

**Planning and Development**

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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

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xxx July 2026

**BY EMAIL ONLY**

Dear Sir/ Madam

**RELEVANT REPRESENTATION**

**Project:** Oxfordshire Strategic Rail Freight Interchange  
**Applicant's Name:** Oxfordshire Railfreight Limited  
**Our ref:** 26/01477/OxSRFI

Following the Planning Inspectorate's decision on 28 April 2026 to accept the application for a Development Consent Order ('DCO') for the Oxfordshire Strategic Rail Freight Interchange, Cherwell District Council (CDC) requests to be registered as an Interested Party at the Examination. The Council welcomes the invitation to submit Relevant Representations by 19 July 2026.

This letter is CDC's Relevant Representation and provides a summary of the main aspects of the proposal with which the Council agrees and/or disagrees together with explanations as appropriate in accordance with published guidance.

The Council notes the guidance notes 'Planning Act 2008: Pre-examination stage for Nationally Significant Infrastructure Projects (April 2024)' and 'Projects: Advice for Local Authorities' as well as Regulation 4(2)(b) of the IMPP Regulation 2015. This guidance and regulation outline that Relevant Representations should outline the 'full particulars of the case which the person proposes to make in respect of the application'.

The Council notes that unlike other Interested Parties, CDC as a Host Authority will later be invited to submit a Local Impact Report (LIR) which will provide opportunity for the Council to look at the technical details and detailed evidence supporting the proposal.

This is a stage the Council will engage either independently or jointly with Oxfordshire County Council as the other Host Authority in the submission of a report to the Planning Inspectorate at the appropriate time.

As the LIR stage is focused on how the development will impact on the local environment and the people in the area, CDC will focus on this detailed assessment of the facts of the case and look to see what impacts may arise and what, if any, additional mitigation measures may be needed.

As the LIR stage is detail focused, the Council will not be expected to indicate whether it does or does not support the application in its LIR response. As consideration of the proposal proceeds through to the Written Representations stage however, the Council will then be able to express its views on the merits of the scheme once there is a clearer understanding of all the technical aspects relating to the proposal and what harms or benefits may accrue if the development proceeds.

The Council notes the role that Relevant Representations have in informing the ExA's Initial Assessment of Principal Issues (IAP). To aid the ExA in the preparation of the IAP the following are the areas which the Council considers to be principal issues which will require 'proper time for analysis' during the forthcoming examination.

#### Scope of this Relevant Representation

This representation is made without prejudice to the future views that may be expressed by CDC in its capacity as an interested party in the examination process. The comments are made following an initial review of the DCO application material and identifies the main topics/ aspects of the proposal which CDC has an interest in, and which CDC are likely to want to discuss further as part of the Examination.

In due course the two host authorities (CDC and OCC), are inclined either independently or jointly, to provide a detailed case on the impact of the application through the LIR process.

A more detailed statement of the Council's views and position on the project, including a consideration of the wider planning balance, will be contained in subsequent Written Representations (WR).

CDC understands its role in the examination process is to respond to written questions directed to them and to participate in Hearings as scheduled by the ExA. CDC reserve the right to raise any further matters relating to compliance with any primary and secondary legislation following a detailed assessment of the application, and in response to matters that may arise during the examination process.

## Local Policy Context

Whilst not determinative under the Planning Act 2008, the ExA can consider other important and relevant matters, including national and local planning policy. The local policies that CDC considers of relevance to this application are highlighted below and should be considered as important and relevant to the determination of the application. Compliance with these policies will be assessed through the LIR process and, as the Council's LIR response back to the Planning Inspectorate will need to be taken into consideration, so the Council's views on overall policy compliance will also be considered.

The Development Plan comprises of the following documents:

- Adopted Cherwell Local Plan 2011-2031 (Part 1) (CLP),
- 'Saved' policies of the Adopted Cherwell Local Plan 1996 and
- The Adopted Cherwell Local Plan 2011-2031 (Part 1) Partial Review - Oxford's Unmet Housing Need.

Regulation 10A reviews of the Cherwell Local Plan 2011-2031 Part 1 took place in 2020 and 2023. In 2020, the Council undertook a 5 Year Review of the Local Plan and concluded that the majority of the policies were generally consistent with government policy and/or local circumstances. It did not indicate that the Local Plan policies needed updating. The Review was presented to and approved by the Council's Executive on 4 January 2021.

Two material changes in circumstance since that approval prompted the 2023 Local Plan Review:

- Termination of the Oxfordshire Joint Local Plan work programme; and
- New evidence in the form of the Housing and Employment Needs Assessment (HENA) 2022

The Regulation 10A Review of Local Plan Policies (February 2023) showed that nearly all policies were generally consistent with government policy and/or local circumstances. It did not indicate that the policies needed updating at this time, apart from Policy BSC1 District-Wide Housing Distribution.

The Adopted Cherwell Local Plan 2011-2031 (Part 1) Partial Review – Oxford's Unmet Housing Need was formally adopted as part of the statutory Development Plan in September 2020. The Partial Review provides the strategic planning framework and sets out strategic site allocations to provide Cherwell District's share of the unmet housing needs of Oxford to 2031.

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, which is intended to replace the adopted local plan, was submitted for examination, at the end of July 2025. There are, currently, numerous objections to the policies.

Three initial hearing sessions were held during the week commencing 16 February 2026. On the 24 March 2026, the Planning Inspectors wrote to the Council, advising that, *"We are now in the process of carefully considering the totality of the evidence before us on these matters and intend to set out our thoughts in a further post hearings letter."* (paragraph 3).

This further post hearings letter has not yet been received by the Council. Presently, the emerging Plan (and its policies) is considered to carry limited weight.

There are two Neighbourhood Areas of note in relation to this proposal. Mid Cherwell (designated April 2015) and Heyford Park (designated June 2024). The site is located within the Mid Cherwell area and its northern and western boundaries are immediately adjacent to the Heyford Park area.

As originally made in 2015, the Mid Cherwell area comprised of the following Parishes:

- Ardley with Fewcott Parish
- Kirtlington Parish
- Duns Tew Parish
- Lower Heyford Parish
- Middleton Stoney Parish
- Somerton Parish
- Steeple Aston Parish
- Middle Aston Parish
- North Aston Parish
- Fritwell Parish
- Upper Heyford Parish

It should be noted that current Heyford Park Parish was largely part of an earlier and larger Upper Heyford Parish but following the redevelopment of the land around the former RAF base, the former Upper Heyford Parish was subdivided into two smaller areas with the land to the west retaining the original name and the eastern section, together with parts of the neighbouring Ardley and Somerton Parishes becoming the new, independent, Heyford Park Parish on 2 May 2019.

A Neighbourhood Plan for Mid Cherwell was made on 14 May 2019 and this is currently subject to review with consultation on the replacement plan having taken place in December 2025 and the formal examination commencing on the 17 June 2026. Until such time that the Inspectors Report is published following the conclusion of the examination, limited weight is being attributed to the emerging document. When the report is published, the Council will

inform the ExA highlighting any key points and provide comment on the implications for this project.

Within the current made Neighbourhood Plan; 2019, the following policies are considered pertinent:

Policy PD3: Development Adjacent To Heyford Park: Whilst the proposed SRFI development falls to the east of Heyford Park and therefore outside of the zone of coalescence located on the west, the policy does seek to ensure that development around Heyford Park does not seek to lead to coalescence with other settlements and the character of each area is maintained.

Policy PD4: Protection of Important Views and Vistas: This policy seeks to protect a range of views across the plan area. This includes views north of the application site around Ardley Conservation Area and around RAF Upper Heyford.

Policy PD5: Building and Site Design: This policy seeks to ensure new development is designed to a high standard which responds to the distinctive character of the settlement and reflects the guidelines and principles set out within the Heritage and Character Assessment. Part (a) of the policy goes on to ensure proposals should wherever possible include appropriate landscape mitigation measures to reduce the impact of the built form, to ensure that development is in keeping with the existing rural character of the village, and to provide a net gain in biodiversity.

Policy PD6: Control of Light Pollution: This policy aims to ensure the design of external and street lighting in all new development should minimise the risk of light spillage beyond the development site boundary.

Policy PC1: Local Employment: This policy is orientated to securing the continued use of commercial premises for such a role and supporting small new businesses that support the community. It does not however provide provision for the scale of development proposed as part of the Order.

In reviewing these policies, it is considered that the information submitted in support of the application, considers the matters raised. For each of these points namely, location of development, views, site and building design and light pollution, the matters under consideration are dealt with as part of the wider consideration of each ES chapter.

The new Heyford Park Parish remained within the scope of the 2015 Mid Cherwell Neighbourhood Plan area until 2024 when it secured approval to be considered as an independent Neighbourhood Plan area. Currently, there is no neighbourhood plan in preparation or adopted for the Heyford Park Parish area.

#### Local Plan Strategy

The strategy which underpins the adopted CLP is to focus the bulk of the proposed growth in and around Bicester and Banbury, to limit growth in rural areas and direct it towards larger and more sustainable villages and to strictly control development in the open countryside. The application site lies outside of any allocation or settlement boundary and is therefore deemed to be open countryside for planning purposes. It is therefore in conflict with the spatial strategy which seeks to protect the countryside from development unless there is a robust justification to demonstrate why this should be set aside.

## Climate Change

Policy ESD 1: Mitigating and Adapting to Climate Change seeks to mitigate the impact of climate change within the district and promotes the adoption of decentralised, renewable, and low carbon energy where appropriate.

## Flood Risk

Policy ED 6: Sustainable Flood Risk Management seeks to manage and reduce flood risk in the District and ESD 7: Sustainable Drainage Systems (SuDS) requires all development to use SuDS.

## Biodiversity

Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment. Of particular relevance to this application this policy seeks: net gains in biodiversity; to protect existing trees and increase the number of trees; the reuse of soil; and the provision of new and preservation of existing features of nature conservation value. Development that would result in significant and unavoidable harm which cannot be adequately mitigated or (as a last resort) compensated will not be permitted. Damage or loss will not be permitted unless the benefits clearly outweigh the harm.

## Air Quality

Policy ESD10: Protection and Enhancement of Biodiversity and the Natural Environment states that *“If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then development will not be permitted.”*

Policy ESD10 also states *“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.”*

## Landscape

Policy ESD 13: Local Landscape Protection and Enhancement. Development will be expected to respect and enhance the local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted where they:

- Cause undue visual intrusion into the open countryside
- Cause undue harm to important natural landscape features and topography
- Be inconsistent with local character
- Impact on areas judged to have a high level of tranquillity
- Harm the setting of settlements, buildings, structures or other landmark features, or
- Harm the historic value of the landscape.

## Heritage

Policy ESD 15: The Character of the Built and Historic Environment. Amongst other things, developments should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within the Cherwell Valley and within conservation areas and their setting. Proposals should sustain and enhance designated and non-designated heritage assets. Paragraph B.267 in the introductory text to this policy highlights the importance of taking "into account heritage assets located outside of the District such as Blenheim Place, a World Heritage Site".

#### Green Infrastructure

Policy ESD 17: Green Infrastructure. The GI network will be maintained and enhanced via a number of measures, including ensuring the Green Infrastructure network considerations are integral to the planning of new development.

#### Infrastructure

Policy INF1: Infrastructure. Seeks to identify the required infrastructure to meet the District's Growth.

#### Emerging Local Plan

CDC has prepared a proposed submission draft (Regulation 19) of the Cherwell Local Plan Review 2042 which is published and open for public consultation until 25 February 2025 under the transitional arrangements set out in paragraph 234(a) of the revised NPPF.

Under the transitional arrangements set out in paragraph 235, the Cherwell Local Plan Review 2042 commenced examination in February 2026 under the December 2023 version of the NPPF.

The weight to be afforded to this plan is currently limited but this will increase as the plan progresses through the consultation and examination process. This plan is intended to replace the adopted Cherwell Local Plan 2015 and 'saved' policies in the Cherwell Local Plan (1996).

### PRINCIPAL ISSUES

These comments have been ordered in line with the structure of the ES chapters as submitted by the applicant.

Cherwell as a District Authority has not sought to comment in detail on all matters and these comments should be considered alongside those provided by the other Host Authority, Oxfordshire County Council which has focused more on the strategic aspects of transport and waste management.

## **1 Introduction**

The Council welcomes the submission of the introductory section to the Environmental Statement setting out the background to the preceding consultation and the changes made prior to submission.

The Council also welcomes the detailing of how each chapter is structured and the methodology used to assess each topic area.

With regard to the reference to the Finch case, the Council is of the view that wider consideration should be given to wider additional environmental harms, or benefits, that may arise by this proposal that would not otherwise occur if this scheme were not to go ahead or would appear elsewhere or in a different form.

It is recognised that detailed quantification of the do something/ do nothing scenarios may be difficult to precisely establish but it is considered some narrative on the nature and potential quantum of impact that may arrive under the two different scenarios may be of assistance in terms of balancing material consideration for or against the proposal.

## **2 Description of Development and Alternatives**

### Sustainability

As part of this section of the ES, Document 6.2 looks at the approach taken to energy use and sustainability (section 2.4). The proposed use of photovoltaic (PV) panels on the roofs of the proposed warehouse buildings as proposed in paragraph 2.4.5 is welcomed. Whilst it is accepted that the scheme can only be in principle at the current time, it would appear from this paragraph, that the use of PV panels on the roofs of the buildings may be limited and would only extend to 100% 'if required'. The Council would wish to see this potential source of green, sustainable energy optimised as far as possible of the useable roof space and for the ExA to seek to secure the optimal level of provision as possible through this proposal.

### Alternative Site Provision

In addition to Document 6.2, these comments also look at Appendix 2.4: Alternative Sites Assessment.

In considering prospective sites for the proposed SRFI, the approach of setting an initial search area as undertaken in section 3.0 of Appendix 2.4 seems an appropriate starting point and Figure 3 – Existing SRFI Network is of assistance to CDC in understanding the national picture relating to this aspect of UK logistics provision.

The conclusion drawn in paragraph 3.6 that there is an absence of provision along the M40 corridor is accepted however, it is also noted from examining Figure 3, that there are other areas along the strategic highway network which also appear under provided for.

A notable area which appears to lack provision is along the M4 corridor from Heathrow to Bristol. Whilst outside of the search area identified by the applicants, towns like Newbury which connects to the A34 and A339 and Swindon on the A419 and A420 have the potential to provide interchange facilities which would allow lorries to head north and radiate out. Within the scope of a one-hour travel time, vehicles from Swindon for example could reach towns like Evesham which is comparable to the drive time from facilities located along the M1 corridor.

Looking at a distribution network originating from the M4 corridor, towns like Banbury and Bicester lie between the two and could equally well served from the south (M4 corridor) or east (M1 corridor).

It is noted that the NPS seeks to locate SRFI developments close to regional, sub-regional and cross-regional markets that they serve (paragraph 3.103). It is considered that the M4 corridor would represent such an area. It is therefore felt consideration should be given to suitability of a new logistics hub being located to the south along the M4 corridor as a viable alternative location to serve identified demands for storage and distribution space.

The three key criteria identified in the NPS for a potential site, listed in paragraph 4.1 (close to strategic rail, close to strategic road and outside National Landscape) are accepted as is the search area identified on Figures 5 and 6 which are focused along the strategic rail and road networks in the search area.

In the absence of information about the suitability of the M4 corridor as an alternative location from which to serve logistics in conjunction with sites already located along the M1 corridor, it is considered that the weight to be attributed to the M40 corridor could be reduced.

### **3 Transport**

This topic will be dealt with by OCC as the Local Highways Authority.

### **4 Air Quality and Odour**

The Council notes that the work undertaken by the applicants in assessing air quality and odour is in line with established methodologies and, based on the evidence provided, would appear to be robust in nature.

Consideration has been given to the impacts arising for both the construction and operational phases but also the associated transport movements for both road and rail.

The provision of the proposed new link roads to the north and south of the site are significant factors in mitigation some of the localised forms of harm that might arise from this development primarily associated with transportation and the provision of the bund to the west of the northern link road helps to shield the village of Ardley from the proposed work.

The provision of the link roads assist in not only removing some of the harm arising from the development itself but also have the associated positive aspect of reducing traffic along the line of the existing B430 which runs to the east of the site thus delivering a net enhancement to the levels of amenity experienced by these properties.

One aspect of the proposed development that is of particular interest to the Council relates to the closure of the Ardley In Vessel Composting Facility (IVCF) operated by Biffa.

Whilst the relocation of the IVCF is no longer being pursued, the decommissioning of the site carries with it significant potential for adverse harm at unacceptable levels to occur.

The proposed methodology to remove the landfill is noted and welcomed. Such work has the potential to generate significant and long-lasting odour pollution as the existing site is reopened and work progresses at a large scale with much, if not all, of the land reopened to the air for prolonged periods.

In principle, the Council supports the approach advocated in paragraph 4.5.8 of the Air Quality chapter of the ES to only open up small areas of the landfill site each day, undertake the cleaning of that parcel and then recovering the land at the end of the day to minimise odour distribution.

However, due to the complexities of such work and the potential for significant loss of amenity to neighbours especially if weather conditions are unfavourable or change during the day, the Council would wish to be involved in signing off any operational strategy and be notified in advance of any works proceeding. This will enable the Council to provide updates to people living in the local area of the site prior to work commencing so that amenity levels can be best protected and disruption minimised.

## **5 Noise and Vibration**

The Council acknowledges that due to its location to the southwest of the M40 and to the south of the Chiltern rail line, there already exists a degree of background noise and disruption which impacts on people's enjoyment of their properties and the wider environment.

Nevertheless, whilst there already exists a degree of intrusion from the motorway and railway, there is still a significant potential for the proposed development to generate additional harms which either in conjunction with existing background noise levels or independently, could result in unacceptable levels of harm arising.

In principle, the Council accepts the findings of the applicant's consideration of noise exposure from traffic and welcomes the fact the proposed Ardley by-pass will help pull traffic away from the village and thus result in improvements to some existing properties. However, the Council also acknowledges that there are some instances where the change in exposure to noise results in increased detriment.

The applicants have considered the new impacts and whilst most upward changes to harm are assessed to be either negligible or minor in nature, the increased noise exposure to dwellings in Bicester backing onto Middleton Stoney Road is classed as a significant adverse effect due to high night-time traffic levels.

Whilst the applicants recognise there may be scope for local transport polices or modal shift changes to assist in mitigating any harm arising from the increase in night time traffic patterns, they recognise that at the current time, it is not possible to be certain that changes can be put in place and what, if any, effect they may have.

Accordingly, the applicants are working on the understanding that as they cannot mitigate the increased noise, they need to mitigate the additional sound at the point where it is received i.e. by enhancing the acoustic qualities of the houses along the Middleton Stoney Road which are most significantly affected.

In principle, the idea of setting aside a sum of money which in turn can be drawn down to undertake improvements to windows where considered necessary, has some logic to it. However, in practice, the proposed arrangement is considered somewhat complex to operate and carries with it several risks that the harm will not be fully mitigated thus leaving some neighbours exposed to unacceptable harm.

The root challenge with the proposed agreement is that it does not contain either a clear framework to ensure that any home improvements being funded are installed to an appropriate standard and that the work will be undertaken in a timely manner.

As currently constructed, the proposed agreement essentially just secures a sum of money which identified residents can, if they so wish, call down on and then do no more. Were there to be a degree of confidence that the residents would in the short term invest in the intended home improvements, the Council may accept that a high level of weight could be attributed to this matter. However, due to the open-ended nature of the agreement, it is considered it would be more defensible to attribute little to no weight to the proposed mitigation measures.

To overcome this potential area of risk, it is suggested that a more proactive stance is taken to drive forward the uptake and timely installation of the proposed mitigation measures.

As the agreement is currently drafted, the onus is on the Council to respond to requests for funding and then allocate monies to occupiers. This is a passive process, and the Council is not structured or resourced to pursue requests for funds, the receipt of monies or undertake a traditional clerk of works role to oversee installation.

In line with its monitoring of S106 funding on other sites, the Council could undertake some tasks to facilitate the installation of supplemental glazing but could offer no certainties that this would be undertaken in a sufficiently timely manner or to a sufficient level of coverage to offset the harm arising from a proposed third party project to enable to classify and noise infiltration to be considered anything less than

Accordingly, there is a real risk that the development proceeds for some time without sufficient mitigation being in place and detrimental harm arising.

To address this risk, it is recommended that the applicant take a lead role in funding any allocations.

## **6 Ecology including Arboriculture**

The submission documents relating to ecology (set out in Chapter 6 “Ecology including Arboriculture” and the appendices of the ES) are more detailed than what was submitted in the Stage two consultation stage. These documents now include clarifications, updated bat surveys, a draft Construction Environmental Management Plan (CEMP), the Biodiversity Net Gain (BNG) metric and a draft Habitat Management and Monitoring Plan (HMMP), which all aid assessment, but, at this stage, do not quite go far enough.

The Council’s ecologist has reviewed the latest submissions and is broadly happy whilst requesting further information:

Draft CEMP

The overall approach within the draft CEMP is acceptable. The draft/overarching CEMP states that a detailed phase CEMPs (P-CEMP) will be produced. This will need to be secured, and submitted for assessment, through an appropriate trigger, either through planning conditions or via a planning obligation.

Meanwhile, there are no plans of the area that have been surveyed for Otters or provide consideration of whether it includes natal holts. The surveys are generally acceptable at this stage, but this further information identified by the Council's ecologist, is required.

### Impacts of the SSSI

Presently, there is no standalone strategy for mitigation of the impacts to the SSSI. This information would be helpful in assessment of its adequacy. There are some details in the draft HMMP with proposals for the North West Ecological Mitigation area, as a whole. However, a standalone scheme which shows the ratio of compensation to loss and the timings of provision, as well as regard to any species-specific mitigation required, would be valuable.

### Ancient Woodland

Whilst there is consideration of indirect effects or air pollution on ancient woodland, other recognised indirect effects have not been considered in full. These include 'breaking up or destroying working connections between woodlands, changing the landscape character of the area, increasing disturbance to wildlife, such as noise from additional people and traffic'. The severing of the functional woodland corridor and mature hedgerow connections to the ancient woodland of Burntclose Copse for example, is not discussed in this context, and it should be, as it is an important material consideration.

### Bats

At least nine species of bat have been identified using the site, including barbastelle and four other Priority species. Additional bat population surveys for bats (Barbastelle) have been carried out to best practice. The majority of the existing habitat corridors will be fragmented or removed from the main site. Therefore, it is vital that mitigation measures are put in place for this loss.

The relief road planned to cross the Gagle brook corridor will fragment an identified corridor for bats, as will the loss of woodland next to Burntclose Copse. A tunnel is suggested as mitigation for the brook corridor. This is considered to be acceptable mitigation.

It is noted that 'Hop overs', for bats close to new roads, are no longer proposed, on the basis of a recent study suggesting hop overs increase collisions for barbastelle bats. The Council's ecologist advises that further evidence against the use of hop overs is sought, as this is a generally accepted method of ameliorating the impacts of vegetation fragmentation by roads.

### Lighting

The lighting strategy does not focus on the identified bat flightpaths and foraging areas for bats, although it does aim to take into account ILP/BCT guidance on bats more generally. There are currently no lux diagrams outside the immediate area of the new buildings. It is not clear if this is because there will be no other lighting. The lighting strategy should say how

impacts on nocturnal wildlife will be specifically avoided taking into account the locations where particular receptors are found (e.g. bat flightpaths, woodland and watercourses). Full lux diagrams would be required at a detailed stage with a commitment to avoid an increase in baseline lighting levels for those areas known to be of importance to bats.

Additional land has been set aside for mitigation for farmland birds. However, crucially, some of the mitigation is temporary with 50 skylark plots only provided for two years whilst the areas are being stripped of nutrients through cropping. Therefore, it would be helpful if clear plans of the areas set aside for long term bird mitigation were submitted, as part of this DCO process. This should include the intention for each phase within a standalone farmland bird mitigation strategy.

Fifty skylark plots is generally taken to be equivalent to mitigation for 25 territories, however, a peak count of 198 skylarks were reported using the site. The adequacy of the mitigation in the short and long term is not certain, therefore. Confirmation that a robust and adequate mitigation strategy can be delivered is essential.

### BNG

The BNG metric and the BNG assessment do not currently match up, in terms of figures - with the assessment giving a 11% net gain for each habitat type and the BNG metric showing a higher gain for hedgerows. These figures are close to the minimum level of 10% and reliant on the creation of complex habitats which may be difficult to achieve. The separated metric calculations (Separating out the SSSI area) show a loss in hedgerow units overall within the SSSI and the mitigation area. This loss should be justified, given the reliance of many invertebrate species on these habitats.

The BNG metric also needs to be updated to take account of irreplaceable habitats (veteran trees) identified on site by the arboricultural review by FLAC (see later in this chapter, for further details). Currently the metric states there are no irreplaceable habitats on site, which is incorrect.

The BNG assessment needs to be updated to account for any losses or impacts to irreplaceable habitat. Where there will be any identified losses or impacts (including indirect impacts such as fragmentation) to irreplaceable habitats either on site or within the zone of influence of the works, a compensation scheme should be submitted.

The draft HMMP (more of which in the section below) should include direct reference to future management of any retained veteran or notable trees on site.

### HMMP

The draft HMMP sets out how habitat creation and management will be achieved to ensure they meet a biodiversity net gain. There are ambitious proposals to create 10ha of Lowland meadow (priority habitat) and 20ha of lowland calcareous grassland. It is not clear if the creation will be delayed because of the need to alter current soil nutrient conditions. Currently, the metric has not allowed for a delayed start for creation of these habitats which would affect their BNG. This should be included in future iterations of the HMMP to provide the full and correct picture.

The Council appointed the Forbes-Laird Arboricultural Consultancy (FLAC) to act on behalf of the Council and undertake the following work:

- Desk-based assessments
- Field-based assessments
- Recommendations

The arboricultural submission documents, in addition to Chapter 6 of the ES (referenced above), comprised:

- Appendix 6.8: Arboricultural Assessment, dated February 2026 (Revision K)
- Tree and Hedgerow Retention and Removal Plan (Ref: 8308 T13-T22, Revision K, dated 13th February 2026)
- Tree Schedule (Ref: 8308 Rev A, dated 11th February 2025).

Firstly, following their desk-based assessment, FLAC, made the following general observations:

- 1) The report identifies only one tree as a veteran, listed in Appendix B of the report as T170.
- 2) The report states that 101 trees are proposed for removal. This has been corroborated by a detailed review of the retention and removal plans. However, tree T213 is also believed to require removal, as the proposed level changes nearby make its retention doubtful. A further 23 trees are shown to have some form of construction within their RPAs, reducing the likelihood of successful retention. These impacts were not addressed in the Arboricultural Assessment report. For clarity, the aforementioned 23 trees are considered potentially retainable for the rest of this report.
- 3) Review of the full scale of the arboricultural impact is hampered, here, by the low level of detail in the tree and hedgerow retention and removal plan. Some areas are simply blocks of colour with no key to indicate their meaning. For example, 14 trees are shown in an area of purple hatch, the significance of which is unclear. This may mean that further removals will be proposed at a later date when a higher level of detail becomes available.

#### Ancient and Veteran trees – Desk-based recognition of Irreplaceable Habitat (BGR Regulations

(2024))

Secondly, FLAC's review of the FPCR tree survey data has identified 158 trees as potentially meeting the definition of veteran tree (as set out at Schedule 2 of Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024\_

However, in contrast to FLAC's conclusions, the applicants' Biodiversity Net Gain (BNG) Assessment report states, at Table 1, Checklist of Minimum BNG Reporting Requirements, that: "This statement confirms that no irreplaceable habitat has been identified on-site."

Crucially, of the 158 potential veteran trees, 76 are identified for removal on the Tree and Hedgerow Retention and Removal Plan. Moreover, there is no recognition of these losses as potential veteran trees in either the ecological or arboricultural material, which is, accordingly, potentially a statutory failure with regards to the BNG regime.

Thirdly, between June 15th and June 19th FLAC visited 117 trees (which equates to 40% of the FPCR survey) at the OxSRFI site. A summary of their findings is set out below.

#### Assessment in relation to British Standard 5837:2012

The Tree grading per British Standard 5837:2012 Trees in relation to design, demolition and construction is broadly agreed with - no systematic failings were found outside the normal range of professional difference, apart from a few key trees, as described below:

FLAC sought to confirm the stem diameter measurements recorded by FPCR of 58 individual tree specimens (21% of the FPCR survey). It is noteworthy that in 48 out of 58 cases (83% of the sample), FLAC recorded a larger diameter than FPCR. For context, a larger diameter was recorded by FPCR in only 6 cases, and diameters were an exact match in 4 cases.

The average (mean) difference was 64mm, with a median difference of 50mm. Differences ranged from -90mm (Tree 155, FPCR diameter > FLAC) to +300mm (Tree 273, FLAC diameter > FPCR).

At 75mm, the standard deviation indicates considerable variability across the dataset. The mean difference for trees where FPCR measured diameter directly was 42mm/6.4% which FLAC considers to represent acceptable professional variance.

However, the mean difference for trees where FPCR estimated diameter was 151mm/25.0% wholly outside the range of acceptable professional difference. According to FLAC, this indicates a material failing in FPCR's field methodology for estimating tree stems and is a matter that will need to be addressed.

There is concern that the widespread under-recording of stem diameters means that accurate root protection area constraints are not shown on the FPCR plans. Consequently, impacts on RPAs may well have been systematically under-assessed and the impact assessment cannot be relied upon.

Importantly, the FPCR survey data with the stem diameters appears to be identical to those recorded in a previous dataset dated November 2020; and do not appear to have been updated, despite the most recent tree survey schedule bearing a 2025 date. Stale data could account for some, but by no means all, of the identified discrepancy.

#### Ancient and Veteran trees – Field-based recognition of Irreplaceable Habitat (NPPF (2024))

FLAC identified 4 no. trees from the 117 specimens sampled (including T170, identified as veteran by FPCR) as meeting the NPPF Annex 2 definition of veteran tree. The additional Framework veteran trees confirmed by ground-truthing are T93, T150 and T152. It is considered that additional sampling is unlikely to identify further NPPF qualifying veterans.

For trees T150 and T152, FPCR stem diameters were broadly similar to those measured by FLAC, but their veteran features have not been recognised, and their significance not understood in terms of their exceptional biodiversity value (per the NPPF). T152 should also

have been graded A under BS5837. Both trees are shown for retention, but their 15x stem diameter buffer zones (per Natural England and Forestry Commission Standing Advice) should be plotted on the plans and assessed against the proposals.

FPCR's estimated stem diameter for T93 of 1000mm, against FLAC's measured 1230mm, has prevented a proper analysis by FPCR of tree age, and may explain why it was not classified as a veteran. FPCR also record the physiological condition of T93 as 'poor' when it is in fact 'good'.

These errors, compounded by the failure to recognise its exceptional biodiversity value, result in an incorrectly understood tree. T93 should be graded A3 under the BS5837 and recognised as a Framework veteran; its proposed removal directly engages NPPF para. 193(c).

### Off-site tree impacts

FLAC conducted a walkover review of 12 off-site locations, to assess whether trees of high-quality and/ or Irreplaceable Habitat status are likely to be impacted; none meeting these criteria were found. Accordingly, it is not considered that off-site impacts on trees outside the planning boundary are likely to be material, albeit this should be rechecked during the detailed design process.

### Ancient woodland

FLAC also visited the three areas of ancient woodland that adjoin the site:

- Kennel Copse,
- Ardley Wood; and
- Burntclose Copse.

The purpose of their visit was to ground-truth the location and condition of the woodland edge, and to evaluate the adequacy of the 15m buffer zone proposed by the applicant. This section sets out the conclusions of their evaluations in turn.

FLAC concluded that there would be no impact on Ardley Wood.

Burntclose Copse is located downhill of the site and hosts a watercourse. This creates a significant physical risk of hydrological change leading to deterioration of the habitat. FLAC considers there to be uncertainty regarding potential impacts arising from the development, for two reasons:

1. The nature of the proximal proposals is unclear; and
2. It would appear that there has been no assessment made of the woodland itself.

Taking this second point in isolation, the lack of information means that the sensitivity of the receptor to impacts has not been (cannot have been) assessed. As such, it is not possible to conclude that no deterioration to the irreplaceable habitat would occur.

*Kennel Copse*, the third ancient woodland, hosts a watercourse that runs broadly west to east. The Main Site Development Parameter Plan (drawing number 08308-FPCR-ZZ-XX-DR-L-0012 Rev. P28 dated September 10 2025), shows "Landscape/ Green Infrastructure

(including strategic landscape mounding, sustainable drainage features, mixed habitats)” adjacent to Kennel Copse.

FLAC’s (and officers) position is that in the absence of details regarding the location and nature of proposals which could potentially result in an adverse effect on this area of ancient woodland (including with regards to hydrological change from adjacent mounding and effects on the easterly flow of the watercourse), it is not possible to conclude that no deterioration would occur to this irreplaceable habitat. This key information is required.

### Recommendations

In short, FLAC has identified a number of clear and avoidable shortcomings with the arboricultural evidence which can be readily (and need to be prior to the DCO determination) remedied to help the Council understand the full impacts and benefits of this aspect of the proposal. To this end, FLAC, have made the following recommendations:

*Recommendation 1:* The tree survey should be updated to reflect either accurately measured stem diameters or close estimates (5% tolerance either way). Resulting root protection areas should be plotted against the proposals and impacts assessed, including with regards to BNG implications. The resulting information will require further evaluation by the host authority.

*Recommendation 2:* The four trees meeting the definition for veteran tree at NPPF Annex 2 should have their 15x stem diameter buffer zones plotted against the proposals and impacts assessed (Revision K includes the required buffer zone for tree T170). The required buffer radii are as follows:

Ref.	Veteran Tree Buffer Radii (VTBr (m))
T93	18.45
T150	20.55
T152	18.1
T170	19.98

*Recommendation 3:* Tree 93 has been identified for removal to facilitate development, and accordingly (per NPPF paragraph 193c), the applicant must demonstrate a wholly exceptional reason to justify the loss of irreplaceable habitat and provide a suitable compensation strategy.

*Recommendation 4:* In addition, all four NPPF veteran trees meet the criteria for veteran tree status under the BGR Regulations 2024 (“regulatory veteran trees”). This should be acknowledged in the BNG Assessment. Whilst bespoke compensation under the BNG regime is required for the loss of tree 93, it is considered that this requirement would be satisfied by the suitable compensation strategy required under NPPF paragraph 193c.

*Recommendation 5:* The loss of many potential regulatory veteran trees requires further assessment and, as applicable, bespoke compensation under the BNG regime.

*Recommendation 6:* The clear failure of the FPCR arboricultural and ecological material to identify trees meeting the definition for veteran trees in the BGR Regulations, particularly in light of the proposed removal of many potential such veteran trees, requires the withdrawal

of Chapter 6 of the Environmental Statement, pending what may become a substantial revision. This revision should capture all of the recommendations set out above.

### *Recommendation 7*

In relation to Kennel Copse and Burntclose Copse, FLAC recommends an expansion of the buffer zone from the proposed minimum of 15m, to a precautionary 30m. In both cases, detailed design would need to ensure continuity of the existing hydrological regimes.

## **7 Landscape and Visual Impact Assessment**

The site is not located inside a designated landscape, sitting as it does outside the North Ploughley and Cherwell Valley Local Landscape Designations (set out in in the Cherwell Local Landscape Designation Assessment 2024, as part of the evidence for Cherwell District Council's emerging local plan).

The site does, however, straddle the following character zone, set out in the Cherwell Landscape Character Assessment (District Level)

- 'Upper Heyford Plateau' Landscape Character Area

Whilst parts of 'Upper Heyford Plateau' have a "distinctive elevated and exposed character with open, broad skies", particularly "where there are no woodlands or hedgerows to intervene", the Upper Heyford Plateau is, in practice, a varied landscape, which, in addition to a great number of arable fields, includes a number of ancient woodlands, long-standing hedgerows, villages, farmhouses and roads. The Cherwell Landscape Character Assessment also notes that, whilst there are pockets of tranquillity and a strong sense of character in certain parts, these are away from major transport infrastructure like the M40 and major developments – Heyford Park, with its military air base, for example, which are considered to be significant detractors.

The Council's Landscape officer, along with officers from OCC and a CDC Planning Officer, visited the site in April 2026 to gain a shared understanding of the landscape context, the sensitivity of local receptors, and the likely extent of visibility across the Cherwell Valley, Upper Heyford Plateau, Middleton Stoney, Ardley, and the surrounding public rights of way network.

The applicants have submitted a Landscape and Visual Impact Assessment (LVIA) -see chapter 7 of the ES 'Landscape and Visual Impact Assessment'. The LVIA is a sequential process. This means that if there is a weakness in the early stages of the assessment, those weaknesses could impact on the soundness of the final judgements.

The Landscape Officer's appraisal raises a number of concerns regarding the robustness, at this stage, of the Landscape and Visual Impact Assessment (LVIA).

The Landscape Officer, as a consultee, has concluded that the LVIA does not provide sufficient evidence or transparency to demonstrate that the landscape and visual effects of the proposals have been fully or accurately assessed.

Firstly, his view is that there are limitations with the methodology, those limitations being:

- The LVIA has not adequately responded to the Planning Inspectorate's Scoping Opinion (2021).
- Nor has it fully addressed matters raised by Cherwell District Council, at the scoping stage (namely, the provision of field survey record sheets, the use of Natural England's 2014 Landscape Character Assessment guidance, justification of earth mounding, and inter-visibility analysis with key heritage assets).
- The omission of field survey records (an acknowledged oversight by the applicants) limits transparency regarding how the baseline was established and how susceptibility and value judgements were derived.
- The way the methodology has been set out is not that user-friendly and, sometimes, the information does not allow for cross referencing. Consequently, it is not easy to understand the assumptions underpinning the assessment. The ZTV is a key example: the 12m lighting columns to the proposed Ardley bypass have not been modelled.
- These inconsistencies undermine confidence in its conclusions.

Second, in the landscape officer's opinion, the scale of the development and associated earthworks and lighting would result in adverse effects on the receiving landscape character, both directly and indirectly. The proposals would, he feels, likely result in an erosion of landscape character and the mitigation strategy currently put forward, does not adequately address these effects. Presently, he objects to the proposal.

Thirdly, the landscape officer believes that the residual impacts on character would remain significant. He also notes that cumulative landscape effects have not been assessed and is concerned that those developments would further erode character.

Ultimately, officers view (having carried out a site visit, reviewed the applicant's submission documents and the Council's Landscape Officer's comments), feel that more assessment is required – the Council feels that the following supporting info would help in securing confidence that the potential impacts of the proposed development are not so excessive that they would tilt the balanced judgement against the OxSRFI:

- Provide a detailed response to the Planning Inspectorate's Scoping Opinion (2021).
- Provision field survey record sheets, and evidence of the use of Natural England's 2014 Landscape Character Assessment guidance
- Submit justification of earth mounding; and
- Provide inter-visibility analysis with key heritage assets.
- Include a narrative which explains the design evolution – e.g. an explanation of how the landscape strategy has responded to local variations in landscape character including perceptual qualities
- Improve the readability/legibility of the methodology- make it more user-friendly
- Provide photomontages based on the maximum design parameters instead of the illustrative masterplan.
- Update the LVIA so that it adequately factors in tranquillity, rurality and dark skies

### Visual Impact Assessment

The potential approach to the design and layout of the proposed scheme is set out in the following documents:

- Design Approach Document – Main Site
- Design Approach Document – Central Hub
- Design Approach Document – Highways Design Approach
- Parameters Plan Rev P36
- Illustrative Masterplan Rev P29

### Parameters Plan

The plan is clear and identifies the parameters, which have been considered by the Environmental Impact Assessment. Important urban design principles, which are not shown on the parameters, are set out within the Main Site Design Approach Document.

### Design Approach Documents

#### *General comments*

- There is a lack of consistency in approach between the 'Main Site', 'Central Hub' and 'Highway Design Approach' documents.
  - o All three 'Design Approach' documents need firmer introductions, which dovetail with the other two documents, and clearly set out the purpose of each document and how it should be used.
  - o There will need to be clarity and consistency over wording and terminology throughout the documents, and how the 'principles', 'coding' and 'approaches' will be taken forward into detailed design. This is missing, at present.

### Main Site Document

- The general design principles and coding are supported; and will need to be secured by condition. The important design coding elements include layout and orientation; scale height and massing; appearance and materials; signage and numbering; car park design, including tree cover; boundary treatments and retaining features; walking and cycling; on-plot amenity; and landscape design.
- It is advisable for the 'coding principles' to be added for the Central Hub. The application, as it stands, is vague and non-committal on the mix of uses: it says 'could' include a creche, café, gym, education and outdoor amenity elements. It would be helpful to secure a firm and clear vision for the hub at this stage, as the hub has the potential to form the social heart of the site.
- The Urban Design Officer's stage 1 comments had requested that the colour palette should be informed by an Environmental Colour Assessment (ECA) in accordance with Landscape Institute (LI) Technical note 04/2018. This request has been addressed, with the ECA included at Appendix One; and it will need to be used to inform detailed design proposals.
- Loose phrases, such as, "where practical', service yards will be visually screened" (para.7.7, bullet 4) should be removed and replaced with something more prescriptive e.g. "Service yards will be visually screened". The small details, like screening a service yard, can often lift or undermine the overall quality of a scheme, if they are done well/badly. Given the scale of the development, and the number of service yards, for instance, it will be vital

that significant efforts are made to getting the details right. This can only be achieved by appropriate wording/parameters. Therefore, it is imperative that the wording is more committal and firmer on these matters, whilst still allowing a degree of flexibility, if need be. To this end, the Council's Urban Design Officer would also like to see a section in the introduction, which says, *'if the alternative design solution does not undermine the key design objectives...'*

#### Central Hub Document

- This document sets out restoration proposals for the Listed Threshing Barn and restoration principles for other buildings within the farm complex. It does not provide any further detail about how the buildings will be used.

#### Highways Design Approach

- This matter is left to OCC as the Highways Authority.

#### Illustrative Masterplan

Notwithstanding that an illustrative masterplan is an indicative plan only, and therefore not binding, from an urban design perspective, it is broadly considerate of the site and context. As well as planning officers, the Council's Urban Design officer has also studied the submission documents; and makes these comments and suggestions:

- Smaller scale units located within the site's westernmost corner to step down to the emerging residential context west of Chilgrove Drive.
- Larger units on the western side of the site aligned northwest-southeast to break up the overall scale and mass in views from the airfield.
- Visual breaks between units to the east (These units are likely to be seen with the existing Energy Recovery Facility).
- Retention and re-use of the existing farm buildings as a central hub.
- Incorporation of a central landscape spine.
- Good pedestrian permeability with footways through the site, to the site's perimeter and linkages beyond the site.
- Vehicle permeability with access from the north and south connected by a main spine route.
- Generally, servicing areas located to the sides of the buildings allowing frontages and parking to address the main access road.
- Opportunities for new planting including woodland to the site's perimeters, which generally relates well to established woodland blocks.
- Opportunities for wetland habitat as part of the SuDS drainage scheme within the lowest southern site area.

#### Summary and Conclusions

In short, there is support for the general masterplan arrangement and coding principles. However, officers view are that further detail, and commitment, should be provided at this stage, to help ensure the delivery of a vibrant central hub. Key design principles and coding should be secured through conditions.

## 8 Lighting

Whilst sometime seen as a secondary element of development after principle, the way in which a development is illuminated can have a very significant role on how a development is perceived and its impacts on the surrounding environment. This is especially so as this scheme has the potential to work through the night as trains arrive from ports around the UK necessitating unloading activities and increased vehicle movements at a range of unsocial hours.

At the preliminary design stage, Cherwell District Council has engaged with the applicants on the suitability of the methodology employed within this ES Chapter and on the suitability of the lighting baseline assessment (see ES Appendix 8.6).

The Council has agreed that the methodology as detailed within this ES Chapter is acceptable for the assessment of lighting effects and also agrees with the lighting surveys undertaken and that their findings are suitable and that the environmental zone for the assessment of effects should be E2 as described within Table 8.2 and ES Appendix 8.2.

It is considered that there are broadly three main areas of consideration, these being the rail terminal, the buildings and the road network.

### Rail Terminal Lighting

It is acknowledged that due to its outline nature, many aspects of the proposed development remain indicative. This is understandable and much of the detailed design can follow if the principle of development is deemed acceptable through the granting of the consent order.

The rail interchange and how it interfaces to the existing and proposed land forms and neighbouring ecological and human receptors will be one aspect of the development that has significant potential to create a wide range of impacts which over time could be erratic and disruptive.

The unloading area will involve significant amounts of large machinery including lorries and notably the gantry crane(s), moving across the landscape. There will inevitably need to be adequate lighting to ensure all loading and unloading areas not just along the track line but across the whole part of the site where containers and vehicles may be moved to ensure safe working conditions can be provided 24 hours a day.

From section G-G provided in the submission document Appendix 7.7: Illustrative Landscape Cross Sections, it can be seen that the site will be cut into the landscape some 6.0m to 7.0m and then a landscape bund around 9.0m high placed to the north. Together, the cut and bund will mean the loading yard will be some 15.0m below the highest neighbouring future land level.

This is a notable level difference, but it is also recognised that lighting columns will be needed around the site and lighting will also be affixed to the gantry cranes.

Although lighting columns are around 5.0m to 6.0m at railway stations and possibly up to 8.0m where vandalism is an issue (paragraph G 3.5.1.5 RIS-7702-INS Issue One: June 2013 Rail Industry Standard for Lighting at Stations), this standard is for passenger based facilities. For a freight interchange, guidance has been taken from other NSIP proposals and it is noted that in paragraph 5.43 of Appendix 3.2: Lighting Strategy (Document reference:

6.2.3.2) for the Hinckley National Rail Freight Interchange Development Consent Order, high mast luminaires would be limited to a maximum height of 25 metres though lower where practicable. It is noted that this application was refused primarily on highway grounds, but it is considered that this reference point gives an indication of the lighting details that may be forthcoming at the requirements stage.

Were such masts to be used in this location, they would rise above the surrounding landscape including the new bund resulting in the potential for light spillage into the surrounding landscape, dwellings and onto the Chiltern rail line to the north.

It is noted that in Table 8.10 of the ES submission, Chapter 8: Lighting, mitigation measure 9 seeks to minimise the height of any masts to the minimum height practical. This is welcomed but it remains unclear as to what height the masts may rise.

If, due to the requirements of documents like British Standards Institution BS EN 12464-2:2024 Light and lighting - Lighting of outdoor work places, it is deemed essential for lighting on both masts and the gantry cranes to exceed the height of the surrounding bunds to ensure safe working conditions on site, then there is a potential for an unassessed harm to occur which may have such significance that the balance of any judgment on the acceptability of the proposal is tilted to such a degree that the scheme is deemed to be unacceptably harmful when weighed against the potential benefits that may accrue.

To address this concern, it is requested before the decision on the Order is finalised, that details be provided of the requirements for illumination of the interchange and the manner in which lighting across the site, including from, and onto, any gantry cranes is facilitated. These details should then be plotted and lighting diagrams provided to show that in a worst-case scenario where the optimal lighting is provided, the risks of light spillage onto neighbouring land including the Chiltern rail line, do not cause unacceptable levels of harm.

Consideration has been given as to whether this level of information which, by its very nature will be detailed, can be left to later consideration under a finalised Construction and Environmental Management Plan (CEMP). This route is considered unacceptable to the Council as if it later transpires that lighting masts need to be 15m plus in height to accord with mandatory safety standards and the landscaping around the site cannot be elevated to fully mitigate any light spillage, then the local environment will be inevitably be compromised to a level where the harm arising from the scheme is widely considered to be unacceptable to nature, neighbours and rail operators.

### Buildings

In considering lighting for buildings, the Council accepts that the applicants have undertaken an appropriate consideration of the local environment and the impacts that may occur.

Unlike the freight terminal where lighting impacts may be irregular in timing and intensity as well as points of origin and plant and vehicles move around, lighting on and around the buildings on site will remain fixed and thus any impacts can be accommodated over time.

Whilst the Council do not have any objections at the present time to the principles as set out in the ES, the Council would wish to see any detailed lighting addressed through relevant requirements and to have the opportunity to comment on the discharge of such details.

Furthermore, the Council would also wish to be involved in the consideration of any lighting proposals as they appertain to both design lighting which may be used to affect the appearance of the buildings in the landscape in the evening and night sky's and for any signage lighting including advertisements or building names.

### Highways

The Council notes the submitted plans for the installation of new lighting masts around J10 of the M40 and the proposed new roads and recognises that the design and detailing of these units will be a matter for consideration by the Local Highway Authority.

The Council though would wish to ensure that particularly along the new sections of highway, light spillage is kept to a minimum and to this end, the proposal to install a bund alongside the Ardley by-pass for example is a welcome step to facilitating this.

Whilst it is recognised that there will be a requirement for some highway lighting on safety grounds, the Council would wish to ensure that such lighting is used prudently both to minimise adverse harm and to the surrounding environment and to enhance the character and appearance of the local area.

When used with care and consideration, the Council recognises that skilful lighting schemes can not only deliver much needed safety measures but also enhance and uplift and environment especially in the winter months to help it become a blend in more sympathetically into to a local area thus minimising disruption and harm.

## **9 Water Environment**

These comments are provided by CDC in its role as the LPA. The comments should also be read in conjunction with those provided by OCC in its role as the Lead Local Flood Authority (LLFA).

As this proposal is still at an early stage with no specific detail on the size, location or proposed operation of the logistics unit nor any details on the layout of the rail freight interchange, these comments focus on the matters of principle.

It is noted that the site straddles the boundary between the Thames and Anglian catchment areas. As a result, no watercourses pass through the site. All water courses on the site, originate within the site and generally flow either north-eastwards into the Anglian catchment or southwards and south-eastwards into the Thames catchment. All watercourses within the site are Ordinary Watercourses and there are no Main Rivers. Accordingly, they all fall under the purview of the Local Authority rather than the Environment Agency.

Each watercourse will have a narrow ribbon of uncharted flood plain. The extents should be verified through hydraulic modelling so that the limits of the 1% AEP + 40% climate change envelopes can be plotted.

The drainage design principles should follow the criteria set out in the attached Oxfordshire Standards.

As the site currently lies, it is recognised that the existing land form performs poorly with regard to soak away rates. As this limits the scope for sustainable drainage systems to

perform well, it is recommended that a precautionary approach should be taken in considering the design of any drainage proposals and an assumption made that no infiltration will be possible unless proven otherwise by comprehensive soil testing.

It is recognised that a large part of the development site will involve a significant amount of soil movement reducing land levels by around 5.0m to 6.0m adjacent to the north eastern edge of the site close to the boundary with Upper Heyford RAF base and then being raised by a similar or level along the line of the proposed spine road.

Although this land will be compacted as part of the construction to form stable development platforms upon which the proposed storage buildings will be situated, the land will, for some time, remain artificially aerated and as the soil is predominantly clay in nature, it could take up to three years for full compaction to occur. (Ref para 6.4 of Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. DEFRA; 2009)

Accordingly, it is recommended that no testing for infiltration takes place after the levelling of the land until such time that it can be confirmed by an appropriately qualified engineer that full settlement has taken place.

Once it has been established that the land is sufficiently settled to allow detailed design work to proceed, positive drainage discharges should be limited to the greenfield QBar rate.

Through the design process for any drainage, space should be provided around all attenuation features should be provided so that access to them is always readily possible. All watercourses should be straddled at least 3m each side by an undeveloped corridor so that riparian maintenance can be readily and accessibly undertaken.

Across the site, the preferred drainage approach should be provided in the form of linear swale features and not in concentrated areas. Attenuation should be provided in the form of shallow vegetation basins or swales and not in the form of underground tanks.

If underground tanks are deemed necessary, these should be wholly within individual plots to allow ease and a direct line of management responsibility to ensure ongoing access for maintenance.

The Council recognises that there may be a necessity for some underground attenuation on communal space. This should be kept to an absolute minimum and full details of any future management regime should be provided including schedules for cleaning.

Looking at specific areas of the site, the Council would wish to see sustainable drainage measures included alongside any proposed highway drainage features including both on the main site and alongside the proposed highway improvements e.g. the amended connection to J10 of the M40.

These sustainable drainage measures should also assist in the delivery of ecological enhancements across the site especially as these are often isolated locations away from passing members of the public.

The proposed pond network to the south of the site, is welcomed and has the potential to meet multiple roles namely as part of a drainage scheme, provide ecological enhancements and also provide an area of amenity space for prospective employees on the site thus allowing for enhanced staff welfare.

It would appear from the masterplan that space could be provided to the south of the site to allow for the creation of some small recreation space or shelters and footpaths/ cycle trails along this part of the site.

It is appreciated that at the present time, it is too early to detail such measures but if the scheme were to proceed, the Council would wish to see requirements secured that would allow the LPA to consider, and approve if suitable, a range of ecological and amenity enhancements around the water environment on site.

At all times, the design and maintenance guidance in CIRIA 753 should be followed.

## **10 Heritage - Built and Archaeology**

The application site is adjacent to the RAF Upper Heyford Conservation Area (which comprises the airbase at RAF Upper Heyford). According to the Council's Conservation Area Appraisal, *"the primary architectural and social historic interest of the airbase at RAF Upper Heyford is its role during the Cold War. Designation of the airbase as a Conservation Area acknowledges the site as an important Cold War landscape type."*

There is also a Grade II Listed building on the application site: the Threshing Barn at Ashgrove Farm. The significance of the Listed building lies in its fabric and character as an 18th century barn; the surrounding buildings, although not designated, also have some merit in terms of historic character as a 19th century farmstead. These are considered to contribute notably to the setting of the Listed Building.

### RAF Upper Heyford Conservation Area

The Council's Conservation Officer's opinion is that the landscape, which surrounds RAF Upper Heyford, contributes to the character and setting of the Conservation Area and, therefore, its significance. Moreover, the airfield, due to its very nature, is set in a flat, open, landscape with clear views out from the runway. Impacts on the views out of the runway was a key concern of Historic England during the Stage 1 Consultation process.

In response to Historic England's comments, and recognition of the need to help preserve the historical context of the former runway, the applicants, as part of the Stage 2 Consultation process, tabled substantial amendments to the proposal. This involved the reduction in the height of the strategic mounding at the eastern end of the former RAF Upper Heyford runway, down to a 'half-height', along with less treatment proposed in this location. Details of the revised height of the mounding, and the treatment, are set out on the Parameters Plan (Document 2.5) and in Chapter 7 (LVIA) of the ES.

In response to these amendments (now part of the formal submission), as part of the Stage 2 consultation comments, Historic England concluded that there would still be some harm to the Conservation Area but that harm would be at the 'lower part of less than substantial harm'.

As Historic England have led on the assessment on the potential impact on the Conservation Area, the Council's Conservation Officer defers to Historic England's conclusions.

The Conservation Area also contains a number of scheduled monuments. However, it is not within the remit of the Local Authority to comment on this matter, and, again, officers defer to Historic England. The Conservation Officer does, however, conclude that the listed buildings with the Conservation Area would not be harmed, as a result of the proposed development.

#### Listed Building and its immediate setting

As part of the development, it is proposed to retain all the existing farm buildings, and then re-use them, by changing their use from agricultural use to (collectively) an estate management, training and communal facilities centre for the site. Part of the retention and re-use process would involve replacing the roof (currently in a decaying ruinous state and introducing new glazed windows and doors, and a rainwater management system.

The Design Approach Document – Central Hub presents three options for installing a new roof on the building. It also presents alternative ways of improving the floor, which is not fit for public use: the three options for delivering a usable floor is to, a), repair the floor, b), relay the level, or, c), insert a new floating floor. Part of the design details principles (set out in finer detail in the Threshing Barn Architectural application drawings, submitted as part of the DCO), include the provision of rooflights, a wide entrance framed by doors to “signify the entrance”.

In principle, the works to repair, retain and restore the Listed barn (which is in a decaying state state) are welcomed, and the approach proposed is considered to be appropriate: returning the building and other associated buildings to a viable use would be supported from a conservation perspective. Moreover, the works to restore the listed building are not considered to result in harm to its significance.

According to the Council’s Conservation Officer, the other historic buildings associated with the farm could be considered to be non-designated heritage assets. The most notable of these are proposed to be retained and restored where necessary, in line with providing a new use. This is supported and, again, the approach is considered acceptable. These buildings contribute to the setting of the Listed Building. Therefore, it follows that improvements to these buildings would enhance the immediate setting of the Listed Building: in fact, it would be a positive element of the proposal. Consequently, the retention, repair and reuse of Ashgrove Cottages is welcomed.

#### Wider setting to the Listed Building

However, the wider setting of the Listed Building and the historic farm complex will, inevitably, be altered by the scale and nature of the proposed logistics development. This will impact on the wider landscape. That said, it should be noted that landscape harm does not necessarily equate to heritage harm.

There are some concerns from officers that, due to the ground levels and the size of the distribution sheds, the Listed Building and farm complex could be dwarfed and dominated by the development, ultimately being positioned in a ‘valley’ between the proposed logistics buildings. Further consideration should be given to how this would be managed and the treatment of the boundaries between the old and new....

In short, the introduction of very large distribution sheds, in close proximity to the Listed Building, will result in some harm to its significance, as a result of development within its setting (wider agricultural land). This harm requires clear and convincing justification and should be weighed against the public benefit in line with paragraphs 213 and 215 of the NPPF.

### Archaeology

With regards to non-designated archaeology, this topic will be dealt with by OCC, who have professional archaeologists reviewing the submitted information.

## **11 Ground Conditions**

With regard to the main section of the ES dealing with ground contamination issues, the main report and its associated appendices is considered to be robust in terms of the methodology used, the assessment of potential risks and the mitigation measures proposed.

There is though a new issue regarding the potential existence of forever chemicals that may need to be considered as part of the proposed development and comments on the restoration of the Ardley Landfill site.

### PFAS Chemicals

Following the Council's Stage 2 response in November 2025, it has been noted that levels of PFAS (per- and polyfluoroalkyl substances) commonly known as 'forever chemicals' have been recorded in some of the surrounding water courses.

The full impacts of these readings are under investigation, and the Council is actively seeking to establish full details of where PFAS chemicals may be found and what, if any, implications there may be. As a starting point this work, the Council is taking a precautionary approach on sites in the general area currently under consideration.

It should be clarified as an important detail that at present, the Council is not identifying the application site as an origin point of the chemicals but, using source, path receptor modelling, the Council is mindful that the application site, to some as yet unknown level, may factor into any wider examination of the impacts from PFAS chemicals.

The Council would therefore wish to engage with the applicants to further explore the relationship, if any, between the site and the wider examination. This is considered particularly important as there are large areas of cut and fill work proposed across the site digging down some 7.0m to 8.0m in some areas. If this excavation works interfaces with any PFAS chemicals on the site, the Council will wish to take this opportunity to secure an agreement to undertake suitable site remediation works and eliminate the chance of any cross contamination into the wider environment which may occur over time with, or without, the development taking place.

### Ardley Landfill Site

With regard to the proposed works in relation to the Ardley landfill site that is proposed to be closed, the Council, in conjunction with the Environment Agency, would wish to partake in the discharging of any requirements to clear and recap the site to ensure that the risks of

any cross contamination back into the environment are adequately mitigated. This work would overlap with the measures taken to control potential odours.

It is noted that this chapter of the ES also touches on the loss of potential Jurassic rock fossils. This issue, alongside the management of *Cetiosaurus* and *Megalosaurus* dinosaur trackway passing through the 'Ardley Cutting and Quarry SSSI' at Dewars Farm Quarry will be addressed in detail by the County Council in their representations.

## **12 Socio-Economics - including Health**

### Demand for the Proposed Development

As a starting point, consideration is given to paragraph 2.10 the National Networks National Policy Statement which states that "Railways are a vital part of the country's transport infrastructure and play a crucial role in growing the economy and meeting the connectivity needs of customers and business."

Accordingly, the Council supports the principle of the proposed development as potentially forming an important component of the national infrastructure framework.

Due to the sites location outside of any establish centre, the proposed development, as currently structured, would not immediately assist in meeting the Council's Corporate Plan objectives which include creating vibrant economic centres and thriving rural villages and to deliver sustainable and strategic development that meets Cherwell's needs now, and in the future.

The Council does though recognise the proximity of the development to the emergence of Heyford Park as a new settlement and, with appropriate sustainable transport connections, the development could, in the future, play an active park in meeting the needs of the new centre through the delivery of sustainable and strategic development.

Whilst there is recognition of the national benefits that may accrue from this development, there is also an awareness that this development, like all national infrastructure projects, also has a local impact and it is this aspect of the scheme that the Council would wish to explore in more detail.

In assessing need for the SRFI, the Council is mindful of the dual nature of this proposal which, like other SRFI projects, not only includes the rail interchange which is supported in principle by national policy but also the logistics units which have the potential to be served either from the rail facility and/or the highway network.

In principle, the rail interchange is supported, and there is an identified need for logistics in the Cherwell Economic Needs Assessment (ENA) 2025, which provides the evidence for the draft review Local Plan 2042. That said, the amount of floorspace, and the scale of units being proposed, is substantial. The Council, therefore, wishes to explore, not just the precise need for the logistics units, but also justification for the scale and form of development proposed.

Based on evidence from the Council's Economic Growth Team, where the medium sized 'XL' units have been built in the local area, they are on the market longer than smaller premises for example Frontier Park in Banbury where the two larger units still remain vacant,

or the vacant 18,580 sq.m. (200,000 sq.ft) unit on Chalker Way adjacent to smaller units that more readily find and retained occupiers.

Local business expansion e.g. Prodrive, Norbar, Karcher, Firstline, Bakels has been to L/XL units below 139,50 sq.m. (150,000 sq.ft.) Units larger than this as noted above tend to be limited to logistics only, apart from unique, bespoke development such as Siemens.

The Market Analysis Report (Document 7.1) submitted with the proposal looks at the demand for logistics space around Bicester and the M40 corridor. Based on the market research provided, it is accepted that there is a demand from operators for space in the vicinity of the application site.

What is not clear, however, is how close to the centre of this area these operators believe they need to be located and whether their requirements could be met from sites further south along the M40 corridor. It is recognised that this site presents a potential opportunities along the M40 for logistics-based development, but it is not clear if the need for space in the Marketing Report can only be met by sites in along the M40 corridor or could also be met by sites further to the south, due to distance and travel time constraints. In the absence of this information, the Council currently places limited weight on the merits of this site in meeting the demand for logistics space identified by potential occupiers.

This matter has also been explored in section 2: Alternative Site Provision

### Benefits for Local Economy

Should it considered that there is an identifiable need for the proposed development and there are no suitable alternative locations, the Council accepts that the proposed site has the potential to achieve the aims set out in the NPS.

If this is the case, the Council would wish to see provision to support improved skills training in the Cherwell area both for constructions work and the subsequent logistics activities. The Council recognises that there are a wide range of roles from driving to warehousing and office-based roles and these work areas provide a range of opportunities for training.

The trade body Rail Freight Group (RFG) through their June 2024 publication “Delivering For Our Economy, Environment And Regional Workforce” states that in addition to contribution £2.45bn to the British economy, the three largest rail freight operators in the country currently have more than 100 active apprentices in their industry in a range of roles from engineering to IT. These apprenticeships are seen as a vital way to address potential skills shortages in the rail industry and, should the SRFI be approved, Cherwell would wish to see some of these opportunities be secured, and enhanced, by the development.

Such backing can be secured through the S106 attached to the proposal and can seek to secure funding for a number of student places at Banbury and Bicester College which offers a range of NVQ courses covering subjects like business and management, construction and engineering either directly or in conjunction with partners.

### Social Benefits

Whilst most of the site is oriented towards rail and logistics use, there is a large parcel of land to the south towards Middleton Stoney which is set aside to for sustainable drainage measures including swales.

This area of land has the potential to also include enhanced ecological provision and also recreation space for people employed or visiting the logistics park.

Given the benefits this may offer to support employees both in the physical and mental health, the Council would wish to engage with the applicants at the detailed design stage to introduce both physical improvements on the ground and secure funding to help deliver, and importantly, maintain, measures to enhance the value of the site to people there. If possible, it would also be beneficial to expand any improvements not just for the benefit of people employed on the logistics park but also those who live nearby for example in Middleton Stoney or Ardley.

Were these opportunities to be captured through the S106 agreement, the proposed development has greater potential to support the Council's corporate aims which seek to build an inclusive and green economy and promote health and wellbeing with a focus on inequality.

### **13 Materials and Waste**

This topic will be dealt with by OCC as the Mineral and Waste Authority.

### **14 Soil Resources and Agricultural Land**

In paragraph 14.4.3 of Document 6.14 Chapter 14: Soil Resources and Agricultural Land, the applicant has acknowledged that although the site covers a total area of 449.5 Ha, 17.8 Ha earmarked for ecological mitigation has not been surveyed. This approach has been justified on the basis that as the land would remain in agricultural

Paragraph 14.5.4-5 of the report identifies a Major Adverse Significant impact on agricultural during the construction phase due to the loss of 36.9 ha of Subgrade 3a land and 249.7 ha of Subgrade 3b land.

As mitigation against the loss of agricultural land is not considered possible as set out in Paragraph 14.6.1, the applicant states that a residual major adverse effect is expected and this is identified at paragraph 14.6.3.

Furthermore, paragraph 14.7.4 identifies a significant cumulative impact on agricultural land due to the scheme representing slightly more than 1% of annual loss (1.002%) of best and most versatile land across England and 264% of local annual loss of such land across the district area.

It is noted in paragraph 5.189 of the National Policy Statement for National Networks (NNPS) that 'Applicants should take into account the economic and other benefits of the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification). Where significant development of agricultural land is

demonstrated to be necessary, applicants should seek to use areas of poorer quality land in preference to that of a higher quality’.

Moving on, paragraph 5.192 of the NNNPS further outlines that ‘Applicants can avoid, or minimise, the direct effects of a project on the existing use of the proposed site or proposed uses near the site, by the application of good design principles, including the layout of the project and the protection of soils during construction.’ Paragraph 5.197 continues and outlines that ‘Where a project has a sterilising effect on land use there may be scope for this to be mitigated through, for example, using the land for nature conservation or wildlife corridors, or improving access and connectivity.’

Despite these losses of best and most versatile land, the applicants do not identify any embedded mitigation to reduce the impact of the scheme by moving built development away where possible.

The applicant has therefore failed to outline how they have sought to use areas of poorer quality land in preference to that of a higher quality, nor how they have sought to avoid, or minimise, the direct effects of a project on the existing use of the proposed site or proposed uses near the site, by the application of good design principles, including the layout of the project. The applicant has also failed to demonstrate how they have considered mitigating the sterilisation of agricultural land through the proposed use of the land. Given this the applicant has failed to demonstrate how the project is compliant with paragraphs 5.189, 5.192 and 5.197 of the NNNPS.

The Council, along with the County Council, is therefore concerned that the mitigation hierarchy has not been applied in relation to agricultural land which has resulted in a significant adverse impact both locally and cumulatively resulting in a significant loss of agricultural land at a regional scale.

As the ES chapter concludes identifying a residual negative major adverse impact on agricultural land during construction and a significant cumulative residual impact the Council would wish to see this aspect of the proposal examined in further depth by the ExA to closer understand the balance of judgement between the loss of this valuable natural resource against the potential economic enhancements that may occur specifically in the Cherwell area

## **15 Climate Change**

### **15.1 Summary**

In respect of the climate change implications arising from this development, Cherwell District Council wished to adopt a position of conditional support. This position is based on recognising two key matters.

Firstly, the Council acknowledges that the applicant has demonstrated a clear alignment with the energy hierarchy and achieving substantial reductions in regulated emissions as evidenced by a technically robust suite of documents (ES Chapter 15, Energy Strategy, CEMP and NTS) supporting the proposal. Secondly, it is acknowledged that the scheme incorporates extensive on-site renewable energy, low-carbon heating (ASHPs), and

standard construction mitigation, which together represent a positive baseline response to current planning policy requirements

However, despite these positive aspects appertaining to the proposal, CDC also wishes to clearly state concerns, on the following four points.

The strategy does not represent a whole-system net zero approach, with the majority of emissions arising from unregulated (tenant) energy use (~82% of total) remaining largely unaddressed.

The overall carbon performance is heavily reliant on a single technology (solar PV), making the strategy sensitive to grid constraints and delivery assumptions.

The scheme demonstrates limited ambition in demand reduction (“Be Lean”) and provides no substantive alternative at the “Be Clean” stage and finally,

Key elements of mitigation particularly around tenant emissions are aspirational rather than secured

In summary, Cherwell District Council acknowledges that the proposed development is in alignment with current planning policy and demonstrates strong performance in regulated emissions through extensive renewable energy deployment. However, concerns remain regarding the reliance on a narrow mitigation strategy, the limited treatment of unregulated emissions, and the absence of a comprehensive net zero-aligned approach. As such, CDC supports the principle of development subject to strengthened mitigation, clearer delivery mechanisms, and enhanced whole-life carbon ambition.

## 15.2 Key Climate Impacts

The key climate impacts associated with the Proposed Development, based on ES Chapter 15, the Energy Strategy, CEMP and NTS, are summarised below.

### 1) Operational Greenhouse Gas Emissions (Primary Impact)

- The development generates substantial operational emissions, dominated by:
  - o Unregulated energy use (~2,671 tCO<sub>2</sub> /year)
  - o Smaller but modelled regulated emissions (baseline 582.5 tCO<sub>2</sub> /year)
- While the Energy Strategy demonstrates a 105% reduction in regulated emissions through on-site renewables, this does not eliminate overall emissions.

Impact: The scheme results in continued significant absolute carbon emissions over its operational lifetime, primarily driven by tenant activities.

### 2) Reliance on Renewable Energy Infrastructure (Solar PV)

- Carbon mitigation is heavily dependent on:
  - o Large-scale rooftop solar PV (~5.8 MWp installed, with potential expansion)
- The ES acknowledges:
  - o Constraints on grid export capacity
  - o Risk of curtailment or underutilisation of generated electricity

Impact: Climate performance is contingent on external energy system factors, introducing uncertainty in realised carbon savings.

### 3) Limited Demand Reduction and Energy Efficiency Gains

- Only 3% reduction in regulated emissions is achieved through “Be Lean” measures
- This reflects:
  - o Limited influence of building fabric and passive design

- o High residual energy demand across the site

Impact: The scheme embeds relatively high baseline energy demand, increasing reliance on ongoing renewable generation.

#### 4) Construction Phase Emissions

- Construction activities will generate:
  - o Short-term carbon emissions from plant, materials and transport
- The CEMP defines:
  - o Standard mitigation measures (e.g. efficient plant use, emissions control)

Impact: While temporary and mitigated, construction contributes to overall lifecycle emissions, with limited evidence of reduction beyond standard practice.

#### 5) Climate Change Adaptation and Resilience

- The ES considers:
  - o Overheating risks and cooling demand
  - o Passive design measures and efficient cooling systems
- Warehousing use limits exposure to overheating in most areas

Impact: Climate risks are identified and managed at a basic level, but do not materially influence the development's overall carbon profile.

#### Summary of Key Impacts

- Major long-term impact: operational emissions (especially tenant energy use)
- Key dependency: large-scale solar PV and associated infrastructure
- Secondary impacts: construction emissions and climate resilience measures

### 15.3 Gaps in the Applicant's Assessment

While the applicant provides a comprehensive and policy-aligned assessment, several material gaps remain across ES Chapter 15, the Energy Strategy, CEMP and NTS.

#### 1) Lack of Whole-System Carbon Assessment (Over-reliance on "regulated emissions")

- The assessment focuses heavily on regulated emissions, which represent a minority of total operational emissions
- Unregulated emissions (~2,671 tCO<sub>2</sub> /year) are acknowledged but not meaningfully assessed or mitigated
- The headline 105% reduction claim applies only to regulated emissions

Gap: No clear assessment of total operational emissions trajectory or alignment with net zero pathways

#### 2) Absence of a Whole-Life Carbon / Embodied Carbon Assessment

- Construction emissions are addressed through:
  - o Standard CEMP mitigation measures
- However, there is:
  - o No quantified embodied carbon assessment
  - o No lifecycle carbon accounting (e.g. materials, construction, replacement cycles)

Gap: The ES does not evaluate the full carbon footprint of the development, limiting understanding of its long-term impact

#### 3) Limited Assessment of Real-World Viability of Renewable Strategy

- The Energy Strategy depends heavily on:
  - o Large-scale solar PV deployment
- The ES acknowledges:
  - o Grid export constraints
  - o Potential curtailment risks

However:

- No quantified assessment of:
  - o Export feasibility
  - o Curtailment scenarios
  - o Impact on delivered carbon savings

Gap: The strategy lacks a robust delivery and sensitivity analysis, creating uncertainty in outcomes

#### 4) Incomplete Treatment of Tenant Energy Use and Behaviour

- The assessment recognises that:
  - o The majority of emissions arise from tenant activities
- Proposed mitigation includes:
  - o “Green leases”
  - o Monitoring and metering

But:

- These measures are:
  - o Not secured
  - o Not quantified
  - o Not tested for effectiveness

Gap: No clear mechanism to control or reduce the dominant source of emissions

#### 5) Weak Exploration of Alternative Low-Carbon Energy Options

- The “Be Clean” stage considers but rejects:
  - o District heating
  - o CHP
- Limited exploration of:
  - o Alternative decentralised energy systems
  - o Site-wide energy optimisation approaches

Gap: Insufficient analysis of diverse, resilient energy system options, resulting in reliance on a single solution

#### 6) Limited Demand Reduction Analysis (“Be Lean”)

- Only 3% emissions reduction achieved through energy efficiency measures
- No detailed exploration of:
  - o Enhanced passive design strategies
  - o Advanced building performance standards

Gap: The ES does not demonstrate that energy demand has been minimised as far as practicable

#### 7) Lack of Alignment with Net Zero Targets and Carbon Budgets

- The assessment is based on:
  - o EIA significance thresholds
  - o Part L compliance
- It does not explicitly assess:
  - o Alignment with:
    - \* Local net zero targets
    - \* Carbon budgets
    - \* Science-based pathways

Gap: The development’s contribution to long-term climate objectives is not evaluated

#### Summary of Key Gaps

- No full whole-life or whole-system carbon assessment
- Heavy reliance on assumptions around renewables and grid interaction
- Dominant emissions source (tenants) not effectively addressed
- Limited ambition in demand reduction and energy system design

- No clear linkage to net zero trajectories or carbon budgets

#### 15.4 Suggested Mitigation Measures

To address the identified gaps and strengthen alignment with climate objectives, the following mitigation measures are recommended.

##### 1) Strengthen Control and Reduction of Tenant (Unregulated) Emissions

- Require a robust Energy & Carbon Management Plan (Operational Phase) secured through DCO requirements, including:
  - o Binding green lease provisions (minimum energy performance standards, reporting obligations)
  - o Mandatory energy monitoring and disclosure for tenants
  - o Targets for reducing unregulated energy use over time
- Require provision of:
  - o On-site renewable energy allocation strategy prioritising tenant use
  - o Infrastructure to enable future expansion of PV and low-carbon technologies

Outcome: Moves the dominant emissions source (tenants) from aspirational management to enforceable control

##### 2) Enhance “Be Lean” Measures (Demand Reduction)

- Require commitments to:
  - o Higher fabric performance standards beyond current specification
  - o Maximised daylighting and passive design optimisation
  - o Smart building systems to reduce operational energy demand
- Consider setting:
  - o Minimum energy intensity targets (kWh/m<sup>2</sup>) for buildings

Outcome: Ensures energy demand is minimised at source, reducing reliance on renewables

##### 3) Strengthen Renewable Energy Delivery and Grid Resilience

- Require a detailed Grid and Energy Strategy prior to construction, covering:
  - o Export capacity confirmation with the DNO
  - o Curtailment risk and mitigation measures
  - o Phasing of PV deployment
- Secure:
  - o Maximum feasible roof coverage with solar PV
  - o Delivery of battery energy storage systems (BESS) with defined performance roles

Outcome: Improves certainty that modelled carbon savings will be realised in practice

##### 4) Require Whole-Life Carbon Assessment and Reduction Plan

- Require submission of a Whole-Life Carbon Assessment (aligned with recognised methodologies such as RICS or LETI guidance), including:
  - o Embodied carbon (A1–A5)
  - o Operational carbon (regulated and unregulated)
  - o End-of-life impacts
- Secure a Carbon Reduction Plan setting:
  - o Embodied carbon targets
  - o Low-carbon material strategies
  - o Construction emissions reduction measures

Outcome: Provides a complete picture of lifecycle emissions and drives reduction beyond operational energy

##### 5) Strengthen Construction Phase Carbon Management

- Enhance the CEMP to include:

- o Quantified construction carbon targets
  - o Use of low-emission plant and fuels
  - o Minimisation of material transport and waste
  - Consider requirement for:
    - o Reporting construction phase emissions annually
- Outcome: Moves construction from managed impact to actively reduced impact

#### 6) Expand Assessment and Delivery of Low-Carbon Energy Systems

- Require further exploration of:
    - o Site-wide energy systems (e.g. shared infrastructure, ambient loops)
    - o Opportunities for waste heat recovery or integration with nearby sources
  - Demonstrate why alternatives are not feasible, or commit to future readiness
- Outcome: Reduces reliance on a single-technology solution (solar PV) and improves system resilience

#### 7) Align the Scheme with Net Zero Trajectories

- Require the applicant to:
  - o Demonstrate alignment with local and national net zero targets
  - o Provide a net zero pathway for the development over time
- Include:
  - o Commitments to future decarbonisation upgrades
  - o Periodic review of performance against targets

Outcome: Ensures the development contributes to long-term climate objectives, not just current compliance

### Summary of Mitigation Approach

The above measures seek to:

- Close the gap between assessment and delivery
- Address unregulated emissions (largest source)
- Improve certainty and resilience of the energy strategy
- Extend the approach from compliance to whole-life carbon reduction

## **16 Cumulative Effects**

The applicants have sought to identify how the proposed SRFI may impact either negatively or positively on the surrounding area in conjunction with other developments occurring near by. The main schemes of note are the employment sites being promoted by Albion and Tritax and also the expansion of RAF Heyford by Dorchester Homes.

It is acknowledged that the proposal to have Hayford Park identified in the Governments New Towns programme as a key settle is not progressing but as there is a live planning application still under consideration for the expansion of the site, it remains a material consideration alongside the SRFI project.

With respect to the main topic areas of transportation, landscape, visual impact, socio-economic impacts and changes to agricultural land, the applicants consider there will be significant operational benefits to transportation and socio-economic matters and significant adverse impacts to the other three areas in the construction phase and, for landscape and visual harm, both construction and ongoing operation impacts.

Whilst the applicants have put forward mitigation measures to offset the adverse impacts, the Council has raised concerns on a number of these areas as detailed within this report.

It is therefore the Council's view at the current time that until the mitigation measures proposed to accompany the main development are fully explored and their impacts to alleviate harm established, it is not possible at the current time to be certain about how much impact the SRFI project will have on the surrounding area when considered in combination with other schemes.

Furthermore, both the employment schemes proposed north of J10 and the housing development at Heyford remain under consideration. Whilst some, or all, of these schemes may fail to gain consent in time, the inverse is also true, and all these developments may gain approval. Accordingly, it is right for the developers to take these sites into account as part of their consideration of cumulative effects until such time that all opportunities for decision making and challenge have been pursued.

## **17 Summary of Effects**

As noted in respect of the cumulative impacts section of the ES above, the Council still has a number of concerns remaining as the viability of the mitigation measures proposed to address various aspects of harm that arise from the development.

Until such time that the value of such mitigation has been established, the Council is of the opinion that it is not possible at the current time to quantify the value to be attached to each of these matters.

The Council will continue to review the topic areas as set out in the ES in conjunction with the County Council through the Local Impact Report stage and subsequent examination and written representations.

### **Draft S106**

#### Schedule 3: Noise Insulation

Comment on the S106 has already been made in section 5: Noise and Vibration in respect of Schedule 3 of the draft agreement which seeks to obligate the District Council into managing a noise insulation programme on behalf of the applicants to mitigate excessive noise impacting on several properties on the entrance to Bicester.

This burden is one that has been considered and opposed by the Council due to the complexities associated with the monitoring of claims and expenditure from affected homeowners and the lack of certainty that the requirements of the obligation can be met in full thus adequately mitigating the unacceptable degree of harm brought about by the development.

#### Proposed New Schedules

As part of the consideration of the socio and economic aspects of the development, the Council consider it appropriate for the agreement to incorporate two additional schedules.

These would look to make provision to support increased apprenticeships in the local area based on roles associated with the logistics industry and secondly, to enable and maintain

an area of land to the south of the site which could be used to deliver improved physical and mental health benefits to users of the site and the local area.

Should it be possible to secure these enhancements to the project, it is considered that greater weight to be given in support of the proposal by the Council. This is a matter the Council will look to review at the Written Representations stage.

### **Draft Development Consent Order**

In addition to the comments provided here by the Council, the County Council will also be making comment on the draft Order. Their comments relate amongst other items, to the following key points and are supported by the Council:

#### Definition of 'Commencement'

In line with SRFI applications that have already been approved by the Planning Inspectorate, this Order seeks to define what works on the ground can be undertaken early on and what might constitute a formal commencement of work. This stage of work is important as formal commencement often links to a wide range of additional requirements e.g. ensuring detailed work proposal are signed off.

The County Council wishes to ensure these powers are of an appropriate scale.

#### Definition of 'Undertaker'

As utility undertakers have a range of powers to work on power lines, drainage systems etc. Defining what undertakers can and can't do without the benefit of express planning permission is important to facilitate the delivery of the development if approved.

As with the definition of the word 'commencement', the County Council want this term focused in on essential tasks and excessive rights are not unknowing passed onto a n operator.

#### Deeming Provisions

These set the timescales for the Council to respond to requests to discharge requirements (akin to conditions) in the Order. If no decision is made in a timely manner, then the request is deemed to have been approved.

The Council accepts that a cut off time may be needed and such provisions are common on DCO applications but would wishes to ensure that these provisions allow adequate time for reasoned and sound responses to made taking into account resources available.

Schedule 2 Requirements – A key aspect of this schedule is the mechanism to secure delivery of the rail infrastructure before too much warehousing is developed out. There is a trigger point of 232,258 square metres of warehousing that can be built out before the rail interchange is open and available but the Council wished to secure details of how this is monitored.

#### Article 49: Felling or lopping of trees and removal of hedgerows

The Council recognises the importance of ensuring that trees and hedgerows adjacent to the site do not interfere with the operation or maintenance of the proposed development and therefore accepts in principle, the terms set out in this article.

The caveat in paragraph (6) which precludes the removal of any tree, shrub or hedgerow identified to be retained in the tree and hedgerow retention and removal plans without the agreement of the LPA.

However, the Council is mindful that during the ongoing lifetime of the proposed development, there is constantly emerging potential for trees and hedgerows previously considered to be of limited value to become more significant in stature and their loss could become more harmful to the environment that considered at the time the Order is made.

This is a particular concern in relation to trees which may accrue veteran status. Unlike ancient trees which are defined by their age and may possibly outlast the proposed development many times over, veteran trees are ones which develop habitat features such as wounds or decay.

As this process may develop of decay or damage may occur over a much shorter period, it is considered that trees not identified for retention at the current time, may in a decade or two become eligible for veteran status.

This classification is one not readily discernible to all who undertake arboricultural works and where a tree has suffered damage, it might not be seen as an indicator that the tree reached this important grading and could therefore be lost without further consideration.

Accordingly, whilst the Council accepts the spirit of the proposed article, it would wish to see a check being incorporated to allow a review of any proposed felling or pruning works to ensure that the tree would not be classified as a veteran and therefore potentially saved.

#### Articles 59: Planning Permissions etc.

The matter of how overlapping planning consents should be handled came under scrutiny in the Supreme Court's judgment in *Hillside Parks v Snowdonia National Parks Authority* in 2022. Four years on from this judgement, debate still exists about the approach to be taken with overlapping consents and what implications may arise to either allow or hinder the implementation of development.

It is understandable that for many parties involved in securing and then implementing planning consents, the Hillside judgement has the potential to significantly affect what works may or may not take place.

The Council in its role as the LPA is mindful of this but is also aware that, uncontrolled, a blanket allowance to developers to implement each and every consent granted may result in unintended consequences arising through elevated levels of development occurring over time that were not expected to be undertaken due to newer consents essentially quashing earlier approved schemes.

As drafted, Article 59 seeks to ensure that earlier schemes must not at any time be construed as preventing the further construction, maintenance or use of the development, or any part of it, as sought by the draft Order.

Whilst giving the applicants some flexibility to successfully implement the proposed development, it is considered that this article also has the potential to lead to additional levels of development occurring beyond that envisaged in the ES. It is recognised that the development as proposed must be delivered in accordance with the approved Order if granted and in theory, the potential for overlapping consents to occur is limited. However, with a site of this scale, it is considered that if additional development does occur, that impact may result in unacceptable consequences for the local community and environment.

The absence of the article as proposed does not preclude the implementation of alternative schemes but it would necessitate further consideration of the impacts that may arise. This ability for potentially harmful development to be checked is considered important.

Accordingly, the Council does not support the inclusion of this requirement in the proposed Order.

## **Summary**

The work undertaken by the applicants in support of the proposal has been extensive and provides a detailed understanding of the justification for the scheme and the impacts and benefits that may accrue should the consent order be granted.

Whilst the Council is generally supportive of the principle of development on the basis that the scheme will support the local economy of Cherwell and north Oxfordshire, there are several areas of detail, for example landscape impact, where the impacts of the proposed scheme are notable. Whilst none of these, in themselves is seen as so egregious that the development should be resisted on that point alone, there is potential that collectively, the sum of all the harms may outweigh the gains that may be forthcoming and thus tilt the balance, in the eyes of some interested parties, towards refusal.

The Council believes that the harms identified are generally ones which can be addressed through the submission of supplemental information and furthermore, opportunities exist, for example in respect of supporting new apprenticeship roles, to enhance the gains that may be secured.

At the current time, the Council supports the development of further evidence to quantify the levels of harm and benefit that may arise from the scheme and would wish to explore these matters further at the Local Impact Report stage when detailed examination of each matter can be undertaken.

Yours sincerely,

Shawn Fleet

Principal Planning Officer (Major Development, Central)