

From: [Julian Philcox](#)
To: [Bob Neville](#)
Cc: [Sarah Stevens](#); [Democracy](#)
Subject: Hornton Grounds Quarry - application 20/02553/FUL
Date: 09 December 2020 11:01:09
Attachments: [image003.png](#)
[image007.png](#)
Importance: High

Dear Bob,

With apologies...

In advance of planning committee's meeting of Thursday 10th December and further to the report of officers I wanted to bring a few matters to your attention Bob. My client concurs with the report of officers and recommendations, save for the fact that some of the identified impacts will be compounded and made more severe by the points raised below, and that a 6th Reason for Refusal should reasonably be advanced regarding the impact on the amenity enjoyed by the residents of the 3no. dwellings at Hornton Grounds (the farmhouse, farm cottage and separate apartment) – discussed below.

Objection of Shenington with Alkerton Parish Council

1. The objection of Shenington with Alkerton Parish Council could have inadvertently slipped off and needs a mention

Access road off A422 ownership and rights

2. Aside from the red line and Notice issue my clients, the owners of Hornton Grounds, wished to point out that the landowner of the application site only has a conditional right of way across their land. As an aide memoire my client owns the land from the internal access road gates to the A422, and all land either side of it (much of it affecting visibility splays)

Cotswold National Landscape (AONB) entirely ignored in the submission

3. In spite of the Council advising the applicant of the proximity of the AONB designation in their pre-application report of 15th January 2020 (it's a mere 250 away) the Planning Statement, LVIA, Noise Assessment and Lighting Assessment reports are all silent on that important national designation (now on a par with National Parks). This renders those reports nigh on useless. They are simply not robust, and cannot be relied upon for methodology followed, results or impact assessment.

Impact grossly downplayed: Development Lighting

4. Flowing from the Lighting Impact Assessment, as an example, aside from failing to even acknowledge the Cotswolds National Landscape (AONB) there are also some stark omissions and inconsistencies regarding the proposal, as follows:
 - a. At paragraph 6.1 'Detailed Lighting Design' the report refers to a lighting drawing at Appendix D and confirms at the 4th bullet point that '*Lighting is fixed at a height of 5m below the height of the bunds*', which clearly must be in error.
 - b. At Appendix D, the 'Detailed Lighting Design', the lighting columns are referred to (Note 1) as 6m high columns
 - c. Also at Appendix D, note 3 states 'Floodlights on tanks will be installed on 2m extension from tank top'. It is evident that the provision of a good number of floodlights will be required on the tanks (in addition to the 10no. double lamp standards), to cover task lighting (the important function of off-loading fuel and loading fuel from delivery tankers). The same Appendix D states that the target level of illuminance of 20 Lx is required. The Isolines on the same plan show that the drop off from the perimeter lights (whether on 5m or 6m high columns) will mean that these floodlights **are** required on and around the tanks, as it evidenced from the images below from CERTAS publications. The Lighting Assessment has therefore omitted to factor these in and assess their impact.
 - d. The Lighting Impact Assessment also fails to factor in the 2no. external lights shown on the proposed building; light spill from internal lights to the building and the significant light that will come from numerous vehicle lights (front, rear, braking, cab and, reversing lights). Some of these vehicle lights can be quite piercing in a dark sky environment.

All of the above show, individually and cumulatively, that the true impact of the development in a dark sky environment has NOT been identified or assessed. The development will have a significant impact on the dark sky, within the close setting of the Cotswold National Landscape (AONB) and within an important and valued rural area, the Ironstone (Hornton) Downs, contrary to local and national policy and guidance. Again the AONB is worryingly missing from any mention or consideration in the relevant reports, in spite of the Council flagging it is January 2020. This is a serious omission.

The site will likely be lit up like a sports stadium in the hours of darkness – with direct light spill and glare, but also a night sky glow, which itself will be harmful to the landscape, dark sky setting and local residents' amenity. Light will reflect off vehicle, concrete and tank surfaces, compounding the effect.

Impact of development traffic grossly understated

5. The previous Transport Statement for CERTAS at Sugarwell at para 2.17 onwards confirms that for CERTAS' existing Banbury operation there are:
 - 8 members of staff (inc 6 drivers)
 - 24 hr/7 day a week operation
 - All staff access the site by car (a site adjacent to the railway station, with bus services close by and in one of Cherwell's main towns)
 - 158 fuel tanker trips per week (we assume this is just for delivery to customer, but it's not clear)
6. Para 1.5 of Frampton's Planning Statement for Hornton states, 'The proposal is to enable Certas Energy to relocate from its premises in Tramway Road, Banbury – **enabling expansion** and the provision of a more efficient operation. **Productivity will be improved** for the company by this investment.'

7. The planning statement more than implies an increase in activity at Hornton (compared to Banbury).
8. At Hornton they propose (from the Transport Statement):
 - 17 members of staff (inc 14 drivers)
 - 15no. tankers parked on site
 - 24 hr/7 day a week operation
 - 158 fuel tanker trips per week estimated *(from Transport Statement para 4.2.2)
9. These figures simply do NOT make sense. How can an expanded operation (Frampton's quote) of 14no. drivers (15no. lorries) show the exact SAME no. of lorry movements per week as 6no. drivers at the Banbury operation? One has doubt as to the validity of the figures quoted. The likely impact will therefore be significantly higher than stated and assessed.
10. As far as I can see the application appears silent on the number, size and frequency of HGVs **delivering fuel to the site**. These will be huge vehicles and to support 6no. tanks and 15no. delivery vehicles (working 6 days a week) will need, I imagine, to be quite frequent. They, like the smaller HGVs will travel along the A422, which is **NOT** recognised on Oxfordshire's Haulage Route Map, in part likely given the steep (1:7) hill at Sunrising Hill to the north and the tight bends through Wroxton and Drayton to the east.
11. The likely levels of movements of HGVs will have highway safety implications, plus will only compound local impacts on light, noise and landscape quality, particularly in respect of the dwellings at Hornton Grounds and the amenity that they should rightfully enjoy in this dark sky, quiet rural context.

Stated intentions and extent of operations

12. Aside from what is proposed, there is a concern that if approved the depot may grow. I had spotted on the proposed site plan that there is a **7th tank shown dotted** and annotated already, where currently 6no. 125,000 Litre tanks are proposed (so already growth is anticipated on top of Frampton's mentioned expansion over and above the existing CERTAS Banbury operation). All of the impacts above will be increased commensurately with the addition of a 7th tank, compounding identified impacts and harm.
13. The Transport Statement of CERTAS at Sugarswell and here at Hornton confirmed at paragraph 4.2.6 (in both cases) that :

"The application site will serve a 50-mile radius area of Banbury, which includes towns and cities as far afield as Birmingham, Leicester, Bedford, Luton, Reading, Swindon, Gloucester and Worcester".

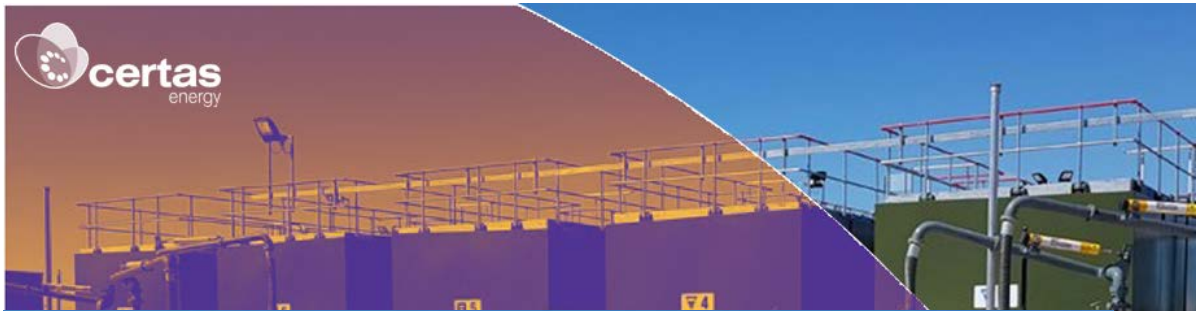
14. This is a significant coverage and amplifies the point that the operation is poorly, unsustainably and inappropriately located at Hornton. It should, ideally, be adjacent to the primary road network, the M40, or as close to it as possible on the identified County Haulage Route (i.e. not the A422 west of Banbury).

Impact on the amenity of Hornton Grounds dwellings (3no.)

15. Flowing from the above analysis and impact omissions of the applicant I feel it is reasonable for the LPA to advance a 6th reason for refusal on 'residential amenity'. There are 3no. dwellings at Hornton Grounds. The Farmhouse, and its separate apartment have direct line of sight to the application site, and in the case of the Farmhouse (also a B&B and private residence) from both ground and first floor given intervening topography. The Farmhouse is c. 300m from the edge of the site and c. 270m from the access road, with clear line of sight to both.
16. My clients recall that at its worst in the past, lighting from the wider application site (and land adjacent) would light up the surroundings such that during the night there was no need to put the landing light on – such was the intrusive impact of the lighting. Given what has been highlighted above, the impact from proposed new lighting will be significant, and will both harm the landscape and dark sky setting, but also importantly harm the amenity of the 3no. dwellings at Hornton Grounds. The impact will also harm the outlook from these 3no. properties.
17. In addition, the likely vehicle movements within the site (staff, HGVs and delivery tankers) and to the access road which is immediately to the fore of the Farmhouse and apartment and in clear line of sight, in the early hours of the morning and into the night will evidently harm the quiet rural setting, but in addition harm the quiet enjoyed by the 3no. dwellings at Hornton Grounds and the guests of the highly-rated and successful Bed and Breakfast business at the Farmhouse. The harm will be by virtue of noise and light intrusion.
18. It is reasonable to conclude that the impact of significant lighting, noise and activity will clearly unacceptably harm the amenities of the 3no. dwellings at Hornton Grounds, and that this should result in a 6th reasons for refusal being advanced to reflect this. The applicants do not identify the true nature of their proposal, nor its attendant impacts.

In summary, my clients are supportive of the report of officers and its recommendations, save for the fact that several of the reasons for refusal can be strengthened by the above analysis, and that a 6th reason for refusal is reasonably required to cover impact on residential amenity.

Examples of flood lighting at CERTAS sites – all located on tank gantries:



Best wishes

Julian

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