

Comment for planning application 22/01488/OUT

Application Number	<input type="text" value="22/01488/OUT"/>
Location	<input type="text" value="OS Parcel 5616 South West Of Huscote Farm And East Of Daventry Road Banbury"/>
Proposal	<input type="text" value="Construction of up to 140,000 sq m of employment floorspace (use class B8 with ancillary offices and facilities) and servicing and infrastructure including new site accesses, internal roads and footpaths, landscaping including earthworks to create development platforms and bunds, drainage features and other associated works including demolition of the existing farmhouse"/>
Case Officer	<input type="text" value="Linda Griffiths"/>
Organisation Name	<input type="text" value="Allan & Lisa Phipps"/>
Address	<input type="text" value="Foxdale,Blacklocks Hill,Nethercote,Banbury,OX17 2BL"/>
Type of Comment	<input type="text" value="Objection"/>
Type	<input type="text" value="neighbour"/>
Comments	<input type="text" value="Further to your letter of 1st November, please find attached our comments relating to the amended details"/>
Received Date	<input type="text" value="24/11/2022 15:59:13"/>
Attachments	The following files have been uploaded: <ul style="list-style-type: none">• Re Consultation Nov22.pdf

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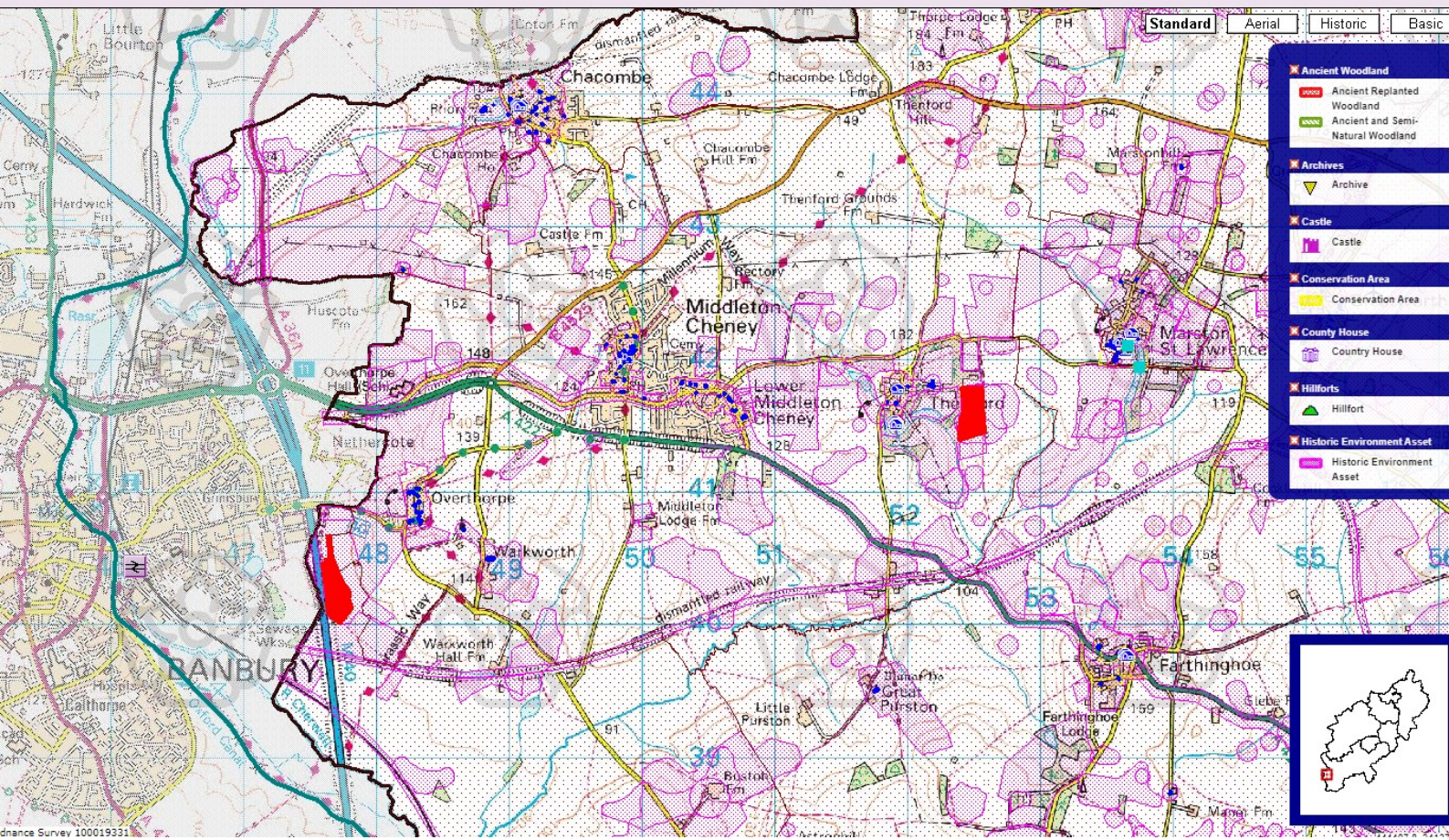
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Comments	<input type="text" value="Please see attached, further appendices to our objection"/>
Received Date	<input type="text" value="29/05/2022 18:00:28"/>
Attachments	The following files have been uploaded: <ul style="list-style-type: none">• Appendix One Aerial View (10) The Proposed Site From North Showing Backdrop of Banbury.pdf• Appendix One Aerial View (11) Landscape to The East Of Proposed Site.pdf• Appendix 2 NCC Conservation Map.pdf• Appendix 3 TPOs.pdf• Appendix 4 Map Showing Area dated 1888-1889.pdf

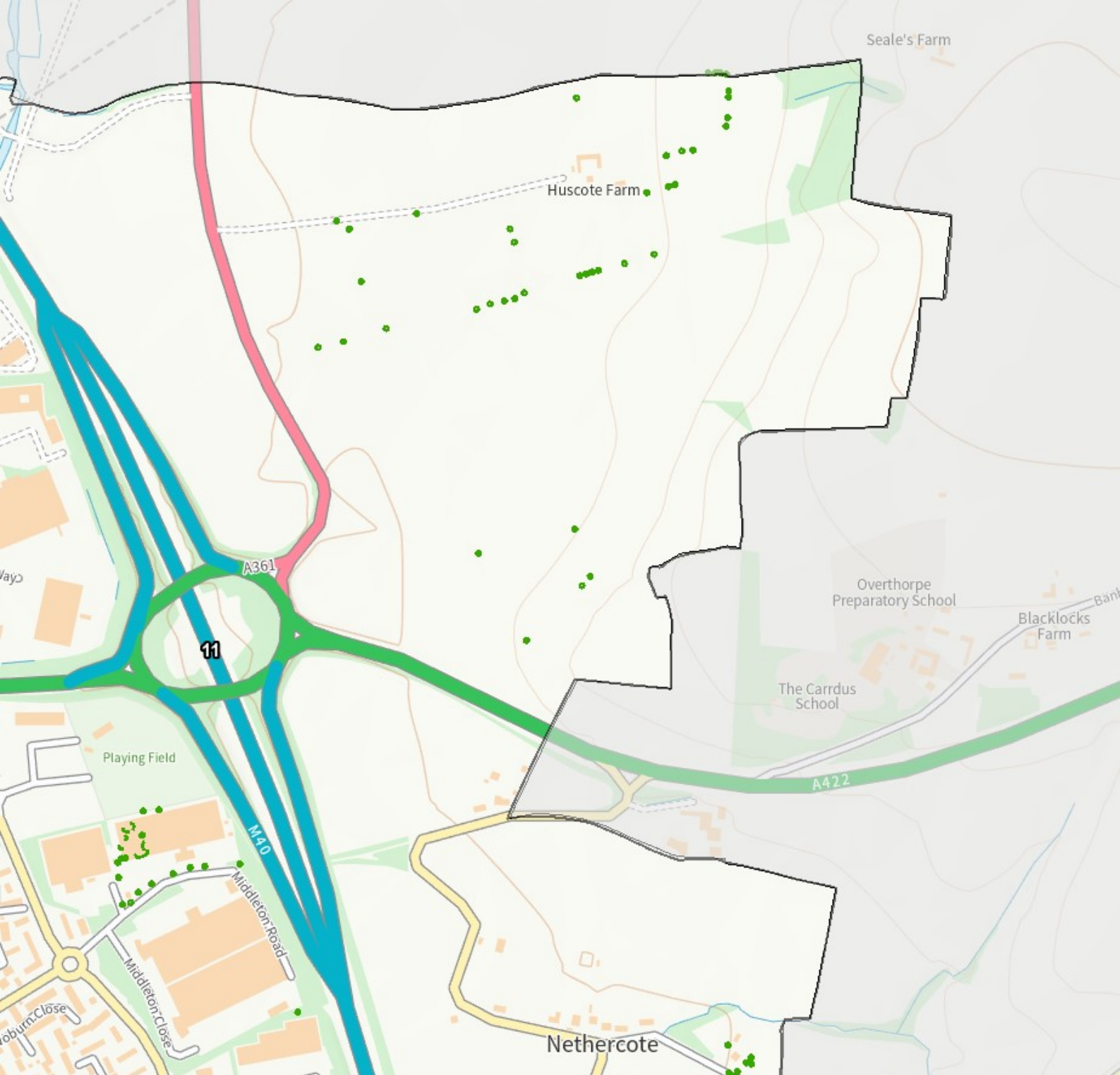
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Comments	<input type="text" value="Please see attached, further appendices to our objection"/>
Received Date	<input type="text" value="29/05/2022 18:05:46"/>
Attachments	<p>The following files have been uploaded:</p> <ul style="list-style-type: none">• Appendix One Aerial View (5) The Proposed Site From North.pdf• Appendix One Aerial View (6) The Proposed Site From South.pdf• Appendix One Aerial View (7) The Proposed Site From East.pdf• Appendix One Aerial View (8) The Proposed Site From East Showing Backdrop of North Banbury.pdf• Appendix One Aerial View (9) The Proposed Site From East Showing Proximity to Seals Farm.pdf

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Received Date	<input type="text" value="29/05/2022 18:08:28"/>
Attachments	The following files have been uploaded: <ul style="list-style-type: none">• Appendix 5 Oxfordshire Historic Landscape Characterisation Project Capacity For Change Map.pdf• Appendix 6 Traffic Issues and Flooding.pdf• Appendix 7 Huscote Mill Postcode 1906.pdf







Scale: One Inch to One Statute Mile or 62.5 Feet to One Inch (approx.)

Price 1s.

CHARACTERISTICS AND SYMBOLS

Contour Boundary	—	—	—
Church Boundary	—	—	—
Contour	—	—	—

For other information see Characteristics Sheet.

Lithographed from the Plans and Published at the Ordnance Survey Office, Southampton.

N.B. The representation on this map of a Road, Dock, or Harbours is no evidence of the existence of a right of way.

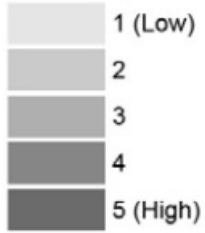
Distances are given in feet above the normal Mean Level of the Sea as depicted which is one of a foot below the general Mean Level of the Sea.

Altitudes indicated above or below the level of the Mean Sea Level are indicated by the height or depth in feet.

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Sensitivity to Urban Development Category







Huscote Mill, near Banbury

Valentines Series 4829X























00:00:15



00:01:33



Huscote is a beautiful, unspoilt area of Banbury countryside. It contains remnants of the agricultural heritage of the Banbury area, links to the once famous Banbury Cheese, and the biodiversity supports an abundance of wildlife. At a time of climate crisis, when Government is working hard on Nature Recovery Strategies, it seems abhorrent that any consideration would be given to destroy what we already have in this area.

In relation to the application for outline planning permission for large scale commercial development in this area, we would like to outline our objection and provide initial thoughts; particularly because we consider that the application should be rejected on the grounds of prematurity. Please appreciate that there are a lot of documents to review and we will revert in more detail once we have had the opportunity to fully review, please expect further comments on the lawfulness, accuracy and level of detail contained within the EIA. As members of the public, you can appreciate that this will take some time and we would request an extension to the comments due date. We would also request that we are provided a copy of confidential elements of the EIA that have not been publicised, with our proximity to the proposed development, it is imperative that we have sight of, and the opportunity to review and comment on, all available information.

It is our strong opinion that the location of the site is unsuitable for development of this nature. Developing the area would have a hugely detrimental impact on our countryside and local heritage; increase traffic and place further pressure on the M40 roundabout which is already insufficient for the volume; increase noise from alarms and machinery for nearby homes; remove the natural habitat for wildlife and birds and increase flooding risks by removing permeable surfaces.

Cherwell District Council Local Plan

As part of Cherwell District Council Local Plan Review 2040 Call For Sites, speculative proposals were submitted for the areas of both Nethercote (LPR-A-185) and land north of the A422 (Huscote) (LPR-A-034 and LPR-A-168) these proposals would in effect see both areas of countryside turned into Industrial Estates. Neither of these areas are currently within the Local Plan and therefore not earmarked or assessed for development. Our understanding from the published process is that, following the close of the consultation in November 2021, that Cherwell District Council are currently reviewing the proposals submitted in the Call For Sites and giving due consideration to consultation responses. Stakeholders are currently awaiting to learn whether either proposal will be supported for inclusion into the next stage of the Local Plan Review 2040 and this is not expected to be published until later this year.

The location of the proposed development was previously rejected from the Local Plan due to the significant and harmful impacts on the area. This is detailed extensively in a report to Cherwell District Council by Nigel Payne BSc (Hons), Dip TP, MRTPI, MCMI, an Inspector appointed by the Secretary of State for Communities and Local Government. The report on the examination into the Cherwell Local Plan is dated 9th June 2015 and the location is referenced "Banbury 15 – Employment Land NE of J11 M40" Paragraphs 199-211 detail the reasons that the location is not suitable for development and reference matters such as: detrimental impact on local landscape; particularly the rural areas; reduced need for this type of development due to other developments across the district; lack of evidence of viability; expected traffic movements and lack of infrastructure to support this and the need for significant highway improvements in the area.

The proposed development does not accord with the spatial strategy of Cherwell District Council Local Plan, which seeks to achieve sustainable economic growth by limiting development in the rural areas

Prematurity

We urge Cherwell District Council to reject this application on the grounds of prematurity.

The Local Plan process allows a series of consultations, over a period of time, allowing input from a wide range of stakeholders and includes public engagement and consultation. At each stage, an update on the reviews of consultation can be presented and new consultations sought. Once in draft form, the process allows for public examination of the Local Plan and anyone with objections has the opportunity to be heard by the planning inspectorate. Consultations include a whole variety of experts, and allow for public consultation and engagement. To consider using a greenfield site, as prominent and significant as the land in the application, requires this robust consultation that the Local Plan process allows.

Consideration of this application prejudices the Cherwell Local Plan and undermines the current Local Plan Review

The greenfield land in this application, previously rejected from consideration for development in 2015, has had no public consultation prior to this application and we believe that the application should be rejected until such time that the Local Plan review is completed, and adequate consultations have been concluded, allowing for proper scrutiny of the land use.

Lack of Public Consultation

The applicant's statement of community involvement indicates pre-application consultees have raised significant concerns regarding the development and that some significant consultees have yet to respond to the consultation. There has been no public consultation which is paramount for a proposal of this size, on a green field site that has previously been rejected from Cherwell District Council Local Plan.

Detrimental Impact on Countryside

The proposal does not respect the character of the countryside nor the history of Banbury held in this area. The area of Huscote Farm is significant to Banbury and nearby West Northamptonshire, it is the first thing that visitors see when leaving or passing over the M40. It is currently rural, open countryside containing remnants of Banbury's agricultural past. To industrialise this area would be devastating for the environment and would significantly deteriorate the landscape view in this fundamental area.

We note that the application contains only a narrow selection of viewpoint images. Appendix 1 to our objection shows a series of eleven aerial photographs of the proposed site and the landscape character of the surrounding area

The Oxfordshire Historic Landscape Characterisation Project, Capacity For Change, shows the landscape in the location of the application to be Level 5: High Sensitivity to Urban Development. The project identified ways in which the creation of large-scale urban development might have an effect on historic landscape character. The map is included in Appendix 5 to our objection.

Referring specifically to paragraphs 200+201 from the Report on the examination into the Cherwell Local Plan in 2015:

200. In this area the land is also fairly flat and new employment buildings would be largely seen in the context of the motorway in public views from the east, north and south east, with some large existing buildings beyond. This contrasts strongly with the rising ground to the east of the A4225, which is also principally open agricultural land but clearly of a higher landscape sensitivity to new built development, including the land below the higher slopes of the hill in the easternmost part of the overall site.

201. Development of the land east of the A361, as noted in earlier landscape assessment work for the Council (2013), would have a significantly detrimental impact on the local landscape, intruding as it would into presently open countryside currently in agricultural use with inevitably large industrial and warehouse buildings. In particular, it would materially extend the built-up area of Banbury to the east and lead to a significantly harmful erosion of its rural setting on this side of the town.

The nature of the rural landscape character when viewing to the North, East and South of the location is evident in Appendix 1 (3,4 +11) to our objection

Heritage

Building in open countryside destroys the value of local heritage assets to the authority and local community, and in some cases, nationally.

The fields in the site are medieval ridge and furrow landform. The ridge and furrow is well-preserved and therefore it is unlikely that the ground has been disturbed significantly since the medieval times, making it impossible to have any detailed knowledge of what lies beneath or what the land may have been previously used for. The ridge and furrow is clearly visible in Appendix 1 to our objection, with Appendix 1 (1 + 11) showing particularly, how well preserved the ridge and furrow is. The area North of the location is recorded in NCC Archaeological Assets Ref Monument ID MNN132348

Huscote Mill

There were three mills recorded for Chacombe at Domesday, one of which may have been Huscote Mill as Hulescote Mill is named on Eyre's 1779 map. The mill is now demolished but earthworks remain. Registered on Northamptonshire HER No 6174/1, which shows the following information:

"Huscote Mill is present on Eyre and Bryant's county maps and on the unpublished OS map of 1811 as Hulescote Mill. Whilst no standing remains of the mill are recorded, modern aerial photos suggest that this site has not been re-developed and remains as open ground.

1086 Domesday Survey records Cewecumbe with three mills rendering 16 shillings

1133-89 Chacombe Priory founded during reign of Henry II and the first endowment included a mill in Chacombe

1786 William Falkner of Huscote Mill, in the parish of Chalcomb, miller and farmer insured his house in Oxfordshire

1927 Described as "Not in work"

1928 Willima Jarvis, sausage skin manufacturer, occupied the mill

Shown as Hulescote Mill on Eyre's 1779 map; as Huscote Mill on Bryant's 1827 map and as Huscote Mill on 1834 1 inch OS map"

Northamptonshire HER record 6174/1/1 also identifies the earthworks of the mill leat for Huscote Mill (Medieval to Mid-20th Century - 1066 AD? to 1950 AD?)

Appendix 4 to our objection shows the location of Huscote Mill on a map dated 1888-1889 and Appendix 7 shows an image of Huscote Mill from a postcard dated 1906

The application appears centralised only on heritage assets within the site and fails to give any consideration to heritage of surrounding areas, the Listed Building at Seal's Farm is adjacent to the location and the proposal would negatively impact on the characteristics surrounding that building. Appendix 1 (9) to our objection shows clearly the close proximity of the proposed site to Seal's Farm

Much wider consideration of heritage assets and designations needs to be considered, the Zone of Theoretical Visibility in the application shows a large area impacted and therefore this area should all be considered.

Appendix 2 to our objection shows an extract from Northamptonshire County Council Conservation Map, showing the immediate area surrounding the location, that falls within Northamptonshire. As well as the aforementioned Listed Building at Seal's Farm, the map shows numerous Historic Environment Assets, Listed Buildings, Conservation Areas as well as the scheduled monument at the site of the former WW1 Filling Factory. There is additionally a large area South of the site, designated as Special Landscape area.

As part of their ongoing programme for the current year, Cherwell District Council have scheduled a review of local heritage assets as well as a review of conservation area designations within the area surrounding Huscote. Cherwell District Council should have the opportunity to carry out their review in order that the impact on those heritage assets can be fully considered as part of the application

Loss of Biodiversity

The area provides much opportunity for Government Nature Recovery Schemes. Development of this area will destroy nature and runs counter to the Government goals for nature recovery through their 25-year environmental plan. The site contains areas of species rich grassland of which Banbury is lacking in general & therefore, given the global climate crisis, it would be more logical to expand the areas we have locally rather than destroy them.

As the biggest plants on the planet, trees give us oxygen, store carbon, stabilise the soil and give life to the world's wildlife. Not only are trees essential for life, but as the longest living species on earth, they give us a link between the past, present and future. There is an abundance of mature trees across the site, trees of a significant age, the benefit to the environment of which cannot be offset in any meaningful way. Appendix 3 to our objection shows an extract from Cherwell District Council conservation map. This shows approximately 42 TPOs on trees across the site, many of which overlap the proposed location of units within the proposals

The boundaries of the ridge and furrow fields are marked by hedgerows. These hedgerows are irreplaceable pieces of living history as well as providing quality habitat for wildlife. The older a hedgerow, the more it can support the greatest diversity of plants and wildlife, and is more valuable for ecology due to the maturity, not only of the hedgerow but the soil and fungi too. Removal of these hedgerows cannot be offset in any meaningful way. New planting throughout a developed site will provide a biodiversity net loss when we should be aiming for gains. The hedgerow in the area meets criteria that makes it legally protected under the Hedgerow Regulations Act and legally defines the hedgerow as an "important" hedge. The application suggests that the hedgerows are only of moderate quality due to intense management, yet fail to acknowledge the methods to successfully rejuvenate a hedgerow of this age, such as coppicing. Not only are such methods successful, landowners are actively encouraged to improve the quality of their hedgerows in this way by organisations such as People's Trust For Endangered Species.

The loss of biodiversity that would occur in the event of the proposed development would lead to the loss of much natural habitat for wildlife and birds. The area is an established, natural habitat for much wildlife, such as Muntjac deer, foxes, badgers, bats, hedgehogs, birds of prey, including owls, rare birds such as woodpeckers, insects and bees along with many species of small mammals. The area with its proximity to the M40, A361 and the A422 gives the wildlife an unusual protection from human interference or disturbance.

The land at the location of the proposed development is not accessible to the public, and passers by are likely to be travelling in a vehicle. This means that it could be assumed that a lower level of records would be found at TVERC due to the location of the land. This means that the lack of records does not conclude a lack of species, merely the lack of ability for those to be recorded.

Noise

Such large-scale commercial development gives no consideration for residents in nearby areas and would bring unreasonable disturbances from units such as alarms, machinery and HGVs. Regularly, alarms can be heard sounding at Central M40 site on the other side of M40, these are distant enough, masked by traffic hum to remain inconspicuous to residential homes in the area, but it is noted that caretakers of the units rarely attend to address the noise, with alarms regularly left ringing for whole weekends and holiday periods such as Christmas. Noise of this nature in such close proximity to residential properties would be unacceptable due to the day and night nature of the anticipated noise levels once a site of the nature proposed were operational.

Adverse Impact On Infrastructure and Traffic

The current infrastructure capacity is insufficient at the M40 roundabout and further development would have an unacceptable impact on local roads. Since the building of the M40, J11 is a bottle neck for traffic trying to reach Banbury from areas of Northamptonshire such as Middleton Cheney & other numerous villages, Brackley, Towcester, Daventry, Northampton as well as anyone travelling South or North on the M40. All of this traffic must come across J11 roundabout and this is already incredibly problematic.

The recently consented Frontier Park has only exasperated the problems with congestion. Before any further development is considered, it would be absolutely necessary to resolve the issue of the current infrastructure in a sustainable way.

Appendix 6 shows the impact on the traffic when there is an incident or roadworks in the area.

Accessibility and Highways Safety

The area is not easily accessible for any potential jobs that could be created by the proposed development. 3.10 of the applicant's Planning Statement states that pedestrian and cycle linkages are designed into the site to improve connectivity with Banbury. Without significant infrastructure changes in the surrounding areas, there is no safe route to facilitate this. This is further corroborated by the current LCWIP consultation by Oxfordshire County Council and Cherwell District Council, who are currently considering proposals for safe routes in the area.

This would therefore mean that if the proposal were permitted, all workers of future units would be accessing the site by vehicle, further increasing traffic volumes in the area and in contrast to environmental policies.

Lack of Evidence of Economic Benefits

The applicant proposes a development of B8 units, typically large warehousing used for storage or distribution. The applicant claims that this could create up to 1915 FTE jobs, yet nearby B8 units have created significantly lower numbers of FTE jobs per sqm

There are B8 units already established in the area where difficulties are encountered filling the jobs available. This would suggest that whilst there are people in the area seeking employment, employment created by B8 units is not the kind of work that is required to meet that need. In contrast, those small businesses and start ups requiring small, light units are having to travel out of the area to find appropriate availability.

It is not expected that B8 units in this area would create the volume of jobs suggested by the applicant, in fact, the recently approved, Frontier Park, used the argument of low FTE job creation in mitigation of concerns surrounding traffic.

Within the Economic Benefits report, it is suggested that the scheme will contribute towards developing the Oxford-Cambridge arc. The Oxford-Cambridge arc, at this time is a proposal and one that, it was reported in February 2022 by local councils, that Central Government appear to have stepped back from.

Drainage and Flood Risk

Flood risk is a huge concern. development of the area would create an increased risk of flooding by removing permeable surfaces, nearby areas have required much work against natural flooding and the lower grazing land is already prone to flooding. Lying on the lower levels, the area will absorb groundwater running from the surrounding higher ground. With permeable surfaces removed from both the slopes and lower land, this water will need to go somewhere. Owing to the slope of the area, land slip is also a concern if development were to be permitted. On the other side of the A422 to Huscote, in Nethercote there is a string of underwater springs, there is little knowledge of what lies beneath the ground at Huscote. Nethercote lies on lower land too and already suffers water logged fields at times, particularly in the corner by J11, as seen in Appendix 6 to our objection. Prior to the building of the A422 dual carriageway, this field was part of a larger field, the remainder of which falls South West within the proposed site.

The application site is not located within an Internal Drainage Board district and despite the flood risk, it does not appear that ongoing future management of water levels have been considered in any depth.

Summary

We would like to believe that Cherwell District Council would not give any consideration to such a proposal. As previously mentioned, we would urge you to reject the application on the basis of prematurity. If that is not considered appropriate, we would urge the Planning Committee to refuse the application. Please advise if an extended timescale for further comments is acceptable to you and also, please keep us fully informed on the progress of the application and any publicly accessible meetings where the application will be discussed.

Thank you for consulting us on the supplementary environmental information provided by the applicant in relation to the application for outline planning permission for large scale commercial development in the area of Huscote Farm

There is nothing in the supplementary information that changes our belief that the proposal is not appropriate, fails to meet several council and government policies and should be refused. We continue to be of the belief that at a time of climate crisis, when Government is working hard on Nature Recovery Strategies and a climate crisis declared by Cherwell District Council, it seems abhorrent that any consideration would be given to destroy what we already have in this area.

We remain of the strong opinion that the location of the site is unsuitable for development. Developing the area would have a hugely detrimental impact on our countryside and local heritage; increase traffic and place further pressure on the M40 roundabout which is already insufficient for the volume; increase noise from alarms and machinery for nearby homes; remove the natural habitat for wildlife and birds and increase flooding risks by removing permeable surfaces.

We have made comment previously on this application in May 2022 and June 2022 and all of our previous comments are still relevant, not withstanding the additional information.

Cherwell District Council Local Plan

Please continue to consider our comments on this subject from May 22 and June 22, there is nothing in the SEI that alters any of our previous objections.

We note that the Local Plan is mentioned in the SEI but the applicant still fails to address the fact that the area was specifically rejected from the currently adopted Local Plan at inspection stage

Prematurity

Please continue to consider our comments on this subject from May 22 and June 22, there is nothing in the SEI that alters any of our previous objections.

Reliance on Frontier Park as Precedence

Within the SEI, there are several references to Frontier Park, suggesting that precedents with this development have been set. It only takes a quick read of objections and local comments to understand that there remains a lot of anger and confusion locally at the approval of this development. Although local opinion may not be a material planning consideration, as time goes on, it becomes clearer that errors were made relating to this application and that there is substantial basis for the frustration expressed locally.



Figure 1 B15: Frontier Park

Here is an aerial photo of Frontier Park, two warehouses that are now constructed but remain empty. This is not sustainable development, it is not accessible by sustainable travel methods yet have no car parking, it has not

brought the proposed benefits to the area and yet permission was granted, on an area of known archaeological interest, without proper evaluation or planning conditions and has blighted the landscape in this area.

Although it could not have been known at the time of the application, it is noted that the decision on the planning application for Frontier Park was made in July 2020, very early in the Covid-19 pandemic when there was a lot of difficulty in normal services being provided across all sectors.

Errors are mistakes that we should strive not to repeat, mistakes should not set precedent.

Some of the reliance on Frontier Park in the SEI is simply disingenuous, taking the Frontier Park information out of context.

Lack of Public Consultation

Please continue to consider our comments on this subject from May 22 and June 22, there is nothing in the SEI that alters any of our previous objections.

There continues to have been no public engagement relating to this application. The SEI includes information on Biodiversity Net Gain, one of the fundamental principles of the BNG metric is that it's use is inclusive and equitable yet the information has been gathered using only the applicant's own sources.

Detrimental Impact on Countryside

Please continue to consider our comments on this subject from May 22 and June 22, there is nothing in the SEI that alters any of our previous objections.

Heritage

Please continue to consider our comments on this subject from May 22 and June 22, there is nothing in the SEI that alters any of our previous objections.

We would additionally like to draw your attention to comments on application 21/02467/F from Archaeological teams within Oxfordshire County Council. 21/02467/F relates to the remaining plot of B15 per the current Local Plan and sits between the two completed warehouse units at Frontier Park and J11 of M40. The site is simply across the A361 from Huscote Farm and the area is considered by OCC to be one of considerable archaeological interest following earlier geophysical surveys and trenched evaluations. The comments explain how, contrary to council and national policies, the OCC advice requiring further evaluation of the site was disregarded, not only this but no planning conditions were even attached to the permission for the event that any finds were discovered. This does lend to speculation that the two warehouses at Frontier Park have been built in an area of archaeological interest, where finds have previously been discovered but not evaluated and therefore it is simply not known what heritage has been built over. This at best should be considered a negligent mistake and we would implore the council that this is not replicated.

Loss of Biodiversity

Please continue to consider our comments on this subject from May 22 and June 22, there is nothing in the SEI that alters any of our previous objections.

Additionally, with regard to the information on suggested Biodiversity Net Gain from the proposal. Biodiversity Net Gain is a tool that should seek to leave biodiversity in a measurably better state than before any development. It is simply a tool and not intended to override expert opinion and it does not change any species-specific protection

The metric as applied in the SEI does not take account of allowing for the impact of the introduction of people and cars into an area where they were previously restricted and it has not been applied beyond the site to consider surrounding areas, the off-site section of the metric has in fact been left blank in the SEI

The BDN metric does not allow for the avoidance of following the mitigation hierarchy which illustrates the priority is to avoid, minimise and then compensate for loss. Cherwell District Council Local Plan AMR 2021

suggests that there is still sufficient land available for the employment needs of the district which means there is no need to consider this land that is not within the Local Plan. Refusing this application means that biodiversity loss is avoided in its entirety which is preferable.

Many experts consider that BGN is not a useful tool when considering agricultural land, this is because the metric is based on botany, ie plants only, which cannot be accurately assessed on grazing land. At best, when used for agricultural land, the metric fails to make allowance for the loss of farming land. Also previously mentioned is the fact that calculations applied across the whole site which do not take into account the different biodiversity value levels of differing areas of the site, such as averaging will disproportionately reduce the impact of the high value areas within the site.

As previously mentioned, the land at the location of the proposed development is not accessible to the public, and passers-by are likely to be travelling in a vehicle. This means that there will be a lack of records for the area, increasing reliance on what is present at the time of limited surveys, so it is hard to imagine how the biodiversity can be fully assessed in this way, in order to provide measurably gains. Snapshots of data collection by isolated visits can lead to incorrect conclusions, for example the ecology report suggests that there is no evidence to suggest that the gull's overhead are foraging on the land.



Figure 2 Birds Foraging on Land at Huscote Farm

The metric provided in the SEI suggests that there is no local strategy and therefore there is no strategic significance to the habitat assessment. The currently adopted Local Plan provides seventeen policies dedicated to Ensuring Sustainable Development, including ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment. It is therefore simply untrue that there is no local strategy as stated in the metric provided with the SEI. Furthermore, the Local Plan review process is expected to progress to consultation on the draft plan in Dec 2022 and it is likely that the policies and strategies will be further strengthened in this regard.

In the metric data provided as part of the SEI, the suggested action to address habitat loss has simply been copied on all rows, a vague “same distinctiveness or better habitat required” suggesting a lack of consideration in the ethos of the BGN metric.

Noise

Please continue to consider our comments on this subject from May 22 and June 22, there is nothing in the SEI that alters any of our previous objections.

Adverse Impact on Infrastructure and Traffic

Please continue to consider our comments on this subject from May 22 and June 22, there is nothing in the SEI that alters any of our previous objections.

It is noted suggestion of S106 agreement towards congestion relief on Hennef Way. It is hard to imagine how congestion relief could be progressed in this area and this doesn't address the infrastructure improvements needed on other roads that would be impacted by the proposal around J11.

Congestion relief for the road network will require a holistic infrastructure strategy and is not a situation that has a simple solution, certainly £1million sounds a lot of money but would go nowhere to making any meaningful impact on the infrastructure problems that are present in the area. The applicant should be expected to fund all required improvements.

It is also noted that the applicant is open to contribute to an A422 to Overthorpe Road link road & suggest that this has been muted by OCC. It should be noted that co-operation would be required with Northamptonshire areas who have indicated a lack of support for any such proposal.

Air Pollution

Hennef Way is known to have levels of Nitrogen Dioxide much above what is considered safe by national standards, in fact, pre pandemic levels were almost double what is considered safe. A Friends Of The Earth survey rated Hennef Way as one of the most polluted in the South East, to put this in some kind of perspective, there are around 18000 roads in Oxfordshire, over 4000 in Cherwell alone.

Because the levels are too high by national standards, the council is required to intervene. The council accept that there is limited scope to bring them down due to it being the main route between the town and the M40. Whilst there may be limited scope to bring the levels down, at best the council should ensure that no further traffic volumes are added to the area as stationary traffic, such as that seen in congestion, will only exasperate the pollution problem.

S106

Any S106 agreement discussions, as well as requiring the applicant to fund necessary infrastructure improvements that their proposal would require, should also seek to benefit the local area. An opportunity for this would be contribution towards the Banbury LCWIP which is currently being drawn up and includes a proposed route from Banbury to Middleton Cheney, via Overthorpe Road.

Accessibility and Highways Safety

Please continue to consider our comments on this subject from May 22 and June 22, there is nothing in the SEI that alters any of our previous objections.

The insinuation that the site is within walking distance of Banbury is simply not correct. This is a distance of just under 2 miles and there is no safe walking or cycling routes to the site. The suggestion that this be based on Frontier Park is disingenuous as this was based on improved access along the canal path and public transport, no improvements have taken place and this does not in any case alter the fact that it is not practical in either time taken or safety terms, to walk from Banbury to Huscote Farm, regardless as to whether the route is taken under the M40, or across J11.

Lack of Evidence of Economic Benefits

Please continue to consider our comments on this subject from May 22 and June 22, there is nothing in the SEI that alters any of our previous objections.

In addition to previous comments, we note that the latest AMR report from CDC suggests that there is sufficient employment land available that is already earmarked for development to meet the forthcoming needs of the district.

We also note that the units at Frontier Park remain unoccupied since our previous comments and the companies occupying similar units on Chalker Way continue to struggle to recruit sufficient staff from the local area and are having to recruit from areas further afield. This would support the suggestion in the currently adopted Local Plan that the area should strive to provide a more diverse range of employment opportunities to avoid residents having to travel outside of the area for a higher quality of employment prospects.

Drainage and Flood Risk

Please continue to consider our comments on this subject from May 22 and June 22, there is nothing in the SEI that alters any of our previous objections.

Summary

We would like to believe that Cherwell District Council would not give any consideration to such a proposal. As previously mentioned, we would urge you to reject the application on the basis of prematurity. If that is not considered appropriate, we would urge the Planning Committee to refuse the application as it fails to meet local and national policies. The area is not within the adopted Local Plan and would not bring the suggested levels of employment to Banbury which in any case are not the employment type required locally. Developing the area would have a hugely detrimental impact on our countryside and local heritage; increase traffic and place further pressure on the M40 roundabout which is already insufficient for the volume; increase noise from alarms and machinery for nearby homes; remove the natural habitat for wildlife and birds and increase flooding risks by removing permeable surfaces.

Please continue to keep us fully informed on the progress of the application and any publicly accessible meetings where the application will be discussed.

In relation to the application for outline planning permission for large scale commercial development in this area, we write further to our initial thoughts given in our comments on 29th May 2022 to provide further comments having had the opportunity to further review the application in more detail. For clarity, we endorse all of our comments made on 29th May and the comments that follow are further objections in addition to those already made. We understand that following the consultation close on 30th June 2022, comments will be accepted after this date, until the date of determination.

We reiterate that it is our strong opinion that the location of the site is unsuitable for development of this nature. Developing the area would have a hugely detrimental impact on our countryside and local heritage; increase traffic and place further pressure on the M40 roundabout which is already insufficient for the volume; increase noise from alarms and machinery for nearby homes; remove the natural habitat for wildlife and birds and increase flooding risks by removing permeable surfaces

Cherwell District Council Local Plan

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements. Cherwell District Council has a current adopted Local Plan in place which does not include this location as it was specifically rejected as previously mentioned

Paragraph 35 of NPPF states: Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Having been specifically rejected from the current adopted Local Plan, the location of this site has been put forward in the Call For Sites as part of the Local Plan Review 2040. The timing of this application, removes the level of scrutiny and assessment that examination seeks to ensure.

The Cherwell Local Plan seeks to provide certainty for communities and developers as to what will/can be developed and where. It is clear that this application is inappropriate to have been submitted and caused uncertainty for the community by its very submission.

In his Foreword to the Local Plan, Councillor Barry Wood, Leader of the Council included the following ambition for Cherwell District Council:

This is a plan which demonstrates a respect for the past and which seeks to preserve and enhance what makes Cherwell District special; our dynamic market towns, the 60 Conservation Areas, our beautiful villages and wonderful landscape.

The application does not reflect this ambition.

Detrimental Impact on Countryside

The application fails to comply with Cherwell District Council Local Plan – Policy ESD13: Local Landscape Protection and Enhancement particularly as the application fails to respect the local landscape, cause undue visual intrusion into the open countryside, is inconsistent with local character and causes harm to the historic value of the landscape, all of which are against this policy.

Goldfinch	10	4.4	4	6.5	15.2	7.2	10.4	30.3	0
Greenfinch	1.5	0.8	7	3.5	3.6	1.6	0.8	1.0	1.3
Grey Partridge	0	0	0	0	0.6	0	0	0	0
Jackdaw	4	2.8	1.5	3.5	20.6	8	10.4	11.0	8.0
Kestrel	1	1.6	3.5	1	0	1.2	0.8	1.5	0
Lapwing	14.5	2.8	4.5	3	1.6	5.2	5.2	10.5	0
Linnet	8.5	6.8	11	10.5	10.8	12	11.2	5.0	1.3
Reed Bunting	6	6.4	7	9.5	4.8	7.2	4.4	4.5	1.3
Rook	95.5	24.4	27	31.5	15.2	25.6	25.2	21.0	5.3
Skylark	19.5	13.2	17.5	13	9.6	12.8	18.4	26.5	6.7
Starling	42	70.4	15.5	0	62.6	9.6	4.4	19.5	0
Stock Dove	1	1.2	1	0	1.2	7.2	5.6	3.5	3.3
Tree Sparrow	0	0	3	0	7.6	0	0	0	0
Turtle Dove	0	1.2	0	0	0	0.4	0	0	0
Whitethroat	8.5	10.4	8.5	7.5	3.6	6.4	7.6	8.5	8.7
Woodpigeon	39	73.6	74	49.5	55.2	62.8	45.2	40.8	43.3
Yellow Wagtail	0	0.4	0	0	0	0	0.8	0.5	0

Yellowhammer	37	8	17	7.5	6.4	6.4	7.6	6.25	8.0
Index	2.29	1.81	1.6	1.16	1.73	1.38	1.25	1.51	0.69

For ease of reading, we have highlighted the AMR table cross referencing the birds listed in Appendix 7.1 Preliminary Ecological Appraisal and it is hard therefore to understand how the geographical importance of the effect on birds can be considered contained to site in geographical importance when there are 6 species present that the AMR has monitored, and with the exception of the Stock Dove, the species have all shown significant decline across Cherwell District

It seems inappropriate to apply the species rich calculation across the whole site, when in the very same reports it is acknowledged the difference of the quality of various fields within the site.

The application also attempts to give the impression that biodiversity of value is predominantly confined to the West of the site, however the various maps show species are found across the entirety of the site

The application fails to comply with government policy, specifically paragraphs 174 – 180 of the NPPF and the policies on “conserving and enhancing the natural environment and “habitats and biodiversity”

The application fails to comply with Cherwell District Council Local Plan – Policy ESD1: Mitigating and Adapting to Climate Change as it is neither a sustainable location nor one that enables sustainable travel options.

The application fails to comply with Cherwell District Council Local Plan – Policy ESD10: Protection and Enhancement of Biodiversity and the Natural Environment as there will be a net loss in biodiversity when applying appropriate calculations and given the lack of TVERC records due to the lack of public accessibility, it is likely that the even with appropriate calculations, true loss of Biodiversity is significantly higher due to under recording of the area.

Noise

Referring to ES Chapter 11 Noise, firstly it is noted that the use of the proposed site is not known and therefore at such stage, it is not possible to predict exact impacts of noise. Given that Nethercote current sound levels are high, it is considered that any addition to this would be unacceptable to residents.

Appendix 11.7 Development Generated Traffic Noise Assessment, table 11-7.1: Road Traffic Assessment shows an adverse impact of some degree on all surrounding roads, A361, Hennef Way, A422 & North Bar Street. A361 South and A422 show moderate and minor adverse impacts respectively.

Observations in Appendix 11.3 Environmental Noise Survey state that the dominant source of noise at all measurement positions was road traffic noise from the M42 (this is incorrectly stated as the M42 is not near to the location) A422 and the A361

With this in mind, it is hard to understand how the report can state that the roads that can be heard from Nethercote will expect material impact on noise levels but that Nethercote itself will not be impacted, this appears contradictory.

Accessibility and Highways Safety

The application fails to comply with Cherwell District Council Local Plan – Policy SLE4: Improved Transport and Connections which covers the importance of facilitating sustainable modes of transport.

Lack of Evidence of Economic Benefits

The application fails to comply with Cherwell District Council Local Plan – Policy Banbury 15: Employment Land North East of Junction 11 as the location falls outside of the specifically defined location within this policy and as previously mentioned the location was deliberate in its omission

The application fails to comply with Cherwell District Council Local Plan - Policy SLE1: Employment Development

The Cherwell Local Plan refers to the need for Banbury to provide more diverse employment opportunities, to increase the skill level of the population and reduce the volume of residents commuting out of the district for better employment prospects

As previous mentioned, there are many warehouses nearby that are unable to recruit and/or retain sufficient labour for their operations, this would suggest that there are already excessive employment opportunities and that this is not the employment that Banbury requires and this is something for the Local Plan to determine.

The Annual Monitoring Report 2021 suggests that the employment land allocated in the current Cherwell Local Plan remains sufficient for the requirements of the area and furthermore that there is sufficient land available at various stages of planning, i.e., some with planning permission already secured, some at planning stage and some yet to be applied. Therefore, there are no circumstances that would suggest that further employment land is needed to be allocated. Furthermore, the current Local Plan Review 2040 is yet to be published and therefore it is not yet known how many new employment sites will become available and until that is determined it is therefore impossible to determine whether there is even a need for more employment land and whether unsuitable sites

should be considered. To be clear, we consider that it is not acceptable in balance to allow an application with such devastating affects on the local heritage, landscape and biodiversity.

It is noted that Banbury 15 currently has two warehouse units, advertised as FP217 and FP133. Despite being advertised for rent since early 2021, and despite FP133 being advertised as available from April 2022, these units both remain unlet. This is in addition to several empty units on Chalker Way. It is therefore difficult to understand how this application seeks to justify a need for more units.

Although not a material planning consideration, it could also be noted that the brochures advertising the units of Banbury 15 quote “affordable labour supply” and state that the average weekly wage (for Cherwell) is 5% lower than the wider South East, this certainly fails to comply with the Cherwell Local Plan which seeks to uplift employment opportunities and average wages.

Drainage and Flood Risk

Given that Cherwell District Council Local Plan Review 2040 is in early stages, it is not yet known what other sites are available and therefore the application fails to comply with Cherwell District Council Local Plan – Policy EDS6: Sustainable Flood Risk Management which requires sites to be used that are at the least risk of flooding.

Insufficient information is given regarding drainage but the information available suggests that it is unlikely that this application will be able to comply with Cherwell District Council Local Plan – Policy ESD7: Sustainable Drainage Systems

Summary

We continue to hold the opinion that Cherwell District Council would not give any consideration to such a proposal. We restate, we would urge you to reject the application on the basis of prematurity. If that is not considered appropriate, we would urge the Planning Committee to refuse the application. Please keep us fully informed on the progress of the application and any publicly accessible meetings where the application will be discussed.