

27 October 2020

Dear Mr Neville

**20/02453/F Hornton Grounds Quarry Hornton  
A fuel depot including ancillary offices, the installation of plant and hardstanding**

We are writing once again to object to this application because we have noticed that some fundamental errors of fact are being perpetuated by those who have not realised the enormity of the consequences and the terrible precedent it would set if allowed to go ahead.

The CDC Economic Growth Officer, Steven Newman, is the latest to fall foul, it seems, of taking as fact assertions made in the applicants' submission. He seems to have based his conclusion regarding the fuel depot application on claims that the proposed site is a brownfield site, that other sites have been investigated and found wanting, that there is a demonstrable need to relocate the Certas fuel depot and that there are no population centres near the new proposed location at Hornton Grounds disused former quarry.

One wonders what research has been conducted? It can't have been extensive? It also seems odd that, for the 'identikit' Sugarswell refusal 19/01202/F (October 2019) there were NO comments from Economic Growth. Surely the applicant's need was the same then? Why no comment from Mr Newman, or a colleague, on that occasion?

**Brownfield site?**

As it's a crucial point, we would like to explore the status of this proposed former quarry site – is it, or is it not, a 'brownfield' site?

The definition of 'previously developed land' (PDL) and for that read 'brownfield' land is:

*"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. **This excludes:** land that is or has been occupied by agricultural or forestry buildings; **land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures;** land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time."*

The site is presently vacant, other than wild animals. (The applicant confirms this at Qu 6 of the application form.) For locals, it's a former quarry that was not reinstated to agricultural Grade A land as originally it should have been and as they were promised by the quarry operators. We have to ask, again, why CDC has not made sure it was reinstated to this use? This oversight might now have very alarming consequences. Do CDC not police and enforce the conditions set. If not, why bother having a Planning system?

In short, the site was never designated to be used for anything like a fuel depot and should already have been restored to agricultural use, which will also be possible for the bigger site when the temporary stone cutting yard next-door ceases operation in a few years' time. To claim that this is a 'brownfield' site and, therefore, it is suitable for this kind of industrial operation is simply ignoring the site's actual history and Planning conditions.

## Local Plan protection

Furthermore, this location entirely contravenes Cherwell District Council's own development policy: Policy ESD 12 of the Cherwell Local Plan 2011-2031 : Cotswold Area of Outstanding Natural Beauty (AONB):

*"High priority will be given to the protection and enhancement of the Cotswolds AONB and the Council will seek to protect the AONB **and its setting** from potentially damaging and inappropriate development. The Cotswolds AONB Management Plan will be used as supplementary guidance in decision making relevant to the AONB."*

At Sugarswell, where there was, from CDC, a clear refusal of the almost identical application exactly one year ago, the report of officers stated:

*8.37. The site sits some **550m** from the boundary of the Cotswolds Area of Outstanding Natural Beauty. The site is in area considered by the Cotswolds Area of Outstanding Natural Beauty Management Plan 2018-2023 (CAONBMP 2023) to be of relatively dark skies. Policy CE5 (Dark Skies) advises that proposals that are likely to impact on the dark skies of the Cotswolds AONB should have regard to these dark skies, by seeking to (i) avoid and (ii) minimise light pollution. Policy ESD 15 echoes the requirement for consideration of light pollution stating that 'New development proposals should: Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation'.*

At Hornton Grounds, the AONB is a mere **250m** to the west.

## Fuel need

Mr Newman seems a little confused also in his focus on the need for fuel provision in the surrounding North Oxfordshire area:

*Principle: The resilience of energy supply is particularly important in the rural district that is beyond the mains gas network. More sustainable alternatives to oil will become commonplace as demand from local residents and businesses changes. This will lead to such energy storage & distribution sites not being needed. However, this is not the case currently or in the foreseeable future. Demand is evident by the number of tankers delivering within this rural area – for example, by Red Horse Vale (4.5 miles further north along the A422) or by Certas travelling out from the highly populated town centre. The principle of the need to accommodate such activity at an appropriate location is therefore clear*

Has Mr Newman forgotten that the proposed depot would serve a VAST area and, therefore, in access and sustainability terms, does need to be near a main haulage route (ie. M40) and much closer to population centres (for the labour force required)?

Oh, and by the way, despite what Mr Newman says, the Government and the fuel industry *are* already well advanced with alternative clean energy. The Government's 2018 Clean Growth Strategy stated that it plans to 'phase out the installation of high carbon fossil fuel heating in new and existing homes currently off the gas grid'. New homes will have to be built with low-carbon heating by 2025.

So, when Mr Newman states that, "before too long, this will lead to such energy storage & distribution sites not being needed" he is actually correct. It's a shame he then undermines it by mistakenly adding: "However, this is not the case currently or in the foreseeable future".

## Alternative locations

The Banbury Canalside redevelopment will, it is likely, force Certas out of their existing site at some point (assuming it goes ahead). But this is not imminent, it is not urgent and, for all the other Highways reasons previously stated in our letter of 9 October 2020, Hornton Grounds is NOT the area of relocation they should be targeting.

In terms of finding an alternative site for the fuel depot, and regarding the process so far, it's strange to note that, we are told, a site search was undertaken for the 2019 refused Sugarswell proposal – and it identified THAT site as the best fit. Hornton Grounds, less than a kilometre away, was not mentioned in 2019, though it was vacant and 'available' at the time. It was not apparent on the radar. That being so, one has to suppose it wasn't a very exhaustive search.

It would be interesting to know, in detail, what other research has been done by Certas – and which locations eliminated on what criteria – to find alternative sites. We hope CDC will ask this question or even invite alternative location proposals as a means of solving this challenge. We find it hard to believe that there are no more suitable locations available, adjacent to major transport arteries and away from unsuitable population centres, in the required timescale. Surely the Local Plan already identifies suitable areas for such development.

### **Nearby population**

Hornton Grounds Farmhouse is Grade II Listed and its attached and curtilage buildings are within 270m of the application site. Their farmland, with animals, is less than six metres away. Their consumer shop and popular livery stables and yard are in the same curtilage. People work and live here. Three households on the farm alone. Walkers pass through every day on the D'Arcy Dalton Way footpath. This is a busy and populated place.

The village of Hornton – and hundreds of homes plus small businesses in and around Hornton Grounds – are also likely to be seriously affected by noise and disturbance, not least the National Trust property, Upton House, and the business park of small units, both opposite this proposed site. That's without even factoring in the numerous homes on the narrow, circuitous lanes in numerous villages leading from the main highway arteries to this rural location.

Mr Newman, in his expert assessment, would rather sacrifice the welfare and livelihoods of all the people mentioned above to the potential creation of 12 or so additional jobs at the proposed new Certas site. It's not even good maths.

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Please don't be misled by top-line analysis that doesn't really take account of the facts. You are at risk of allowing an application for a fuel depot that will blight this part of the world for the next 20 years, at the same time as the need for that very fuel is being phased out. You are at risk of contradicting your own Local Plan and rural protection measures. Despite the steer you have been given by Mr Newman, we appeal to you, once more, to carefully consider all these points and reject this application by using delegated powers wisely.

Yours sincerely

*Mrs C A and Mr S J Woodcock*

cc. Councillor Douglas Webb