

PROJECT NAME: M40 J10

**STATUTORY CONSULTATION PROCESS – SCHEDULE OF APPLICANT’S RESPONSES
TO COMMENTS RECEIVED**

DATE ISSUED: 21 MARCH 2022

COMMENTS RECEIVED FROM:	Mid-Cherwell Neighbourhood Forum	FORMAT:	Online	DATE RECEIVED:	22/11/2021
SUBJECT:	Various				

ID	ISSUE	COMMENT	RESPONSE
1.	Employment	It is not clear from information provided by the applicants that the employment opportunities created by the development will be of a diverse nature, or that they will be opportunities for people living in the NP area.	<p>The Proposed Development will create job opportunities for people across a range of different skill-sets, including entry level and low-skilled jobs.</p> <p>The skill profile of residents in Cherwell is more skewed towards lower skilled occupations than the average for the Oxfordshire and the South East. Therefore, the jobs created by the Development are well matched to the district's skill profile.</p> <p>This is beneficial in the context of wider job growth within the area which is expected to be predominantly in high skilled roles associated with the knowledge based sectors. Providing a higher proportion of lower skilled roles will help to ensure opportunities are available for all of Cherwell's residents, including entry level positions.</p> <p>As well as the direct employment, the Development will create multiplier effects through expenditure by the tenant businesses and by their workers. Spending by the businesses on materials and services required to run their operations will increase employment across the supply chain. This will, in turn, support the creation of new jobs at suppliers and those new jobs will in turn mean more wages and more spending by those workers.</p> <p>The Applicant is committed to securing employment benefits for Cherwell's residents. An Employment, Skills and Training Plan (ESTP) will be prepared (secured by S106 agreement) which will demonstrate how local employment, apprenticeships and training can be created and maximised during the both the construction and operation of the Development</p>

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2.	Agricultural Land	The loss of agricultural land will do the opposite of enhancing agricultural production	<p>The quality of the agricultural land at the Sites is limited mainly by soil droughtiness. Neither the Western Site or the Eastern Site comprise Grade 1 (excellent) or Grade 2 (Very Good) agricultural land. The majority of the land (65%) across the two sites comprises moderate quality (subgrade 3B) agricultural land. The remaining sub-grade 3a land is primarily concentrated in the Western Site but is dispersed and broken up by large areas of poorer quality land.</p> <p>The majority of land within Oxfordshire and Cherwell is either Very Good (Grade 2) or Good to Moderate (grade 3) agricultural land. In Cherwell this accounts for 67% of land, which is significantly higher than the national average.</p> <p>The Proposed Development will predominately result in the loss of moderate quality (subgrade 3B) agricultural land, which is widespread within Cherwell and Oxfordshire as a whole. As the sub-grade 3B land represents some of the poorest quality land available within the district, the Proposed Development will not significantly harm national agricultural interests.</p> <p>The Proposed Development will create a significant number of new jobs and help address the substantial and growing need for logistics floorspace. There are no other suitable sites available for providing development of the nature proposed and the loss of agricultural land is therefore necessary in this instance.</p>
3.	Environmental impact	The scale of the proposed warehousing development, with ridge heights of 24m., will certainly have an adverse effect on the surrounding environment	The environmental impact of the proposed development, including the maximum height parameters, have been assessed within the Environmental Statement.
4.	Highways	MCNP Forum fully supports the requests submitted by Highways England and by Oxfordshire County Council for the applicants to carry out much more detailed analysis of potential traffic impacts of the scheme	Noted. The applicant is continuing to engage with National Highways and Oxfordshire County Council regarding the impact of the proposed development on the local highway network and is committed to undertaking additional modelling. This in turn will inform the nature of any mitigation proposed.
5.	Impact on conservation areas	There are two Conservation Areas within the MCNP designated area that are close to the application sites – namely Fritwell, and Ardley with Fewcott. The applicants have provided ES Vol II Part 26, which contains a plan showing the Zone of Theoretical Visibility of the proposed development, assuming that warehouse ridge heights are 24m. Both the	A landscape and visual impact assessment has been undertaken and reviewed by the Council's independently appointed consultants. The Council's consultants have issued comments on the submitted landscape and visual impact assessment. These comments are currently being reviewed by the Applicant team and a response (and additional information) will be provided in due course.

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		<p>Conservation Areas are entirely within this zone, and therefore – theoretically – the development could cause harm to the setting of the Conservation Areas. The applicants should be required by CDC to carry out detailed analysis of views and vistas in order to ascertain the extent of visibility affecting these Conservation Areas. Only then is it possible to determine whether the requirements of Policy PD4 can be met.</p>	
6.	Visual impact and light pollution	<p>There is serious concern that the scale and height of the proposed development will make it unable to meet the criteria - in particular c) and e) - of this policy:</p> <p>c) proposals should not have a significant adverse impact on the character of a village and its setting or of the wider countryside;</p> <p>e) particular care should be taken to avoid light pollution where the development is in a remote rural location, or where it might adversely affect the setting of the Oxford Canal.</p>	<p>The Proposed Development is not located within or adjacent to a village and will not have a significant adverse impact on the character or setting of a village or on the wider countryside.</p> <p>A landscape strategy has been submitted, which will guide and inform all future reserved matters applications. The landscape strategy includes substantial planting on site (including around its boundaries) and will help minimize the potential landscape and visual impacts of the development.</p> <p>The landscaping strategy includes retaining the majority of good quality trees along the boundaries of both sites; retaining the existing hedgerows along the M40, A43 and B4100 corridors; enhancing existing hedgerows; and replacing any dead, dying or dangerous trees with trees of a similar species. A native woodland of between 15 to 20 metres wide will be established along the eastern boundary of the Eastern Site. This will connect to the existing woodland surrounding the Site and provide significant visual screening along the eastern boundary for the proposed built development. New hedgerows will also be provided adjacent to the diverted PROW.</p> <p>The Parameter Plans identify proposed areas of soft landscaping within each site. The soft landscaping will comprise of a range of landscape character areas including semi natural woodland screen planting; wet woodland scrub; native hedgerow planting; specimen tree planting; neutral grassland; and amenity grassland.</p> <p>The Proposed Development will therefore result in non-significant effects on landscape character. The proposed landscape and planting strategy will help integrate the development into the landscape and contribute to achieving local landscape character objectives.</p>

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			<p>All planting will comprise locally native species or species that reflect the landscape character.</p> <p>The submitted lighting assessment demonstrates that any lighting impacts will be very localised. Details of the external lighting for each Site will be determined at reserved matters stage. However, the final lighting scheme will be based on the use of controlled light distribution, optimised optics, minimal inclination and considered luminaire positioning.</p> <p>External lighting will be designed, located and orientated to minimise light spill and glare. Lighting will minimise disruption to existing ecological systems.</p>
7.	Location	<p>A much smaller but otherwise similar application adjacent to the present sites was refused by CDC in 2018 and the Appeal dismissed in 2019. The Inspector's conclusion includes the following:</p> <p>"16. in the absence of adequate evidence, the location of the site close to the strategic highway network is insufficient to justify the location of the proposal.</p> <p>17. On the evidence before me, the proposal would be sited in an inappropriate location. As such the scheme would conflict with Policies SLE1 and ESD1 of the Local Plan....".</p> <p>We consider that the same conclusions can be drawn regarding development on these adjacent sites, while the current Local Plan 2031 remains in force</p>	<p>The proposed development must be assessed on its own merits and in accordance with current planning policy (unless material considerations indicate otherwise).</p> <p>The relevant policies of the Development Plan are not consistent with the National Planning Policy Framework (NPPF) (2021) and are based on an evidence base which is nearly seven years old. The current demand for employment floorspace, which has been exacerbated by Brexit and the Covid-19 pandemic (significant events that have occurred since the adoption of the Cherwell Local Plan), is not understood within the council's evidence base or the Development Plan.</p> <p>The NPPF (paragraph 81) states that significant weight should be placed on supporting economic growth. It also states (para 83) that planning policies and decisions should recognise the specific locational requirements of different sectors and make provision for storage or distribution operations in suitably accessible locations; and (para 84) that Local Planning Authorities should recognise that in rural areas sites to meet local business needs may have to be found adjacent to or beyond existing settlements.</p> <p>Furthermore, paragraph 82 of the NPPF states that "<i>planning policies should be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances".</i></p>

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			<p>The relevant policies of the Development Plan are not consistent with these requirements and are out-of-date. Very little weight (if any) should therefore be applied to them by decision takers.</p> <p>There is an unprecedented demand for logistics floorspace at a national, regional and local level, which has been driven by evolving consumer trends and exacerbated by Brexit and Covid-19. Supply of existing logistics floorspace is at a record low, which has resulted in a significant imbalance.</p> <p>This requirement for new logistics floorspace has been well-documented and is clearly explained and evidenced within the submitted Logistics Market Assessment and Land Availability report. The Applicant is close to agreeing pre-sale agreements for all of the proposed floorspace on the sites (an agreement has already been reached with DHL for floorspace within the western site), which further demonstrates the urgent requirement for logistics floorspace adjacent to junction 10 of the M40.</p>
8.	Prematurity	<p>We consider that unless and until these sites are identified in the forthcoming Cherwell Local Plan 2040, as suitable for large-scale commercial development, these applications are premature. They are of a highly strategic nature, and - taken together with other nearby and large-scale development proposals such as the Ardley SRFI and the Great Wolf leisure development at Chesterton – must be considered as part of an overall strategy for logistics and transportation in the County of Oxfordshire and regionally, and as such should be addressed in the forthcoming Oxfordshire Plan 2050. Without this important overview, any decision about these applications is premature</p>	<p>There is an unprecedented demand for logistics floorspace at a national, regional and local level, which has been driven by evolving consumer trends and exacerbated by Brexit and Covid-19.</p> <p>Meanwhile, supply of existing logistics floorspace is at a record low. This has resulted in a significant imbalance that needs to be addressed urgently. Given that the Local Plan Review will not be adopted until mid-2023 at the earliest (although this is unlikely to be achievable) and the lack of development within the construction pipeline, it is imperative that the substantial and growing demand for logistics floorspace is addressed through the development management process.</p> <p>Paragraph 49 of the NPPF states that “<i>arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:</i></p> <p><i>a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new</i></p>

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			<p><i>development that are central to an emerging plan; and</i></p> <p><i>b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area”.</i></p> <p>The proposed development is not so substantial that it would (and its cumulative effect will not) undermine the plan-making process and the emerging plan is not at an advanced stage (a draft plan is yet to be published for consultation).</p> <p>Accordingly, the proposed development is not premature and there are no reasons for refusal on this basis.</p> <p>The proposed development is consistent with the principles of national planning policy, will help address an urgent requirement for logistics floorspace at a national, regional and local level, and will provide a significant number of new jobs and other benefits to Cherwell. The proposed development should therefore be approved without delay.</p>
9.	Unproven demand	<p>We consider that no convincing case has been made for demand for warehousing of this scale in this location. Only one potential user of the four buildings has so far been identified. This is insufficient to avoid the accusation that the development is entirely speculative, and as such cannot outweigh the very considerable harm that is likely to be caused to the local environment for the reasons set out above.</p>	<p>There is an unprecedented demand for logistics floorspace at a national, regional and local level, which has been driven by evolving consumer trends and exacerbated by Brexit and Covid-19. Meanwhile, supply of existing logistics floorspace is at a record low. This has resulted in a significant imbalance.</p> <p>This requirement for new logistics floorspace has been well-documented and is clearly explained and evidenced within the submitted Logistics Market Assessment and Land Availability report.</p> <p>The Applicant is close to agreeing pre-sale agreements for all of the proposed floorspace on the sites (an agreement has already been reached with DHL for floorspace within the western site), which further demonstrates the urgent requirement for logistics floorspace adjacent to junction 10 of the M40.</p>