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22<sup>nd</sup> December 2021

Dear David

**Response to the Proposed Development at Baynards Green under Planning  
Application References: 21/03266/F, 21/03267/F, 21/03268/F**

Oxalis Planning have been instructed on behalf of Oxfordshire Railfreight Interchange Ltd to submit a response to the above planning applications at Baynards Green, which were submitted to Cherwell District Council (CDC) in September 2021. In this response Oxfordshire Railfreight Interchange Ltd wish to highlight issues relating to the relationship of the proposed development with the Strategic Rail Freight Interchange (SRFI) scheme, as well as noting and supporting comments and queries raised by a range of consultees. We also query the rationale for the enabling works application, reference 21/03266/F.

We note that the applications submitted are on land not allocated in any development plan, and the proposed development is contrary to local planning policies.

**Oxfordshire Strategic Rail Freight Interchange (SRFI)**

Oxfordshire Railfreight Interchange Ltd are preparing to submit proposals for a Strategic Rail Freight Interchange (SRFI) with up to 603,850 sqm (approx. 6.5 million square feet) of distribution and logistics (use class B8) floorspace, on land west of the B430 and east of Upper Heyford Former Airfield. The proposals meet the criteria of a Nationally Significant Infrastructure Project (NSIP) under the Planning Act 2008, and have policy support in the form of the National Policy Statement for National Networks. The proposals will be the subject of an application for a Development Consent Order which will be submitted for determination by the Secretary of State for Transport. An EIA Scoping Opinion was received from the Secretary of State in July 2021.

In the EIA Scoping Opinion provided by CDC for the Baynards Green the Council advised that the application should properly assess the SRFI scheme. This was referenced in terms of traffic and access, socio-economics and cumulative effects. Table 8.1 of the Environmental Statement (ES) submitted with the applications sets out a response to the EIA Scoping Opinion and states that the SRFI scheme is not included in the cumulative assessment.

In the response to the Baynards Green applications, the Oxfordshire County Council (OCC) highways team state:

*“The published scoping report provides sufficient information on land use to make assumptions about lorry movements, and additional information could be provided. OCC considers that it should be taken into account in the cumulative assessment, at least in a form of sensitivity test.”*

We agree that in order to fully understand the likely cumulative impacts and effects the Transport Assessment (TA) and relevant parts of the ES should be updated to include a cumulative assessment which includes the proposed SRFI. We agree that sufficient detail has been made public as part of the SRFI ES Scoping process to enable a meaningful assessment to be undertaken and we are also able to make further information available. Given the status of the emerging SRFI scheme, it would be reasonable – and consistent with the approach taken elsewhere – to consider the SRFI as part of a sensitivity test above and beyond the assessment of the Baynards Green applications alongside other commitments and planned growth.

Not only has the Baynards Green assessment not taken into account cumulative effects, as requested by OCC, even more fundamentally, the TA has not included a full or proper assessment of its own development's likely effects on Junction 10 of the M40 – which is an omission which prevents any meaningful assessment of the traffic impact of the proposals. The SRFI proposals will include improvement works to J10 of the M40, and nearby junctions on the A43 to the north of Junction 10. Detail of the improvement works, and the modelling work which will underpin it, is being progressed but a drawing setting out an emerging draft arrangement option for J10 was included in the submission for the Scoping Opinion request to the Secretary of State in June 2021. The Baynards Green Masterplan includes land north of J10 which is proposed to be used as part of the SRFI J10 improvement works and which would, if both schemes were approved, represent a conflict with the proposed SRFI scheme.

Oxfordshire Railfreight Interchange Ltd consider that the Baynards Green applications should demonstrate how a development scheme might be delivered which does not conflict with the publicised SRFI proposals, and should consider potential alternative forms of development which could be compatible with the indicative SRFI highways works.

In summary, our view is that in order to determine the Baynards Green applications it is essential that the applicant assesses the impact of the scheme on J10 and provides the further information and cumulative assessment that OCC, and other consultees (several of which are referred to below), require. Technical work is currently being prepared by our highways consultant and could be provided early in the new year to assist with the cumulative assessment.

### **Comments from consultees to the Baynards Green Applications**

It is noted that several consultees have commented on the Baynards Green applications which cover key issues, some of which relate to issues raised above. Oxfordshire Railfreight Interchange Ltd would like to highlight specific comments raised by a number of key consultees and which we consider are directly material to CDC's consideration and determination of the applications. These are set out below:

#### National Highways

National Highways have recommended that planning permission not be granted for the applications for 3 months from 26/10/2021 to allow for further details to be provided. Several fundamental concerns and reasons have been given for this, which include:

- The Transport Assessment (TA) is not based on the correct floorspace, and this should be rectified;
- Updated trip distribution data and an alternative methodology for determining trip distribution are required;
- A need to undertake junction capacity assessments at M40 J10 and A43 Baynards Green roundabout using the latest available information regarding the proposed improvement schemes;

- Include further information on baseline data within the TA;
- Undertake modelling on relevant junctions in the area of the site;
- Concerns raised about the interim mitigation scheme proposed at the A43 Baynards Green roundabout.
- As referred to above OCC also identify the need for a cumulative assessment, or sensitivity test, to consider the proposed development in combination with the SRFI proposals.

Given the well-known challenges faced at, and around, Junction 10 in its current form it is clear that there are some fundamental issues to be addressed before there is a Transport Assessment which is fit for purpose and which would inform determination of these planning applications.

#### OCC highways team

The OCC highways team have objected to the application and provided detailed reasons for their objection. As a summary, they object for the following notable reasons:

- *“The transport assessment provided with the application is not adequate to demonstrate that the development would not have a severe impact on the operation of the highway network.*
- *Further information is required to demonstrate that safe and suitable pedestrian and cycle access can be provided to the development, in accordance with NPPF.*
- *The geometry of the access junction has associated safety risks for all users and could affect its potential for signalisation.”*

#### OCC archaeologist

The OCC archaeologist has noted that the site is located in an area of archaeological interest on the site of a medieval and post medieval green mentioned in historical records. Accordingly, the archaeologist has requested that the results of an archaeological field evaluation need to be submitted to CDC as part of the applications and available pre-determination.

We are aware that this work will require agreement with OCC and if no work has already been undertaken to agree a scope of works for the investigations needed, this could take some time to agree, and then complete.

#### Environment Agency

The Environment Agency has requested the submission of further detail prior to determination. This additional detail relates to an off-site habitat compensation area for biodiversity net gain which lies in an area at risk of flooding and should form part of an updated Flood Risk Assessment to be submitted to CDC.

#### Summary of Baynards Green consultee responses

From the above consultee responses, it is evident that significant further technical work is required for the Baynards Green applications before it would be possible and appropriate for them to be determined. The additional work requested, particularly in respect of highways and archaeology, is significant and will require some considerable time to be properly completed.

It seems clear that without that additional information it would not be possible for CDC to properly assess the applications with a sound or full understanding of their likely effects. Therefore, it would not be possible or reasonable for CDC to determine the Baynards Green applications positively should this detail not be forthcoming.

### **Enabling Works Application**

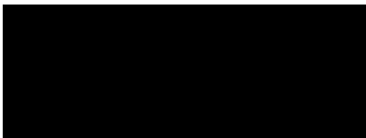
Three applications have been submitted for Baynards Green, two are outline applications with the third being for enabling works relating to the outline applications. The enabling works application is for:

*“Site clearance, construction of new site access from the B4100, permanent and temporary internal roads, an internal roundabout and a foul drainage station, diversion of an existing overhead power cable and public right of way, and soft landscaping”*

These works are only required to be carried out to facilitate the outline proposals for up to 270,000 sqm of B8 development at Baynards Green. Oxfordshire Railfreight Interchange Ltd therefore consider that the enabling works application should not be considered or determined in isolation to the outline applications. Indeed, the three applications should be progressed and determined together to prevent the commencement of any enabling works on site, prior to any approval of the outline applications. There can be no basis for planning permission to be granted for the enabling works without it being first determined that the works they enable are acceptable.

I trust this letter and the information referenced is helpful in the consideration of the Baynards Green applications. However, if there are any questions about the detail provided then please do not hesitate to contact me.

Yours sincerely,



Robert Gilmore