

David Lowin, Principal Planning Officer
Cherwell District Council
Bodicote House, Bodicote
Banbury
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21 November 2021

Dear Mr Lowin

Refs : 21/03267/OUT, 21/03268/OUT AND 21/03266/F building erected on land adjacent to the M40, Baynards Green, Ardley

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.

CPRE refutes the developer's claim, made in their planning statement at para 7.23, that the current plan is out of date.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.

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.

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 one potential occupier for part of the western development but the rest of the development remains speculative in nature.

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).

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.

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'.

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.

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.

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.

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 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.

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.

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.

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.

Whilst a bng has been provided for the Piddington site, there is 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?

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.

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 support these species.

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 in to 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.

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 the relevant policy in the Local Plan (SLE1), it does not meet the required criteria for approval.

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 has 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.

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 plans 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

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 industrialising of the Baynards Green settlement.

Nick Dolden



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CPRE, Cherwell District

Copies to: Sir David Gilmour, Chairman Cherwell District CPRE
Helen Marshall, CPRE Director