority, community and local purse.
- There is no capture of air quality control impact around the area. Whilst the air quality is unlikely to be at its highest cleanliness owing to the M40 proximity, it does not give rise to increasing levels of poor-quality air.
- There is no control over light pollution to remain non-invasive to the local woodland and wildlife, which are not factored into the ES.
- The Baynard's Green roundabout is already over-congested and an accident blackspot and the actual access to the sites will be off the narrow B4100 which isn't suitable for these types of vehicles.
- Is the 10% biodiversity net gain achievable?



- The Environmental Statement, LVIA and LEMP lack the specificity, enforceability and clarity needed to ensure meaningful mitigation of serious harms relating to traffic, pollution, landscape, ecology and public health.

6.4 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 Bucknell Parish Council – **Objects**

##### *Traffic & Transport*

The Parish Council objects to the proposed development on transport and highways grounds. The application fails to demonstrate, to the standard required by national and local planning policy, that the residual cumulative impacts of the development on the highway network would not be severe, as required by paragraph 116 of the National Planning Policy Framework (December 2024).

This is an outline application for a very substantial B8 logistics development (approximately 300,000 sqm of floorspace) with significant HGV activity operating over a 24-hour period. In these circumstances, the burden lies firmly with the applicant to provide robust, comprehensive and conclusive evidence that highway impacts are acceptable. That burden has not been discharged.

Oxfordshire County Council (as Local Highway Authority) originally objected to the proposal on the basis that the information provided was "not adequate to demonstrate that the development would not have a severe impact on the operation of the highway network." That objection was founded on clear deficiencies in the assessment of both local and cumulative impacts, particularly away from the strategic road network.

While subsequent Transport Assessment Addendums and Topic Papers have been submitted, these do not remove the fundamental problem: at outline stage, the acceptability of the development continues to rely on assumptions, sensitivity testing and future actions, rather than secured and deliverable mitigation. This level of uncertainty is inappropriate for a development of this scale and intensity.

The applicant's transport case relies overwhelmingly on the delivery of a single, complex mitigation scheme at the Baynards Green roundabout. This scheme is intended to mitigate not only the impacts of the Tritax proposal, but also those arising cumulatively from neighbouring major logistics developments promoted by other parties.

Critically, the scheme requires land dedication and cooperation between multiple applicants and landowners, while delivery depends on collaboration agreements and legal arrangements that have not been fully finalised. Furthermore, the scheme must be delivered in full prior to first occupation to avoid severe impacts.

At outline stage, this represents an unacceptable degree of delivery risk. The acceptability of the Tritax proposal is contingent on actions outside the applicant's

sole control. This is not a matter that can be safely resolved through planning conditions without exposing the local planning authority to significant risk should delivery be delayed, altered or fail.

While National Highways is satisfied that impacts on the strategic road network can be mitigated, this does not resolve impacts on the local highway network, which was the core of the County Council's concern. Although further modelling and sensitivity testing has been undertaken in relation to the B4100 corridor and associated junctions (including B4100/A4095 and Charlotte Avenue), this work does not amount to a firm mitigation strategy. Sensitivity testing explores hypothetical outcomes under assumed conditions; it does not secure physical improvements or behavioural outcomes on the ground. The applicant's own evidence acknowledges that certain junction improvements would provide operational betterment but are asserted to be "not essential". This approach places undue reliance on modelling assumptions rather than secured mitigation and does not provide the certainty required to conclude that residual impacts would not be severe.

The Tritax proposal cannot be properly assessed in isolation. Its traffic impacts are inextricably linked to other large-scale logistics and employment developments in the Baynards Green area. The applicant's case repeatedly relies on cumulative modelling undertaken jointly with other promoters and on shared mitigation infrastructure. This reliance reinforces concern rather than resolving it. If the Tritax development is only acceptable when assessed as part of a wider package of schemes and interventions, it follows that approval of the application on a stand-alone basis would be premature and unsound. The cumulative impacts of these developments, taken together, have not been demonstrated to be acceptable with the certainty required by national policy.

The proposal remains heavily dependent on private car and HGV movements. Safe and attractive active travel provision, particularly a continuous and policy-compliant cycling route to Bicester, has been the subject of prolonged disagreement and remains reliant on future design and delivery stages. This undermines the applicant's claims regarding sustainable access and conflicts with the requirements of NPPF paragraphs 108, 109, 114 and 116, which require significant development to be located and designed so as to offer a genuine choice of transport modes and safe and suitable access for all users.

For the reasons set out above, the Parish Council considers that the local planning authority cannot lawfully conclude that the residual cumulative impacts of the proposed development on the highway network would not be severe. The proposal therefore conflicts with paragraph 116 of the National Planning Policy Framework and relevant development plan policies and should be refused on transport and highways grounds.

### *Ecology*

The Council's ecology advice identifies fundamental problems that remain unresolved and which are not capable of being left to reserved matters without rendering the decision unsafe. For example, CDC ecology notes that the scheme entails loss of 2.46 km of hedgerow, including 1.63 km of species-rich priority2 hedgerow, and explicitly reiterates that hedgerows are priority habitats (NERC Act 2006) protected through the NPPF and Cherwell policy. CDC further states that without information about how and where hedgerow losses will be compensated, the impact cannot be assessed even at outline stage and CDC's objection stands. This is not a minor detail: the quantum, location and enforceability of compensation is integral to judging whether harm is avoidable and acceptable, and whether the proposal can meet the mitigation hierarchy in practice.

CDC ecology also highlights that updated BNG information has been difficult to assess (see missing hedgerow identifiers and assessor comments), and that the authority cannot reach a determination from an ecology perspective “without more detail about how the habitats will reach their target conditions”, requesting an acceptable pre-determination format such as a draft LEMP/LHMP. Separately, CDC ecology raises concern that some proposed habitat condition targets are ambitious and may not be attainable, particularly where areas would likely be used by employees (amenity pressure), making it hard to have confidence that net gain is achievable “with the current footprint”. CDC requests a full metric and that potential off-site net gain siting be outlined at this stage.

On the subject of birdlife, CDC ecology expressly links farmland birds to cumulative impacts and states “more detail on the mitigation proposed must be provided”, and that mitigation must “consider the cumulative impact from surrounding proposed developments and link at a landscape level.” CDC further records concerns on breeding bird survey adequacy, referencing accepted guidance levels particularly where skylark (red list / priority) is present. Where an authority ecologist is saying the proposal cannot be determined without adequate baseline and mitigation definition, it is not reasonable for the applicant simply to assert that this can be fixed later.

CDC also states it cannot support a development of this scale given the potential for further effects on the off-site ancient woodland receptor (Stoke Little Wood / Stoke Bushes), noting that the ES itself identifies exceedances and that irreplaceable habitat policy tests apply. CDC ecology further flags conflict with the Tusmore and Shellswell Park CTA, citing policy direction that development preventing CTA aims being achieved “will not be permitted,” and identifying risks from scale, dust and air quality etc.

In summary, on CDC’s own evidence, the application has not demonstrated compliance with the mitigation hierarchy, has not evidenced deliverable compensation for priority habitat loss, has unresolved baseline and mitigation disputes (including farmland birds and cumulative effects), and presents unacceptable risks to irreplaceable habitats and designated and valued ecological resources.

### *Landscape*

Bucknell Parish Council also objects to the proposed development on landscape and visual grounds. The application fails to demonstrate that the significant and harmful effects on the rural landscape character and visual amenity of the area are acceptable in policy terms, either alone or cumulatively with other large-scale development at Baynard’s Green.

The proposal conflicts with the National Planning Policy Framework (NPPF), including the requirement to recognise the intrinsic character and beauty of the countryside and to prevent unacceptable harm to landscape character. Furthermore, it conflicts with Cherwell Local Plan policies seeking to protect rural character and prevent the industrialisation of the countryside; and emerging Local Plan policies (including COM10) which place explicit weight on scale, character, visual intrusion and cumulative effects.

The Environmental Statement Addendum acknowledges that the development would result in a “very high magnitude of change” to the site, transforming open agricultural land into a large-scale logistics complex with extensive earthworks, plateauing, bunding and built form. This is a critical admission. A “very high” magnitude of change is not marginal or localised harm; it represents a fundamental and irreversible alteration of landscape character. In policy terms, such a magnitude of change

demands exceptional justification and an absence of reasonable alternatives. No such justification has been demonstrated.

The Parish Council considers that the starting point for decision-making must be that this proposal introduces industrial landform and massing into a currently open rural landscape, rather than simply altering an already developed context.

The LVIA identifies significant adverse visual effects affecting a wide range of receptors, including users of the Public Rights of Way network immediately north of and around the site, road users on the B4100 and surrounding local roads, residents of Stoke Lyne and nearby dwellings, and individual receptors close to the eastern boundary. Many of these effects are identified as significant in Year 1 of operation, and some remain adverse well into the medium term.

This is not a case where visual harm is fleeting or confined to construction. The planning system does not treat significant harm to public views and amenity as acceptable merely because mitigation planting may mature over 10-15 years. Early-phase harm is real harm, particularly where the development itself is permanent.

The applicant places substantial reliance on landscape mitigation, including extensive bunding along site boundaries, large areas of structural planting and significant off-site woodland creation. However, we note that screening is not the same as compatibility. A development that must be hidden to be considered acceptable is, by definition, harmful to landscape character. Screening does not change the scale, form or industrial nature of the proposal. Bunds and woodland blocks create new landform and vegetation patterns that do not reflect the existing character of the open agricultural landscape. This represents further character change, not restoration. Moreover, the acceptability of the proposal depends on planting establishment and maturation over many years. There is no guarantee that mitigation will perform as assumed, yet the harm from the built development is immediate and permanent. For these reasons, mitigation should be afforded limited weight in the landscape planning balance.

We consider cumulative landscape impact to be the most serious and compelling landscape issue in this case. When assessed alongside consented Albion Land logistics developments, other large-scale employment proposals in the Baynard's Green area, and the strategic infrastructure associated with M40 Junction 10, the Tritax proposal contributes to a step change in landscape character, resulting in the erosion of openness across a wide swathe of countryside, the perception of a continuous logistics or industrial corridor rather than discrete developments, urbanisation of views along the B4100 and from surrounding footpaths, and loss of the rural setting and separation of nearby villages and hamlets.

Independent landscape advice submitted in relation to the Albion and Tritax proposals recognises that, taken together, these developments would have significant adverse cumulative effects over a much wider area, extending well beyond the red line of any individual application. This is not a case of incremental harm; it is transformational harm.

Emerging Local Plan Policy COM10 requires development to respect landscape character, avoid unacceptable visual intrusion, and demonstrate that scale and massing are appropriate to context. Independent landscape advice concludes that developments of this scale cannot fully comply with these tests due to their size, form and impact on rural character, and that acceptability is therefore pushed into the planning balance. Where a proposal is acknowledged to conflict with landscape policy criteria, approval can only be justified if there is a clear and compelling public benefit case. The Parish Council does not consider that such a case has been demonstrated,

particularly when set against the traffic, ecological and cumulative harms identified elsewhere.

### *Power Supply*

Bucknell Parish Council also objects to the proposal on the grounds that the application fails to demonstrate, at outline stage, that a firm and deliverable electricity supply exists or can be secured within the development timetable, having regard to well-documented capacity constraints affecting the East Claydon-Bicester network. As established through Freedom of Information and Environmental Information Regulation responses obtained in relation to other major developments in the same area, the site is supplied via the East Claydon Grid Supply Point, through Bicester North Bulk Supply Point and the Bicester primary substations, where the distribution network operator has confirmed zero firm headroom at the GSP, BSP and relevant primaries. Those responses further explain that any release of capacity is dependent not only on local distribution reinforcement by SSEN but on upstream National Grid transmission upgrades, including replacement and reinforcement at East Claydon, with programmes extending well into the 2030s.

Against that documented baseline, the current outline application provides no evidence of a firm, non-curtailed connection, no confirmed point of connection, and no programme aligned to the transmission and distribution works identified by the network operators. Instead, it defers resolution of power supply to later stages, implicitly assuming that capacity will be made available. That assumption is unsafe.

A large-scale, 24-hour logistics development, incorporating extensive warehouse floorspace, lighting, automation, refrigeration and electric vehicle charging, would impose a substantial new peak electrical load on a network that is already fully allocated. In the absence of secured reinforcement delivered in advance of occupation, additional demand of this magnitude risks either triggering extensive and disruptive network works or prejudicing the reliability and resilience of supply to existing homes, farms and businesses in Bucknell and the surrounding rural area. The Parish Council therefore considers that the application fails to demonstrate compliance with national and local policy requirements for infrastructure-led, plan-led development and that this unresolved utilities constraint weighs strongly in favour of refusal.

### *Local Plan*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

For this application, the relevant development plan comprises the Cherwell Local Plan 2011-2031 (Part 1), and saved policies of the Cherwell Local Plan 1996. The Council is also progressing the Cherwell Local Plan Review, which, while not yet adopted, is a material consideration and confirms the Council's intended spatial strategy.

The application site at Baynard's Green is not allocated for employment, logistics, or strategic development in the adopted Cherwell Local Plan. The Local Plan's spatial strategy directs strategic employment growth to allocated sites, and seeks to protect the countryside from speculative and ad-hoc development, particularly where it would undermine landscape character, ecological assets, and settlement separation. The proposal therefore constitutes speculative development outside the plan-led framework.

This is not a neutral starting point. The absence of allocation means that the applicant must demonstrate clear compliance with policy objectives and must not rely on harms being “balanced out” by generic economic claims.

The adopted Local Plan seeks to safeguard the intrinsic character and beauty of the countryside, prevent unnecessary urbanisation of rural areas, and ensure that major development is plan-led, coordinated, and sustainable in location. As demonstrated in the Parish Council’s traffic, ecology and landscape objections, the proposal causes substantial harm to rural landscape character, results in the loss of priority habitats and unresolved ecological impacts, generates severe and uncertain transport impacts reliant on complex mitigation, and contributes to cumulative industrialisation of the Baynard’s Green area. These harms directly conflict with the objectives of the Local Plan’s countryside and environmental policies and cannot be reconciled with a plan-led approach to growth.

The emerging Cherwell Local Plan Review does not support the principle that large-scale logistics development should be allowed to come forward on an unplanned, speculative basis in the open countryside. On the contrary, the emerging plan reinforces the importance of directing growth to planned locations, places increased emphasis on landscape character, biodiversity net gain, climate resilience and cumulative impacts; and tightens policy tests around scale, character, and environmental capacity. The fact that the site has not been identified or safeguarded in the emerging plan as a suitable location for strategic logistics development is a strong indication that the proposal is premature and contrary to the intended spatial strategy.

Granting permission in advance of the plan-making process would undermine the integrity of the Local Plan Review, and prejudice proper consideration of alternative, more suitable locations.

Where a proposal departs from the development plan, the onus lies on the applicant to demonstrate material considerations of sufficient weight to justify that departure. In this case, there is no identified shortfall of allocated employment land that requires speculative release, the economic case relies on generic logistics demand, not site-specific necessity, the proposal would give rise to significant adverse impacts across multiple policy areas; and those impacts are not clearly outweighed by public benefits. In such circumstances, approval would amount to policy-led harm being overridden by aspiration, rather than evidence.

Taken as a whole, the proposal conflicts with the adopted Cherwell Local Plan by promoting major, unallocated development in the countryside, undermines the plan-led approach to growth, gives rise to substantial transport, ecological and landscape harm, and would prejudice the emerging Local Plan’s spatial strategy. There are no material considerations of sufficient weight to justify departing from the development plan. As a result, we consider that the application should be REFUSED due to fundamental conflict with the Local Plan and the speculative nature of the development.

#### *S106*

In the event that the local planning authority is minded to grant permission, Bucknell Parish Council requests that any consent be subject to a Section 106 obligation securing a proportionate financial contribution towards the delivery of a strategic relief road around Bucknell, as the only mitigation capable of addressing the increased HGV and traffic pressure arising from this and other large-scale developments in the Baynard’s Green area. The Parish Council considers that piecemeal junction-based mitigation fails to address the wider network impacts on rural communities, whereas

a relief route would provide a strategic solution by removing through-traffic from Bucknell and surrounding villages. Such a scheme should be co-funded by all major developments contributing to cumulative traffic growth in the area, with contributions fairly apportioned to reflect scale and impact, and secured through a coordinated Section 106 framework to ensure timely and deliverable infrastructure provision in accordance with national policy on cumulative impact mitigation.

### 7.3 Deddington Parish Council - **Objects**

Deddington Parish Council would like to join the many, many others who object to this planning application. Of the several applications for developments in this immediate area around Junction 10 on the M40 this seems the most gratuitous, given the warehouses already approved or potentially to be granted approval.

Unsightly, urbanising and unwanted by local parishes, this development, like the other developments mooted for this area, would bring yet more traffic, most likely heavy goods vehicles, to our congested country lanes and the already overloaded M40. The effect on highways, will be widespread, including in Deddington parish.

If this plan is to go ahead, we would request mitigating S106 contributions to highways improvements in our parish as follows:

- 1) Improve the junction of the A4260 and the B4031 in Deddington. This junction – at the traffic lights at the end of the High Street – is something of a logjam and accident black spot already. The problem will become more acute if these warehouses are built.
- 2) Resurface New Street/High Street with the most effective Low Noise Surface, EU standard material. The current surface is extremely uneven and noisy and causes vibration that is worrying in a conservation area which includes some very ancient buildings. Measured decibel levels are way above the accepted standard. Additional traffic will break up the surface even more. There is also an air pollution issue since New Street/High Street, flanked by houses fronting straight on to the road, acts as a kind of funnel concentrating pollutants
- 3) Install ANPR cameras at either end of the B4031 Clifton Road (ie, at Deddington village and at the east edge of Clifton village). There is currently a 7.5t limit on the Clifton Road, which runs from Deddington to Aynho, but it is frequently ignored.
- 4) Traffic calming measures on the Clifton Road B4031 at Fardon Way, Deddington, and in Clifton village (build-outs and/or speed bumps as recommended by highways authority OCC).

These improvements should be made at the start of the development. We know from experience of the HS2 that construction lorries in large numbers from quarries and other.

We understand that a planning application to build warehouses in the same area from Albion Land has already been approved. We would request that the S106 contributions outlined above will be added to their S106 covenant as well.

### 7.4 Farthinghoe Parish Council: – **Objects**

We have just read the National Highways submission to this application. Farthinghoe Parish Council would like to receive early reassurances that full account is taken of

the negative effects of extra traffic generated by this proposal when the M40 is closed by accidents or by road repairs and the traffic is forced to use the official signposted A43/A422 diversion both to and from Junction 11 M40.

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

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

*Update:*

"When the M40 is closed for accident or maintenance the A43 takes on the role of the automatic A43/A422 Motorway Diversion Route. This leads Motorway densities of traffic to the very severe Pinch-Point at Farthinghoe which then also saturates all of the surrounding villages and Country Lanes.

Farthinghoe Parish Council are very concerned that no consideration or solution is mentioned for this situation on the Portal of this Planning Application by the following Organisations:

- West Northants Council Highways or Planning.
- Cherwell District Council Highways or Planning. Oxfordshire County Council Highways or Planning. National Highways.

It is not just for this Planning Application that this situation pertains, it applies to almost all Planning Applications which would result in more traffic (particularly HGVs) being directed into the A422 or A43/A422 Motorway Diversion route. National Highways are always happy to use this facility for their operational purposes but rarely ready to contribute to or suggest a solution. On a recent M40/J11 Planning Application, a National Highways submission actually described the A422 from J11 all the way to the A43 at Brackley as a dual carriageway."

#### 7.5 Fritwell Parish Council: **Objects**

- Would generate low skilled jobs leading to an increase in people driving to the area.
- Dispute the applicant's assessment that there is a shortage of jobs locally.
- Have concerns over the drainage solutions, particularly with regards to long-term maintenance.
- Disregards local planning norms as this is not a designated site for development.
- Irreparably harms the character and visual appearance of the area.
- Would lead to an urbanisation of the area, as the catchment area will not support the employment needs of this facility (despite the analysis report suggesting otherwise). These employees will come from elsewhere in the country and this influx of people will have to live somewhere. The Bicester to Banbury corridor is exhausted by the pressures of already planned and now, speculative developments.



- Would be a “speculative development” referencing the “need for warehouse space” does not accommodate a strategic plan for where it should be located to accommodate minimum traffic movements to serve the real needs of the country, FPC see nowhere in this application a reference to this as a strategic location other than it is located along a major road system. Thousands of square feet of warehouse space already developed along the M40 corridor remains unused.
- States in the Statement of Community Involvement a local consultation has been concluded. Villages, and estates (Tusmore Park) that will be affected by this development, have been excluded from the consultation, in FPC opinion, rendering this exercise unproductive.
- FPC supports the view that this development would irrevocably damage the rural nature of this area and the species it supports.
- Building such large structures at this junction would only exacerbate already intractable problems and increase traffic pollution in this area, an area that is essentially rural in nature. While this development is close to a motorway junction, there is no public transport to this site.
- Would prefer to retain the site as farmland and develop previously developed land elsewhere in the district.
- *Noise, light, and Air pollution* are of significant concern during the construction and operation of these warehouses, particularly the cumulative effect that would surround the village of Fritwell with the Heyford development to the Southwest, the potential for the Rail Freight Terminal in the South and this development with Albion Land and this development to the East. Fritwell Parish are deeply concerned about noise attenuation resulting from this facility operating 24/7. Fritwell is Class 3/Class 4 on the Bortle Scale for Night Sky Brightness, this would be compromised by additional light pollution from this planned facility. We enjoy good air quality in Fritwell despite the proximity of the motorway, this will be compromised by this development.
- Updated objection – 15.3.2025:

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

## 7.6 Fringford Parish Council: – **Objects**

1. The proposed large scale logistics site is on green-belt land which should be resisted. The number and scale of similar developments is negatively swamping rural North Oxfordshire at a rapid rate with an over-bearing, dominant impact on the visual, natural landscape and environment. The amount of such logistical development in the area of Cherwell District Council appears to be disproportionate to other areas.
2. There will be a significant negative impact on biodiversity and wildlife of the area which is rural in character made up of agricultural fields, currently supporting wildlife. The huge scale of this proposed development will bring additional noise, sound and light pollution to the area.

3. There will be a negative impact on highway safety and traffic. The proximity of the proposed development will negatively impact the existing traffic flow issues and delays at Baynards Green roundabout which already struggles with the volume of vehicles and has already seen an increase in lorries and larger vehicles. Junction 10 of the M40 will negatively be impacted as traffic already backs up in both directions on the motorway which is dangerous. The current exit slip road is only one lane and relatively short in length.

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

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

- 7.8 Middleton Cheney Parish Council – **Objects**

1. The environmental impact particularly to local agriculture and the noise and light pollution from increased traffic and deliveries and night time lights in the warehouses. The local roads are already at saturation point if there is an incident on the M40. This development will inevitably increase traffic on ALL neighbouring roads as lorries move in and out of the site.

2. Although this site does not directly join our parish, we consider that the inevitable increase in traffic particularly along the A43 and the A422 will have a detrimental effect on the environment around us.

3. The design, appearance and layout of the site is unsuitable for this position and the character of the land. Cherwell's local development plan references, respect for heritage assets conservation of tranquillity and biodiversity and environmental character. These plans pay no regard to these statements.

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

- 7.9 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*

## 7.10 Stoke Lyne Parish Council: - Objects

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

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

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

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

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

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

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

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

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

Update on the 27 August 2025: Richard Buxton Solicitors, on behalf of Stoke Lyne Parish Council and the Tusmore Estate, wrote to the Council to make several objections, which are summarised below (NB: the full letter is available on public access):

- 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
- 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) proposals.

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.

*Update:* A further objection letter from Richard Buxton Solicitors, dated the 5 January 2026, was submitted to the Council and states:

We write with regard to the new materials that the applicant has submitted to purportedly address the Committee's reasons for refusal and the ES Addenda dated September and November 2025.

First, we note that the large majority of the issues we have written to you about previously remain entirely unaddressed in these updated materials. In relation to the limited further changes the applicant has made to the proposed development, these do little to mitigate the harms caused. **There remain substantive and substantial reasons for refusal, and we do not repeat points made previously here.** Further the limited additional screening the Applicant proposes does not do anything to address the harm to the openness of the rural landscape and makes only a limited difference to the visual harm caused. For these reasons, our clients continue to urge refusal.

## **Ecology**

With regard to ecology, the present mitigation strategy does not adequately address material biodiversity considerations, meaning that the mitigation measures proposed may not be effective. The District Council should not proceed on the basis of current information but must require further assessment or information in a number of respects. In particular, the attached expert report finds (among other things) that:

- **Outdated and inadequate reptile surveys:** The reptile surveys were undertaken over 10 years ago, outside of the optimal survey window. Moreover, only four survey visits were completed, despite best practice guidelines recommending a seven-visit survey effort. As such, the survey results cannot be relied upon by the District Council.

- **Incorrect assessment of bat data:** The assessment describes the bat assemblage at the site as of local importance. This undervalues the assemblage, whether the site is taken to be in southern England (where the assemblage would be of *county* importance) or central England (where it would be of *national* importance). In addition, it appears that the site is a significant commuting route for a rare, Annex II Species (barbastelle bats). This has not been appropriately recognised and nor does the proposed mitigation explicitly consider barbastelle. Appropriate evaluation likely requires further investigation of the significance of the habitats to be lost and further survey effort to properly understand the baseline that exists and the impacts of the proposed development.

- **Incorrect assessment of breeding bird data:** The assessment describes the site as of local importance. However, the presence of lapwing, grey partridge and skylark makes the site one of county importance, meaning that the assessment should be revised and proposed mitigation requirements reconsidered.

- **Inadequate Farmland Bird Mitigation Strategy:** There is a requirement for the farmland bird management strategy to include the baseline conditions of both the site area and off-site mitigation areas as emphasized by key consultees (including the CDC ecologist and the local Wildlife Trust). The absence of an identified mitigation site precludes the assessment of the baseline value of that site to farmland birds and is also contrary to Natural England standing advice. CDC simply cannot assess whether offsite mitigation will be possible or effective without understanding the baseline conditions of the mitigation land. On current information, CDC therefore cannot understand the actual effects on farmland birds because baseline information is not available. Furthermore, the existing FBMS overstates the value of post-development habitats on the site.

- **Inadequate BNG proposals:** The lack of detail provided regarding plans for the creation and management of off-site habitats, as well as baseline soil conditions, means that the feasibility and adequacy of the off-site proposals cannot be assessed. In particular, the creation of “good condition other neutral grassland on former arable land is unlikely to be feasible” unless soil samples reveal lower-than-expected nutrient levels.

The 5 January 2026 Richard Buxton Solicitors letter was accompanied by a further letter prepared by MKA Ecology, dated 23 December 2025 which reaches the following conclusions:

*“Surveys have been undertaken to a high professional level but the material considerations involving key taxonomic groups , notably the importance of the assemblages of bats (and the regular commuting of barbastelle bats) and birds (notably lapwing, grey partridge and skylark)) at the Tritax site has been significantly understated. The value of the site to bats (especially barbastelle) has been understated and the mitigation strategy should explicitly refer to this rare species as well as to acknowledge that commuting route(s) is/are at least of county importance given the species assemblage and would be of national importance if the site was considered as Central England. As such further investigation is*

*required into the significance of the Barbastelle commuting patterns and the importance of this site for the species to reliably understand impacts of development. The farmland bird assemblage should be classified as being of county importance. No receptor site for farmland birds has been identified, so it's baseline ornithological assemblage cannot be understood and thus the impact of mitigation cannot be assessed. Therefore, there is no*

*surety that the impacts to farmland birds will be avoided. The assessment thus understates the value of the site which could influence the planning balance.*

*The baseline conditions of the soil have not been appropriately considered when setting off-site habitat type and condition targets. Good condition other neutral grassland is proposed on currently arable land, which may not be achievable due to the typically elevated nutrient levels within arable soils. The good condition targeted for the narrow belt of mixed scrub in the north of the site is also likely to be challenging to achieve, in light of the small size reducing the potential to create the required heterogeneity. These factors mean that the BNG proposals may not be achievable and thus may fail to achieve the required net gain. Further assessment/information is needed to understand whether current BNG proposals are adequate or whether e.g. further offsite provision will be necessary to achieve the required gain.*

*An updated desk study is recommended to ensure any recent notable records are captured. An incomplete suite of reptile surveys was undertaken outside of the optimal window more than ten years ago. While absence of this taxonomic group is likely, the age and methodology behind the survey data cannot be relied upon. While the proposed mitigation for black and brown hairstreak is likely to be sufficient, the presence of black hairstreak should result in classification of the site as being of county importance (especially in combination with brown hairstreak).*

*The outcome of these evaluations is that the present mitigation strategy does not have a reliable baseline assessment, and that the significance of the site in the county context has not been recognised nor fully explored and understood. 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 meaning that the District Council should not proceed on the basis of current information, at least until such issues are addressed and the evaluation of the value of the site fully acknowledged and impacts suitably explored, along with further information, as set out above, to fully understand the impacts of the proposal and determine whether mitigation and BNG proposals will be effective.”*

NB: The Council's Ecologist is on leave at the time of the publication of this report but will review the comments set out in the latest Richard Buxton Solicitors letter, the latest MKA Ecology letter and in Bucknell Parish Council's letter (dated 29 December 2025), and provide a response in the Written Update note.

## **STATUTORY CONSULTEES**

### **7.11 Active Travel – No comments**

In relation to the above planning consultation, Active Travel England (ATE) has no comment to make as its statutory consultee remit applies only to qualifying consultations that were made valid by the local planning authority (LPA) on or after 1st June 2023.

### **7.12 Anglian Water – Objection**

The proposed development is situated within the catchment area of the Stoke Lyne Water Recycling Centre (WRC), which is currently classified as a Descriptive Works – a small WRC with a descriptive permit. There is no planned investment in this catchment and any additional flow poses an environmental risk to the watercourse.

To overcome our objection the applicant should carry out 12 months of flow monitoring to measure the total daily volume of treated effluent being discharged from the WRC. The data should be shared with us and if it is proven that the total volume, with the

addition from the proposed development, does not exceed the permitted volume for this WRC then our objection could be removed.

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

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

*Condition: no development shall commence until a strategic foul water strategy has been submitted to and approved in writing by the local Planning Authority, in consultation with Anglian Water. This strategy will identify a sustainable point of connection to the public foul network. Prior to occupation, the foul water drainage works must have been carried out in complete accordance with the approved scheme.*

*Reason: to protect water quality, prevent pollution and secure sustainable development having regard to paragraphs 7/8 and 180 of the National Planning Policy Framework. If permission is granted we require the applicant to engage with us via our pre-development services and to submit a pre development enquiry. Further information regarding our pre-development services and to submit a pre development enquiry the applicant can click here: Pre-planning ([anglianwater.co.uk](http://anglianwater.co.uk))*

*Updated comments:* This application amendments are not relevant to Anglian Water – we have no further comments to make since our last response (PLN- 0223100 dated 19th March 2025).

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

Update:

The following advice applies to the offsite mitigation area (blue line boundary) and should be read in conjunction with the advice provided on 12th September 2024 and 24th June 2024, which applies to the red line boundary development area.

An additional Environmental Statement Addendum chapter has been submitted (edp, September 2025) which deals with the off-site mitigation area for tree and scrub planting. The mitigation area lies in an area of archaeological interest and potential, where earthworks have been recorded on aerial photographs and within LiDAR data.



These earthworks likely represent previous field boundaries, and possibly some periphery settlement activity.

Through discussions with the applicant, landowner and OCAS, it was found that the area has been subject to ploughing between the recording of the earthworks on the site and the current application, via a Natural England scheme. A geophysical survey was conducted on the area which recorded anomalies corresponding to the former field boundaries, some undetermined anomalies and features likely linked to 19th century drainage. No earthworks were observed on the ground during this survey, and it is likely that the ploughing activity has removed them.

A further phase of archaeological investigation will be required to investigate the survival of the earthworks in the ground. This must consist of a trenched evaluation, and based on the results of this, a further mitigation excavation may be required prior to any tree planting in this area.

Should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be carried out prior to any tree planting or landscaping in the offsite mitigation area as shown in drawing number edp2355\_d073a. This can be ensured through the attachment of a suitable negative condition

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

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

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

*Update:* I would refer you to our responses submitted 8th June 2022 and 17th June 2022. Despite the large quantity of documentation submitted since this time, we are still concerned about each of the issues raised in these responses.

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

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

- 7.17 Campaign to Protect Rural Oxfordshire: **Object**

1. Harm to the character and appearance of the area
2. Loss of agriculture
3. Landscape harm & village setting
4. Could be located on other parts of the M40

5. A land grab would be needed for the cycle/pedestrian route
6. Significant loss of biodiversity on the site
7. The applicant should show how the site in Piddington will provide the complementary habitat green corridors that will be lost to Baynards Green.

#### 7.18 CDC Conservation – **No objections**

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

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

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

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

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

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

*Updated comments:* The amendments and additional information submitted are not considered to result in a change in the position with regards to heritage and therefore both the comments dated 13/10/2022 and subsequent comments are still relevant and should be considered as part of the assessment of the proposals.

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

##### *Surface water Drainage:*

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

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

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

*Update* – According to the flood map for planning service, the site is not predicted to be at risk from flooding. The surface water and drainage strategy is satisfactory in principle.

In the maintenance schedule provided, only future maintenance for the petrol separators, and slot drains are included. Maintenance should be outlined for all SuDS features within the development, and suitable access to the features needs to be considered for maintenance equipment.

I am satisfied and have no adverse comments to make on the proposals.

#### 7.20 CDC Ecology: – **Objection**

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

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

*Update:* The majority of our previous comments still stand. However, the proposals for Biodiversity Gain are a significant improvement and provide more assurance that a gain can be achieved. However, I do have a few comments:

- Several documents - including the letter from Peter Frampton (dated 21st July), the Landscape Mitigation and Management Note, and the updated ES Addendum - state that the development proposals will result in a net gain of +13.36% in habitat units and +10.48% in hedgerow units. However, I have not been able to locate an updated Biodiversity Net Gain (BNG) metric to support these figures. I would be grateful if the updated BNG metric could be provided to enable a full and accurate assessment of the claimed gains.
- The Landscape Mitigation and Management Note indicates that offsite planting will be delivered within the first planting season following commencement. I would strongly recommend that this planting be undertaken prior to commencement of development. Early planting will help to mitigate the initial loss of habitats and provide a head start for achieving net gain, particularly given the time required for new planting to establish. This is especially important considering the significant hedgerow loss on site, which has been raised repeatedly in CDC Ecology's responses.
- I note that the offsite mitigation proposals include 3km of linear woodland planting (6ha) and a 5ha woodland block. The planting of woodland blocks and a wildlife corridor along the stream are welcomed and will enhance the ecological function of the stream corridor and improve connectivity between Local Wildlife Sites. However, I would want to review an updated metric reflecting these enhancements (I assume a revised metric exists, as these figures are referenced throughout the submitted documents, so this shouldn't be difficult to provide).
- Onsite, the revised Parameter Plan reportedly reduces the net loss in habitat units from -11.82% to -7.63%, (though no change in hedgerow units). This is a positive change, but I would still like to review the updated BNG metric that underpins these figures.

Further update:

I've reviewed the BNG metric provided by Louise (see her emails below). I have a few comments/issues that need to be addressed:

- A substantial number of units are being generated from the creation of 'other neutral grassland' in good condition along the site boundaries. However, this habitat isn't clearly separated from the modified grassland or scrub in the landscape plans, and it's unclear how these scattered sections will be managed differently from the surrounding grassland. To qualify as other neutral grassland in good condition, all five of the following criteria must be met:
  1. The appearance and composition of the vegetation closely matches characteristics of the specific grassland habitat type (see UKHab definition). Wildflowers, sedges and indicator species for the specific grassland habitat type are very clearly and easily visible throughout the sward.

2. Sward height is varied (at least 20% of the sward is less than 7 cm and at least 20 per cent is more than 7 cm) creating microclimates which provide opportunities for insects, birds and small mammals to live and breed.
3. Cover of bare ground between 1% and 5%, including localised areas, for example, rabbit warrens.
4. Cover of bracken less than 20% and cover of scrub (including bramble) less than 5%.
5. There is an absence of invasive non-native species (as listed on Schedule 9 of WCA, 1981). Combined cover of undesirable species and physical damage (such as excessive poaching, damage from machinery use or storage, damaging levels of access, or any other damaging management activities) accounts for less than 5% of total area.

It is not clear how scrub encroachment will be prevented, especially given that scrub is proposed along the boundaries of this grassland. The number of medium-sized trees proposed will also create shade, which could affect the habitat's ability to reach good condition. Typically, we'd expect areas of other neutral grassland in good condition to be fenced or otherwise restricted to prevent use for storage, amenity, or other activities. That doesn't seem feasible here. I'd expect the habitat to achieve moderate condition instead. Since this habitat type is contributing a significant number of units, it's important that the benefit isn't overestimated. Changing this to moderate condition still results in a gain of 11.64%.

- Onsite there is a lot of modified grassland in poor and moderate condition, taking into account the likely heavy use/frequent use and disturbance where needed. This is acceptable.
- The landscape buffers of scrub are proposed in good condition. However, good condition requires the inclusion of clearings and glades (as per condition assessments in Biodiversity Metric 3.0). The BIA report notes: the areas of existing scrub are fairly small and creating glades may not be possible. Therefore, we can't assume this criterion will be met and should instead expect moderate condition. Downgrading scrub to moderate condition results in a net loss in the metric, so this is a key issue that needs addressing. I agree that, due to the narrow boundaries, creating glades is unlikely to be practical. This also conflicts with the adjacent neutral grassland, which must avoid scrub encroachment – proposing both in good condition side by side is contradictory.
- There are two types of SuDS proposed in the metric – 'good' and 'moderate'. How will all 4 of the required conditions criteria (condition assessments for bio metric 3.0) be met for the suDS in good condition? I'd like some more detail on how this will be managed to ensure it's feasible.
- A decent number of trees are proposed around the site, but it appears some are located within scrub areas. This isn't acceptable, as individual trees shouldn't be recorded within a habitat type that also includes trees. Scrub can include small trees, so trees counted in these areas are being double-counted. I'd like to see a tree plan showing all proposed trees, their locations, and confirmation that they're not within habitats that already include trees. Trees should also not shade the surrounding grassland to the extent that it affects its condition.
- Offsite habitats are proposed in good condition (other neutral grassland and scrub) and moderate condition (woodland). I'd like more detail on how these condition levels will be achieved – specifically, which criteria from the condition assessments will be met and how – to demonstrate that the proposals are viable.

*Update 27 November 2025:*

- It's worth noting that the bat surveys recorded higher levels of barbastelle activity during the 2025 survey period compared to previous years. A biodiversity-focused lighting strategy will therefore be important to ensure these species are fully considered and not negatively impacted (this will be conditioned). The proposed off-site BNG provisions will also benefit this species.
- The conditions appear broadly acceptable. However, I recommend making the BEMP condition more specific by requiring delivery of at least 10% net gain. We've agreed this figure, and if it isn't conditioned, there's a risk they could deliver less. The condition should also specify that they provide a finalised BNG metric to support the BEMP and demonstrate they have met the 10%+ requirement.

As discussed previously, the S.106 will need to secure:

- HMMP and monitoring fees for both on-site and off-site BNG
- A finalised Farmland Bird Mitigation Strategy

#### 7.21 CDC Economic Development: - Commented

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

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

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

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

#### 7.22 Environmental Agency: **No objections.**

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

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

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

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

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

*Odour:* No comments.

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

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

*Updated position:* It is taken that the proposed industrial units will be subject to Building Regulations approval, along with subsequent consultation with the Fire Service.

Due to the limited water supplies in the area, it is taken that fire hydrants will be installed at the developers cost, in accordance with the guidance of Approved Document B / BS9999, providing a suitable flow and pressure for the use of the proposed premises.

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

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

*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.

In our previous response we raised an objection regarding the proposed condition restricting last mile delivery to 20% of floor area, because it hadn't been shown that the trip generation was calculated on this basis. I understand an alternative wording is being considered but this has not been agreed. It is not addressed in the current consultation materials. In the absence of a justification for the 20% I recommend a condition setting out that there shall be no last mile delivery providers on the site (see **condition 44**).

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

- 7.27 Internal Drainage Board – **No comments**

You are advised that this site is outside the Board's district, in this instance the Board has no comment to make.

7.28 CDC Legal Public Rights of Way – **No objection**

Thank you for consulting us on this application, following consideration of the documents and plans as submitted we note that the planning proposal does not require a diversion of the Public Rights of Way network to enable the proposed development to take place therefore, we would have no objection to this proposal.

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

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

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

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

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

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

7.31 National Planning Case Officer Unit: No comments received.

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

*Update – no objection.*

7.33 National Grid: **No objection.**



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

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

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

7.36 CDC Urban Design: **Objects**

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

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

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

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

7.37 CDC Policy: **No Objection**

Previously, CDC Policy commented that the proposal was not an allocation in either the adopted 2011-2031 Local Plan or the emerging review 2020-2042 Local Plan. Accordingly, the proposal was advertised as a departure. Notwithstanding this departure, CDC Policy has not raised objection to the application proposals on economic needs grounds, on the grounds that they consider it to be broadly

compliant with the criteria listed in adopted SLE1 policy that relates to speculative, unallocated employment developments and to the adopted 2015 Local Plan overall.

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

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

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

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

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

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

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

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

7.38 West Northamptonshire Council: Commented:

This site is not allocated in either the existing or the emerging local plans for Cherwell and as such remains an unallocated site in a rural area outside of settlement confines. In our recent responses to consultations on the review of the Cherwell Local Plan this Council cautioned against proposals that would see the further allocation of land for employment near to junctions 10 and 11 of the M40 which could have a significant impact on the highway network and the character and functioning of the area, with it and the south western corner of West Northamptonshire which it directly adjoins being rural in nature, character and appearance. We urge our colleagues at Cherwell to give these matters full and proper consideration as they progress this application, in addition to those other matters identified in Policy SLE1 of the Part 1 Plan and the Development Plan at large.

With regards to highway matters,

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

*Update: The applicant had accepted and agreed, however, there is no copy of a CTMP within the planning application. A copy of this should be provided to WNC to ensure that the impacts on the WNC network are kept to a minimum.*

- ES Operational Phase traffic flows do not calculate correctly. ES shows 0% HGVs on A43 and A421 presently, with an increase in excess of total development flows. These should be checked and resubmitted before WNC can confirm we are satisfied with the magnitude of the impact.

*Update: The applicant has revised and clarified the HGV traffic flows and these have been reviewed and found to be acceptable.*

#### OTHER CONSULTEES

##### 7.39 Bicester BUG:

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

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

#### **B4100 Road**

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

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

#### **Tritax North Access**

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

#### **Tritax South Access**

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

#### **Cycle Path**

*Priority needs to be continuous across access points.*

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

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

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

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

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

### **Tritax North**

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

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

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

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

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

- ESD15 – The Character of the Built and Historic Environment
- INF1 – Infrastructure

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

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

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

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

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

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

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

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

- Policy SP 1: Settlement Hierarchy
- Policy CSD 1: Mitigating and adapting to Climate Change
- Policy CSD 3: Achieving net zero carbon development, non residential
- Policy CSD 5: Embodied carbon
- Policy CSD 7: Sustainable flood risk management
- Policy CSD 8: Sustainable drainage systems
- Policy CSD 9: Water resources and wastewater infrastructure
- Policy CSD 11: Protection and enhancement of biodiversity
- Policy CSD 12: Biodiversity Net Gain
- Policy CSD 14: Natural Capital and Ecosystem Services
- Policy CSD 15: Green and Blue Infrastructure
- Policy CSD 16: Air quality
- Policy CSD 17: Pollution and Noise
- Policy CSD 18: Light pollution
- Policy CSD 21: Waste collection and recycling
- Policy CSD 22: Sustainable Transport and Connectivity Improvements
- Policy CSD 23: Assessing Transport Impact/Decide and provide
- Policy CSD 24: Freight
- Policy LEC 1: Meeting Business and Employment Needs

Policy LEC 3: New employment development on Unallocated sites  
Policy LEC 5: Community Employment Plans  
Policy COM 10: Protection and enhancement of the landscape  
Policy COM 11: Cherwell Local Landscape Designations  
Policy COM 14: Achieving Well Designed Places  
Policy COM 15: Active Travel – Walking and Cycling  
Policy COM 16: Public Rights of Way  
Policy COM 18: Creating Healthy Communities  
Policy COM 20: Providing supporting infrastructure and services  
Policy COM 22: Public services and utilities

### 8.3. Other Material Planning Considerations:

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

#### Draft NPPF

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

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

## 9. APPRAISAL

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

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

#### Principle of Development

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

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

- 9.4. The overall spatial strategy within the adopted 2015 Local Plan has an urban focus with the bulk of the district's strategic growth to 2031 directed to Banbury and Bicester.
- 9.5. In the rural areas, growth is much more limited and is focussed on meeting local community and business needs. It is directed towards the larger and more sustainable villages. Development in the open countryside is strictly controlled.
- 9.6. A key objective of the adopted local plan (SO1) is to facilitate economic growth and employment and a more diverse local economy with an emphasis on attracting and developing higher technology industries.
- 9.7. Paragraph B.30 of the plan explains that the aim is to secure:
- business-friendly and well-functioning towns
  - an eco-innovation hub along the Oxford – Cambridge technology corridor
  - internationally connected and export driven economic growth
  - investment in people to grow skills and the local workforce
  - vibrant, creative and attractive market towns
  - family housing
  - measures to reclaim commuters where possible
  - measures to increase labour productivity.
- 9.8. Paragraph B.31 continues by listing the types of employment development the District wants to attract, including advanced manufacturing/high performance engineering, the green economy, innovation, research and development. Paragraph B.32 states support for well-designed logistics development in recognition of the areas attractive transport links.
- 9.9. Paragraph B.43 sets out that that land is allocated taking account of economic evidence base matching growth in housing and to cater for company demand, particularly for logistics.
- 9.10. Policy SLE1 helps to deliver the Plan's strategy to locate strategic employment proposals at Banbury, Bicester and Kidlington. The adopted Local Plan allocated approximately 175 hectares of employment land at Banbury and Bicester, the majority of which has already been developed.
- 9.11. The application is largely inconsistent with, and would be a departure from, the Local Plan strategy in this regard, although there are criteria against which other development proposals brought forward can be assessed as to their appropriateness. The Plan has an urban focus, and justification is needed for new sites in the rural areas.
- 9.12. Paragraph B.44 states that to ensure employment development is located in sustainable locations, to avoid problems such as traffic on rural roads and commuting, employment development in the rural areas will be limited.
- 9.13. The site is located in the rural area, including in the context of Policy SLE1, and, therefore, the third part of Policy SLE1 applies. For completeness, the relevant criteria of this policy are set out in full, further on in this chapter at paragraphs 9.31- 9.40 where an assessment of the scheme is made against each criterion.
- 9.14. The emerging review Local Plan for Cherwell, which seeks to provide sufficient land for housing and local employment up to 2042, has been submitted for examination. Notwithstanding that the Policy Officer gives limited weight to the emerging local plan policies. She has provided the following comments on emerging policies LEC 1

(Meeting Business and Employment Needs) and LEC 3 (New employment development on Unallocated sites) in context of this proposal:

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

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

*Policy LEC 3 is directly relevant to these proposals as it is concerned with employment development on unallocated land. This policy attracted 15 representations with mixed views regarding its purpose, with some support and criticism for its flexible approach to unallocated land. Where the policy is supported some of those representations include reference to specific locations in the district for additional employment land, including capitalising on M40 junctions and Oxford hinterland.*

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

*NPPF paragraph 87 states*

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

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

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



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

- 9.15. Paragraph 85 of the latest NPPF version (Dec.24) states, "*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. **Significant weight** (my emphasis) should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development*".
- 9.16. Paragraph 86 (which applies to preparing policies) of the NPPF goes on to set out several criteria to encourage Councils to positively and proactively plan for growth. Sub-section c) of this paragraph explains that "*Planning policies should pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying **suitable locations for uses such as logistics** (my emphasis).*
- 9.17. Paragraph 87b of the NPPF (which applies to both preparing policies and decision making) reinforces this point by making clear that, "*Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for storage and distribution operations at a variety of scales **and in suitably accessible locations** (my emphasis) that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain, transport innovation and decarbonisation*".
- 9.18. Paragraph 87c of the NPPF adds that, "*Planning policies and decisions should also include the expansion or modernisation of other industries **of local, regional or national importance** (my emphasis) to support economic growth and resilience*
- 9.19. The PPG also recognises the importance of logistics development in the employment sector, stating:

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

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

- 9.20. The applicant is proposing to deliver a number of large-scale logistics buildings on these two parcels of land, either side of the B4100. Savills, on behalf of the applicant, submitted Symmetry Park, Ardley Market Analysis Report and an update to that report in January 2025. Their evidence includes a detailed quantitative assessment of need and supply at both district and wider PMA level. It tests three scenarios: lower, core and upper to establish an average. Savills conclusion is that the 'core' estimate "*provides a reasonable estimate of the influence of the relevant demand factors*".
- 9.21. The applicants' original and updated planning statements state that being in close proximity to the strategic highway network is a key requirement of logistics operators, particularly along the M40 corridor, where the applicants consider there to be a significant need for logistics floorspace.

- 9.22. The Council instructed Lambeth Smith Hampton (LSH) to review Savills' evidence to help establish the level of need and supply at both district and the wider PMA level. Despite some minor differences in approach, LSH have confirmed that they are in broad agreement with Savills conclusion that the proposed development would bring a range of economic benefits to the local and wider economies.
- 9.23. Moreover, I am advised by LSH that the Cherwell Economic Needs Assessment (ENA) 2025 has led to an increased estimate of need, reflected in the draft review Local Plan 2042. The 'upper end' of the range of employment need figure is now much more closely aligned with the level of need identified by Savills, despite the differences in methodology.
- 9.24. The plan seeks to meet identified employment needs in full. I am also advised by the Council's Policy Officer that the emerging Local plan allocates 97.5 hectares for employment, but it is not expected that the delivery of these sites (Tritax and Albion) will be adversely impacted by development proposed. The Policy Officer advises that the need for employment land in the district to 2042 is estimated to be in the range of 274-359 hectares. The policy officer adds that , "given the inherent uncertainty of long-term projections, it is considered appropriate to plan for the mid-point of the range of 316 hectares. These applications (Tritax and the Albion Outline applications), if approved, would enable the supply to be at the top end of the range."
- 9.25. The delivery of new employment land, in a sustainably suitable location, is a very significant benefit of this scheme. However, I attach even more weight to the benefits of this scheme in the context of LSH's conclusions and the Policy Officer's comments. Not only would there be a big temporary construction workforce (500+), which, of course, would be time-limited, but there would also be high numbers (2,400+) of long-term annual job creation. The scheme, if allowed, would also help remove any potential shortfall of employment land at the upper level and afford greater flexibility bearing in mind that some employment sites would almost inevitably be developed for Class E(g) purposes rather than B2 or B8 use, which are other material benefits of the scheme.
- 9.26. I note in some of the representations received it is alleged that the previous committee report did not take into account the Council's own Cherwell Local Plan Review 2042 Employment Topic Paper, dated July 2025, which appeared to show exceedance of need by supply. First, the Topic paper was published after the 3<sup>rd</sup> July 2025 planning committee. Second, the evidence underpinning the report erroneously assumed that Members had resolved to grant permission for this application. Therefore, the employment floorspace of this application was already factored into the assessment of supply and should not have been.
- 9.27. The applicants, as part of their proposal, would also provide employment training opportunities and apprenticeships (secured by pre-commencement (above slab level) **condition 45**). It is a strategic policy within the Local Plan to improve job opportunities, and this additional aspect of the proposal will help achieve this strategy. Moreover, apprenticeships is a good method of overcoming barriers to employment. For these reasons, I welcome the element of the proposal and consider the training and apprenticeships to be an additional benefit of the development.
- 9.28. Consistently with the conclusions of the two recent LSH reports, and the scheme's compliance with the current NPPF paragraphs, the proposal in my view overall complies with the criteria of the policy SLE1 (NB: the Inspector, who dealt with the J11 appeal ( APP/C3105/W/24/3352512), concluded the policy SLE1 is broadly consistent with the NPPF).

9.29. For the ease of reference, I have set out my assessment of the scheme against the criteria of this policy in the paragraphs below.

**Policy SLE 1:**

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

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

- The applicant has provided an assessment of suitability and availability of land at, and within, Category A villages as part of their assessment. The details of which are contained in Table 3 of the Planning Statement and Appendix 3 of the PS which accompanied the application. The results showed the proposal cannot go within or on the edge of Cat A villages;
- LSH have concluded that at the higher bound long-term scenario there is a need for at least 22.5ha of B2/B8 employment land (more if any of the mixed employment use allocations are ultimately developed for non-B8 purposes) which will need to be in a suitably accessible location;
- This application would deliver 2,430 permanent jobs and 500 construction jobs rising to 610 and 83ha of employment land;
- The application would deliver employment training and apprenticeship opportunities
- Para 85 of the NPPF advises that: *“Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”*;
- Para 86 of the NPPF: *“Planning policies should pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying suitable locations for uses such as logistics”*;
- Para 87 of the NPPF acknowledges the importance of ‘suitably accessible locations’ - this site is very close to the Motorway, away from villages;
- The development will bring a range of economic benefits to the local and wider economies and help support the modern economy;
- An Established potential occupier (including GXO), so part of the site could come forward quickly, providing construction and permanent jobs to the area;
- This site sits inside the Oxford – Cambridge Arc corridor. The Government wishes this corridor to be an economic engine for the whole of the UK. For further info, see: <https://www.gov.uk/government/news/minister-vallance-underlines-how-oxford-cambridge-corridor-ambitions-can-boost-whole-uk>

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

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

9.33. Officer Comment: Complies

- This application sits outside the Green Belt.

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

9.34. Officer Comment: Complies

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

9.35. Officer Comment: Complies

- The delivery of a high quality of design for the buildings and the internal landscaping scheme, can be secured through robust pre app discussions and reserved matters applications;
  - Sustainable construction conditions would be imposed, to ensure that the buildings would be completed to a BREEAM Standard 'Excellent' and net zero carbon would be achieved during construction;
  - As set out in the 'description of development' chapter in this report, the applicants are now increasing the height of the bunds along the eastern boundaries and also proposing a substantial off-site woodland/landscape scheme which would significantly reduce the schemes impacts from key vantage points to the east of the site; and help to deliver a more sensitive and natural scheme overall;
  - The buildings would be 3m smaller in height and scale closer to the nearest buildings (Lone Farm) and settlement (Stoke Lyne) and then gain height (up to 23m) closer to the A43 (an urban environment)
- ***They will be small scale unless it can be demonstrated that there will be no significant adverse impacts on the character of a village or surrounding environment.***

9.36. Officer Comment: Partial compliance

- The buildings would not be small in scale. However, with the substantially improved landscaping proposal, they wouldn't materially impact the setting of Stoke Lyne; and the impact on the most sensitive views (from the east of the site) would, after 15 years of growth, not result in significant adverse harm (according to the Council's landscape consultants, Land Use Consultancy (LUC));
- ***The proposal and any associated employment activities can be carried out without undue detriment to residential amenity, the highway network, village character and its setting, the appearance and character of the landscape and the environment generally including on any designated buildings or features (or on any non-designated buildings or features of local importance).***

9.37. Officer Comment: Partial Compliance

- The scheme can be carried out without undue detriment to residential amenity or the highways network;

- The site, which is approximately 1km from Stoke Lyne, is not in close proximity to a village and would not affect the setting of the closest village;
  - The scheme will not unduly impact on the setting of any listed and non-designated buildings (no objections from Historic England or CDC Conservation);
  - There would be some harm to the character of the landscape, most of which could be substantially mitigated through the revised, robust, landscaping plans which also respond well to the woodland creation targets set out in the Tusmore and Shelswell Parks Conservation Target Areas (CTA).
- ***The proposal will not give rise to excessive or inappropriate traffic and will wherever possible contribute to the general aim of reducing the need to travel by private car. There are no suitable available plots or premises within existing nearby employment sites in the rural areas”.***

9.38. Officer Comment: Complies

- National Highways and OCC Highways have, subject to conditions and planning obligations, no objections to the scheme from a highway safety point of view nor do they consider that the scheme would give rise to excessive or inappropriate traffic on the national and local highways networks, respectively;
- As noted above, the applicant has provided an assessment of suitability and availability of land at, and within, Category A villages as part of their assessment. The details of which are contained in Table 3 of the Planning Statement and Appendix 3 of the PS, which accompanied the application. The results showed the proposal cannot go within or on the edge of Category A villages;
- There are no suitable alternative sites within Bicester or Banbury which are in close proximity to the M40 that could absorb a scheme of this scale. J11 is not appropriate from a landscape or highways perspective and J9 does not currently have any allocated sites (albeit there are some employment sites in the emerging Local Plan Review) that would be able to accommodate some/most of the identified employment needs.

9.39. Overall, this proposal would generate a great number of jobs (with various salaries): from the temporary construction workforce to the long-term annual jobs, including Warehouse workers, drivers, cleaners, office staff (IT etc) and managerial staff. This is a very significant benefit of this scheme.

9.40. At the 3<sup>rd</sup> July Planning committee, a point was raised about whether there would be local demand for these jobs. This point is again raised in some of the objection letters. Officers' views are that not allowing new economic development on this basis is not supported by national or local policy and, moreover, there are several settlements in the area, some of the residents of which might obtain jobs on this site during the lifespan of the development.

9.41. These significant job projections are, I note, not theoretical – LSH consider them to be accurate, helping to create a diverse employment base in the district.

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

- 9.43. Several third-party representatives have commented that this proposal would not comply with emerging policy LEC3 of the proposed draft Cherwell Local Plan Review 2042 and I agree that, in part: it would not comply with criteria vi of emerging policy LEC3 because the site does not constitute previously developed land. It would, however, comply with the other criteria because there is currently an employment need, there isn't alternative available sites to deliver employment schemes on this scale in Banbury or Bicester, after 15 years the impact on the local views would not be significantly harmful and the site is not inside the Green Belt. However, as the Council's policy officer has stated, there has been a number of objections to this proposed policy during the representations stage; and the policy has not yet been through the rigour of an Examination in Public. Therefore, whilst some weight can be attached to the policy the weight is still very limited and not enough for this application to be determined against this policy.

#### Landscape & Visual Impact

- 9.44. As set out in the 'Description of Development' chapter of this report, since the 3<sup>rd</sup> July Planning Committee, the applicants have submitted the following further amendments to their proposal:

- Increased the height of the proposed landscape bund along the entire eastern boundary in Zone A of the red-edged application site by 1m to a height of 120.2m AOD;
- Increased the height of the proposed landscape bund along the entire eastern boundary in Zone B of the red-edged application site by 3.5m to a height of 120m AOD;
- An increase in the specification of strategic landscape planting proposals within the red-edge application site to include semi-mature trees, which would be planted at Day-1 at 5-5.5m height and, depending upon their species, would achieve typical heights at 15-years of between 7.4- 7.9m height (Oak) and 12.2- 13.2m height (Scots Pine);
- The creation of 3km of off-site linear woodland planting (comprising approximately 8,100 trees and 12,900 whips across 6ha of land); and
- The creation off-site of a block of 5ha of woodland (comprising approximately 4,000 trees and 6,000 whips).

- 9.45. These amendments are significant. Therefore, when assessing the application against national and local plan policies, these amendments need to be included as part of that assessment.

- 9.46. Another material change in circumstance (since the 3<sup>rd</sup> July 2025 Planning Committee) is that the Council has submitted a new local plan for examination. Therefore, more weight can be attached to the emerging local plan policies than at the previous planning committee.

- 9.47. 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.*

9.48. 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.”

9.49. One of the LLD’s listed in North Ploughley. Cherwell Landscape Designation Assessment (2024), which forms part of the evidence base to the draft Cherwell Local Plan Review 2042 describes the North Ploughley LLD as comprising a series of shallow limestone valleys with a rural, well wooded character with some long views across areas of larger scale arable farmland. The majority of this development site (the parcel to the North of the B4100) would fall within this LLD.

9.50. 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.

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

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

*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 acceptability of the development is judged as part of the planning balance exercise, acknowledging this long term adverse visual effect.*

*The proposed development’s size, scale and character would inevitably adversely impact on the character of the landscape locally and so is not fully compliant with Policy COM 10 (criterion ii). The way in which the reserved matters applications are brought forwards (including the detailed design of the buildings and landscape) will be key to 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 along the B4100, and with all bunds softened (using landform profiling) to appear as ‘natural’ as possible.*

*The Cherwell Landscape Character Assessment (2024) puts emphasis on preserving the tranquillity and strong rural character of locations remote from transport infrastructure and urban edges. There is no definition, or mapped area, of 'high tranquillity' referred to in Policy COM 10 criterion iii. However, the Cherwell Landscape Character Assessment (2024) includes CPRE mapping of tranquillity which shows this site as being roughly in the middle of the tranquillity scale (with higher tranquillity further from the M40). This site is more remote from the M40 than the Albion Land site, although it is close to the A43. When LUC visited the site in early spring (5th April 2024), it was noted how visually contained the road and service station infrastructure are, which results in a rural character in the vicinity of this site. However, the site is most likely not in an area of highest tranquillity and therefore is unlikely to obviously conflict with policy COM 10 criterion iii.*

*The proposed development complies with criterion iv because it would not cause coalescence between settlements*

#### *Tritax & Albion combined*

*The western site of Albion Land's application is located in LCA6: Upper Heyford Plateau while the eastern site and Tritax's Symmetry Park proposal are located in LCA7: Oxfordshire Estate Farmlands. The valued qualities of these areas are summarised above.*

*Whether the combined developments comply 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, affecting a wider area than either single development alone. The area affected would extend up to 500m-1km around the sites which would equate to an elongated area of around 4km<sup>2</sup> roughly, resulting in both sides of the B4100 being altered and urbanised for a section of its route and extending into the Tusmore Park Estate.*

*The Tritax scheme would have the greater effect on views from Stoke Lyne (ref Albion Viewpoint 1 and Tritax Photo viewpoint 5), users of the public rights of way to the east/ north/ north-east including the Tusmore Park Estate (ref. Albion Viewpoints 2 and 3 and Tritax Photo viewpoints 2 and 4) and the local road network/ footpaths to the southeast including the approach along the B4100 (Albion Viewpoints 4 and 5 and Tritax Photo viewpoint 6). The additional planting proposed by Tritax would help minimise effects on some of these receptors (e.g. Stoke Lyne, to not significant in the longer term)*

*The level of visual intrusion arising from both schemes together would be very high near to the site, particularly affecting users for a length of about 1.5km of the bridleway along the northern edge of the Tritax site, users of about 3km of the B4100 that would be sandwiched between the two sites and the local community of Baynard's Green (due to the Albion proposal). The Tritax proposal would also be clearly visible from local community on the north-west edge of Stoke Lyne, although the offsite mitigation planting would grow up to screen views and enclose the village in the longer term. 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. It is therefore recommended that*



acceptability of these visual impacts is judged as part of the planning balance exercise.

*The combined developments would adversely impact on the character of the rural agricultural landscape across 14 fields between Junction 10 of the M40 and Tusmore Park and so is not fully compliant with Policy COM 10 (criterion ii) which aims to ensure development is consistent with local character. The way in which the reserved matters applications are brought forwards (including the detailed design of the buildings and landscape) would also have a bearing on how the development fits with landscape character and therefore accords with this policy. 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 along the B4100, and with all bunds softened (using landform profiling) to appear as 'natural' as possible.*

*The Cherwell Landscape Character Assessment (2024) puts emphasis on preserving the tranquillity and strong rural character of locations remote from transport infrastructure and urban edges. There is no definition, or mapped area, of 'high tranquillity' referred to in Policy COM 10 criterion iii. However, the Cherwell Landscape Character Assessment (2024) includes CPRE mapping of tranquillity which shows this site as being roughly in the middle of the tranquillity scale (with higher tranquillity further from the M40). These sites are connected to the M40 Junction 10, but together they extend out into the surrounding rural landscape. When LUC visited the site in early spring (5th April 2024), it was noted how visually contained the road and service station infrastructure are, which results in a rural character in the vicinity of these sites, especially the further from the M40 the land is. However, the site is most likely not in an area of highest tranquillity and therefore is unlikely to obviously conflict with policy COM 10 criterion iii.*

*The proposed development complies with criterion iv because it would not cause coalescence between settlements."*

9.53. As criteria v and vi of emerging policy COM 10 relate to impact on listed buildings and conservation areas or historic significance, LUC, and Officers, sought the advice of the Council's Conservation officer in regard to any potential impact on the setting of Tusmore Park (NB EDP Photo viewpoint 2 shows the visibility from the farmland around Tusmore Park that is within the Tusmore Park Estate).

9.54. The Conservation Officer gave the following response:

*"With regards to the heritage impact in relation specifically to Tusmore Park, it is considered that no heritage assets will be adversely affected. The main buildings at Tusmore Park are not Listed and the parkland is not registered. There is one Listed Building within the estate but because of its location its significance will not be harmed as a result of development within the wider landscape. The proposed development will not affect views to or from any designated heritage assets and therefore it is considered that the development will not harm the significance of any designated heritage assets."*

9.55. LUC's report also concluded that Tritax would not be fully compliant with Policy COM 11 because it would be located within the LLD, where it would affect the rural character of south-western edge and the designated landscape.

9.56. LUC's report set out an assessment in table 1.1 which, for the ease of reference, is replicated below:

**Table 1.1: Review against landscape qualities of North Ploughley**

Aspects of landscape value (qualities and/or elements/features/areas of value) for North Ploughley, as set out in Landscape Evidence Base: Local Landscape Designations report 2024	Impact of Tritax's Symmetry Park proposal
A distinctive and coherent rural undulating landscape featuring shallow valleys created by the numerous watercourses ultimately draining to the River Great Ouse and River Cherwell.	Tritax's Symmetry Park proposal would be located on flatter landform outside the shallow valleys, but the proposal would interrupt the coherent rural landscape and involve some earth bunding along the eastern edge of the site which would be uncharacteristic and change landform in this localised area.
Strong rural qualities and historic character are associated with widespread woodland cover, eighteenth-century parkland and estate farmlands.	<p>Tritax's Symmetry Park proposal would affect the sense of rurality and farmland fields on the south-western edge of this LLD and would be visible from the footpath through Tusmore Park Estate (e.g. Photoviewpoint 2).</p> <p>The proposal includes some mixed woodland and scrub planting along the edges of the site and also offside between the proposed development and Stoke Lyne that would contribute to the wooded character of the area.</p>
Well-wooded character in the east and remnant areas of eighteenth-century parkland in the west results in a well-enclosed character and confers some sense of visual coherence.	Tritax's Symmetry Park proposal would not directly affect the woodland cover or eighteenth-century parkland characteristics of the LLD.
Widespread semi-natural habitat including large areas of deciduous woodland, coastal and floodplain grazing marsh, and traditional orchard provide ecological integrity.	<p>Tritax's Symmetry Park proposal is proposed in an area of arable fields and while the proposal would result in some hedgerow loss, it would not affect large areas of deciduous woodland, grazing marsh or traditional orchard habitats.</p> <p>The proposal includes some mixed woodland and scrub planting along the edges of the site and also offside between the proposed development and Stoke Lyne that would contribute to the deciduous woodland resource.</p>
Small, historic rural settlements provide time depth and have distinctive valley settings.	Tritax's Symmetry Park proposal would be located on the plateau above the small valley in which Stoke Lyne lies. It would be clearly visible from the edge of Stoke Lyne (Photoviewpoint 5), although the proposed offsite mitigation includes planting close to Stoke Lyne that would enclose the settlement and replace views to the development with vegetation once it grows up (shown as year 15 in the application).
An extensive network of public rights of way, including footpaths and bridleways, which provide valuable access to the landscape.	Tritax's Symmetry Park proposal would not directly affect the routing of public rights of way or access to the LLD, although the buildings would be visible at close proximity to the bridleway that runs to the south of Tusmore Park (Photoviewpoint 12) and from local footpaths to the west (Photoviewpoint 11), north (Photoviewpoint 2) and east (Photoviewpoint 4). From these locations the building would be obvious in early years of operation, although the proposed onsite planting would filter some of the views by year 15 and the offsite mitigation planting would obscure views of the development from viewpoints to the east/ south-east by year 15.

Aspects of landscape value (qualities and/or elements/features/areas of value) for North Ploughley, as set out in Landscape Evidence Base: Local Landscape Designations report 2024	Impact of Tritax's Symmetry Park proposal
Long views available from local high points across the more open fields, and often framed by woodland	Tritax's Symmetry Park proposal would replace open fields and be visible in views across arable farmland from the south-western edge of the LLD, (e.g. Photoviewpoints 4, 5, 11 and 12) although these are not particularly high points and therefore unlikely to be the areas of the LLD covered by this statement.

9.57. LUC's conclusions on the Tritax scheme against emerging policy COM 11 are as follows, along with the collective (Tritax & Albion schemes together) conclusion:

*"Tritax's Symmetry Park proposal is located within this LLD and therefore would inevitably have a direct impact on the landscape.*

*The proposal would replace open arable fields with large scale built development (which is discouraged within the LLD), affecting the rural character of this part of the LLD. It would also involve some hedgerow loss, and earth bunding along the eastern edge of the site which would be uncharacteristic and change landform in this localised area. The proposal would be clearly visible from the edge of Stoke Lyne and local footpaths, including paths through Tusmore Park Estate.*

*On the positive side it would not directly affect deciduous woodland, eighteenth-century parkland, grazing marsh or traditional orchard habitats. The proposed offsite mitigation would provide enclosure that would replace views to the development with vegetation once it grows up (shown as year 15 in the application), and this proposed planting would add to the wooded character of this part of the LLD in line with recommendations for the area.*

*The proposal would not comply with COM 11 because it would be located within the LLD where it would affect the rural character of south-western edge, it would be clearly visible from footpaths through the Tusmore Park Estate and would go against the recommendation to avoid large scale development in the LLD."*

#### *Both Tritax & Albion*

*Tritax would have a greater influence on the LLD than Albion Land's proposal and the combined effect of both would be very similar to the effect of Tritax alone.*

*The two proposals would replace open arable fields with large scale built development (including some hedgerow loss and earth bunding), noting that large scale development is discouraged within the LLD. They would also involve some hedgerow loss, and earth bunding which would be uncharacteristic and change landform in this localised area. The proposals would be clearly visible from the edge of Stoke Lyne and local footpaths, including paths through the Tusmore Park Estate.*

*On the positive side neither proposal would directly affect the most valued features of the LLD including the deciduous woodland, eighteenth-century parkland, grazing marsh, traditional orchard habitats. The proposed offsite*

*mitigation associated with the Tritax proposal would provide enclosure that would replace views to the development with vegetation once it grows up (shown as year 15 in the application), and this proposed planting would add to the wooded character of this part of the LLD in line with recommendations for the area.*

*The proposals taken together would not comply with COM 11 because one of them would be located within the LLD and would go against the recommendation to avoid large scale development in the LLD.*

- 9.58. 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 (16 objections to COM 10 and 4 to COM 11). Therefore, only limited weight can be applied to these emerging policies, at this stage. By contrast, the NPPF 2024 and the Local Plan: Part 1 2031 do still carry full weight.
- 9.59. Paragraph 187 of the NPPF requires planning policies and decisions to contribute to and enhance the natural and local environment by, amongst other things:
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- 9.60. Policy ESD13 states that development will be required to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.
- 9.61. The policy goes on to list 6 criteria where proposals will not be permitted. An assessment of the proposals against those 6 criteria is contained in table 1 below.
- 9.62. Policy ESD15 opens with, *“Successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. All new development will be required to meet high design standards. Where development is in the vicinity of any of the District's distinctive natural or historic assets, delivering high quality design that complements the asset will be essential.”*
- 9.63. Sitting underneath this paragraph is a list of design criteria, including the requirement for new development to be designed to deliver high quality, safe, attractive, durable and healthy places to live and work in. This part of the policy adds that development of all scales should be designed to improve the quality and appearance of an area and the way it functions.
- 9.64. Strategic objective SO12 of the Cherwell Local Plan seeks to focus development in Cherwell's sustainable locations, making efficient and effective use of land, conserving and enhancing the country and landscape and the setting of its towns and villages.

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

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

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

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

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

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

9.69. The Cherwell District Council proposals map, of the current local plan, does not identify the site as falling within the Area of Outstanding Natural Beauty or being within a locally designated valued landscape area. However, it does not automatically follow that development on it would be acceptable.

9.70. At circa 83.28ha hectares, the combined fields form a very large site. Given the site's proximity to roads, public footpaths, and the low-lying nature of the hedgerows, which afford clear local views into the agricultural fields, and from further afield (Stoke Lyne), it is a prominent and sensitive site. It provides relief from the urban influence of the A43.

9.71. In this context, the introduction of large-scale buildings, associated large-scale lorry and car parking spaces, along with the presence of the lorries, and, in some places, significant earth bunds, there would be an undoubted impact on the landscape and the character and appearance of the area. The key question then, is what would the extent of such harm be? Also, would the character of the area be compromised and undermined as part of that harm?

9.72. LUC, on behalf of the Council, reviewed the previous landscape proposal/landscape visual impact assessment (2024), and reached the following conclusions:

*“Given the height and scale of the proposed development parameters LUC identified that there will be long term adverse change (i.e. beyond 15 years) and non-reversible changes resulting in significant adverse effects on:*

- Landscape features and character of the site and its localised surrounds due to the change from rural agricultural fields to large scale shed development;*
- Users of local public rights of way – users of PRow to the north (ref. Viewpoint 2); users of PRow to the east (ref. Viewpoints 4 and 5); users of PRow to the south (Viewpoint 6); and users of PRow to the west (ref. Viewpoints 1 and 11);*
- The local community of Stoke Lyne (ref. Viewpoint 5); and individual properties at Lone Barn and Park Farm;*
- The roads bordering the site – the A43 and B4100 (ref. Viewpoint 6 taken on the approach along the A4100).*

*As this is an outline planning application, only mitigation that forms part of the parameters plan could be relied upon which included two areas marked as ‘strategic landscaping bund and planting’. LUC noted that these areas would require a detailed landscape scheme that provides for appropriately shaped bunds and woodland planting along these edges.*

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

*LUC noted that the embedded mitigation would never completely mitigate the effects because the large-scale buildings would be visible above existing well-established vegetation and any proposed vegetation. It was also noted that the details and materials of the development would be critical to the development’s integration into the landscape.”*

- 9.73. Members, when discussing the proposal at the 3 July 2025 planning committee, reached the conclusion that the proposal, as it stood before them then, would have caused unjustified visual intrusion and harm into the open countryside and result in sporadic development in the open countryside to the detriment of the character and appearance of the countryside. The views of the eastern part of the site from Stoke Lyne, Lone Farm and the B4100, were of particular concern to Members.
- 9.74. However, since the 3 July 2025 Planning committee, the applicants have sought to lessen the impact of the proposal from the east. Consequently, they have submitted a substantially different on and off-site landscape proposal, to the extent that a revised Landscape Visual Impact Assessment (LVIA) was required (and has been prepared by EDP and submitted).
- 9.75. EDP’s conclusions in the July 2025 Addendum are that the level of visual effect, at year 15, would reduce from that concluded in the 2024 ES Addendum, so that effects for receptors to the east of the Site will not be significant.
- 9.76. LUC, once more, were instructed to review this new proposal on behalf of the Council. They have made the following comments on the receptors:

*“Users of **local public rights of way to the north** (ref. Viewpoint 2) – as confirmed by EDP, there would be no change to this view and so the impact reported in 2024 would not change i.e. reported as a moderate, long term, adverse and permanent (significant) effect by EDP at year 15. LUC agrees this would remain significant.*

*Users of **local public rights of way to the east and the local community of Stoke Lyne** (ref. Viewpoints 4 and 5) – the revised photomontages show that off-site planting measures would entirely screen the Proposed Development by year 15 and this is acknowledged in the revised assessment by EDP which identifies moderate/minor and minor (not significant) effects at year 15. LUC agrees that there would be reduction in the effect to not significant at year 15. (N.B. there would remain a major/moderate adverse (significant) effect at year 1 and this is acknowledged by EDP).*

*Users of **local public rights of way to the south and travellers on the B4100** (Viewpoint 6) – the offsite planting will help reduce visibility. The tops of the buildings are still likely to be visible from parts of the road at year 15, but the offsite planting would help enhance the wooded appearance of the landscape and reduce visibility of the proposed buildings (which are unlikely to be built out to the full extent of the parameter envelopes). This is acknowledged in the revised assessment by EDP which identifies a moderate/minor to minor (not significant) effect at year 15. LUC agrees that there would be reduction in effect to not significant at year 15. (N.B. there would remain a significant effect at year 1).*

*Users of **local public rights of way to the west** (ref. Viewpoints 1 and 11) – the views in this direction will not change and the consented Albion proposal will be seen to one side of the Tritax development. This effect was assessed as a moderate, medium-term, adverse and temporary (significant) effect at year 1 and not significant at year 15 in the ES by EDP. LUC considered the effect on these receptors to be significant at year 15 as well as year 1 because the proposed planting would not change the visibility of the development from this direction. This effect would remain.*

*Clearly the enhanced landscape proposals are beneficial and will result in positive changes to the landscape character, especially the off-site planting which will respond to the relevant targets set out within the Tusmore and Shelswell Parks Conservation Target Area (CTA) which requires “Lowland mixed deciduous woodland – management and creation (possibly some planting to link sites)”. However, the significant effect on **landscape features and character** of the site and its localised surrounds will be inevitable due to the change from rural agricultural fields to large scale shed development. This change at the site level and its immediate surrounds was reported a significant adverse effect in the ES, and has been reduced to a moderate/minor, long term, neutral and permanent (not significant) effect by EDP in the ES Addendum. LUC considers that this change to the site remains significant, while the enhanced landscape proposals will an additional positive benefit alongside the adverse effect. LUC has not attempted to ‘balance’ out the adverse and positive changes to come to an overall ‘net’ result because it is important to acknowledge both adverse and beneficial effects.”*

- 9.77. Officer’s view are that, previously, the most harmful viewpoints were viewpoints 4, 5 and 6 and, by reducing the impact on these viewpoints, at the 15 year stage, to not ‘significant’ (in the opinions of two landscape consultancies (EDP & LUC)), the new proposal represents a far more sensitive and appropriate scheme and will no longer have the imposing effect on the surrounding area to the east.
- 9.78. Whilst there will still be an impact on the experience currently enjoyed along the public rights of way close to the northern boundary, I do not consider this impact to be severe enough to warrant a refusal in its own right, especially as the careful siting of the

buildings and a robust landscaping plan, including the tree belts, can be negotiated and secured as part of a reserved matters application.

9.79. Whilst buildings of this scale and height will never be fully screened, even when landscape treatment fully matures (given the open nature of the site) the applicant has worked hard to remedy the impacts raised by LUC, Members and objectors previously, and deliver a neighbourly and more natural development – the off-site wooded areas, in particular, reflect the existing characteristics of the wider area.

9.80. I am also conscious that the Albion East application 21/03267/OUT) has a resolution to grant permission and if that scheme is built out, that will urbanise part of the existing landscape. Officer's view is that the revised landscape proposals, submitted as part of this application, are more impactful and characterful than the landscape scheme delivered on the eastern part of the Albion application. The bunds have sufficient depth to allow the trees to take and, in the event that they didn't, a LEMP condition (13) has been imposed that ensures their replacement and long-term maintenance.

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

9.82. His view was as follows (although, I note that I haven't received his comments on the July 2025 Addendum to the ES, at the time of writing this report):

- Wider eastern and southern multi-functional landscape buffers are required, these buffers should be of sufficient width to accommodate bunding (where appropriate), woodland planting, woodland edge scrub and rough grass, drainage features, footways (where appropriate) and activity hubs (where appropriate).
- The parameter plan should allow for a width range (i.e. not a uniform width), that is informed by updated illustrative sections and plans.
- Wider northern and western landscape buffers are required to provide an appropriate relationship to the adjacent road and bridleway. These buffers should be of sufficient width to allow footways and activity hubs (where appropriate). The width range parameter will need to be informed by illustrative sections/ plans.

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

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



- 9.84. The potential over-development of the site was also a concern of officers previously. The original illustrative layout had suggested a car parking provision of 1,780 bays, which would have represented an exceedance of 78% over the OCC maximum parking standards of 1,000 bays for a development of this size. The revised parameter plan which includes 35m deep buffer zones on the western and southern boundaries (previously they were 20m deep) would reduce the amount of car parking.
- 9.85. Moreover, during the reserved matters application stage, the Council will have the ability to control the final amount of parking bays and the level, and standard, of the internal landscaping. Further, the Council has also suggested a landscaping condition (**Condition 20**) to this application which would require detailed information to be submitted during the reserved matters application stage to help ensure that the elevational quality of the buildings and the landscaping treatment is of a high quality.
- 9.86. A potential shortcoming is OCC's requirement, from a safety and sustainability point of view, for there to be a 4.5km pedestrian/cycle way on highway land which would result in some loss of hedging, a tree and scrub in some pinch-point locations and urbanise the rural area still further. However, this pedestrian/cycle way is something that will be delivered as part of the Albion developments, in any event, following their resolution to grant permission.
- 9.87. When assessed against the criteria of policy ESD13 (See table 1 below), there is a combination of partial compliance and compliance with the criteria. It also now meets the requirements of Local Plan policy ESD15 and paragraph 187 of the NPPF.

**Table 1**

<b>Policy ESD13 Requirement</b>	<b>Officer Response</b>	<b>Accordance with ESD13 Bullet Points</b>
Bullet point 1. Cause undue visual intrusion into the open countryside.	This scheme would be an almost complete urbanisation of two open, gently undulating arable fields and would have a visual impact, even after 15 years. However, the impact from the most sensitive viewpoints (due to improved, comprehensive, on and off-site strategic planting and woodland habitat) would not be 'significant' after 15 years	Yes – Partial compliance
Bullet point 2. Cause undue harm to important natural landscape features and topography	The undeveloped character of the application site, as two parcels of land, contribute positively to what is a prevailing rural feel to the east and south of this site. This proposal would remove part of that character.	Yes – it would not cause undue harm to important natural landscape features and topography

	<p>However, enhanced on site and proposed off-site landscaping is a tangible improvement and reflective of some of the wooded areas in the locality. The additional on and off-site landscaping would soften the impact of the proposal.</p> <p>Moreover, the landscape is not valued or of historical importance. So, in that sense, it would comply with this part of the policy.</p>	
Bullet point 3. Be inconsistent with local character	<p>The loss of longstanding hedgerows and the urbanisation of the site would be at odds with the rural surroundings. However, part of the local character is busy roads, the service station, garage and the fast food restaurant. Also, there are some heavily wooded areas in the locality and a heavily wooded landscape scheme would not be wholly inconsistent with the local character.</p>	Partial compliance
Bullet point 4. Impact on areas judged to have a high level of tranquillity	<p>Map 4.4 of The Landscape Character Assessment (2024) identifies the majority of the two parcels being at the lower end with the north eastern parcel being medium.</p>	Yes - complies
Bullet point 5. Harm the setting of settlements, buildings, structures or other landmark features, or	<p>No, it would not harm the setting of Stoke Lyne, Lone Barn and Park Farm, particularly with the substantial off-site landscaping proposal.</p>	Yes – complies

Bullet point 6 Harm the historic value of the landscape.	The field pattern of this site has been intact since at least the 1st edition OS mapping of the early 1800's and this pattern would, of course, be permanently altered by the removal of the hedges and the introduction of large logistics buildings along with the associated lorry and car parking bays. That said, it is not an historic valued landscape.	Yes -complies
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9.88. Previously, in my 3<sup>rd</sup> July Planning Committee report, I had written that *“the consequence of inserting large-scale logistics buildings into this open countryside (particularly on the northern parcel) would represent significant adverse harm that is permanent and enduring. It is compounded by the loss of hedgerows on the ‘interior’ of the site and insufficient landscaping offered up in return in the original submission (since revised). This harm would result in conflict with policies ESD13 and ESD15 of the Local Plan and 187 of the NPPF and weighs against the proposal in the planning balance.”*

9.89. However, the revised landscaping proposal is so comprehensive and full, the proposal would no longer result in significant adverse harm from what I, members and LUC considered to be the key viewpoints. The new woodlands would also be in keeping with the neighbouring wooded areas. In short, I do not believe that the character and appearance of the area to be unduly compromised and undermined as part of any harms arising from the development.

9.90. It is a greatly improved development which complies overall with policies ESD13 and ESD15 and paragraph 187 of the NPPF. This is true, cumulatively, of all four applications around Baynards Green roundabout.

#### Highways

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

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

- Heyford Park (application ref. 25/02190/HYBRID)
- NW Bicester (application ref. 21/04275/OUT)
- Puy du Fou (application ref. 25/02232/OUT)

9.93. The Council did not require the above applications to be included the applicants' cumulative assessment on the grounds that there are objections and holding objections to all three applications from OCC Highways and National Highways (and other consultees) and significant changes may well be required to the respective Transport Assessments. By contrast, OCC Highways are of the opinion that the trip

generation and modelling information from the OxSRFI, from an OCC Highways perspective, can be relied upon at this stage.

- 9.94. The Applicant, as explained in their covering letter dated 7 November 2025, has *“chosen to include these in the updated CEA to ensure that a robust review of likely cumulative effects has been undertaken in conjunction with the Proposed Development.”*
- 9.95. In short, *“the additional schemes identified above have been reviewed by the Applicant’s EIA technical team, with a sensitivity test undertaken to confirm the findings of the previous assessment. This review should be read alongside the analyses provided in the CEAs from the 2024 ES Update and September 2025 ES Addendum.”*
- 9.96. The applicants’ sensitivity testing, based on the available information, identifies no additional likely significant cumulative effects.
- 9.97. OCC Highways have reviewed this information and made the following comments:

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

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

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

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

*through Adderbury, where there is primary school frontage on the B4100 and crossing demand. We have requested a condition for an HGV Routing Strategy to complement the legal routing agreement, acknowledging that routing agreements are difficult to enforce when there are a number of operators. In the routing strategy we will be looking for strong measures to prevent HGVs using routes other than the permitted routes. This should be comparable to the measures proposed by OxSRFI, which includes ANPR cameras.*

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

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

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

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

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

- 9.98. National Highway were reconsulted and advised that, from a transport perspective, their previous comments on the original application, as set out in their updated response of 13 January 2025, stand and National Highways has no objection to the sensitivity tests outlined above.
- 9.99. We would also note that in the event of any future development in the area, further assessment would be required into the cumulative impact on the A43 Barley Mow roundabout
- 9.100. The emerging local plan policy CSD 23 (Assessing Transport Impact/Decide and Provide) encourages development to:
  - i. Contribute towards the improvement of public transport and the improvement and delivery of walking and cycling routes that serve the site. This could be achieved through the design of development and/or

through financial contributions appropriate to the scale and impact of the development;

ii. Be expected to provide, or make a proportionate contribution to the provision of, new and/or improved public transport infrastructure and services considering cumulative impacts of other approved developments in the area;

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

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

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

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

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

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

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

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

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

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

9.105. Paragraph 117 of the NPPF states that within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

9.106. Paragraph 118 of the NPPF requires all developments which generate significant amounts of movement to provide a travel plan, and the application should be supported by a vision-led transport statement or transport assessment so the likely impacts of the proposed development can be assessed and monitored.

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

9.108. In March 2023, National Highways requested another 3 months pause to allow for further information to assess the potential impact on a similar extent of the SRN, including the Baynards Green roundabout and establish the level of mitigation would be required at this junction, as the Growth Fund scheme was no longer in place as originally expected. This holding objection remained in place until April 2024 following the applicants scheme to improve the Baynards Green Roundabout with additional north-south highway capacity on the A43 and enhanced signal controls.

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

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

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

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

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

9.112. The updated information sets out the following:

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

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

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

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

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

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

The accesses E of the B4100 accommodate the proposed cycle/pedestrian link to Bicester, which has been subject to a separate Road Safety Audit Stage 1



(Appendix C of the Topic Paper Addendum). The detailed design stage of the accesses must be carried out in conjunction with detailed design of the ped/cycle facility.

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

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

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

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

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

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

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

- 9.118. *Concern about the level of car parking at the developments.*

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

- 9.119. I agree with OCC regarding their concern over the exceedance of parking bays (the original illustrative plan suggested 1,025 bays against OCC maximum standards of 600 bays per 180,000sqm of employment space - a 70% exceedance). Not only would

it result in further landscape harm and potentially a poor-quality internal layout, it would also run counter to the aims and aspirations of the travel plan and its ability to help encourage a modal shift from driving to cycling, walking and public transport. The revised parameters plan increased boundary landscaping and that would afford a significant but as yet unspecified reduction in available parking space.

- 9.120. I noted in paragraph A.6.25 of Tritax's updated Environmental Statement note (February 2025), the proposed cycleway extends adjacent to Twelveacre Copse; an Ancient Woodland site. This paragraph advises that, *"No direct loss to Ancient Woodland habitat is anticipated, however the route extends through the 15m Ancient Woodland buffer zone. The potential for impacts to the woodland's root protection zone that may result in impacts to the integrity of the Ancient Woodland will be assessed as part of the Ecological Assessment. This will be informed with input from the Arboricultural survey and, if needed, appropriate mitigation will be detailed to ensure there are no impacts to the Ancient Woodland from the creation of the cycleway."*
- 9.121. The advice I have received from the OCC Highways officer on this matter is that a no-dig construction could be used for the construction of the cycleway. Potentially a flexible surface could be used, as has been used in other locations close to trees. This isn't suitable for vehicles but would be OK for cycles and pedestrians. At the 3<sup>rd</sup> July planning committee Members were supportive of this cyclepath.
- 9.122. OCC's Highway obligations are set out in the 'Infrastructure' chapter below. Subject to those contributions being agreed, along with the conditions, then this aspect of the proposal complies with national and local planning policy. The improvement works to Baynards Green roundabout will now be secured through the s.106 agreement instead of condition, this is to ensure that all the relevant parties (landowners and applicants) are signed up to it.
- 9.123. A concern raised by Members at the 3 July planning committee was the potential for use of the roads by 'last mile' van drivers. A condition (**condition 44**) that would prohibit the use of 'last mile' van drivers would be attached to the decision notice, in the event of an approval.

## Ecology

- 9.124. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.188. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.189. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or

forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

9.190. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:

- 1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- 2) That there is no satisfactory alternative.
- 3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

9.191. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipelines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

9.192. Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) established a legal requirement for Biodiversity Net Gain (BNG) in England, mandating that all new developments, except for a few exemptions, must deliver at least a 10% net gain in biodiversity. This requirement applies to all major planning applications received from 12 February 2024 and all small sites from 2 April 2024.

9.194. Paragraph 187 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs.

9.195. Paragraph 193 of the NPPF states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.196. Paragraph 198 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so, they should (amongst others) limit

the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

9.125. Policy ESD10 (Protection and Enhancement of Biodiversity and the Natural Environment) of the Local Plan 2015 seeks to protect and enhance biodiversity and the natural environment.

9.126. Policy ESD10 of the Local Plan 2015 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.

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

9.128. 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.

9.129. 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.

9.130. The applicants' Environmental Statement (ES) (2024) and the response prepared by EDP, confirms that approximately 2.46km or 39% of hedgerows onsite would be lost. Hedgerows are priority habitats according to NERC Act 2006, and as such are offered protection under the NPPF and Cherwell Local Plan.

9.131. According to the Pre-Development Habitats figure in The ES Appendix 0.8.4 (Drawing number edp2355\_d)58a), the majority of this hedgerow loss would be species rich hedgerow which was a concern for the Council's Ecologist who, in her response in January 2025, commented that, *“Currently without information about how and where the lost hedgerows will be compensated, we cannot fully assess the impact of the scheme even in outline stage and our objection based on loss of priority habitat stands.”*

9.132. The Council's Ecology officer also previously raised a number of other concerns to the proposal relating to:

- 1) Inadequate Net Gain
- 2) Insufficient baseline data
- 3) Impact on farmland birds onsite and in cumulation contrary to NPPF and Cherwell Local Plan
- 4) Impact on brown hairstreak butterfly contrary to NPPF and Cherwell Local Plan
- 5) Impact on ancient woodland priority habitat contrary to NPPF and Cherwell Local Plan
- 6) Impact on CTA contrary to Cherwell Local Plan.

9.133. The applicants responded to the officer's comments with additional information submitted on the 12 March 2025 including a draft LEMP. On this basis, the Ecology officer confirmed that her objections set out in points 2, 3, 4, 5 and 6 in the list above could be adequately addressed through conditions/and or planning obligations, which

secure detailed LEMP/LHMP/CEMPs, prior to the commencement of development, and ensure that features for wintering birds should be incorporated into the design of offsite measures.

9.134. The lack of precise information about where any hedgerow would be removed to facilitate this route is not ideal, but I do not think it would warrant a refusal in itself. This absent information could be secured via condition and through a reserved matters application. The real harm would be the loss of the species rich hedgerow on site in the first instance to accommodate a large commercial development, which isn't allocated for employment development.

9.135. As part of the Addendum to the ES (July 2025), the applicants are now proposing to increase the creation of new mixed scrub, native trees, other neutral grassland and native hedgerows within the Site. They are also now providing to deliver substantial off-site mitigation measures (as shown in Appendix EDP 3 (plan ref. edp2355\_d065) of the Landscape and Visual ES Addendum note (report ref. edp2355\_r035).

9.136. These measures include the planting of 10-30m woodland blocks to connect Stoke Wood Local Wildlife Site (LWS) to Stoke Bushes LWS, as well as the creation of a wildlife area along a section of a stream. This document advises that the wildlife area will be planted with a mix of native broadleaved woodland (5.833ha), native mixed scrub (1.59ha) and other neutral grassland (1.59ha), thereby creating an ecotone edge adjacent to a stream.

9.137. As this section of stream is currently bordered by arable land, the creation of natural habitats in this area will enhance the stream's function as a wildlife corridor.

9.138. In total, there will be planting of 5.833ha native broadleaved woodland, 1.59ha native mixed scrub and 1.59ha other neutral grassland. There will also be the planting of at least 1.9km of off-site native species-rich hedgerow in this area.

9.139. On the 30 October 2025, as part of the Council's Regulation 25 letter to the applicants, the Council requested the following information:

"The Council's Ecology Officer notes that there have been a few changes to the Sept 25 proposed habitats plan. For example, the applicants had removed the individual trees from the site plan. However, there are still trees in the metric. These changes needed to be clarified/addressed: the Council's Ecology Officer would expect the site plan to match the metric.

The Council's Ecology Officer also required:

- updated Bat Survey report
- updated Dormouse survey report
- commitment that the farmland bird strategy will be in perpetuity
- confirmation in the addendum that a minimum 10% BNG can be achieved
- Finalised Impact Assessment for habitats and protected species based on updated surveys
- Mitigation and enhancement strategy
- Update biodiversity metric and HMMP."

9.140. In November 2025, the Applicants also updated the Environmental Statement to include the following information:

- Technical Appendix 8.5: Updated Biodiversity Net Gain metric (edp2355\_r038b);
- Technical Appendix 8.6: Farmland Bird Mitigation Strategy (edp2355\_r047);

- Technical Appendix 8.7: Bat Activity Technical Note (edp2355\_r048b);
- Technical Appendix 8.8: Dormouse Survey Report (edp2355\_r049);
- Draft Landscape and Ecological Management Plan (DLEMP) (edp2355\_r033c); and
- Figure 8.6: Post-Development Habitats Plan (edp2355\_d072).

9.141. The Council's Ecologist has reviewed these additional surveys and documents and is generally satisfied. Her view is that some of the BNG elements will need to be finalised once the layout is confirmed at the REM stage, but what has been submitted at this point is acceptable.

9.142. The updated dormouse survey showed no evidence of dormouse activity on site. This (the applicants state in their letter) means that the baseline report of the original Environmental Statement (ES) remain valid – that report had advised that Site habitats are of low value to dormice, and, given the nature and context of the Site, that hazel dormice are considered likely absent. In light of the above, no further mitigation for dormice is required and the conclusions of the original ES remain unchanged.

9.143. The Council's Ecologist advises that it is worth noting that the bat surveys recorded higher levels of barbastelle activity during the 2025 survey period compared to previous years. Accordingly, a biodiversity-focused lighting strategy will be required to ensure these species are fully considered and not negatively impacted (this will be **conditioned**). The proposed off-site BNG provisions will also benefit this species.

9.144. The Council's Ecologist is also happy with the details of the Farmland Bird Mitigation Strategy, which, although they will be delivered for a period of 25 years, and not in perpetuity, is acceptable as it replicates the approach the Council takes on other applications in the district.

9.145. Although the site is not subject to mandatory 10% biodiversity net gain under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), it is still required to demonstrate an overall net gain in line with the NPPF and local policy, which aim for at least 10%.

9.146. The applicants are committing to deliver a minimum of 10% BNG. Their draft LEMP (DLEMP) sets out a framework mitigation and enhancement strategy with respect to habitats and species, which includes:

- Compensating the habitat loss (which primarily consists of lower-value arable land), by *“enhancing retained habitats and creating a variety of new, ecologically valuable habitats, both on-site and off-site. These include species-rich grasslands, hedgerows, native scrub, trees and wetland habitats. While some loss of more valuable habitat, comprising the species-rich hedgerows, is unavoidable, it is considered that the habitat creation and enhancement efforts on-site, along with off-site measures necessary to achieve the Developer's commitment to 10% BNG, will adequately offset this loss. These efforts will include the provision of additional hedgerow habitat both on- and offsite, as well as mixed scrub to support foraging, shelter, and commuting for a variety of species, replicating the benefits provided by the hedgerows.”*

9.147. The DLEMP will be linked with a Biodiversity Enhancement and Management Plan (BEMP) (secured by **condition 14**) that would be submitted at Reserved Matters stage, as well as the Habitat Management and Monitoring Plan (HMMP), prepared in

accordance with the approved Biodiversity Gain Plan. The HMMP would also form part of any Reserved Matters application (also secured through planning obligation in the draft S.106 Agreement).

9.148. As noted in the 'Landscape' chapter above, part of this off-site planting lies within the Tusmore and Shellswell Park CTA, the aims of which include the management and creation of lowland mixed deciduous woodland. EDP advise that *"given that the majority of off-site woodland planting lies within, or adjacent to this CTA, including the wildlife area along the stream, it is considered that the off-site habitat creation will further the aims of the Tusmore and Shellswell Park CTA, and will provide enhanced wildlife corridors between the LWS woodland blocks and newly created habitats within the Site."*

9.149. 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.

9.150. The off-site woodland/landscaping plans has also greatly improved this element of the scheme and, subject to conditions (12 - 16) and a S.106 agreement, will ensure overall compliance with the Local Plan policies Policy ESD10, ESD 11 and BL11 along with the relevant provisions in the NPPF. I give this element moderate negative weight in the overall planning balance.

#### Drainage

9.151. 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.

9.152. 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.

9.153. 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.

- 9.154. The applicants, in their submission documents, have included a Flood Risk Assessment and Drainage Strategy. The strategy is for all surface water flow to be attenuated in a series of basins (combination of soakaways and impermeable basins) and below ground storage prior to discharging at QBAR Greenfield run off rate of 4.5l/s/ha.
- 9.155. Part of the surface water strategy would also involve dividing the site into 3 catchment areas (See Appendix F).
- 9.156. Catchment 1 would utilise a hybrid system of attenuation basins and soakaways, in addition to below ground storage. It is anticipated that surface water would infiltrate into the ground for majority of design storms, and, during more extreme storms, the surface water would rise to a level of 113.150m and then overflow from the attenuation systems discharging into an existing ditch located south of catchment 1 at a controlled greenfield runoff rate. The Drainage Strategy assumes that the existing ditch is culverted beneath the B4100 and flows further south into another existing ditch.
- 9.157. Catchment 2 would attenuate the surface water flows entirely within a series of attenuation basins prior to discharging into an existing pipe east of catchment 2 which further connects into an existing ditch. Due to the low permeability of the existing strata in this area, the attenuation basins will only partially act as soakaways. The drainage strategy advises that due to the existing 300mm diameter pipe size, the flow would be restricted to a maximum of 90l/s, reducing the discharge rate from the greenfield run off rate.
- 9.158. Catchment 3 would be located south of the development site and is proposed to drain entirely through a soakaway basin due to the permeability of the underlying strata. Permeable paving is proposed to be installed to all external car parking areas. This will be a 'Type B' system (after CIRIA 735), where the proportion of rainfall that exceeds the infiltration capacity of the subsoil will flow into the engineered drainage network.
- 9.159. The Drainage Strategy confirms that the whole of the drainage network has been designed to accommodate the critical storm event up to and including the 1 in 100-year return period plus a 40% allowance for climate change, whilst still preventing off-site flooding.
- 9.160. The Drainage Strategy also confirms that the drainage system will be designed to accord with BS EN 752:2017 requirements.
- 9.161. Regarding the foul water, the Drainage Strategy advises that *"All foul effluent from the north side of the development will be directly discharged into an on-site main pumping station located on the north eastern side of the development (see Appendix F). It is proposed that the foul flows from the south side of the development discharge into a private pumping station located within the southern area, pumping the foul water into the main pumping station via a rising main. The main pumping station will then pump all the foul water drainage into an existing Anglian Water manhole (Ref:5301) in Stoke Lyne village located east of the site."*
- 9.162. On the 6 March 2025, Anglian Water, who hadn't objected to the proposal previously, objected to any connection into their foul network from the proposed development, due to capacity constraints and pollution risk. Anglian Water also made the following comments:

Wastewater Treatment



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

#### Used Water Network

- *In order to overcome our objection we require that the applicant consults Anglian Water in a form of a Pre- Development enquiry (PPE) in order to define a Sustainable Point of Connection (SPOC). This will avoid the constrained network which could cause pollution and flood risk downstream. The developer is to be responsible for the infrastructure to convey foul water flows from the proposed development to the receiving network. Once a SPOC has been identified and a strategy has been agreed with Anglian Water, we would expect the applicant to submit this PPE as part of their submitted documents for this application, we will the review and respond appropriately. Anglian Water is committed to supporting sustainable growth and in doing so we must continue to meet the statutory obligations whilst balancing factors such as climate change as environmental protection. However, if the LPA are minded to approve the application, despite our objection and risk of pollution, we recommend the following condition is applied:*

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

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

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

9.166. Subject to conditions, including Anglian Water’s Grampian condition (39) Thames Water pre-occupation condition (38), neither the CDC Drainage officer, nor OCC, as the LLFA, have raised any objections to the proposal. Therefore, with the appropriate

stringent conditions attached, the proposal would accord with relevant Local and National Planning policies and I give neutral weight to this matter in the planning balance.

### Energy

- 9.167. Planning plays a vital role in ensuring that developments minimise their contribution towards climate change. This is recognised by the Government and why one of the NPPF's core principles is that *"the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure (paragraph 152)".*
- 9.168. Cherwell District Council is committed to tackling climate change. For many years Cherwell District Council has been at the forefront of developing and implementing robust and innovative planning policies and standards to tackle climate change. In July 2019 it declared a Climate Change Emergency.
- 9.169. When the 2011-2031 Local Plan was adopted, it strengthened previous planning policies relating to energy in order to ensure that the Council continues to take a robust and ambitious approach to minimising carbon emissions in the district, which is why policies ESD 1 – 5 were introduced.
- 9.170. Policy ESD1 of the CLP 2015 covers the issue of Mitigating and Adapting to Climate Change and includes criteria under which application for new development will be considered. Included in the criteria is the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts. These requirements will include the consideration of, taking into account the known physical and environmental constraints when identifying locations for development. Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling. Minimising the risk of flooding and making use of sustainable drainage methods and reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).
- 9.171. Policy ESD5 of the CLP 2031 Part 1 requires new commercial development of over 1000sqm floorspace and for new residential development for 100 dwellings or more to provide a feasibility assessment of the potential for significant on-site renewable energy provision. This is expected to then be provided if it is shown to be deliverable and viable. Policy ESD4 of the CLP 2031 Part 1 also requires a feasibility assessment to be carried out for such developments to consider whether District Heating/ Combined Heat and Power could be incorporated.
- 9.172. Policy ESD3 of the CLP 2031 Part 1 requires that all non-residential development will be expected to meet at least BREEAM 'Very Good' standard. It also requires development to reflect high quality design and environmental standards and for water, it is expected that a higher level of water efficiency than required by the Building Regulations be sought to achieve a limit of 110 litres/ person/per day (this applies to residential uses too).
- 9.173. The applicants' Environmental Statement (prepared by Savills) and Planning Statement (Framptons) advises that each building on each site would have PV solar panels on a minimum of 18% of the roof area and that an 'energy hierarchy' would

be employed “to reduce carbon emissions from the built development: by minimising heat losses, reducing air permeability, maximising the use of natural light; maximising the energy efficiency of the fittings and equipment that is incorporated into the development; and to incorporate renewables / low carbon technology.” The applicants have also agreed to deliver a scheme which would achieve a BREEAM ‘Excellent’ rating. This will be secured by **Condition 7** and is a benefit of the scheme.

9.174. A compound would also be used as an energy centre and there would be EV charge parking for cars and sustainable drainage solutions. These are all energy mitigation measures which will be secured via **Condition 7**).

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

9.176. Based on the above points it is considered that the applicants have demonstrated that the proposal would comply with the requirements of Policies ESD1, ESD2 and ESD3 of the CLP 2015.

#### Air Quality

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

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

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

9.180. Paragraph 6.1.4 of the Air Quality chapter of the applicants Environmental Statement states: *“It is anticipated that the day-to-day energy strategy during the operational phase of the Proposed Development will incorporate an all-electric approach, in compliance with Part L of the Building Regulations. As such, assessment of day-to-day on-site air quality emissions during the operational phase has been scoped out.”*

9.181. The Air Quality assessment concludes that the impact from dust generated from the earthworks and the construction phase would be low. It goes on to set out the Predicted Annual Mean NO<sub>2</sub> and PM<sub>10</sub> Concentrations during the proposed development, as being negligible. The Council’s Environmental Protection Officer agrees with these conclusions and raises no objections. Moreover, having spoken with the Environmental Protection Officer (23 December 2025), he has confirmed that, subject to conditions, cumulatively (the Tritax and Albion applications combined), Air quality impacts would be of an acceptable level and that the schemes are policy compliant and he raises no objection.

- 9.182. Furthermore, the Site does not lie within an Air Quality Management Area (AQMA) – the closest AQMA is 6.5km to the southeast of Bicester.
- 9.183. For the above reasons, this aspect of the proposal, subject to conditions, complies with policies of ESD 1 – ESD 5 and ESD10 of the Cherwell Local Plan:2015 and Saved policy ENV1 of the 1996 Cherwell Local Plan.

#### Heritage

- 9.184. Policy ESD15 of the CLP 2015 makes it clear that new development to, or near, non-designated heritage assets, should: “Conserve, sustain and enhance designated and non-designated ‘heritage assets’ (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG.”
- 9.185. Paragraph 207 of the NPPF states that *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*
- 9.186. The applicants have included an Archaeology and Heritage chapter in the ES, prepared by EDP. It assesses the relationship between the site and all the Heritage Assets within a 2km radius of the site. This appraisal concludes that there would not result in any adverse effects on the non-designated and designated heritage assets.
- 9.187. This is a view shared by the Council’s Conservation Officer, who has concluded that, due to a combination of distance, screening (buildings, landscaping & trees), there is no notable interrelationship between the site and the closest heritage assets (Grade II\* Church in Stoke Lynn, Conservation Areas in Ardley, Fewcott & Fitwell).
- 9.188. Sub-section v.ii of emerging local plan policy COM 10 makes clear that new developments should not “Reduce the historic significance of the landscapes”. The proposal would comply with part of the policy as well.
- 9.189. I note in one of the objection letters from Somerton Parish Council there is concern that this application, along with the Albion, Heyford ‘New Town’ and Puy Du Fou applications, would result in a national heritage impact on Rousham House & Garden - a Grade I listed house set within a Grade I Registered Park and Gard. I requested the views of the Council’s Conservation Officer on this point. Her advice was:
- “In respect of Rousham House and The Registered Park surrounding it, the significance of these heritage assets is recognised. However, because of the location of Rousham in relation to the proposed developments it is considered that there will be no direct harm to significance. It is acknowledged that the developments will visually alter the wider landscape, but this does not necessarily equate to heritage harm. “*
- 9.190. For these reasons, this aspect of the proposal is policy compliant and has neutral weight in the planning balance.

#### Residential Amenity

- 9.191. 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.
- 9.192. 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.*
- 9.193. Given the significant setback (56m) between the proposed development area shown on the parameter plan, and the closest neighbouring building (Lone Far.), I do not anticipate that the neighbours would experience a loss of daylight/sunlight or privacy.
- 9.194. Although there would be a great deal of lorry and car movement on the site, the Council's Environmental Protection Officer has not objected on noise or lighting grounds, subject to conditions. A condition (**condition 44**) would also be imposed (it has also been offered up by the applicants) which would ensure that there are no 'last mile' van drivers using this site.
- 9.195. However, the scale of this employment park, its open location and proximity to two isolated dwellings and Stoke Lynn means that a few local residents would suffer a significant change in their views. Although it is long established that no one has a right to a view and I note that the bund in front of the closest employment shed, as shown on section plan (ref:edp2355\_do63d) would have a depth of approximately 40m and a minimum height of 6.6m. It is anticipated that the trees on top of the bund would have a height of 12.2m at the 15-year growth stage, lessening the impact on the views of the occupiers of Lone Farm. The bunds will be secured by **Conditions 5 & 45 – 48**)

#### Archaeology

- 9.196. OCC's Archaeologist, in her original comments noted that *“the site was known to be of archaeological interest and potential, with a range of features recorded from cropmarks, and a Roman coin hoard recovered from within the development area.*
- 9.197. *The geophysical survey revealed extensive remains beyond those known from cropmarks and so trenching was undertaken. The archaeological trenching has recorded dense Iron Age, Late Iron Age – Early Romano British (transitional period) and Romano British activity in the east of the site, with evidence for Saxon settlement being recorded in the southern field. As well as these remains, a small assemblage of later prehistoric, worked flint was recovered from the site, suggesting there was also earlier activity across the area.*
- 9.198. *The Iron Age settlement remains include enclosures and a north – south trackway. Associated with the settlement, four burials were also identified. The Iron Age features underlie the later Romano-British settlement, which expanded across the site and mostly dates from the 2nd-4th century. Within this period, a single rectilinear stone building was erected which could represent a basic villa rustica, or large barn. The Saxon settlement to the south of the B4100 is represented by four sunken featured buildings, which have been dated to the 7-8th century.”*
- 9.199. During the course of the application, OCC's Ecologist, following a review of Cotswold Archaeology's first phase of evaluation, requested sight of their second phase evaluation, along with the results of the geophysical survey. This was

subsequently submitted, and, on the 12 September 2024, OCC's Archaeologist made the following comments:

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

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

9.201. Subsequently, when the applicants submitted revised proposals to provide offsite mitigation area (blue line boundary), OCC's Archaeologist advised that the mitigation area lies in an area of archaeological interest and, potentially, where earthworks have been recorded on aerial photographs and within LiDAR data. OCC's Archaeologist's view is that the earthworks likely represent previous field boundaries, and possibly some periphery settlement activity.

9.202. However, through discussions with the applicant, landowner and OCAS, it was found that the area has been subject to ploughing between the recording of the earthworks on the site and the current application, via a Natural England scheme.

9.203. A geophysical survey was conducted on the area which recorded anomalies corresponding to the former field boundaries, some undetermined anomalies and features likely linked to 19th century drainage. No earthworks were observed on the ground during this survey, and it is likely that the ploughing activity has removed them.

9.204. OCC's Archaeologies has advised that she has no objection to the proposal, provided that a further phase of archaeological investigation is carried out to investigate the survival of the earthworks in the ground. Her advise is that this must consist of a trenched evaluation, and based on the results of this, a further mitigation excavation may be required prior to any tree planting in this area.

9.205. OCC's Archaeologist adds that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be carried out prior to any tree planting or landscaping in the offsite mitigation area as shown in drawing number edp2355\_d073a. This can be ensured through the attachment of a suitable negative condition.

9.206. Subject to conditions **8 - 11**, this element of the proposal is acceptable and policy compliant.

#### Loss of Agricultural Land

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

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

9.208. Emerging policy LEC 7 (Best and Most Versatile Land) makes clear that Best and most versatile agricultural land will be protected from unplanned development to

maximise opportunities for food and other agricultural production. The policy goes on to state that:

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

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

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

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

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

This grade is subdivided:

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

9.210. The applicants have submitted an Agricultural Land Classification report, prepared by Land Research Associates. This report concludes that the land is of moderate quality (subgrade 3B in the BMVL table) and, therefore, not the ‘best and most versatile land’ and there would not be any conflict with emerging policy LEC 7.

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

9.212. In summary, the district would not be losing the ‘best and most versatile’ land. It would still result in the loss of agricultural land that is of some (moderate) use, of course, but this would be balanced out by the creation of a significant number of new

jobs and training and apprenticeship opportunities. In the planning balance, I give the loss of this moderate 3b agricultural land a neutral impact when measured against the creation of a significant number of short-term and long-term jobs.

#### Planning Obligations

9.213. 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.

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

9.215. Oxfordshire County Council have requested the following contributions:

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

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

#### **Other Matters**

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

#### B4100/A43 Junction



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

#### B4100 Road

9.219. 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.

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

#### Tritax North Access

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

#### Tritax South address

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

#### Cycle Pathway

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

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

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

9.226. 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.

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

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

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

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

### Positive Benefits

#### Economic

- 10.2. The proposals, individually, and collectively, would contribute significantly to the Council's Employment Land Supply at a time when there is an identified need at the upper level. Moreover, a further benefit is that the scheme would be providing logistics use in line with the aspirations of paragraphs 86 and 87 of the NPPF which seeks to meet the needs of a modern economy, support economic growth and in a suitably accessible location.
- 10.3. The proposals would provide a forecast of 500 construction jobs (potentially rising to 610 jobs) and 2,430 permanent jobs.
- 10.4. It will also contribute towards the Government's renewed plans to ensure that the Oxford – Cambridge Arc corridor is an engine for the whole of the UK.
- 10.5. The provision of employment training and apprenticeships is also another welcome benefit of the scheme.
- 10.6. Very significant weight should be attached to the economic benefits of the scheme.

#### Social

- 10.7. As already noted above, there is an economic benefit arising from the provision of jobs. The proposals will likely provide a range of job types from the low-skilled to the highly skilled. Although, given the location, not every post is likely to be taken by people living locally. However, the job provision is still very significant, regardless of ward boundary, and it is likely that there will be some local residents who are able to access some of the jobs over the full length of development. That will bring a community aspect to the scheme as well. This is reflected above in the provision of very significant weight to the economic benefits.

#### Environmental

- 10.8. The proposals commit to delivering a minimum of 10% biodiversity net gain (the application pre-dates 10% BNG becoming a minimum requirement), through on-site enhanced landscape schemes and substantial off-site ecological improvements (Secured by condition and planning obligations). Providing such a rich and natural habitat carries significant weight.
- 10.9. I also attach significant weight to the applicant's commitment to delivering a BREEAM 'Excellent' condition which goes beyond the policy ESD3 requirement of a minimum BREEAM 'Very Good' rating.
- 10.10. There is an existing bus service – the 500, but it is hourly, doesn't extend into the early morning and late evening, and is only funded for a limited time (until 2027) from development in Brackley. The s106 contribution, although needed to make the development less car reliant, would cover a new bus service in the event the existing

service ceases or be used to top it up. This is needed to help make the development more sustainable. Therefore, I give this element modest weight.

- 10.11. Similarly, the cycle and pedestrian route connecting the site with Braeburn Avenue is necessary to help reduce the need for the car. Therefore, I give these aspects of the proposal significant weight.

### Negatives

- 10.12. No development or construction site is silent and dark and, therefore, the development will result in impacts on the area in terms of noise and disturbance, as the development is completed. There would also be disruption through the implementation of the traffic mitigation. This is minimised through the development and implementation of construction management plans. However, some disturbance is expected. This carries moderate negative weight.
- 10.13. The proposed changes mean that the development would result in some adverse harm, on a long-term (15 year +) basis, from only a small number of viewpoints. The extent of the new mitigation measures, would result in the overall impact being greatly reduced, to the extent that the Council's landscape consultant now considers the impacts of the development on the most sensitive views, to no longer be significant.
- 10.14. The scale of the site, at 83.28ha, represents a very large development, particularly as it will not be possible to fully screen it. That will always be a shortcoming of any proposal of this size in the countryside. That said, I am mindful that the landscape is of medium value and not currently a valued or designated landscape and, as noted above, the applicants have taken great care to submit an enhanced landscape proposal which will lessen the impacts. Therefore, I attach moderate negative weight.
- 10.15. The loss of 2.46km of hedgerow, 1.63 km of which is species-rich priority hedgerow, by building on unallocated land also affords significant negative weight, albeit the increased on site planting, and substantial off-site mitigation measures, reduce this harmful impact to the extent that I attach moderate negative harm.
- 10.16. The new 4.5km cycleway, required to make the scheme acceptable from a safety and sustainability point of view, will result in further urbanisation of the area. However, this is likely to be the loss of predominantly scrubs and overgrown hedges, and it wouldn't be the same level of harm as the new access points on the B4100, for example. I give it moderate negative weight to this harm.
- 10.17. The loss of Class 3b Agricultural Land would be a modest shortcoming of the scheme. As Class 3b represents 'moderate' quality agricultural land, I would attach very limited weight to its loss.

### Conclusion

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

## **11. RECOMMENDATION**

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

- i. THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- ii. THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**
  - a. Payment of financial contributions towards Signalisation of Charlotte Ave/B4100 junction
  - b. Payment of financial contributions towards Traffic management in Caversfield/Aunt Emm's Lane
  - c. Payment of financial contributions towards Bus service serving the site and on site highways works
  - d. Payment of financial contribution towards Traffic Reg Order
  - e.** Payment of financial contributions towards improvements to public rights of way in the vicinity of the sites
  - e. BNG provisions related to HMMP and monitoring fees.
  - f. Appropriate monitoring fees for the delivery of the s106.
  - h. Off-site transport improvement works.
  - i. The provision of a cycle route to Bicester

**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

#### **Reserved Matters Phasing Plan**

1. Prior to or concurrently with the submission of the first reserved matters application(s), a Site Wide Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. Concurrently with the submission of any

application for an approval of reserved matters relating to layout, which result in amendments to this plan, an updated Site Wide Phasing Plan, shall be submitted to the Local Planning Authority for approval. Thereafter the development shall be carried out in accordance with the approved Site Wide phasing plan.

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

2. No development shall commence on any phase identified within the approved Site Wide phasing plan approved under condition 1 until full details of access (insofar as not approved by this decision), layout, scale, appearance, and landscaping (hereafter referred to as reserved matters) of the development proposed to take place within that phase have been submitted to and approved in writing by the Local Planning Authority.

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

#### **Reserved Matters Timing of Submissions**

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

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

#### **Use Class**

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

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

### **Approved Plans**

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

Location Plan ref. 14-019-SGP-XX-XX-DR-A-13100 Rev P2

Site Access Plan ref. 216285\_PD12 Rev A

Parameters Plan ref. 14-019-SGP-XX-XX-DR-A-131003 Rev P14

The Site Access Plan may be amended by Road Safety Audit or Detailed Design of Section 278 Agreement.

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

### **Ground Levels**

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

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

### **Energy**

7. All applications for approval of reserved matters shall be accompanied by details of the on-site renewable energy provision to be incorporated into that phase, including the provision of solar PV. Development within that phase shall take place in accordance with the approved details of on-site renewable energy provision and no unit shall be occupied until the approved on-site renewable energy provision serving that unit is operational and shall be retained as such thereafter. Each Phase shall deliver, as a minimum, A BREEAM 'Excellent' standard.

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

### **Archaeology – Witten Scheme of Investigation -Application Site**

8. Prior to the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site

area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2024).

#### **Archaeology – Compliance**

9. Following the approval of the Written Scheme of Investigation referred to in condition 9, and prior to the commencement of each phase of the development (other than in accordance with the agreed Written Scheme of Investigation), a programme of archaeological mitigation for that phase shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork for that phase.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2024).

#### **Archaeology – Witten Scheme of Investigation - Offsite mitigation area**

10. Prior to any tree planting or landscaping in the offsite mitigation area, as shown in drawing number edp2355\_d073a, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2024).

#### **Archaeology – Compliance**

11. Following the approval of the Written Scheme of Investigation referred to in condition 11, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage

assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2024).

### **LEMP**

12. No building construction shall commence for each phase of development until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall be in general accordance with the draft LEMP (ref: edp2355\_r033c) dated November 2025 but will be updated to accord with the increased buffers in the Parameters Plan ref. 14-019-SGP-XX-XX-DR-A-131003 Rev P14.

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

### **Ecology CEMP**

13. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) based on the measures outlined in the Ecology Appraisal by EDP has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of 'Biodiversity Protection Zones';
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs
- 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: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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



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

### **Ecology BEMP**

14. The development hereby approved shall not commence until a Biodiversity Enhancement and Management Plan (BEMP) 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 and has been submitted to and approved in writing by the local planning authority. This shall also include a timetable for provision of measures and a finalised BNG metric to support the BEMP. Thereafter, the biodiversity enhancement scheme shall be carried out and retained in accordance with the approved details.

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

### **Reserved Matters Surveys**

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

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

### **Protected Species**

16. 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.

### **Employment Floorspace Cap**

17. No more than 300,000sqm GIA of employment floor space shall be provided across the site as demonstrated on drawing 14-019-SGP-XX-XX-DR-A-131003 Rev P14.

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

PD Rights Above Ground Infrastructure

### **PD Rights Water Infrastructure**

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

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

### **Landscape Strategy & Management**

19. As part of the Reserved Matters submission, for each phase of development, a scheme of hard and soft landscaping works in that phase of development will be submitted for the approval of the Local Planning Authority. The submitted detail will set out how this supports, enhances, and is complimentary to the Illustrative Strategy (Landscape). The submitted details will include the following in relation to that phase:

- Identification of existing trees, shrubs and other vegetation to be retained
- Wildlife habitat creation of potential benefit to protected species. The extent, location and design of such habitat shall be shown clearly and fully described.
- The creation of a visually attractive and stimulating environment for the occupiers of the future development, and other users of the site.
- Details of street furniture including bins, seating, dog bins, and boundary treatment
- The eradication of Japanese knotweed or other invasive species on the site, if applicable.
- The replacement of trees proposed to be lost in site clearance works.
- Details of the future management of the landscape scheme.
- Ground preparation measures to be adopted.
- Full botanical details, numbers, locations, planting specifications and densities/ seeding rates of all plant material included within the landscape scheme.
- Existing and proposed levels.
- Programme for delivery of the approved scheme.
- A colour study and photomontages to inform the selection of colours, cladding, fenestration, signage and roof appearance;

- Detailed landscape design proposals that reflect the landscape strategy and include integration of car parking and employee amenity areas.
- Full details of drainage features to be designed in accordance with the landscape strategy to provide multiple benefits – wildlife, amenity seasonal cooling and drainage; and
- Full details of all auxiliary buildings and structures including boundary treatments gatehouses bin and bike stores.

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

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

#### **Arboricultural Method Statement**

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

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

#### **Contaminated Land - Desk Study**

21. No part of the development hereby permitted shall take place until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out by a competent person and in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management (LCRM)" and has been submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason: To ensure that any ground and water contamination is 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

#### **Contaminated Land – Outcome of Desk Study**

22. If a potential risk from contamination is identified as a result of the work carried out under condition 22, prior to the commencement of each phase of the

development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals for that phase shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management (LCRM)" and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

#### **Contaminated Land – Further contamination**

23. For each phase, If contamination is found by undertaking the work carried out under condition 23, prior to the commencement of the development of each phase hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management (LCRM)" and submitted to and approved in writing by the Local Planning Authority. No development for that phase shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

#### **Contaminated Land – Unexpected contamination at a later date**

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

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

#### **Lighting**

25. Prior to the installation of any external lighting in each phase, 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 strategy.

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

#### **Fire Hydrants**

26. No above ground works shall commence on any phase identified within the approved the phasing plan approved under condition 1 until full details of the fire hydrants to be provided or enhanced on the site for that phase have been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development in that phase, the fire hydrants shall be provided or enhanced in accordance with the approved details for that phase and retained as such thereafter.

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

#### **Pedestrian/Cycleway connection southeast**

27. The development shall not commence until full specification details have first been submitted to and approved in writing by the local planning authority of a direct pedestrian/cycle connection to the adjacent public highway to the southeast between points A and B on the parameters plan ref. 14-109-SGP-XX-XX-DR-A-131003 Rev P14. Thereafter the connection shall be provided in accordance with the approved details.

Reason: In the interest of highway safety, to provide a route for cycling between the site and nearby villages without using the carriageway of the B4100.

#### **Pedestrian/Cycleway connection south**

28. The development shall not commence until full specification details have first been submitted to and approved in writing by the local planning authority of a pedestrian/cycle connection to the adjacent public bridleway to the south between points E and F on the parameters plan ref. 14-109-SGP-XX-XX-DR-A-131003 Rev P14. Thereafter the connection shall be provided in accordance with the approved details.

Reason: To provide a connection to the adjacent public rights of way network, allowing employees access to nearby facilities at Cherwell Valley Services and to Stoke Woods.

#### **Site Details**

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

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

### **HGV Routing**

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

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

### **Construction Details**

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

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

### **Cycle Parking Details**

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

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

### **Electric Vehicle Charging Points**

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

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

### **Construction Traffic Management Plan**

34. 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.

### **Signage**

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

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

### **Travel Plan**

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

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

#### **Site Travel Plan**

37. Within three months of the first occupation of each unit at the site a Site Travel Plan prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and based on the Framework Travel Plan approved under Condition 38, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved details.

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

#### **Water Supply – Thames Water**

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

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

#### **Foul Water – Anglian Water**

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

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

#### **Surface Water Drainage**

40. For each phase of development, no development shall commence until a detailed surface water drainage scheme for that phase 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 and for the lifetime of the development;
- 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.

### **Surface Water Management Scheme**

41. As part of any related reserved matters application, a detailed Surface Water Management Scheme for each phase or sub-phase of development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the details approved as part of the strategic scheme (Strategic Surface Water Management Scheme) and include all supporting information as listed in the Condition. The scheme shall be implemented in accordance with the approved details and timetable.

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

### **SuDS as Built Details**

42. Prior to first occupation of each phase, a record of the installed SuDS and site wide drainage scheme for that phase shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- (a) As built plans in both .pdf and .dwg file format;
- (b) Photographs to document each key stage of the drainage system when installed on site;
- (c) Photographs to document the completed installation of the drainage structures on site;

(d) The name and contact details of any appointed management company information.

Reason: To ensure that the development does not increase risk of flash flooding in an extreme storm event in accordance with the requirements of Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.

### **Employment Training & Apprenticeships**

43. No development above ground level shall take place until a strategy has been submitted to and agreed in writing by the Local Planning Authority which sets out how Apprenticeships and Training Opportunities will be encouraged to be provided during the construction phase. Prior to the first occupation and prior to the occupation of any subsequent occupiers of the building, a further strategy shall be submitted to and approved in writing by the Local Planning Authority which sets out how Apprenticeships and Training Opportunities will be encouraged to be provided by the occupiers of the unit. The strategies above shall include details of the number of apprenticeships and training posts, over what period of time they will be employed, where the apprentices may be placed within the company and where apprentices will be taken from. The strategies shall be implemented in accordance with the approved details.

Reason: In the interests of ensuring appropriate and adequate apprenticeships are made available in accordance with policy BSC7 of the Cherwell Local Plan 2011-2031, the Council's SPD on Developer Contributions (2018) and Government guidance within the National Planning Policy Framework.

### **Last Mile Restriction**

44. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any statutory instrument revoking and re-enacting the Order and to ensure compliance with saved Policy TR1 in the Cherwell Local Plan 1996, none of the Use Class B8 floorspace hereby approved shall include occupation by any use for 'Last Mile Parcel Delivery Services'.

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

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

### **Landscape Bund Conditions**

45. Notwithstanding the provision on the Parameters Plan Drawing No 14-109-SGP-XX-XX-DR-A-131003 Rev P14:

a. the minimum top of bund height along the entire eastern boundary of Zone A shall be increased by one metre in height to 120.2m AOD

b. the minimum top of bund height along the entire eastern boundary of Zone B shall be increased by 3.5 metres in height to 120m AOD.

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

46. The bunds shown on Parameters Plan Drawing No 14-019-SGP-XX-XX-DR-A-131003 Rev P14 for Zone A as amended in height by Condition 47 shall be fully formed with within 18 months of the commencement of development on Zone A. The bunds shall be planted in accordance with an approved structural landscaping scheme that has been submitted to and approved by the LPA. The details shall be pursuant to the approved Landscaping Matrix Ref edp2355\_d064a. The detailed landscaping scheme shall be completed within the first planting season following the formation of the bunds.

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

47. The bunds shown on Parameters Plan Drawing No 14-019-SGP-XX-XX-DR-A-131003 Rev P14 for Zone B as amended in height by Condition 48 shall be fully formed with within 18 months of the commencement of development on Zone B. The bunds shall be planted in accordance with an approved structural landscaping scheme that has been submitted to an approved by the LPA. The details shall be pursuant to the approved Landscaping Matrix Ref edp2355\_d064a. The detailed landscaping scheme shall be completed within the first planting season following the formation of the bunds.

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

48. The landscaping of the bunds shall be managed in accordance with details to be submitted to and approved by the LPA pursuant to the provisions of the approved draft Landscape and Ecological Management Plan reference edp2355\_r033a, including arrangements for the irrigation of planted trees. Any tree that dies or is damaged within 10 years of the completion of a bund (on either phase) shall be replaced with a tree of similar type and size as originally planted within the first planting season thereafter. Any tree that is replanted shall be managed for a period of 10 years following the replanting.

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