

SECTION 78 OF THE TOWN AND COUNTRY PLANNING ACT 1990

**PLANNING APPEAL BY GREAT LAKES UK LIMITED RELATING TO LAND TO
THE EAST OF THE M40 AND SOUTH OF THE A4095, CHESTERTON,
OXFORDSHIRE.**

THE PARISHES AGAINST WOLF [“PAW”]

PUBLIC INQUIRY – 9 FEBRUARY – 5 MARCH 2021.

THE OPENING SUBMISSIONS OF PAW

SASHA WHITE Q.C. and ANJOLI FOSTER

LANDMARK CHAMBERS

The structure of this opening speech:

1. The structure of this opening is as follows:

- 1.1. Section 1 – Who are Parishes aAgainst Wolf?
- 1.2. Section 2 – The reasons for overwhelming public objection.
- 1.3. Section 3 – What this proposal is for?
- 1.4. Section 4 – What are the characteristics of the appeal site and its surroundings?
- 1.5. Section 5 – The approach of the LPA in this matter.
- 1.6. Section 6 – The approach of Great Wolf in this matter.
- 1.7. Section 7 – Why Planning Permission should be refused:
 - 1.7.1.Reason 1 – This proposal has been promoted with almost no consultation.
 - 1.7.2.Reason 2 – The Appellant has completely ignored the plan led system.
 - 1.7.3.Reason 3 – This development will cause substantial harm to the landscape character of the site and its surroundings.
 - 1.7.4.Reason 4 – This proposal is completely car dependent and the approach to alternative modes of transport is derisory.
 - 1.7.5.Reason 5 – This proposal will cause material biodiversity harm.
 - 1.7.6.Reason 6 – This proposal will cause material harm to the safe operation of the road network.
 - 1.7.7.Reason 7 – This proposal will cause harm to the provision of golf and recreation in general.
 - 1.7.8.Reason 8 – This proposal is completely contrary to the development plan and its strategy.
 - 1.7.9.Reason 9 – This proposal is completely contrary to the NPPF
 - 1.7.10. Reason 10 – This proposal does not bring forward any benefits which cannot be provided elsewhere.
 - 1.7.11. Reason 11– There will be no harm if the proposal is refused.
 - 1.7.12. Reason 12 – There is no evidence as to why this proposal cannot be provided in a far more sustainable location.
 - 1.7.13. Reason 13 – This proposal is for development which could not be further from sustainable development.
- 1.8. Appendix 1 – Chronology.

Section 1 – Who are Parishes Against Wolf?

2. Parishes Against Wolf [“PAW”] is an alliance which has come together with the aim of getting this planning permission refused and comprises the following 35 Parish Councils and Villages:¹
 - 2.1. Ambrosden [Population of 2,650].
 - 2.2. Ardley with Fewcott [Population of 720]
 - 2.3. Blackthorn [Population of 375]
 - 2.4. Bletchington [Population of 1025]
 - 2.5. Bucknell [Population of 235]
 - 2.6. Caversfield [Population of 2156]
 - 2.7. Charlton on Otmoor [Population of 440]
 - 2.8. Chesterton [Population of 1023]²
 - 2.9. Duns Tew [Population of 455]
 - 2.10. Fritwell [Population of 645]
 - 2.11. Godington [Population of 450]
 - 2.12. Hampton Poyle & Hampton Gaye [175]
 - 2.13. Hethe [280]
 - 2.14. Heyford Park [Population of 1670]
 - 2.15. Horton cum Studley [Population of 460]
 - 2.16. Islip [Population of 650]
 - 2.17. Kirtlington [Population of 980]
 - 2.18. Launton [Population of 1204]
 - 2.19. Lower Heyford and Caulcot [Population of 490]
 - 2.20. Middle Aston [Population of 310]
 - 2.21. Middleton Stony [Population of 310]
 - 2.22. North Aston [Population of 310]
 - 2.23. Oddington [Population of 120]
 - 2.24. Piddington [Population of 375]
 - 2.25. Rousham [Population of 125]
 - 2.26. Shipton-on Cherwell & Thrupp [Population of 493]³
 - 2.27. Somerton [Population of 290]
 - 2.28. Steeple Aston [Population of 965]
 - 2.29. Stratton Audley [Population of 450]
 - 2.30. Tackley [Population of 890]
 - 2.31. Upper Heyford [Population of 345]
 - 2.32. Wendlebury [Population of 420]
 - 2.33. Weston on the Green [Population of 530]
 - 2.34. Woodeaten [Population of 190]
 - 2.35. Yarnton [Population of 3085]
3. Consequently we and our professional witnesses represent an alliance of elected parish councils, associated villages and their cumulative population of circa 25,291 people.

¹ Population figures taken from CDC website, except where indicated.

² Reduction from the figure of 3,110 on the CDC website.

³ Figure taken from Wikipedia as population figure not available on CDC website.

4. Regard should also be had⁴ to the 800 who wrote to object to the application, the 1,450 who signed the petition at the application stage, the hundreds who have objected to the appeal and the hundreds who have signed the appeal petition.
5. Additionally over 100 local businesses have all signed a specific petition to register their fears that the Wolf Complex will impact their existing businesses or ability to do their jobs.
6. Planning decisions are required to take into account local circumstances to reflect the character, needs and opportunities of each area [NPPF paragraph 9].
7. The local circumstances here are that the local population are strongly opposed to this proposal based entirely on legitimate and understandable planning concerns as will be set out below.
8. We have one overarching request that you listen and understand why this proposal is objected to so strongly by so many, and you fully appreciate and take into account that if this proposal is consented it will cause significant suffering and huge resentment for years to come.
9. Planning has the most remarkable power to transform but also the most remarkable power to harm.
10. It is our overarching submission to this inquiry that this proposal will cause material harm and fundamentally change the character of the village of Chesterton as it currently functions, sits in the countryside and operates.
11. The consequences of this proposal through the traffic movements will damage irrevocably many other settlements as well.
12. This is an alliance of 35 democratically elected organisations who say with one voice – No.

⁴ Which will of course cross-over with the population identified above.



Cherwell Parish Map
 FOR ILLUSTRATIVE PURPOSES ONLY
 Drawn By: Amy Howells Date: 16/08/2018 Scale: 1:175,541
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 CCSW 2



Section 2 – The reasons for the overwhelming public objection

13. We are both proud today of representing many people who just want to see this proposal stopped in its tracks. They want to see common sense and justice prevail where proposals of this magnitude are put in the right place, not in the middle of a golf course in a small, rural, tranquil Oxfordshire village.
14. This opening speech will be substantive but also emotional.
15. It must be emotional because we represent and defend the rights of many thousands of individuals who go about their lives enjoying and valuing where they live. They are causing no harm to anyone and then out of nowhere in 2019 rumours start circulating that a company is seeking to build a proposal of this incredible magnitude in a small village in Oxfordshire.
16. The strongest and truest submission I am going to make in this opening is that this proposal has caused deep fear and stress for thousands of people. I have experienced it directly. Why is this proposal here? Will it really get consent? Surely not? Surely not?
17. A walk through Chesterton and the surrounding villages will demonstrate the strength of feeling against this proposal. It is a manifestation of the depth of these fears that residents of the local villages have mustered such a formidable campaign of opposition despite the 3 lockdowns and all the current competing anxieties of the coronavirus pandemic.
18. I have been at the Planning Bar for 30 years.
19. I do 20 planning appeals a year.
20. This is the first planning appeal I have done for a Parish Council for many, many years.
21. 95% of my work is for developers and 5% for Local Planning Authorities.
22. I see the world through the eyes of the developer most days at work.
23. However even with that viewpoint, in this case, there is only mystery and amazement that a company and its supporting team of professionals could take the view that this is an appropriate site for one of the largest proposals to be considered by the appeal system this year.
24. This proposal will, as will be heard over the next 3 weeks, cause significant harm to the existing way of life for those that live in the vicinity of this development.
25. It is also a development which could so easily go elsewhere.
26. This is purely a marriage of convenience between a landowner, who will receive a windfall payment, and a developer, seeking to get a foothold in the UK.
27. There is just no understanding, concept or feel by the Appellant for the inappropriateness of this proposal and how much is it is disliked by so many.

28. There is not one expression of regret or pause in the thousands of pages of material you have before you produced by them. There is not one indication that since acquiring the option they have once paused and reflected on the reality which is we have made a significant mis-judgment here and this is simply not the right site for this proposal.
29. The Appellant says it will continue to review its position throughout the appeal process [Statement of Case – paragraph 9.1] – Do – Withdraw this application right now and find a site which is suitable, appropriate and evolves with support from the community that will host it.
30. What a wonderful and reassuring moment that would be.
31. Instead what we will have is a group of highly experienced professionals tell you that this is the right site to impose this vast development. Indeed, this is an Appellant team who contend that the LPA has acted unreasonably in refusing the proposed development. [Appellant Statement of Case paragraph 9.1], which is a remarkable contention.
32. I attended a meeting in October 2019 in Chesterton when the overwhelming emotions were incredulity that anyone could think a proposal of this size could come forward and the developers could generally believe it was right that this vast project could descend on a small Oxfordshire village.
33. This is a proposal which has been shown whenever it asks the question that no one wants it – 91% said no in June 2019. Did that affect anything? The planning application had huge objection – Did that effect anything? This appeal has had huge objection – did that effect anything?
34. You know the answer.
35. We will fight this appeal with all our resources, however paltry they are compared to the corporate wealth of GW.

Section 3 – What this proposal is for?

36. It is critical to commence this Opening by understanding exactly what the Appellant is seeking to get permission for in this appeal because the scale and size of the proposal is quite remarkable and extraordinary when one considers that this is a site which is currently a golf course with no built development.
37. The Appellant is clear what its aspiration is – *“Its ambitions are for this to be its flagship European resort”* [SCI paragraph 1.2] with all that entails.
38. Planning permission would be given for:
 - 38.1. A development which would attract 500,000 visitors a year. [Economic Statement paragraph 1.7] which is equivalent to every resident of Liverpool coming to visit in a year.
 - 38.2. Simply a huge development of 52,685 m² Gross External Area.
 - 38.3. A Gross Internal Area of 47,940 square metres [To give context to that Selfridges has 50,000 square metres selling space and is the second largest single retail space in the UK! By comparison Harrods has a GIA of 29,877 square metres]. That tells one the scale of this

proposal. The Appellant is seeking to build a building of the size of Selfridges on a site which is designated countryside or equivalent to 8 average sized superstores. Imagine putting 8 Tesco Extra's together and you are getting the sense of scale of this proposal.

- 38.4. The overall appeal site is 18 hectares. 12 hectares will be developed or 66% of the site area. Built development and car parking across 12 hectares [A football pitch is 0.714 hectares so the development will eat up an area comparative to nearly 17 football pitches]
- 38.5. A vast hotel by any measure comprising 498 large rooms with a total floorspace of 27,250 m². We are not aware that there is any hotel in the county which comes close to that number of rooms. Indeed the largest hotel in Oxford, the Randolph has only 151 rooms. This scale of hotel is one usually found at airports.
- 38.6. At any one time the site could host up to 3,000-4,000 guests [if the 498 rooms host 6-8 people per room and there appear to be no control on capacity of room; see management plan page 10 and economic statement paragraph 2.4]. It is of note for the purposes of the Transport Assessment, Motion have assumed 2,250 is 100% capacity of the hotel whereas the Appellant in its other material have indicated up to 6-8 people per room.
- 38.7. Additionally 460 FTE staff [see management plan page 11 and planning application form].
- 38.8. Therefore the site could host over 4,000 people at any given time and if one includes day passes maybe even 5,000 people which is comparative to the attendance at an Oxford United game.
- 38.9. An enormous indoor water park of 8,340 m² which is a grand name for a huge shed with a massive swimming pool in it. That structure alone is the size of a Superstore.
- 38.10. An enormous "family entertainment centre" with restaurants and shops with a floorspace of 12,350 m² which again is comparative to two superstores on its own.
- 38.11. It will have an ice cream parlour, coffee shop, breakfast buffet, pizzeria, fast food restaurant, tacos restaurant, Barnwood restaurant. [Ventilation statement]
- 38.12. Additionally there is 550 m² of conference space.
- 38.13. Then 902 car parking spaces. Again to give context the biggest redevelopment in Oxford – The Westgate centre has 1,000 spaces (and this is over multiple storeys) to feed the main shopping centre of a town with a population of 250,000. This car park will immediately become one of the biggest car parks in the County.
- 38.14. A physical barrier at the plot boundary [management plan page 16]
- 38.15. The height of the hotel is between 18-20 metres which is equivalent to a 6-7 storey domestic structure but the dimensions are enormous – if you walked around the whole building it is equivalent to over a kilometre!
- 38.16. The water slide is 22.5 metres in height which again is in excess of a 7-storey building.
- 38.17. A 24-hour 365-day operation.
- 38.18. Lighting throughout across the 12 hectares in the car park, including 70 Column lights at 6 metres throughout the car park, save for a tiny area of 4 metres another 30-40 lights around the service yard and on the side of the building and lighting on the external area of the FEC. The Plan overview shows the whole area covered by development will be constantly lit at night [Lighting Design document] with moderate adverse consequences predicted on those who live in close proximity to the site [See illumination impact profile document]
- 38.19. A waste generation of 185,562 litres per week or 9,649,224 litres per annum of which 54% is refuse and the rest is recycling [Waste Management Strategy – Paragraph 3.2.4 – CD 1.27] or 1.4 billion kilograms of waste a year [Table 3.4].
- 38.20. A water consumption of 141,512 m³ per annum [Utilities statement of the Applicant].

- 38.21. The complete destruction of 53 trees, 46 tree groups which will contain multiple trees and 1 wooded area across the existing site [Arboriculture Impact assessment paragraph 5.2.1]. Effectively every existing tree which sits in the way of the structures and car park are destroyed to allow the development to proceed [Tree protection plans in arboriculture impact assessment]
- 38.22. Six Hectares of public parkland which sounds attractive but it is almost completely within an area which the Appellant has annotated as an area subject to “*Loud noise from the Motorway*” [See BDP Architect Pre-App Document 2].
- 38.23. It is of note however that the Delivery and Servicing Management Plan and the TA do not estimate or reveal anywhere the number of deliveries expected on site. It is completely unclear what is the extent of deliveries to a site that might host 4,000 a day who need to be fed and watered. What is the actual figure and size of vehicles. Mr Lyons and I spent years providing those figures for Tesco proposals in great detail. We will await them being provided by Mr Bell in his evidence.
- 38.24. The simple point is that this proposal is simply massive and huge. The application plans show this in the starkest manner.

Section 4 – What are the characteristics of the appeal site and its surroundings?

39. It is then helpful to marry what is proposed with the characteristics of this site.
40. The appeal site has the following important characteristics:
- 40.1. The Appellant chose the area of their option.
- 40.2. They chose a site without a single shed or hut on it. It is a completely empty site save for the golf course infrastructure.
- 40.3. The application site is a golf course with fairways, trees, rough and greens. There is no built infrastructure on it currently.
- 40.4. The site is located in “predominantly rural area” [ES non-technical summary page 7]
- 40.5. The site has dense woodland areas [ES non-technical summary page 8] with over 200 trees, groups of trees and a woodland area [See Arboriculture assessment]
- 40.6. In planning policy terms it is agreed to be within the open countryside [Planning statement 6.43]
- 40.7. It falls adjacent to a settlement which the Appellant accepts is a village [Planning Statement 2.1]
- 40.8. Chesterton is separate from Bicester [Planning Statement 2.3]
- 40.9. The Site does not contain any buildings [Planning Statement 2.4]
- 40.10. Chesterton has no status in the development plan beyond that of a service village [CLP 2015, page 246] in which the only development allowed is within the built-up limits of the village and that is restricted to minor developments, infilling and conversions.

Section 5 – The approach of the LPA.

41. We commend the approach of the LPA to you at the start of this inquiry.
42. The Officers have consistently told the Appellant that this proposal is inappropriate from the beginning of the belated pre-application process.
43. Their officers diligently considered the very significant material involved in such a proposal.

44. Their collective and sustained position was that planning permission should be refused in a detailed and through POR which is immaculate in construction and consideration.
45. That recommendation of the Head of Planning was followed, respected and endorsed by the members.
46. Significant weight should be given to that approach and the collective view of the LPA in refusing this matter.
47. It is incumbent on the Appellant to show why that decision should not be upheld.

Section 6 – The approach of Great Wolf

48. Great Wolf and their professional team seem to be uncertain what the proposal actually is for.
49. What has been noteworthy in this matter is the number of errors and corrections and amendments that seem to characterise this proposal.
50. It is still evolving materially as has been shown by the evidence to this inquiry.
51. It appears that the proposal is not fully formulated and still being refined in relation to the golf provision, the transport proposals, the ecology proposals and the amount of accommodation that will be offered and how they will get to the proposal.
52. It is remarkable that this is actually happening 15 months after submission.

Section 7 - Why Planning Permission should be refused:

Reason 1 – This proposal has been promoted with almost no consultation.

53. The NPPF seeks early engagement and good quality pre-application discussions [NPPF 39]
54. As the chronology shows starkly nothing of the sort happened here. GW signed the option without any discussion with the Parish Council in October 2018.
55. They did not go public with their proposals for nearly a year and half after first investigating the site when they made a PAR on the 2 March 2018.
56. They made no effort to talk to any resident at all prior to taking the option. This deal was sealed in secrecy from all the residents and the Parish Council with no discussion or transparency of any kind.
57. Then they hold their first public exhibition in June 2019 when they have already commissioned their entire professional team to prepare the application and effectively the proposal is certain.
58. Additionally the level of hostility was revealed – only 9% of those consulted in June 2019 supported the proposal. 9% and yet they continue on regardless.

59. This is a proposal imposed plain and simple on everyone in the vicinity in the site and all the hostility that has accrued since is directly a result of the complete lack of engagement and secrecy that they chose to follow. No one else chose that path but the Appellant and their advisors.
60. It also begs the question of why if they thought it such a good idea was there such secrecy until it became a fait accompli.
61. Consequently claims of consultation and engagement are completely hollow when it comes to this Appellant and alone this proposal should be refused because it provides a case study of how not to go about preparing a planning application.

Reason 2 – The Appellant has completely ignored the plan led system.

62. The NPPF seeks that the planning system should be genuinely plan-led [NPPF 15]
63. That needs to be re-iterated because clearly DP9 have no understanding of this concept if one looks at the approach here.
64. This is a massive proposal across 18 hectares of countryside for a development of 50,000 square metres. It will become immediately one of the biggest developments in Cherwell.
65. It should as a matter of principle be considered through the plan led system.
66. That opportunity now exists with the emerging local plan which has commenced its progress.
67. Again the Appellant has completely ignored the development plan with not so much as one representation or engagement of any kind to seek an allocation at any time in the development plan previously or now.

Reason 3 – This development will cause substantial harm to the landscape character of the site and its surroundings.

68. The NPPF seeks that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside [NPPF 170 b].
69. This is a theme taken up in the development plan – at Policy ESD 13 which seeks that development is expected to respect and enhance local landscape character.
70. It is important to reflect on that test – this development has to be shown to comply with the policy to enhance local landscape character. Enhancement must involve a degree of betterment.
71. It will be fascinating to hear Mr Waddell's evidence and hear him explain how obliterating the existing will enhance the local and much valued character of this site.
72. It is much valued by the local population who play golf and use the footpath to walk past the landscape as a form of amenity.

73. This site and its 18 hectares have a character which is completely compatible with the predominant character currently found on the surrounding land. It provides tranquillity, trees, woodland and open grassland.
74. There is currently extensive parkland character which is important.
75. It will be replaced by vast development which obliterates, literally, that existing character. The consequent development will simply impose an utterly new character that one would expect from a development of this magnitude with 50,000 square metres of built form and 902 car parking spaces with lighting, paths, roads, activity.
76. This is an urban development plain and simple as shown by the sites that the company trade from in the US.
77. You can see the inherent difficulties in this proposal by the very significant bunds which need to be created to hide/screen the proposal – many hundred metres of bunds have to be created to the south with 4-5 metres height to require planting and amelioration which is very revealing of this proposal.
78. The impact on landscape character will be utterly different and cause manifest harm.
79. Mr Cook will tell you that the proposal will actually cause substantial adverse effects, rather than enhancement with the obliteration of many features which currently contribute to that character.
80. Yes, there is an attempt at mitigation through the planting of trees which will reduce the visual impact over time, but planting cannot obscure the dramatic and detrimental change to character that will be brought about by this proposal.

Reason 4 – This proposal is completely car dependent and the approach to alternative modes of transport is derisory.

81. The NPPF could not be clearer as to its approach to development proposals:
 - 81.1. It wants to change transport usage [102]
 - 81.2. To manage patterns of growth [103]
 - 81.3. To limit the need for travel [103] – That particular needs to be reflected on in the context of the Appellant’s catchment area which envisages a market of many hundreds of miles.
 - 81.4. To locate significant development in locations which offer a genuine choice of transport modes [103]
 - 81.5. In considering development proposals has the developer taken up appropriate opportunities to promote sustainable transport modes [108]
 - 81.6. Is there an acceptable effect on the road network [109]?
82. Therefore the seminal points of national guidance are to ensure that we effectively allow people to not use their cars unnecessarily by limiting the need to travel and by offering genuine alternatives to the private car.
83. The inherent characteristics of this site and those visiting it make this fundamentally difficult because:

- 83.1. Currently this site is not served by any public transport at all.
- 83.2. There is one bus some distance away.
- 83.3. That is the extent of public transport.
- 83.4. There is no footway currently back into the village.
- 83.5. Therefore the starting point for this development is frankly it could not be worse in complying with the aspirations of government guidance to locate such developments in places where there are genuine opportunities for public transport.
- 83.6. Then one considers what the proposal will actually do.
- 83.7. It will attract principally families with children between 2-12. We are told that is the core market.
- 83.8. This is a proposal which will attract vast numbers of such families in that it will attract 500,000 people a year to it.
- 83.9. The site relied on by Mr Bell is the Woburn Centre Parcs Mode Share [Table 2.3 of the Appendix H to the TA] which shows the site attracts 98% of its customers by car – a completely unsustainable modal split.
- 83.10. However then Mr Bell says they do not represent the modal split but the American figures do not show the modal split which is in evidence before this inquiry.
- 83.11. Which broken down equates to more than 1370 people every single day of the year coming and of course leaving.
- 83.12. More than 4 Jumbo Jets a day will effectively arrive here and drop off those visitors and the equivalent amount would leave.
- 83.13. Add to that is the staff of 460-600 FTE.
- 83.14. Therefore you have to wrestle with a development which will attract just shy of 2,000 people a day to this location and 2,000 leaving. The overall movement is close to 4,000 people coming and leaving this location and how will they get there?
84. Before considering that question one must be fair to the Appellant who is going to apparently transform the non-existent public transport by doing a few things:
- 84.1. Building a short pavement.
- 84.2. Diverting the existing public right of way onto the road.
- 84.3. Spending a bit of money on cycle infrastructure which is fascinating when your catchment is a 2-hour drive time and the LPA do not believe it can be delivered.
- 84.4. Provide a minibus for staff.
- 84.5. Provide a minibus for customers.
- 84.6. Provide a bus to Bicester which will run through the day.
85. This is a paltry contribution, with the context of 4,000 people coming and leaving this site potentially every single day.
86. To provide illustration consider you are the family “Plums” at home in Nottinghamshire with Fred [4] and Molly [6] running around as you contemplate your travel choices which are:
- 86.1. We will drive and give the kids the ipads door to door or
- 86.2. Get a taxi to the railway station, get a Train Nottingham to Oxford, then Oxford to Bicester and then a bus will come and pick us up with our luggage and 2 kids which only involves 4 different changes one way and 8 two way.

87. The simple point is that Motion have simply got no evidence as to why people will make that choice. It is simply not credible that there will be any modal shift once this proposal commences.
88. Additionally it is incredibly difficult, if not impossible, to see what Mr Bell actually thinks the modal split will be for this proposal. Try and find his categorical position on what the modal split will actually be. It is nowhere.
89. We assumed it was based on Woburn Centre Parcs but Mr Bell disowns that.
90. Ok lets take him at his word and he can tell us what modal split he says the proposal will have when he comes to give evidence.
91. It will be fascinating to discover according to him what the modal split is that he forecasts because it is so important in the light of policy and additionally his parking accumulation exercise.
92. Mr Lyons in contrast considers Woburn Centre Parcs does provide a reasonable proxy and concludes 98% car.
93. Also don't fall for the contention that Fred and Sue sitting in the back is what is envisaged by national guidance as car sharing. It is a wonderful gloss on assisting climate change by driving 200 miles is completely unacceptable on my own and yet put another passenger in the car and it is encouraged by government policy. That proposition is a nonsense.
94. For a development due to open in 2024 it is simply incredible that no one knows what the proposed modal split will actually be.
95. So how is this going to happen by what mode of transportation?
96. The Appellant completely acknowledges this is a car dominated development.
97. Finally the proposal is significantly under-parked. The Appellant originally wanted 1,000 spaces and ditched their requirement to make peace on this issue with OCC which Mr Bell readily accepts.
98. The parking accumulation work of the Appellant is fundamentally suspect because it is said the busiest times are at the weekends and yet the parking accumulation is much worse during the week.
99. As Mr Lyons will show with the trip attraction figures the parking is not enough. There will be repetitive capacity issues with parking and there is no overflow provision of any kind. Parking will spill out onto the streets causing complete chaos.
100. In summary if it is compatible with the climate change emergency to put a 98% car dependent development here with effectively no current public transport and only the addition of a bus and two shuttles in future then we should all go home and prepare for Climate Change Armageddon.

Reason 5 – This proposal will cause material biodiversity harm.

101. The NPPF requires that harm be avoided and seeks that opportunities to incorporate biodiversity improvements should be encouraged around developments. [NPPF 175(d)]

102. Indeed, the Government is now committed through legislation of trying to achieve 10% net gain on biodiversity through the upcoming Environment Act. The District Council has already adopted this as a modus operandi.
103. The approach of the Appellant to this centre piece of extant policy and government proposed legislation is remarkable because it has been obstructive and the opposite of transparent.
104. Its initial work was poor - firstly it utilises a consultant's in-house system that remains hidden and has been revealed as a variation on a matrix which is simply out of date. Secondly, as a consequence, it was impossible to find out how it had reached its conclusions and thirdly it consistently underestimates what is actually there currently. Our Ecologist consistently asked for the material to be provided and it was not done so. It spelt the end for the Appellant's ecologist from WSP.
105. Not unsurprisingly now a new Ecologist is on board for this appeal who for the first time on the 12 January 2021 provided a completely new calculation.
106. However the problems remain in that the existing position is grossly undervalued for the purposes of the calculation and what is proposed is grossly overestimated.
107. It is completely counterintuitive as well that you replace a site, which is currently undeveloped with fairways, woodland and areas of rough, with a vast development and you get material biodiversity net gain!
108. The Appellant has consistently and repetitively changed its position on what the net gain of the proposal will be:
- 108.1. In November 2019 in the EIA it was stated the net gain would be 41% [See page 14 of 28 of the non-technical summary]
- 108.2. In the ecological work submitted with the application the net gain would be 27% [See Ecological assessment study]
- 108.3. Now we are down to a claim of 17.14% [Mr Patmore]
109. The main drivers for this net gain are attributing low existing value to the site and giving a substantial uplift to what is proposed because of management post the development.
110. 68% of the existing site is lumped into the lowest possible score of amenity grassland category despite acknowledgement that some of that is of "higher value".
111. Mr Woodfield has shown just by correcting errors and awarding a very modest uplift in value to the areas of rough, and around trees and ponds one, completely changing the calculation. That alone would give the development a net loss.
112. It is also true that the proposed future habitat enhancement, creation and management regimes are highly ambitious and debatable.

113. Simply put, the approach to biodiversity is highly questionable as will become clear and has evidently been an afterthought with the proposals being refined even now, rather than being a centrepiece of the proposal.

Reason 6 – This proposal will cause material harm to the safe operation of the road network.

114. One of the key considerations admitted is to be in a location which is “an easy drive” to get to.

115. Then think of the scale of movements which are literally massive on roads which are completely unsatisfactory.

116. The Appellant accepts that it would not be wise for movements to go on many of the local roads and that is why they are willing to have signage seeking to stop those movements but why will people ignore their satellite navigation systems which are now highly sophisticated and tell you the shortest and quickest route. Are drivers going to ignore what is said to them in the car for a sign?

117. Additionally Chesterton and this site is characterised by many roads which are not working at the moment with the level of traffic movement on them currently.⁵ They are narrow, do not have good visibility and simply not appropriate for the kind of development which is now sort for this site.

118. Add to that is that the Appellant has seriously underestimated the likely number of arrivals in the AM peak that Mr Lyons will address and the consequent effect on the network and important junctions.

Reason 7 – This proposal will cause harm to the provision of golf and recreation in general.

119. The starting point in the NPPF is that existing sports land should not be built on unless an assessment has been undertaken showing it is surplus to requirements, or equivalent or better provision would be provided or the development is for alternative sports or recreational provision and the benefits clearly outweigh the loss. [NPPF 97]

120. The Applicant is seriously chancing its arm on this issue because:

120.1. Covid 19 has completely changed the dynamic for golf. Courses are booming and memberships are being taken up and renewed. That is patently clear.

120.2. The existing golf course is excellent and much loved by its members.

120.3. The population of Bicester is set to grow considerably in the future and the need for recreation and sport provision will also grow.

120.4. There will be a deficiency in golf provision in the near future even with this course.

120.5. It meets all the qualitative requirements for an 18-hole course and is much used.

120.6. What is proposed – a 9 hole course that you go round twice - is considered by golfers to be very poor and laughably so. Anyone who credibly contends otherwise has no understanding or feel for the game. Mr Ashworth who contends this is an enhancement is utterly divorced from reality. I have played the game for 45 years and have never heard any

⁵ In non-Covid times.

golfer express a preference for a 9 hole course. Let's have only one set of stumps on a cricket wicket or both teams shoot at one goal...

- 120.7. Why are there so few 9-hole golf courses in the world – because golfers, societies and owners know they are rubbish. What is the fun in playing holes twice when you can have every hole being completely new throughout a round of golf.
- 120.8. In addition, we have not seen anything that demonstrates that the Appellant has any control or interest in the retained golf course land. It is not blue land. It forms no part of the application [either blue or red line land] and GW have no interest in that land of any kind.
121. Again the Appellant expects people to be seduced by this offer. It is shameless. The Appellant did not give anything for the retention of the golf course when they decided to concrete over 9 of the 18 holes and this is purely a sop to the planning policy framework which seeks the retention of such facilities.

Reason 8 – This proposal is completely contrary to the development plan and its strategy.

122. The position of the Appellant is the most ambitious possible that this is a proposal which complies with the development plan. That is the actual evidence of Mr Goddard.
123. It will be the overarching contention of PAW that this proposal could not conflict more with the development plan and its overarching strategy and key policies:
- 123.1. The Foreword to the plan says it all – *“It is a plan which seeks to ensure growth is targeted in the most sustainable locations”* and *“our strategy is to ensure that the level of development in our villages respects the character and beauty of our rural areas while meeting local needs”* [Page 1]
- 123.2. The vision, strategy and objectives – *“Focusing the bulk of the proposed growth in and around Bicester and Banbury, limiting growth in our rural areas and directing it towards larger and more sustainable villages and aiming to strictly control development in the countryside”* [page 10]
- 123.3. Spatial Strategy for Cherwell – *“Development in the open countryside will be strictly controlled”* [page 29]
- 123.4. Policy PSD 1- *“Planning applications that accord with the policies in the Local Plan will be approved without delay”* [page 37]
- 123.5. Policy SLE 1 – *“Unless exceptional circumstances are demonstrated, employment development in the rural areas should be located within or on the edge of those villages in Category A”* [page 46]
- 123.6. Policy SLE 3 – *“The LPA will support new or improved tourist facilities in sustainable locations”* [Page 52]
- 123.7. Policy SLE 4 – *“All development should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling”* [Page 55].
- 123.8. Policy BSC 10 – seeks to protect existing outdoor sport [Page 75]
- 123.9. Policy ESD1 – seeks to distribute growth to the most sustainable locations as defined in this local plan [page 85]
- 123.10. Policy Villages 1 sets out a highly restrictive approach to the villages. [Page 246]
124. It could not be clearer that to put a development of this magnitude on a countryside location outside a village with its characteristics could not be more contrary to the Section 38(6) presumption in favour of the development plan which is up to date and complies with the NPPF.

125. Therefore full weight should be given to this and the issue is whether the Appellant has shown that there exists material considerations that justify the grant of consent, contrary to the development plan.

Reason 9 – This proposal does not bring forward any benefits which cannot be provided elsewhere.

126. The only real material consideration contended is that the proposal has many benefits.

127. Of course this proposal will bring forward benefits.

128. However the key issue is whether those benefits will outweigh the strongest breaches to the development plan and the NPPF.

129. PAW say no.

130. There will be significant benefits but any development of this magnitude would have those benefits but planning policy nowhere says those benefits enable one to use locations such as this for the provision of a facility like this.

131. If that was true then every spatial strategy would be completely academic and it would be perverse that the bigger and more harmful a proposal is the more likely it is to get consent because of course the benefits would be greater than a smaller proposal.

Reason 10 – There will be no harm if the proposal is refused.

132. Out of all the problems in the world currently the frustration and anger at not being able to access a family resort or water park simply does not register.

133. As the Appellant repeatedly tells us this will be the first such facility of its kind in the UK.

134. Has its absence up to this point caused harm or pain and are there huge numbers of children deeply unhappy because of its current non-provision? Absolutely not.

135. The simple point is that if it is refused two things will happen – Firstly Great Wolf will decide not to proceed in the UK and the status quo of non-provision will be continued with absolutely no harm of any kind or secondly they will actually heed the criticisms of why this site is completely unacceptable and find an appropriate site which complies with national planning policy.

136. However one certainty is that, unlike housing or road infrastructure or transport infrastructure, there will be no harm of any kind by saying no to this proposal.

137. It is simply as straightforward as that.

Reason 11 – There is no evidence as to why this proposal cannot be provided in a far more sustainable location.

138. The evidence justifying why this location has been chosen is really poor.

139. There is not a shred of evidence that the Appellant undertook a proper site search of any kind before identifying this site and signing the agreement. Where is it?
140. Secondly the Alternative site appraisal is not worth the paper it is written on because many sites are dismissed as contrary to policy. That criteria is absurd because this site is contrary to policy and yet they pursued it so to justify ignoring other sites is simply not justified on that basis.
141. Simply put there is no evidence with that the Appellant could not find another site. There are huge numbers of retail parks and other urban land struggling at the moment in very central locations. Have they looked at those? Have they spoken to any one in far more urban locations?

Reason 12 – This proposal is for development which could not be further from sustainable development.

142. As you have heard in this opening this proposal is an affront to sustainable development:
- 142.1. It is located in the countryside.
 - 142.2. It has no public transport but will have £1.6 million spent on such provision however there is no evidence at all to show why people will use that, that it is commercially viable long term and the proposed free shuttles will compete with the new services proposed to be provided.
 - 142.3. It has no buildings
 - 142.4. It has a wonderful parkland quality.
 - 142.5. It has some biodiversity value currently.
 - 142.6. It has a rural feel.
 - 142.7. It has amenity value.
 - 142.8. Its current use is completely compatible with its neighbours and respectful of the village it lies near and its inhabitants.
 - 142.9. It provides a wonderful golf course to members and visitors.
 - 142.10. It sets the context for the village of Chesterton.
 - 142.11. It is separate and distinct from that village and certainly from Bicester.
143. As you will hear from the evidence this proposal simply could not be more inappropriate and unsustainable and every minute, hour and day of this inquiry will reveal why it should be refused.

SASHA WHITE Q.C. and ANJOLI FOSTER

LANDMARK CHAMBERS

Appendix 1 – The Chronology.

- 1996 – Cherwell Local Plan adopted.
- 1997 – Great Wolf opens its first resort in the US.
- 20 July 2015 – Cherwell Local Plan adopted.
- 2 March 2018 – Pre-application request from DP9 to the LPA [Ref 18/00058/PREAPP]
- Mid 2018 – Great Wolf explore the option of acquiring land on the appeal site and enter into discussions with the Landowner. [This is evidenced by a local resident being told this by staff at the Golf Club]
- December 2018 - Great Wolf option the appeal site for two years with an ability to extend by reference to planning.
- February 2019 – NPPF 3 published.
- 28 March 2019 – First pre-application meeting between applicant and LPA [See planning statement 4.2]
- 15 May 2019 – Second pre-application meeting between applicant and the LPA.
- 5 June 2019 – Redwood Consulting on behalf of the Applicant for the first time write to the occupiers of Vicarage Farm which lies on the boundary of the site.
- 10 June 2019 – First meeting between Applicant and Chesterton Parish Council.
- 13-15 June 2019 – Public Exhibitions held in Chesterton and Bicester.
- 9 July 2019 – Second meeting between Applicant and Chesterton Parish Council.
- 30 August 2019 – LPA screening opinion provided [19/01255/SCOP] provided determining that an EIA was required.
- 25-28 September 2019 – Second public exhibition held in Chesterton and Bicester.
- 13 November 2019 – The Planning application submitted by DP9 on behalf of Great Lakes [19/02550/F]
- 25 November 2019 – The Planning application is registered by the LPA.
- January 2020 – Carter Jonas submit an objection for the parish councils.
- 27 February 2020 – Motion provide further highway mitigation works dealing with the Middleton Stoney junction.

- 11 March 2020 – Applicant suggests remaining golf holes could be reconfigured to provide 18-hole two tee facility.
- 12 March 2020 – Council’s Planning Committee consider report relating to the application with a recommendation of refusal.
- 12 March 2020 – The planning application decision notice to refuse issued by LPA. [The Appellant therefore has until 11 September 2020 to appeal]
- 25 June 2020 – Appellant sends intention to submit appeal letter to the LPA.
- July 2020 – Community Involvement Consultation Paper published in preparation of a new Local Plan.
- 2 September 2020 – LPA respond to the Applicant’s intention to appeal letter.
- 10 September 2020 – On the penultimate day left to appeal the Appellant appeals the refusal.
- 10 December 2020 – LPA consider the grounds of contesting the appeal and members reaffirmed all the reasons of refusal.
- 9 February 2021 – The commencement of the public inquiry.