

**OXFORDSHIRE COUNTY COUNCIL’S RESPONSE TO CONSULTATION
ON THE FOLLOWING DEVELOPMENT PROPOSAL**

District: Cherwell

Application no: 21/03268/OUT

Proposal: Outline planning permission (all matters reserved except for access) for the erection of buildings comprising logistics (Use Class B8) and ancillary Office (Use Class E(g)(i)) floorspace; construction of new site access from the B4100; creation of internal roads and access routes; hard and soft landscaping including noise attenuation measures; and other associated infrastructure

Location: NW Of Baynards House, Ardley

Response date: 28 April 2022

This report sets out the officer views of Oxfordshire County Council (OCC) on the above proposal. These are set out by individual service area/technical discipline and include details of any planning conditions or Informatives that should be attached in the event that permission is granted and any obligations to be secured by way of a S106 agreement. Where considered appropriate, an overarching strategic commentary is also included. If the local County Council member has provided comments on the application these are provided as a separate attachment.

Assessment Criteria
Proposal overview and mix /population generation

OCC’s response is based on a development as set out in the table below. The development is taken from the application form.

Commercial – use class	m²
B8	170000
Other Ancillary Office (Use Class E(g)(i))	10000

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General Information and Advice

Recommendations for approval contrary to OCC objection:

If within this response an OCC officer has raised an objection but the Local Planning Authority are still minded to recommend approval, OCC would be grateful for notification (via planningconsultations@oxfordshire.gov.uk) as to why material consideration outweigh OCC's objections, and to be given an opportunity to make further representations.

Outline applications and contributions

The anticipated number and type of dwellings and/or the floor space may be set by the developer at the time of application which is used to assess necessary mitigation. If not stated in the application, a policy compliant mix will be used. The number and type of dwellings used when assessing S106 planning obligations is set out on the first page of this response.

In the case of outline applications, once the unit mix/floor space is confirmed by reserved matters approval/discharge of condition a matrix (if appropriate) will be applied to establish any increase in contributions payable. A further increase in contributions may result if there is a reserved matters approval changing the unit mix/floor space.

Where a S106/Planning Obligation is required:

- **Index Linked** – in order to maintain the real value of S106 contributions, contributions will be index linked. Base values and the index to be applied are set out in the Schedules to this response.
- **Administration and Monitoring Fee - TBC**
This is an estimate of the amount required to cover the monitoring and administration associated with the S106 agreement. The final amount will be based on the OCC's scale of fees and will be adjusted to take account of the number of obligations and the complexity of the S106 agreement.
- **OCC Legal Fees** The applicant will be required to pay OCC's legal fees in relation to legal agreements. Please note the fees apply whether a S106 agreement is completed or not.

Security of payment for deferred contributions - Applicants should be aware that an approved bond will be required to secure a payment where a S106 contribution is to be paid post implementation and

- the contribution amounts to 25% or more (including anticipated indexation) of the cost of the project it is towards and that project cost £7.5m or more
- the developer is direct delivering an item of infrastructure costing £7.5m or more
- where aggregate contributions towards bus services exceeds £1m (including anticipated indexation).

A bond will also be required where a developer is direct delivering an item of infrastructure.

The County Infrastructure Funding Team can provide the full policy and advice, on request.

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Strategic Comments

OCC has been consulted on three applications relating to proposed logistics development at Baynards Green: 21/03266/F, 21/03267/OUT and 21/03268/OUT. This response relates to further information submitted by the applicant and includes a Position Statement and the applicants responses to the consultee comments although it is noted there is no response to previous OCC comments.

We note that this is an unallocated site and will need to be in conformity with the policies in the adopted Cherwell Local Plan 2011-2031. In particular we note the proximity to the allocation at Heyford Park and the proposed Strategic Rail Freight Interchange and therefore cumulative impact will need to be carefully considered and mitigated.

The below should be read in conjunction with our previous comments which still apply unless stated otherwise. Comments have been provided previously relating to Transport, LLFA and Archaeology.

Officer's Name: Jacqui Cox

Officer's Title: Infrastructure Locality Lead - Cherwell and West

Date: 28 April 2022

Application no: 21/03268/OUT

Location: NW Of Baynards House, Ardley

Transport Schedule

Recommendation:

Objection for the following reasons:

- The submitted information does not change our previous objections.

Please refer to our previous Single Response, which still applies.

Comments:

OCC has been consulted on further information submitted by the applicant in relation to proposed logistics development at Baynards Green under three applications: 21/03267/OUT, 21/03268/OUT and 21/03266/F. This information consists of a letter entitled 'Position Statement' and response schedules to consultee comments, although I cannot see a response schedule to OCC comments.

Nevertheless, the responses to the parish councils reference the fact that the applicant is continuing to engage with National Highways and OCC regarding the impact of the proposed development on the local highway network, and is committed to undertaking additional modelling. I can confirm that this engagement is ongoing.

The further information also includes proposed cross sections which include alterations to the public highway. The Highway Authority reserves its position on these, pending agreement of the proposed highway arrangements, which are not approved (please see our previous consultation response).

With regard to the points raised in the 'Position Statement' letter, our response to the points relevant to the highway authority is as follows:

Approach to cumulative assessment:

We note and welcome the commitment to assess the traffic impact of the development in a cumulative scenario with the proposed development at Junction 9 (for which a planning application has now been submitted) and for further development at Baynards Green (for which a planning application is expected imminently). However, we consider that in order to properly consider the combined impact on the road network in the area, consideration of a scenario including the proposed Oxfordshire SRFI is also necessary.

The letter states that 'the SRFI remains at a very early stage of development (a Scoping Report Request has been submitted but a formal Development Consent Order application has not been made). In fact the proposals for the SRFI are further

advanced than this statement suggests. A Scoping Opinion was published by the Planning Inspectorate in July 2021, and a public consultation has been announced, which will run from 9 May to 4 July. The Statement of Community Consultation, containing basic information about the scheme and its associated road infrastructure proposals, has been published. From this SoCC, we understand that the following information will be included in the consultation: works plans, access and rights of way plans, highway plans (which we expect will include a preferred option for M40 J10), rail plans, draft Development Consent Order, Preliminary Environmental Information Report (including transport) amongst other documents and plans.

The letter suggests that there is currently no certainty of the OxSRFI going ahead. The DCO process is different from the usual system of obtaining planning consent, in that the development of detail is front loaded into a lengthy pre-application consultation stage. The Planning Inspectorate *Advice Note Seventeen – Cumulative effects assessment relevant to nationally significant infrastructure projects* provides in Table 2 criteria that may be used to indicate the certainty that can be applied to other NSIP proposals. The criteria are assigned in tiers which descend from Tier 1 (most certain) to Tier 3 (least certain) and reflect a diminishing degree of certainty. Projects where a scoping report has been submitted are in Tier 2, and are clearly afforded more certainty than projects in Tier 3, which includes projects on the Planning Inspectorate's programme where a scoping report has not been submitted.

I agree that the information available in the public domain on the OxSRFI proposals is limited, but I expect this situation to change significantly with the launch of the public consultation on 9 May and in the weeks following. Whilst it has not been possible to share all the technical work so far produced by the OxSRFI team, or to provide all the information that the applicant has requested, information on predicted trip generation has been shared and my understanding is that further information will be shared as soon as possible.

Regarding the traffic modelling, whilst it may be in accordance with WebTAG guidance to exclude the OxSRFI from the core scenario, it should be considered as an alternative scenario or at least a sensitivity test.

Transport

The letter refers to attempts to engage with the council and National Highways regarding the planned scheme of improvements at Baynards Green and Padbury roundabout, which is to be delivered by National Highways. Both parties have agreed to this meeting but there have been difficulties coordinating it due to the number of people involved. Preliminary designs have been shared and there is a commitment to provide additional information requested. However, the detailed design stage is not expected to be complete until August 2022.

Response to comments from Parish Councils

As mentioned above, the responses reference the further transport modelling work being carried out. We further note that West Northants Council highways have

contacted Cherwell District Council on 13 April requesting monitoring of traffic at Aynho, which lies on the B4100 between the site and Banbury, but is in Northamptonshire.

OCC support this request and recommend that the applicant makes direct contact with WNC highways officers to agree the detail. It should be noted, however, that no HGV traffic from the site is predicted to use the B4100 west of the site, and OCC would seek a routing agreement preventing it, which I understand the applicant has agreed to. Nevertheless, depending on the outcome of the modelling, there could be a significant increase in light vehicle traffic using this route as a result of the development – this remains to be seen. If there is, then it would also impact on the junction of the B4100 and A4260 at Adderbury, which may need consideration.

Officer's Name: Joy White

Officer's Title: Principal Transport Planner

Date: 22 April 2022

Application no: 21/03268/OUT

Location: NW Of Baynards House, Ardley

Lead Local Flood Authority

Recommendation:

Objection

Detailed comments:

Unable to find FRA/Drainage strategy in the submission.

Where car parking spaces and access roads are proposed, water quality standards must be met. Proposed development needs a water quality assessment in accordance with Section 4 and Section 26 of SuDS Manual.

Proposed development must meet local standards, L19, "At least one surface feature should be deployed within the drainage system for water quality purposes, or more features for runoff which may contain higher levels of pollutants in accordance with the CIRIA SuDS Manual C753. Only if surface features are demonstrated as not viable, then approved proprietary engineered pollution control features such as vortex separators, serviceable/ replaceable filter screens, or pollution interceptors may be used"

Furthermore, a detailed surface water management strategy must be submitted in accordance with the [Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire](#)

In line with this guidance, runoff must be managed at source (i.e. close to where it falls) with residual flows then conveyed downstream to further storage or treatment components, where required. The proposed drainage should mimic the existing drainage regime of the site as much as possible.

The applicant is required to provide a Surface Water Management Strategy in accordance with the following guidance:

The [Sustainable Drainage Systems \(SuDS\) Policy](#), which came into force on the 6th April 2015 requires the use of sustainable drainage systems to manage runoff on all applications relating to major development. As well as dealing with surface water runoff, they are required to provide water quality, biodiversity and amenity benefits in line with National Guidance. The [Sustainable Drainage Systems \(SuDS\) Policy](#) also

implemented changes to the [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2010](#) to make the Lead Local Flood Authority (LLFA) a statutory Consultee for Major Applications in relation to surface water drainage. This was implemented in place of the SuDS Approval Bodies (SAB's) proposed in Schedule 3 of the Flood and Water Management Act 2010.

All full and outline planning applications for Major Development must be submitted with a Surface Water Management Strategy. A site-specific Flood Risk Assessment (FRA) is also required for developments of 1 hectare or greater in Flood Zone 1; all developments in Flood Zones 2 and 3 or in an area within Flood Zone 1 notified as having critical drainage problems; and where development or a change of use to a more vulnerable class may be subject to other sources of flooding.

Further information on flood risk in Oxfordshire, which includes access to view the existing fluvial and surface water flood maps, can be found on the [Oxfordshire flood tool kit](#) website. The site also includes specific flood risk information for developers and Planners.

The [National Planning Policy Framework \(NPPF\)](#), which was updated in July 2021 provides specific principles on flood risk (Section 14, from page 45). [National Planning Practice Guidance](#) (NPPG) provides further advice to ensure new development will come forward in line with the NPPF.

Paragraph 159 states; “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”

As stated in Paragraph 160 and 161 of the NPPF, we will expect a sequential approach to be used in areas known to be at risk now or in the future from any form of flooding.

The [Non-statutory technical Standards for sustainable drainage systems](#) were produced to provide initial principles to ensure developments provide SuDS in line with the NPPF and NPPG. Oxfordshire County Council have published the “[Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire](#)” to assist developers in the design of all surface water drainage systems, and to support Local Planning Authorities in considering drainage proposals for new development in Oxfordshire. The guide sets out the standards that we apply in assessing all surface water drainage proposals to ensure they are in line with National legislation and guidance, as well as local requirements.

The SuDS philosophy and concepts within the Oxfordshire guidance are based upon and derived from the CIRIA [SuDS Manual \(C753\)](#), and we expect all development to come forward in line with these principles.

In line with the above guidance, surface water management must be considered from

the beginning of the development planning process and throughout – influencing site layout and design. The proposed drainage solution should not be limited by the proposed site layout and design.

Wherever possible, runoff must be managed at source (i.e. close to where it falls) with residual flows then conveyed downstream to further storage or treatment components, where required. The proposed drainage should mimic the existing drainage regime of the site. Therefore, we will expect existing drainage features on the site to be retained and they should be utilised and enhanced wherever possible.

Although we acknowledge it will be hard to determine all the detail of source control attenuation and conveyance features at an outline stage, we will expect the Surface Water Management Strategy to set parameters for each parcel/phase to ensure these are included when these parcels/phases come forward. Space must be made for shallow conveyance features throughout the site and by also retaining existing drainage features and flood flow routes, this will ensure that the existing drainage regime is maintained, and flood risk can be managed appropriately.

[Drainage Pro-Form](#)

Officer's Name: Kabier Salam

Officer's Title: LLFA Planning Engineer

Date: 13 April 2022

Application no: 21/03268/OUT

Location: NW Of Baynards House, Ardley

Archaeology

Recommendation:

We have previously given advice on this site and recommended a predetermination evaluation. A geophysical survey has taken place as part of this evaluation.

Officer's Name: Victora Green

Officer's Title: Planning Archaeologist

Date: 5th April 2022