

## PROJECT NAME: M40 J10

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

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<b>COMMENTS RECEIVED FROM:</b> Campaign for the Protection of Rural England		<b>FORMAT:</b> Online	<b>DATE RECEIVED:</b> 22/11/2021
<b>SUBJECT:</b>			
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1.	General	CPRE strongly objects to the above proposals which are on land that has not been allocated for industrial development in the adopted Cherwell Local Plan. This development will be on a rural site nestled in countryside, with limited built form that includes a small number of private residences. A small development of unobtrusive mixed units including a fast food restaurant and garage lie adjacent to the proposed development.	<p>Noted.</p> <p>The application sites are also located immediately adjacent to Junction 10 of the M40 (a major trunk road) and to the north of Cherwell Services.</p> <p>The Sites are located to the north of the M40 motorway and either side of the A43, which is a major dual carriageway.</p> <p>Fast and direct access to the strategic highway network is a fundamental requirement of logistics operators and the Sites are very well placed to achieve this.</p>
2.	Development Plan	CPRE refutes the developer’s claim, made in their planning statement at para 7.23, that the current plan is out of date. The period of the existing adopted local plan extends to 2031 and is currently being refreshed with a fresh call for sites, which includes this site. A local plan is more than just an economic plan and cannot be flexed to meet changes in economic conditions which are often be of a transient nature. Whilst employment and economic considerations are key components of any local plans, these factors should be weighed against other factors which include housing and the environment. There is of course another important consideration being the impact of any given development on future climate change.	<p>The National Planning Policy Framework (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>Paragraph 82 of the NPPF states that “<i>planning policies should be flexible enough to <b>accommodate needs not anticipated in the plan</b>, allow for new and flexible working practices (such as live-work accommodation), and to <b>enable a rapid response to changes in economic circumstances</b>”.</i></p>

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			<p>The relevant policies of the Development Plan are not consistent with these principles and are therefore out-of-date.</p> <p>It is also important to note that Cherwell Local Plan (2015) is based on an evidence base, which is over seven years old and is also now out of date. The substantial and growing demand for logistics floorspace has been exacerbated by Brexit and the Covid-19 pandemic and was not fully understood when the existing evidence base and Development Plan were compiled.</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. The supply of existing logistics floorspace is at a record low, which has resulted in a significant imbalance.</p> <p>This imbalance will likely increase given that there is limited development under construction and the Local Plan Review will not be adopted until November 2023 at the earliest. Additionally, development has already commenced or completed at most of the strategic employment sites identified within the current Local Plan.</p> <p>Paragraph 33 of the NPPF states that reviews of Local Plans should be completed no later than five years from the adoption date of a plan. The current Cherwell Local Plan is nearly seven years old and it is not anticipated that the Local Plan review will be adopted until November 2023 at the earliest. The urgent requirement for new logistics floorspace must therefore be met through the development management process.</p>
3.	Development Plan	CPRE believes that the proposed development needs to be assessed against the criteria outlined in SLE1 of the current adopted local plan. These criteria must be met if employment proposals in rural areas are to be supported.	<p>Policy SLE 1 is not consistent with national planning policy and is therefore out-of-date. Very little weight should be applied to it by decision makers.</p> <p>Notwithstanding this, the Planning Statement demonstrates that the 'exceptional circumstances' required by policy SLE 1 of the Cherwell Local Plan have been satisfied and the other policy criteria have been met.</p>
4.	Rural location	CPRE questions whether the developer has provided sufficient justification as to why this development should be located in a rural area on a non allocated site and why the development needs to be of this scale, other than providing the maximum benefit to the developer's profit margins. The developer has	The proposed sites are located immediately adjacent to Junction 10 of the M40 and will provide direct access to the strategic highway network. Fast and direct access to the highway network is a fundamental requirement of logistics operators.

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		<p>one potential occupier for part of the western development but the rest of the development remains speculative in nature.</p> <p>The developer has stated that there is no other suitable area large enough to accommodate the scale of this development. However, the developer has conceded, in their planning statement, that the development could be located somewhere else along the M40 corridor. There is no evidence of a site sequential test being undertaken nor any evidence of consideration of brownfield sites. CPRE questions whether the need for this development has been established given that there is sufficient employment land to meet the demands of its resident populations (para B46 of the adopted local plan).</p>	<p>There is an unprecedented demand for logistics floorspace at a national, regional and local level (including for buildings of the scale proposed). This demand is clearly explained and evidenced within the submitted Logistics Market Assessment and Land Availability report.</p> <p>The submitted Logistics Market Assessment and Land Availability also demonstrates that there is a significant undersupply of warehouse facilities. This has created a significant imbalance in the logistics market and has been highlighted within recent media coverage, which has warned that <i>“the UK could run out of warehouse space within a year, as supply chain disruption and a boom in online shopping propel demand to record levels”</i>.</p> <p>The submitted Logistics Market Assessment and Land Availability demonstrates that there are no other sites capable of accommodating development of the nature proposed or that are as well-located to the strategic highway network. Nearly all of the employment sites allocated within the Cherwell Local Plan 2015 have been built out / benefit from planning permission or are not suitable for logistics use of the scale required and proposed.</p> <p>Pre-sale agreements are also soon to be in place with multi-national logistics operators for the entirety of development on the Eastern Site and the remainder of the Western Site. This will mean the whole of the Proposed Development has pre-sales agreed prior to the applications being determined and further demonstrates the urgent requirement for logistics floorspace adjacent to junction 10 of the M40.</p>
5.	Policy SLE 1	<p>SLE1 requires that new employment development in rural areas should be restricted to villages within Category A and be of an appropriate scale and respect the character of the village and surroundings. Baynards Green is not a Category A village and this development will dwarf the other small scale buildings in the neighbouring countryside.</p>	<p>For the reasons set out above (see response to comment 2) and explained in the Planning Statement, Policy SLE 1 is not consistent with national planning policy and is therefore out-of-date. Very little (if any) weight should therefore be applied to it by decision takers.</p> <p>Notwithstanding the above, it is important to note that Policy SLE 1 states that <i>“<b>Unless exceptional circumstances</b> are demonstrated, employment development in the rural areas <b>should</b> be located within or on the edge of those villages in Category A”</i>.</p> <p>The policy does not preclude employment development outside Category A villages, particularly where exceptional circumstances exist. The submitted</p>

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			<p>Planning Statement demonstrates that there are exceptional circumstances because:</p> <ul style="list-style-type: none"> <li>- The evidence base underpinning the Cherwell Local Plan (2015) is out-of-date and does not reflect the current demand for employment floorspace within Cherwell and the wider area. Options for the release of land at motorway junctions for very large scale logistics buildings were not considered necessary at the time (2015) the local plan was adopted because there was a largely unproven need. However, there is now a significant and growing need for logistics floorspace at a national, regional and local level. This has been exacerbated by Brexit and the Covid-19 pandemic and is further demonstrated by pre-sale agreements being close to completed for all of the proposed floorspace.</li> <li>- The Proposed Development will serve the South East and East Midlands regions, which have both reached a tipping point where demand significantly outweighs supply. This imbalance is expected to increase given that there is limited development currently under construction and the Local Plan Review has yet to be prepared and is not expected to be adopted until November 2023 at the earliest.</li> <li>- The Proposed Development is of a scale and nature that is not compatible with a Category A Village location. There are no other suitable sites capable of accommodating the scale of development proposed</li> <li>- The Site is highly accessible from the strategic road network. This is a fundamental requirement of logistics operators. The Proposed Development will also provide a mix of unit sizes, including large warehouses, that is required to address market demand and cannot be accommodated on any other existing employment sites or other suitable sites along the M40 corridor.</li> <li>- The Proposed Development will create up to 3,830 direct jobs (across a wide range of skill sets) and 3,400 indirect jobs, as well as construction jobs and apprenticeships. The Proposed Development will also generate between £168 million to £228 million per annum in Gross Value Added and up to £8.8 million annually in business rates. The Proposed</li> </ul>

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			<p>Development will therefore make a significant contribution to the local economy's recovery from the Covid-19 pandemic</p> <ul style="list-style-type: none"> <li>- A holistic masterplan approach has been adopted across the Western Site and the Eastern Site to ensure that development is sensitive to its landscape setting.</li> <li>- The Proposed Development will result in a Biodiversity Net Gain (BNG) of at least 10% and incorporate a range of other sustainability measures.</li> </ul>
6.	Policy SLE 1	<p>SLE1 requires that the development should be of small scale unless it can be demonstrated that there will be no impacts of the character of the village or surrounding environment. Since this is not a small scale development, CPRE have concerns that it will harm the character and appearance of this area. CPRE believes that the plans run counter to policy ESD13 which states that a development should not cause undue visual intrusion into the open countryside. The biodiversity net gain (BNG) calculation shows that there will be a significant impact on the surrounding environment with a significant loss of on site biodiversity which can only be mitigated off site. The established public right of way will be re-routed to run adjacent to the warehouse development with an inevitable adverse impact on landscape views to its receptors. The Planning Inspector in his response to the Local Plan commented that 'such a development will prove visually intrusive into the open countryside due to the size of its buildings'.</p>	<p>Policy SLE1 relates to Employment Development and states that in rural areas:</p> <p><i>"[Development] will be small scale unless it can be demonstrated that there will be no significant adverse impacts on the character of a village or surrounding environment."</i></p> <p>And goes on to say:</p> <p><i>"The proposal and any associated employment activities can be carried out without undue detriment to residential amenity, the highway network, village character and its setting, the appearance and character of the landscape and the environment generally including on any designated buildings or features (or on any non-designated buildings or features of local importance)."</i></p> <p>Policy ESD13 relates to the protection and enhancement of the landscape noting that proposals will not be permitted if they would, amongst others to:</p> <p><i>"Cause undue visual intrusion into the open countryside."</i></p> <p>At completion of the development, effects on the character of the wider landscape were assessed as being at worse Moderate adverse at year 1 reducing to Minor adverse by year 15. It is noted that at the Site level, significant effects were identified at year 1 (Major/moderate adverse) however, by year 15 with the establishment of the proposed planting situated both within the Site and at its periphery, effects would reduce to Moderate adverse and not significant.</p> <p>Visual effects occurring from the settlements of Stoke Lyne, Fritwell and Fewcott</p>

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			<p>at completion of the Scheme were assessed as being Moderate adverse at Fritwell and Fewcott while receptors at Stoke Lyne were assessed as experiencing Minor adverse effects at both year 1 and year 15. These are both non-significant effects.</p> <p>It is noted within the LVIA chapter of the ES that users of the realigned PRoW 109/5/10 would experience a change in views at completion of the Development. These would be significant (Major / moderate adverse) at year 1. However, by year 15 with the establishment of proposed planting effects would reduce to Moderate adverse and not significant.</p> <p>It is not clear how the comment quoted from the Planning Inspector relating to visual intrusion is applicable to this application as it appears to be a generalised statement relating to an unspecified development in the open countryside.</p> <p>It should be noted that there is a distinction between a proposed scheme having no impact on character etc. as referenced by CPRE and Local Plan policy stating that development would be found to be unacceptable if it resulted in a significant adverse impact or to the undue detriment of receptors. The LVIA chapter of the ES acknowledges there may be short term significant effects but these can be successfully mitigated through high quality of design, the landscape planting strategy and contribution to local landscape character objectives.</p> <p>On balance, the LVIA chapter of the ES has demonstrated that the Proposed Development would not result in residual, significant adverse effects on either landscape or visual receptors and as such is broadly compatible with the objectives of Policies SLE1 and ESD13 of the Cherwell Local Plan.</p> <p>It is important to note that a masterplan approach has been adopted across the Western and Eastern Sites to ensure that the Proposed Development respects the character of its surroundings and that its impacts can be appropriately mitigated. The Parameter Plans will ensure that there are visual breaks within the massing of the buildings and that substantial landscaping will be provided within the Site, including along its perimeters. A detailed landscaping scheme will be submitted as part of subsequent RMAs. A series of key design commitments are also proposed. These relate to matters including the final appearance, layout, massing and landscaping of the development and will</p>

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			<p>ensure that the development is sensitive to the character and appearance of the existing area.</p> <p><u>Biodiversity</u></p> <p>Existing biodiversity will be protected and enhanced where possible through a range of measures including strengthening existing hedgerows and the provision of significant areas of landscaping across both sites. A biodiversity net gain of at least ten percent will be achieved through a combination of on-site and off-site measures, which will significantly enhance biodiversity within the district.</p>
7.	Landscape and visual impact	<p>Policy SLE1 requires the development must be carried out without undue detriment to residential amenity, village character and setting and character of the landscape and the environment generally. It is inevitable that residential amenity, for the small number of residents that continue to inhabit the site, will be adversely impacted. The developer confirms in para 3.11 of the non-technical environmental statement that there will be significant residual effects from the completed development for landscape features and character. Whilst the development is under construction, there will be inevitable adverse impacts on air quality, adverse noise and light, landscape views and congestion. There will also be a big impact on the marketability of resident houses given their proximity to the Applicant's development. The Planning Inspector concluded that it was difficult for the development to be catered for satisfactorily at the M40 junction in highway capacity terms.</p>	<p><u>Landscape and visual impact</u></p> <p>The LVIA chapter of the ES provides a description of the changes occurring from the settlements of Stoke Lyne, Fritwell and Fewcott. Non-significant effects are predicted to occur at both year 1 and 15 from these locations during construction and completion phase of the development. Non-significant effects on landscape character are also assessed during construction and completion.</p> <p>With regard to the properties situated to the northeast of the Western Site, viewpoint 8 is considered to be representative of views encountered. Table 13.31 of the Environmental Statement summarises the effects on completion as being Major / moderate adverse at year 1 reducing to Moderate adverse (and not significant) once the proposed planting scheme reaches semi-maturity at year 15.</p> <p>There are no significant residual landscape effects identified by the LVIA as set out in Sections 13.6 and 13.7 of the report. Reference to significant residual landscape effects on completion in the Non Technical Summary (para. 3.11) are a typographic error and will be amended.</p> <p>Overall, the LVIA demonstrates that development can occur within the Site without significant adverse impact occurring or to the undue detriment of residential receptors.</p>

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			<p><u>General construction effects</u></p> <p>It is inevitable that a project of the nature proposed will result in some adverse impacts during construction. However, any impacts during construction will be of a temporary nature and will be mitigated as far as possible through a Construction Environmental Management Plan and the other measures identified within the Environmental Statement.</p> <p><u>Marketability of resident houses</u></p> <p>The impact of the proposed development on the marketability of resident houses is not a material consideration.</p> <p><u>Highway capacity</u></p> <p>The application has not been assessed by the Planning Inspector and the Planning Inspectorate has not commented on the capacity of the highway network. The Proposed Development must be assessed on its own merits and not prejudiced or predetermined via previous planning decisions.</p>
8.	Sustainable Transport	<p>SLE1 states that a development should not give rise to excessive or inappropriate traffic and wherever possible contribute to the general aim of reducing the need to travel by private car. CPRE are of the view that these developments will contribute to increasing private car travel as evidenced by the provision of car parks which will cater for up to 1400 cars. Whilst the travel plan indicates development of a walk and cycle way between Bicester and Ardley, how and when will this be developed? Presumably this will need a separate application and will require land grab. If it is located next to the B4100, this will be a singularly unattractive commuting journey for those that take up this option. This route will need to be appropriately lit so that safety of pedestrians and cyclists are not compromised but this will have a knock on the character of the landscape and potential light impacts on the local environment.</p>	<p>The number of car parking spaces to be provided will be determined at reserved matters stage and discussed and agreed with the Local Planning Authority and the Local Highway Authority. The proposed development will be designed to minimize car journeys as far as possible.</p> <p>A suite of measures are proposed to encourage sustainable travel to the Sites. These will include (but not be limited to):</p> <ul style="list-style-type: none"> <li>- Provision of a bus layby (within each site), bus infrastructure and financial contributions towards a new or enhanced regular bus service from Bicester that serves both sites</li> <li>- New cycle lanes connecting the Sites to Bicester. These will be secured through a Section 278 agreement and provided within highway land. The cycle lanes will be designed in accordance with the relevant standards (in consultation with the highways authority) and will be sufficiently lit.</li> </ul>



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			<ul style="list-style-type: none"> <li>- Provision of a significant number of secure cycle parking spaces. The final quantum of cycle parking spaces will be determined at reserved matters stage.</li> <li>- Provision of electric vehicle charging spaces. Ten percent of car parking spaces and ten percent of HGV parking spaces will include active electric charging provision. Fifteen percent of car parking spaces and fifteen percent of HGV spaces will include passive electric charging provision.</li> <li>- Implementation of a Staff Travel Plan – This will include various other measures to promote active and sustainable modes of travel to and from the Site.</li> </ul>
9.	Employment	<p>This of course presupposes that a sizeable proportion of the potential workforce will come from Bicester and not from further afield. It is telling that the development may ultimately provide around 4,000 jobs. However a look at statistics for the whole of Cherwell reveals approximately 4,000 currently without work. It is implausible to assume that this development will be resourced from within Bicester and its environs and its proximity to the M40 and associated large car park is likely to lead to a significant importation of labour from outside of Cherwell.</p>	<p>The proposed development will provide up to 3,840 jobs once fully constructed.</p> <p>The provision of up to 3,840 jobs will reduce out-commuting from the district and contribute significantly towards the strategic objectives of the Cherwell Local Plan. The proposed development will also result in a significant positive multiplier effect and substantial benefits for the local economy.</p> <p>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> <p>As set out above, a suite of measures will also be implemented to encourage sustainable and active travel to the site.</p>
10	Transport Impact	<p>CPRE believes that the proposals will have a major impact on the traffic using the B4100, the A43 and the Baynard's Green roundabout, acknowledged in para 8.5 of the developer's planning statement. Even without this development, the Highways Authority has outlined a change to the road configuration near to junction 10 to accommodate growth in traffic from other developments. This is part of a growth funded scheme to be delivered for completion in 2024. However the</p>	<p>A transport assessment was prepared and submitted (as part of the Environmental Statement) with each of the planning applications. The travel demand estimates within the transport assessment have not been constrained to the existing capacity of the Baynards Green junction and the future year scenarios within the Environmental Statement are robust.</p> <p>Improvement works to the Baynard's Green roundabout to accommodate growth</p>

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		<p>developer appears to have excluded the impacts of this from their Environmental Statement (ES). Instead the developer is proposing an 'interim' highway improvement scheme so that the 'development can come forward'. CPRE remains unconvinced as to how this interim improvement scheme fits into the bigger picture and whether there is the risk of it becoming redundant very quickly leading to unnecessary cost both economically and environmentally.</p>	<p>are planned to be delivered by the Growth Fund. The design of the Growth Fund scheme is on-going. Albion Land are seeking to engage with National Highways and Oxfordshire County Council regarding the proposed improvements to the roundabout. Once the proposed design of the roundabout is fully understood the capacity of the roundabout will be assessed to determine whether it can accommodate Albion Land's proposed development or whether further enhancements are required to support the proposals. Albion Land's preference is to establish this as soon as possible so to minimise any potential disruption to the highway network.</p> <p>Although the development demand is a small component of the overall demand at this location, the Applicant is undertaking additional operational appraisal with Oxfordshire County Council and National Highways within their traffic models. This additional appraisal work will be published in a Transport Assessment Addendum in due course.</p> <p>The submitted transport assessment includes details of a proportionate interim scheme to mitigate the development demand in case of a material delay in the Growth Fund scheme.</p>
11	Biodiversity Net Gain	<p>CPRE have several concerns with the impact that this development will have on the local environment and specifically around the loss of local biodiversity. The biodiversity net gain (bng) calculation shows a significant loss of on site biodiversity. The plan is that this will be mitigated at Piddington some 10 miles away from the development on a site owned by the developer.</p> <p>Every attempt should be made to secure gains in biodiversity that are close as possible to the development site. The developer should be able to demonstrate that they have followed an offsetting hierarchy which is to avoid harm, minimise impacts by design or effective mitigation, compensate on site to provide equivalent or better and then finally achieve gains off site. There is no evidence that this mitigation hierarchy has been followed.</p> <p>Whilst a bng has been provided for the Piddington site, there is</p>	<p>The proposed development seeks to maximise the net gain in biodiversity units within the site as far as possible whilst ensuring the viability of the Development. Landscaping has been proposed within the site which includes the creation of habitats of ecological value such as neutral grassland, woodland and scrub habitats in addition to tree planting. The provision of off-site compensation measures at another location within Cherwell District was verbally confirmed as acceptable with CDC prior to submission. Off-site habitat creation and enhancement is an accepted method of securing biodiversity net gain as set out within Defra's biodiversity net gain guidance and described within Schedule 14 of the Environment Act 2021.</p> <p>A draft biodiversity net gain assessment is presented within the Biodiversity Environmental Statement Chapter which demonstrates a 11.96% net gain in habitat units. The initial draft biodiversity metric showed that 88.66 of the habitat units post-development would be obtained on-site while 124.03 would be from off-site intervention.</p>

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		<p>no detail underpinning this so no realistic assessment can be made as to whether it is achievable. CPRE contends that the suitability of this site needs to be considered as part of this application and not shunted to a reserved matter consideration as suggested by the developer. The Environment Agency has already flagged that the mitigation site lies within an area at risk of flooding. Given that the local plan refresh has called for sites, has the Piddington site been submitted as protected green space?</p>	<p>An updated version of the metric has subsequently been prepared based on detailed proposals for the off-site provision and will be issued separately in due course. This demonstrates a biodiversity net gain of 11.6% habitat units and 12% hedgerow units. A large proportion of the total post-development habitat units are obtained from within the site along with the proposed off-site mitigation at the Applicant's Piddington site.</p> <p>The proposed off-site habitat enhancement includes the creation of neutral grassland (comprising grassland with a high proportion of flowering grasses) and hedgerows. For the avoidance of doubt, the proposed works do not comprise development and therefore do not require planning permission.</p> <p>A detailed Landscape and Ecology Management Plan ('LEMP') will also be prepared and submitted to CDC prior to operation of the Development. The LEMP will describe measures to maximise the biodiversity potential of retained and newly created habitats through appropriate management and will cover a period of 30 years.</p>
12	<p>Habitat loss, fragmentation and impacts on Stoke Wood Local Wildlife Site (LWS)</p>	<p>The developer should show that the site in Piddington will provide the complementary habitat and green corridors that will be lost to Baynards Green. Policy ESD 10 (para B236) reiterates this by stressing the importance of areas adjacent to sites in providing important linkages to enable nature to thrive. CPRE are concerned that this development will lead to habitat fragmentation as hedges and trees are displaced or moved and the impacts of these do not appear to have been properly assessed in the developer's ecology submission in their ES. Furthermore there does not appear to be an assessment of the impacts of the development on Stoke Wood Wildlife site</p>	<p>The proposed off-site habitat enhancement includes the creation of neutral grassland (comprising grassland with a high proportion of flowering grasses) and hedgerows. The proposed off-site provision is shown on the enclosed plan,</p> <p>It is also important to note that the hedgerows which will be removed from the site are all defunct species-poor hedgerows which contain large gaps and are not well-connected to the boundary hedgerows or the wider landscape. Therefore, removal of these defunct, species-poor internal hedgerows is not anticipated to fragment ecological networks. The species-rich hedgerows around the boundaries of the site are to be maintained except for sections on the northern boundaries to facilitate access points. Replacement hedgerow planting will be completed as close to these areas as possible, thereby maintaining habitat connectivity around the boundaries of the site as far as possible. Tree and shrub planting is also proposed to provide additional vegetation around the boundaries of the site.</p> <p>Potential impacts upon Stoke Wood LWS are assessed within the 'non-statutory designated sites' sections of the Biodiversity Environmental Statement Chapter. This LWS is located approximately 320m south of the site at the closest point</p>

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			<p>and no tangible impact pathways were identified: No habitat loss within the LWS will occur as a result of the Development; The LWS is beyond the distance typically considered for air quality impacts (200m) or lighting and noise effects; no recreational impacts are anticipated due to the commercial nature of the development and there are no likely significant effects are anticipated. Therefore no likely significant effects are anticipated upon Stoke Wood LWS.</p>
13	Ecology	<p>Policy ESD10 states that planning applications should include surveys where there are species of known ecological value. It is acknowledged by the developer that the current habitat supports farmland birds. Some of these such as the yellowhammer are on the red list, which is the highest conservation priority needing urgent action. CPRE do not believe that there is any justification for not undertaking relevant surveys in this instance. How can an informed decision be made about the habitat required off site if there is not clarity on what is being displaced on site.</p>	<p>The Biodiversity Environmental Statement Chapter acknowledges the potential use of the site by farmland bird species including lapwing, skylark, yellowhammer and linnet. The habitats within the site are predominately sub-optimal for these species however, being primarily formed of intensively managed arable fields with narrow field margins and a lack of targeted management to benefit these species. The site is therefore considered unlikely to support large numbers of farmland bird species.</p> <p>The Biodiversity Environmental Statement Chapter acknowledges a residual permanent minor adverse effect, significant at a local level on farmland birds following the implementation of mitigation measures. Grassland and hedgerow habitat provision off-site at Piddington is considered likely to provide alternative, enhanced habitat for birds that may be utilise habitats within the district, including skylark, yellowhammer and linnet. Enhancements such as scrapes in areas of grassland will be created which will provide suitable habitat for lapwing while the grassland will provide suitable habitat for skylark to nest. The site at Piddington will be managed to provide a substantial area of habitat that can be managed optimally for farmland birds and is considered likely to be of a higher quality than the largely arable land that is being lost.</p>
	Ecology	<p>The developer states that surveys for the brown hairstreak butterfly are not needed in this instance. This runs counter to policy ESD10 para B237 in the Local Plan which requires developments to provide surveys of the brown hairstreak butterfly with no caveats such as whether habitat exists to support it. Indeed, the site does appear to have suitable habitat on site such as hedgerow with blackthorn. For other species bats surveys appear incomplete and no surveys have been completed for dormice, even though the developer's ecologist indicates that there may be habitat on site that can</p>	<p>Given that the majority of hedgerows within the Site will be retained (see Parameter Plans SK019 and SK025: Vegetation Retention and Removal), and the internal hedgerows to be removed are defunct, species-poor hedgerows, targeted brown hairstreak survey is not considered necessary. Replacement planting is proposed in close proximity to the locations of proposed hedgerow removal on the northern boundaries of the Site which is considered to sufficiently compensate for any loss in potential brown hairstreak habitat. Therefore no likely significant effects are anticipated in relation to brown hairstreak butterfly.</p>

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		support these species.	The only hedgerows considered to be suitable for hazel dormouse are those on the boundaries of the Site. Given that these boundary hedgerows will predominately be retained and replacement planting will be completed in close proximity to locations of hedgerow removal on the norther boundaries of the Site, it is considered that no likely significant effect could occur on hazel dormouse and no further survey is necessary. Additional hedgerows will be planted at Piddington, creating further habitat opportunities for hazel dormouse within the district.
	Cumulative Impact Assessment	All developments should consider a cumulative effects assessment, so that the entire context of wider planning developments and proposals in the area are taken into account. In our response to the Scoping Report, CPRE felt that it was not acceptable to omit the proposals for a Strategic Rail-Freight Interchange (SRFI) located immediately south of M40 Junction 10 and its impact on the local road networks. The SRFI, if approved, will be a major development which would compete with and affect the Albion Land proposals. CDC agreed that it should be scoped into the ES. CPRE does not believe that the developer has made any attempt to properly consider the impact of the SRFI on its own development.	<p>Cumulative effects are assessed in section 12.8 of the Biodiversity Environmental Statement Chapter. The possibility of cumulative effects from the Oxfordshire SRFI is acknowledged. However, as stated within the Biodiversity Environmental Statement Chapter, insufficient information was available on the SRFI project at the time of writing to fully assess the potential cumulative effects of this in conjunction with the Development. The applicant for the Oxfordshire SRFI issued a ES scoping report in June 2021 which scoped in cumulative impacts related to ecology and biodiversity and therefore it can be assumed that cumulative impacts will be fully assessed within the Oxfordshire SRFI Environmental Statement.</p> <p>It is also important to note that the Applicant’s approach to assessing the cumulative impact of the development (alongside the SRFI) is fully consistent with the Environmental Impact Assessment regulations and case law. Given the lack of information regarding the SRFI proposals the and considerable uncertainty regarding its delivery, it is neither appropriate nor necessary to assess the cumulative impact of the SRFI. The submitted Environmental Statement refers to what information that is available about the SRFI as appropriate, to enable a reasoned conclusion on the likely significant effects of the proposed development.</p> <p>As a later development in the planning cycle, it will be for the SRFI to demonstrate that it, alongside the proposed development, will not cause unacceptable impact, as it will have the ‘current knowledge’ of all the information that has been provided as part of the application for the proposed development.</p>

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	Local Plan Review	CPRE believes that a development of this scale, that will visibly intrude into the countryside, should only be considered in the context of a district-wide Local Plan. When the development is evaluated against relevant policy in the Local Plan, it does not meet the required criteria for approval.	<p>The proposed development is a direct response to the urgent and substantial need for logistics floorspace at a national, regional and local level.</p> <p>It is vital that this urgent and substantial need for logistics floorspace is addressed now.</p> <p>The Local Plan Review it is not expected to be adopted until the end of 2023 at the earliest (although it is reasonable to consider that this is optimistic). The urgent requirement for logistics floorspace must therefore be addressed through the development management process.</p> <p>The proposed development will contribute to a number of the strategic objectives set out within the Cherwell Local Plan and is consistent with national planning policy. The proposed development should therefore be approved without delay.</p>
	Submission details	The developer's application is mired in uncertainty. Some of this is external, such as the proposals for a nationally significant infrastructure project close by and future major highway reconfigurations, both of which are a work in progress from a planning perspective. The developer had added to the uncertainties by failing to provide the necessary information to enable the Planning Committee and consultees to properly evaluate the impacts of the development on the natural environment.	The proposed development is described and assessed within the submission documents. The applicant is continuing to liaise with OCC and National Highways regarding the nature and scope of the additional traffic modelling to be undertaken as well as with the Local Planning Authority regarding any other additional information requirements.
	Net Zero	It is difficult to see how this vehicle-led development can play a positive part in contributing to Cherwell's 2030 net zero gain target. The developer's plan for active travel, which still seem some way distant, seem likely to make only a marginal difference to reducing car journeys, given the enormous car park which will be on site and the influx of staff from out of the district.	<p>The Proposed Development will be of a high quality and sustainable construction. All buildings will meet at least BREEAM 'Very Good' standards.</p> <p>The offices and building cores will (operationally) be net zero carbon.</p> <p>The proposed level of car parking has not been determined and will be set out at reserved matters stage. The Applicant is committed to providing a significant quantum of electric vehicle charging spaces (both active and passive) as well as providing bus infrastructure and supporting the provision of a bus service to the sites as well as new cycle lanes linking the Sites to Bicester.</p>

ID	ISSUE	COMMENT	RESPONSE
	Enabling Works	<p>CPRE are puzzled as to why the enabling works have been submitted as part of a separate application. Why have these not been incorporated as part of the other applications since enabling works will not be needed if the other outline applications are rejected? There is no mandate anywhere in the local plan for 'bricking over' Baynards Green and CPRE believes that this green field site should not be sacrificed for a scale of build which is not meeting a pressing local need and will undermine Cherwell's stated aims of nature recovery and net zero carbon by 2030. CPRE also fear that if this development is accepted, others within the vicinity of Baynards Green will follow with an inevitable industrializing of the Baynards Green settlement.</p>	<p>As stated within the submission documents, a separate application has been submitted for the enabling works on the western site. This will allow works to commence immediately should planning permission be granted for the western site development.</p> <p>It is acknowledged that the enabling works application will only be approved if the outline planning application for the western site is approved.</p>