

## Sharon Lowin

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**From:** Hannah Leary  
**Sent:** 05 November 2022 16:57  
**To:** caroline.ford@cherwell-dc.gov.uk; Alex Chrusciak  
**Cc:** pmartin@firethorntrust.com; Eleanor Musgrove; rb@reviewpartners.uk.com; mkirby@velocity-tp.com; Archie Mackay-James  
**Subject:** RE: 31036-A3-NW Bicester (21/01630/OUT)-Updates further to Thursday's meeting-Firethorn team response (Without Prejudice)

Caroline,

Thanks for your response below, further to my note of 31<sup>st</sup> October (which followed our meeting of 27<sup>th</sup> October). We have responded to your points below in turn (our responses in italics):

- I have been unable to speak with Bioregional but I had an update this week which confirmed that they have prepared a response which is almost ready. It has been sent for a second opinion by their inhouse energy and carbon experts whose response is awaited. They advised it would be sent soon if that response were not forthcoming and that that would be followed up later when possible.
  - *Thank you for this update. As you are aware, we have been awaiting a response from Bioregional since 16<sup>th</sup> August. Whilst your update gives us an indication of the next actions, there is no timetable attached. As discussed at our meeting last week, there comes a point at which in the absence of a response we have to assume that there is no response, and the Bioregional team has had considerably more than the statutory 21 day period in which to consider and draft a response. As always, we are willing to consider their response as and when it arrives, however we are not willing to delay the process any further and jeopardise the 8<sup>th</sup> December Committee target for the consideration of my Client's application.*
- I spoke with Joy this week and she was going to contact Tetrattech regarding the information that could be sent over – has anything further been received? I am aware Joy is away so I can check on this next week if not. The more substantive point was put to OCC through my Assistant Director – I will check on how the response is intended to be communicated to you.
  - *We received the updated BTM data from Tetrattech on Wednesday. We are currently considering the updates to identify whether they have any impact on the conclusions of our assessments. We will be in a position to confirm this one way or another by Thursday 10<sup>th</sup> November, but based on an initial review we do not believe that the updates, which are minor and not substantive in nature, change the basis of our previous assessments or our conclusions. As regards the more substantive point – which was the question of whether OCC Highways are prepared to maintain their objection and support CDC at a planning appeal should this application be refused, I can advise that we have heard nothing further on this point at this stage.*
- You will have received the date hold for the briefing next Tuesday evening.
  - *Yes. Thank you. We intend to share the final versions of the presentation to Members that we shared with you in draft last week, in advance of that meeting – on Monday afternoon.*
- I have chased for a response on the GCN Mitigation Strategy but have not had a response to date. I will chase again.
  - *Noted. The GCN Mitigation Strategy was submitted to you on 29<sup>th</sup> September, so even allowing a week for you to check this and send it to the relevant consultees, we are beyond the statutory consultation period. It is worth noting that this Strategy note had previously been shared with Charlotte Watkins and Connie Martin on 5<sup>th</sup> September as a draft for their review and comment before formal submission to you, as agreed (further to our meeting of 27<sup>th</sup> July with them). In our view there has therefore been ample time for review and comment, and as stated above in respect of the Bioregional comments, we are not willing to delay the process on this basis.*

To meet the December Planning Committee, our final reports deadline is Monday 28 November 2022. Checking of the report will need to be in advance of this. Alex also advised last week that the report may also need Senior Officer sign off depending upon the recommendation so time will be required for that. *This is noted. Report writing lead-in times and sign-off periods are something which CDC manages on a regular basis in respect of many different planning applications, and we see no reason why this cannot be managed in the timescales set out, and in advance of an 8<sup>th</sup> December Committee (and in the context of an application which has been with your Council for over 18 months), with planning considerations which are now more than familiar to you as Officers. As we have said on many occasions, both verbally and in writing, my Client is very happy to make Members of the project team available to assist you in preparing the Committee Report, and indeed we have provided you with a set of potential draft planning conditions for your consideration (sent via email on 1<sup>st</sup> August this year). We have yet to receive any feedback on those draft conditions.*

There are a number of key matters that need to be resolved as follows:

- Transport – do you intend to provide further information to attempt to overcome the OCC objection?
  - *Velocity has prepared an updated Technical Note which responds to the latest objection from OCC Highways (dated September 2022). This has been reviewed internally amongst my Client's project team. We believe that this further response would assist OCC Highways in understanding why we do not agree with their assertion that the impact of the additional traffic on the highway network would be severe should our proposals be implemented in advance of the SLR. We believe that it may be helpful to all parties for this updated Technical Note to be submitted, and if it is submitted before the 11<sup>th</sup> November, there is ample time for this to be reviewed and considered in advance of the 8<sup>th</sup> December Committee date. However in the interests of cooperative working, my Client is unwilling to provide this updated Technical Note unless the requested extension of the determination period to 9<sup>th</sup> December is agreed. We will come back to this below.*
- Viability – as Nigel has advised separately, his appraisal will be submitted to CDC for comment/ review by next Friday 11 November 2022. Once this has been reviewed and any comments/ questions/ sensitivity testing raised by Officers has been undertaken, it would be made publicly available. It is assumed that you would wish to review this and reflect on its conclusions as to whether your offer (if submitted in advance) remains (dependent of course on the conclusions reached). Your offer so far submitted in draft should be submitted formally to enable this to be published and for a consultation period to be undertaken. Any later changes to the offer would likely require further consultation.
  - *Your update is noted. Rapley's provided you with the formal offer yesterday (4<sup>th</sup> November), via email. It is also worth highlighting that, in May this year, we provided you with a schedule of the package of the proposed S106 contributions, and our view on the prioritisation that should be applied to those contributions, should the outcome of the viability discussions demonstrate that not all contributions can be afforded (taking all other factors into account). We have never received a formal response, or indeed any feedback in respect of that schedule.*
- GCN Mitigation – will continue to be chased.
  - *Please see comments above. We have nothing further to add.*
- We will advise you if any issues arise through writing the Committee report.
  - *Noted.*

Given the above, whilst we are happy to agree to an extension of time, we would again question whether the date of the 9<sup>th</sup> December 2022 is achievable based upon what is needed and where we get to with certain topics (and this includes matters which you might wish to respond to/ amend your position on – for example, transport/ viability depending on the position reached). *For the reasons given above, we continue to see no reason why my Client's application cannot be presented to the Committee on 8<sup>th</sup> December for determination, and therefore why an extension of the determination period (to 9<sup>th</sup> December) is not entirely reasonable, in the context of the fact that this site is part of an allocation within your adopted Local Plan, and has been with your Council for consideration for more than 18 months now. My Client was seeking a November Committee date but has agreed, based on your advice, to delay this to December in order to assist you and your Members by taking part*

*in a briefing on Tuesday 8<sup>th</sup> November. We have shown considerable patience throughout this process, along with a willingness to overcome the issues raised by consultees. I wrote to you on 21<sup>st</sup> September and requested an extension to the determination period. Since that time you have consistently pushed back in terms of granting this extension. In the meantime we have continued to provide you with all of the outstanding information requested, in the interests of being able to get my Client's application to a position of being ready to be determined. Despite this, and our agreement to take part in the Members briefing on Tuesday, we still do not have confirmation that you will be taking this application to Committee on 8<sup>th</sup> December, or that you will extend the determination to 9<sup>th</sup> December. It is our view that this is neither fair nor reasonable.*

**Hannah Leary**  
Planning Director

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**From:** Caroline Ford <Caroline.Ford@Cherwell-DC.gov.uk>

**Sent:** 03 November 2022 15:52

**To:** Hannah Leary <Hannah.Leary@bartonwillmore.co.uk>; Alex Chrusciak <Alex.Chrusciak@cherwell-dc.gov.uk>

**Cc:** pmartin@firethorntrust.com; Eleanor Musgrove <emusgrove@firethorntrust.com>; rb@reviewpartners.uk.com; mkirby@velocity-tp.com; Archie Mackay-James <Archie.Mackay-James@rapleys.com>

**Subject:** RE: 31036-A3-NW Bicester (21/01630/OUT)-Updates further to Thursday's meeting (without prejudice)

Hannah,

Apologies for the delay in coming back to you.

As an update to your points below:

- I have been unable to speak with Bioregional but I had an update this week which confirmed that they have prepared a response which is almost ready. It has been sent for a second opinion by their inhouse energy and carbon experts whose response is awaited. They advised it would be sent soon if that response were not forthcoming and that that would be followed up later when possible.
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- Viability – as Nigel has advised separately, his appraisal will be submitted to CDC for comment/ review by next Friday 11 November 2022. Once this has been reviewed and any comments/ questions/ sensitivity testing raised by Officers has been undertaken, it would be made publicly available. It is assumed that you would wish to review this and reflect on its conclusions as to whether your offer (if submitted in advance) remains (dependent of course on the conclusions reached). Your offer so far submitted in draft should be submitted formally to enable this to be published and for a consultation period to be undertaken. Any later changes to the offer would likely require further consultation.
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- We will advise you if any issues arise through writing the Committee report.

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For information, Planning Committee falls on the 12 January 2023 with our final reports deadline on the 30 December 2022 so in reality, reports will be required to be finalised in advance of the Christmas break. It would seem likely that if the December Committee is not achievable, that the January 2023 meeting would be similarly difficult to meet and therefore the next available Planning Committee meeting would be the 9<sup>th</sup> February 2023.

We wish to agree a realistic extension of time related to when the application is likely to be reported to Planning Committee.

I trust this is of assistance at this stage. I must stress this is provided without prejudice.

Kind regards  
Caroline

**Caroline Ford BA. (Hons) MA MRTPI**  
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Communities Directorate  
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**From:** Hannah Leary <[Hannah.Leary@bartonwillmore.co.uk](mailto:Hannah.Leary@bartonwillmore.co.uk)>  
**Sent:** 31 October 2022 08:54  
**To:** Caroline Ford <[Caroline.Ford@Cherwell-DC.gov.uk](mailto:Caroline.Ford@Cherwell-DC.gov.uk)>; Alex Chrusciak <[Alex.Chrusciak@cherwell-dc.gov.uk](mailto:Alex.Chrusciak@cherwell-dc.gov.uk)>  
**Cc:** [pmartin@firethorntrust.com](mailto:pmartin@firethorntrust.com); Eleanor Musgrove <[emusgrove@firethorntrust.com](mailto:emusgrove@firethorntrust.com)>; [rb@reviewpartners.uk.com](mailto:rb@reviewpartners.uk.com); [mkirby@velocity-tp.com](mailto:mkirby@velocity-tp.com); Archie Mackay-James <[Archie.Mackay-James@rapleys.com](mailto:Archie.Mackay-James@rapleys.com)>  
**Subject:** 31036-A3-NW Bicester (21/01630/OUT)-Updates further to Thursday's meeting (without prejudice)  
**Importance:** High

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Morning Caroline and Alex,

I hope you both had a good weekend.

Further to our discussions on Thursday last week, please can we have an update on the following:

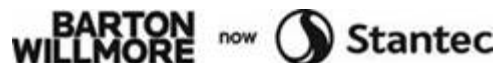
- Bioregional response;
- Extension of determination period to 9<sup>th</sup> December;
- Further discussions with OCC Highways regarding their position;
- Arrangements for the Members briefing; and
- Consultee responses on the GCN Mitigation Strategy.

We are happy to arrange a quick Teams call should it be easier to discuss any of these points in that way.

**Hannah Leary**  
Planning Director

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