

Dear Ms Taylor / Ms Ford

**RE: NW Bicester: Hawkwell Village: Outline application (with all matters reserved except for Access) for a mixed use development of up to 3,100 dwellings, local centre, employment areas, schools, green infrastructure and associated infrastructure (reference 21/04275/OUT)**

1. This document is prepared on behalf of Bucknell Parish Council in response to the further submissions dated the 24<sup>th</sup> March 2023 made by David Lock and Associates on the behalf of the developer Applicants (hereafter referred to as “The Applicants” or the “developer”) and the various new material recently produced in support of the application which has been submitted by the Applicants throughout February, March and April 2023, with the latest technical documents in support being served as late as the 18<sup>th</sup> and 19<sup>th</sup> April 2023.

**History of Application**

2. The Applicant’s first applied for outline planning permission in relation to the proposed development named “Hawkwell” on the last working day before Christmas 2021 (23<sup>rd</sup> December 2021). Notice was given of this application to a limited group of interested parties in a notice dated the 4<sup>th</sup> of January 2022, but which was in fact received on the 11<sup>th</sup> of January 2022 providing 14 days to respond.
3. Following representations, this response period was eventually extended until the 31<sup>st</sup> March 2022, the initial target date being June of 2022. The target decision date has since then been pushed back on a number of occasions as the Applicants have repeatedly failed to meet with, or address the concerns, of a number of statutory consultees, most notably National Highways, to whom they have still failed to provide the detailed plans that National Highways require in order to make a considered final representation on this application (See latest holding objection dated 5<sup>th</sup> April 2023 and 12<sup>th</sup> April 2023, referring back to a failure of the Applicants to consult or even open a dialogue with National Highways since the initial objections on the 25<sup>th</sup> January 2022).

4. As a result, National Highways have been forced to submit a number of rolling (56 days) requests for the Application not to be granted, whilst they await consultation with the Applicants or their representatives.
5. The result has been that the target date for any decision by the planning officers of Cherwell DC has been repeatedly delayed, with the present target decision date of the 5<sup>th</sup> May 2023.
6. Despite this, the Applicants have now belatedly and clearly deliberately, served a vast number of technical documents and further documentation in support of their application along with further substantive submissions which they now wish to rely upon in order to attempt to counter the large number of concerns and objections raised by respondents to the Planning Application and statutory consultees. This further material by the Applicants includes, to date, a further 14 detailed technical reports and notes served in the period of the 21<sup>st</sup> to 24<sup>th</sup> March 2023 and then a number of further technical documents or amended versions of technical plans up to the 19<sup>th</sup> April 2023 (at the time of writing). The documents and reports in support of the application were accompanied by further detailed representations made on the Applicants behalf by their Agents; David Lock and Associates.
7. This substantial further material produced in support of this Application, is not only vastly out of time, but is clearly aimed at stifling any proper consultation and oversight of this application being undertaken, coming in excess of a year after the period reserved for Responses to the Application were due to be served. No explanation has been forthcoming as to why such reports as are now relied upon were not served with the application or why it has taken over a year and 4 months to collect and serve them.
8. The further material is not simply “clarification” as the Applicants have sort to categorise it in their further submissions but are instead, substantive reports which materially affect the way in which this Application is now being put by the Applicants, which is significantly different (in relation at least to transport infrastructure) than is set out in their initial application. These reports and submissions should have been obtained and provided as part of the initial application, so that the various interested parties would have then had a proper opportunity to consider them and respond to them.

9. In a covering letter by David Lock Associates, on behalf of Hallam Land Management which accompanies these numerous further reports, further substantive submissions are made in support of this Application but instead the Applicants wrongly purport that such submissions and documents that they now produce “*do not constitute Further Information in regard to the EIA Regulations 2017 but seek to reach a resolution and provide clarification on a number of matters*”, before proceeding to provide further information and submissions in defiance of the Town and Country Planning Regulations.
10. Unfortunately, the production of a mass of further information and submissions which are made by these Applicants nearly a year and a half after the original planning application was submitted and over a year after the time for responses to that Application closed, sadly reflects the overall approach that these developers have deployed to the Planning Application process and the rules and regulations which are supposed to govern that process, throughout the application procedure, often simply ignoring legal requirements, due process and often avoiding any attempt at proper clarification of their plans.
11. As part of their approach the Applicants have largely adopted a two pronged approach to their representations to Cherwell District Council planning officers, which consists of firstly attempting to steam-roller through their application, supported with supposedly professionally produced reports which are superficial at best (when considering the limited or simply wrong data upon which they are based), or deliberately misleading at worst, but none of which can actually stand up to the slightest scrutiny and secondly, they have adopted a tactic of refusing to meet or properly address the concerns actually raised by any of the many Respondents to the Application or the statutory consultees concerned.
12. This document and the following representations contained within it are intended to be a response to the new information and submissions which are now raised by the Applicant, but in themselves do not constitute further information in opposition to this Application, but are purely aimed at clarifying some of the areas of objection in relation to the new material only.

## **Technical responses**

### Transportation & Highways

13. It is claimed by the Applicants in their covering letter “response” that:

*“Extensive discussions are ongoing and will continue both with CDC and OCC on Transport and Highways matters including the design, delivery, phasing and timing of the Strategic Link Road, since the public funding for the OCC approved scheme was redirected (Dec 2021). We are also working with OCC to secure an interim solution to enable the construction and occupation of homes within the Hallam application site on the basis of interim mitigation measures allowing the important early delivery of homes, prior to the implementation of the strategic link road”*

14. What the Applicants fail to address is that National Highways have stated repeatedly their concern that the

*“proposals; ... have the potential to impact on the safe and efficient operation of the SRN, in this case the M40, A34”.*

15. Indeed, the wider impact of this vast development on the surrounding Strategic Road Network and key infrastructure was raised as early as February 2022, and for a large part of the year that has followed, the Applicants have failed to engage with National Highways properly, or at all, and have never produced any form of report, let alone a detailed traffic flow analysis for the way the increased traffic from this development would severely impact the key surrounding roads, including the M40 (with all traffic from the estate funnelling either onto the already failing Junction 9 or through the villages to the clogged J10), the A43, and the A 34.

16. No account has been taken in any of the plans of the Applicant of the cumulative effect of a number of other planning applications in the area which have either been granted (Great Wolf for example) are applied for (Ardley Freight terminal and Middle Stoney by-pass) or those which were unforeseen at the time of the Local Plan, but which have since that time been completed (such as the largescale development of Graven Hill to the South East of Bicester and which also routes it’s traffic onto Jct 9 of the M40).

17. Indeed, National Highways indicate that they had previously provided:

*“detailed comments for this application and issued Holding Recommendation on the following dates: 7th February 2022, 4th April 2022, 27th May 2022, 20<sup>th</sup> July 2022, 12th September, 3rd November 2022 and 10 April 2023). Additional information, Technical Note TN12 was submitted on 1st February 2023, and we responded on 1 March 2023, however, it only addressed comments from Oxfordshire County Council rather than National Highways”*

18. Their objection still remains and no report or document has been produced by the Applicant’s to demonstrate the effect that this estate will have on the wider Strategic Road Network in the area, nor how such problems would be remotely mitigated by them.

19. In addition, despite the supposedly “*Extensive discussions*” the Applicants has had with Oxfordshire County Council “*to secure an interim solution*”, Oxfordshire County Council Highways have rejected the plans (in an objection dated 21/04/23). Their fundamental objections to the proposed ‘interim solution’, includes:

“

- *The proposed traffic capacity improvement scheme at the junction of Bucknell Road/Howes Lane/Lords Lane is **considered unsafe and unsuitable** for reasons set out below in Section 3 of this response.*
- *There remain other outstanding points of objection as set out in Section 1 of this response.*
- *The proposals for detailed junction modelling are not sufficient in some aspects, as set out in Section 2 of this response.”*

20. The applicants continue to fail to deal with the impact of such a substantial development as they propose. In relation to the original objections raised by OCC Highways and lodged nearly a year ago:

*“a) Transport impacts not modelled: Strategic modelling has been carried out using the Bicester Transport Model and initial results are contained in TN11 and TN12 – see comments in section 2. **Modelling of individual junctions has still to be done.***

*b) A4095 no longer funded so delivery cannot be assumed by 2026: **Applicant is now pursuing an interim mitigation scheme**, which is the subject of TN10. See comments in section 3.*

*c) Off site pedestrian network improvements to be set out and additional ped/cycle access points required, with filtered permeability prioritising walking and cycling: Discussions were held and improvements were offered and welcomed. It was stated that the Walking and Cycling Strategy figure 7.5 in the Design and Access Statement could be updated and produced as a separate plan for approval. This should be updated and provided for consideration. **More detail is required of the Bucknell Road link towards Bicester, and how it connects to the route to be upgraded alongside the railway. There was an outstanding point regarding access onto Bainton Road which should be addressed.**”*

[Indeed, it is to be noted that the proposed access of the development onto the Bicester Road towards Bucknell, is entirely at odds to that proposed by the Local Plan and which was aimed at attempting to minimise the amount of traffic which was dispersed through the surrounding villages. Indeed, the Proposed positioning of the local centre on these plans directly onto the Country Lane leading to Bucknell, was not in the Local Plan and would cause Bucknell village to be swamped by traffic cutting through]

*“d) Off site walking/cycling link to town centre via upgraded footpath alongside railway: This is a vital piece of infrastructure that the development needs to deliver. TN09 stated that Jubb had undertaken a site visit and two design options had been drawn up, and a costing exercise was being undertaken. We have not seen the outcomes of this – **this needs to be provided.***

*e) Travel Plan – **A strong travel plan will be required** to achieve the ‘vision’ low car*

trip generation, and will need to be secured via the S106 agreement. TN09 reports that an updated travel plan will be prepared. **This needs to be provided for review.**

f) Car Parking standards: TN09 states that the OCC standards for parking and cycle parking will be used. These have recently been updated and can be found at Parking standards for new developments (oxfordshire.gov.uk). Reserved matters applications will be expected to conform to the standards current at the time of submission.

g) Vehicle trip generation: This was the subject of TN02, TN04 and TN07. This culminated in an approach being agreed whereby the development impact would be modelled using standard residential trip rates as used in the Bicester Transport Model, and a 'vision' trip rate based on trip containment, travel plan, sustainable transport provision etc. The impact of the development has been modelled using both scenarios, reflecting the 'Decide and Provide' principle.

h) Main access junction designs: It was pointed out that these did not include segregated cycle facilities, and should have had straight over crossings and refuges designed for cyclists. **The applicant agreed to provide updated designs and these have not yet been submitted.**

i) Primary street (spine road) cross section: A proposed cross section was appended to TN03. **OCC compared this against the Oxfordshire Street Design Guide and provided comments on this on 12 August 2022 but we have not seen an amended version.** The comments were as follows:

- We recommend a 6.75m wide carriageway for bus routes and 5.5m for non-bus routes. □
- 2m footway width is fine
- 2m stepped cycleway widths are fine but they should be stepped bordering the highway
- There should be a 0.5m margin between the cycleway and parking

- *The cycleway needs to be on the footway side of parking bays to avoid conflict with vehicles*
- *Potential implications of having street lighting and trees in close proximity (roots networks and ducting, etc, as well as obstructing light)*

*j) Detail needed of accesses onto Bucknell and Bainton Road, since access is not a reserved matter: it is vital that the position of the accesses is established, to confirm that they can be provided safely, for which a scale drawing is required to demonstrate visibility splays and establish any land that may need to be dedicated. [See comment above]*

*k) Connection to Elmsbrook spine road. This was subject to negotiation with A2 Dominion and an update is required. OCC's position is that a bus, walking and cycling link is required here and the development would not be acceptable without it."*

21. There then follows a mass of junctions where the Applicants have failed to carry out any proper modelling, however using two examples from OCC Highways list set out within their objection:

“a) Ref 17 and 18: Further clarification is required on how these junctions have been coded in the 2031 scenario. The network in the area was proposed to change significantly in the area as a result of the A4095 realignment (as per the layout permitted under 14/01968/F), with Bucknell Rd north being closed to vehicular traffic north of the existing railway bridge, Lords Lane forming a priority junction with Bucknell Road close to the existing roundabout and at its northern end a signalised junction with the realigned A4095 close to its existing alignment, and a bus only link leading up from Bucknell Road to the main site access junction on the Strategic Link Road;....

**The table shows a clear impact here. The interim mitigation scheme referred to in the table is not accepted by OCC.**

It's understood that the applicant will shortly propose permanent changes to the network in this area, to prioritise sustainable transport, and **these arrangements will**



**require detailed modelling.** However, early delivery of the footway/cycleway alongside the railway will be important to limit vehicular impact.

Ref 19 – Howes Lane/Middleton Stoney Road/Vendee Road roundabout – there is a clear impact here, **with over 10% increase in flow on the Howes Lane N arm.** Detailed modelling should be carried out.”

[However, this also fails to take into account the 1500 houses worth of vehicular movements from the Himley Village development and the resultant further substantial increase on traffic which will be disgorged by the plans granted in relation to that, directly on to these roads and junctions. Indeed, the Applicants modelling fails to take into account either Himley Village or as the OCC Highways objections notes: *“It should be noted that the **modelling does not include the Firethorn development (currently at appeal) in the reference case, so does not factor in the additional impact of that development, if it is allowed.**”*].

22. In relation specifically to the devastating impact this plan would have on the traffic using the historic village of Bucknell, which has narrow Country lanes running through it, and significant blockages caused to it in peak times and weekends (and which has recently been granted by OCC Highways on-street parking bays blocking one of the two carriageways through the village), OCC Highways indicate:

*“Ref 21 – Middleton Road/Bainton Road priority junction (crossroads in Bucknell) – The modelling has been coded to reflect the **traffic calming along Bucknell Road and through Bucknell village proposed by the applicant instead of the ‘Bucknell Hook’, which was originally part of the permitted A4095 realignment scheme as a measure to deter traffic from routing through Bucknell.** The model predicts **significant increases in traffic,** and whilst it’s agreed that they are unlikely to lead to congestion at the junction, they **would have an undesirable environmental impact on Bucknell village.** The coding should be revisited to check that it accurately reflects likely traffic speeds and journey times, but if it does, **it shows that the scheme would provide insufficient deterrent and further/alternative measures are required.**”*

23. But the important aspect of this, is that the entire plan put forward by Hallam Land Management for this development is entirely predicated on their being a Strategic Link Road / Re-aligned) Howes Lane in place. The funding for this has (from before the time when the Applicants served their application) been removed and there is no guarantee if, or indeed when, it will or could ever be delivered, due to the vast cost of the project to the County Council. It is clear that such a strategic link road will not be delivered “in the foreseeable future”, if at all.
24. As a result of this, the Applicants have attempted to put forward what is described by them as an “*interim solution*”, albeit, they initially appear to have sought to argue that such a change could have catered for all the traffic created by the development of the entire site. However, this has once again been scaled back and is being sold by the Applicants as an “interim solution” in order to allow them to build a substantial proportion of the houses within their plan, whilst offering the carrot that such development would allow them to then contribute to the delivery of the Strategic Link Road.
25. Unfortunately, the “interim solution” which is the subject of many of the detailed reports now produced by the Applicants, effectively consists of marginally altering the approach to the junction and replacing the current roundabout with a 4 way traffic lights system. This ‘interim solution’ is apparently being pursued in order to attempt to get planning permission granted for a site which will, on any account, not be served for the foreseeable future, by the necessary infrastructure which the entire original plan was predicated on (namely the presence of the Strategic Link Road to handle the traffic from the site), but with the agenda of allowing the Applicants to develop farm land and build housing for them to profit from, without then providing any of the other amenities, parklands, transport, etc which the overall plan relies upon.
26. The interim solution for this junction, (pictured below), would do nothing to overcome the actual problems with this junction, involving the ring road having to go under a narrow bridge before meeting an extremely tight right hand turn back on itself on the far side of the bridge:

**View from the Bucknell Road side, heading towards Bicester (the ring road is to the left on the below image):**



**View from the Bicester side of the bridge Junction towards Bucknell and the ring road is to the right on the below image, which also shows the difficulty with lorries getting through:**



27. But the Interim Solution is frankly unworkable and provides no mitigation to the problems caused by the amount of traffic disgorged onto the roads around North West Bicester by these proposals. Indeed, even OCC Highways objects to these measures in

fairly damning terms, especially around whether the scheme could even work, setting out the objections as follows:

*“OCC Highways has responded informally to the applicant through emails and in meetings, to previous iterations of this technical note. **We have indicated that we do not support this scheme** for the following reasons.*

*a) Cost: It is proposed that the scheme would allow the site to develop up to a threshold (1250 dwellings although in TN11 it is stated that it would provide **sufficient capacity for the whole development, which is not demonstrated**) It is purported that this would finance the construction of part of the realignment of the A4095. **We are concerned that this interim scheme would cost several million pounds and as an interim scheme, would also be costly to remove. This puts the ability to finance the A4095 realignment into question and could detract from the ability to deliver sustainable transport improvements.***

*b) **The deliverability of the scheme is questionable, given the very tight geometry. It relies on very precise manoeuvres by HGV drivers. Even if deliverable, it’s unlikely to deliver the predicted capacity improvements due to the constraints.** The scheme is likely to be in place for many years and could jeopardize the delivery of the cycle and pedestrian infrastructure improvements required to deliver the Bicester LCWIP.*

*c) We have had **safety concerns**, which later iterations have sought to address, but the scheme in its current form is not acceptable and **a Road Safety Audit has not yet been carried out.**”*

28. Indeed, as with nearly every proposal and aspect of this developer’s plans, the developers will make statements that a certain action will achieve a certain outcome, without carrying out a proper modelling or any proper financial check at all. As is stated in a fairly damning indictment of what the developers have done in relation to every aspect of this Application, OCC Highways point out:

*“The interim scheme proposes to replace the existing priority T junction of Howes Lane/Bucknell Road and the priority roundabout junction of Bucknell Rd/Lords Lane, which together form the critical constraint on the local network, with two linked signalised junctions. This would entail significant changes to kerblines and realignment of the southwestern end of Lords Lane. **It has not yet been costed by the applicant so while it is proposed as a way of bringing forward housing in order to finance the delivery of the A4095 realignment, this cannot be demonstrated financially. The cost of the scheme would detract from the overall viability of NW Bicester.**”*

29. But also of some considerable concern to all the residents who either live near to this junction or have to use it, and who have, in turn had no opportunity to respond to these “interim” proposals, given that they are only late in the day, being introduced by the Applicants as part of their application, OCC Highways concludes, in relation to the actual physical consequences of this proposed “interim solution”:

*“The geometry required to accommodate the swept path of large vehicles, taking into account traffic signal stop lines and sight lines means that the hard surfaced area of the Bucknell Road/Howes Lane junction would increase, **taking the kerb line and footway closer to adjacent properties. Further, the interim scheme would inevitably cause environmental damage and significant disruption, which may not be justified.**”*

30. But it was obvious when these plans were submitted that the infrastructure in North West Bicester simply couldn't cope with the present anticipated increase in traffic, let alone the massive vehicular increase by grafting 3,100 further households onto Bicester and allowing them to feed into existing Country lanes and the already strained Bicester ring road, as stated by OCC Highways in their objection:

*“TN10 shows that the existing arrangements are far from ideal, **and that congestion at the junction will become severe by 2026, even without the development.**” And summarising the proposed interim measures: “However, we are not convinced that the benefits of the scheme would outweigh its disadvantages. **Alternative interim mitigation schemes at this junction have been considered over several years, and none have been found suitable due to the particular constraints at the junction, notably the skew railway bridge and its abutments.**”*

31. Indeed, OCC Highways, who appear to understand the difficulties of the present junction under the bridge, and its limitations, better than the developers have demonstrated, indicate that the Applicants interim plans would potentially lead to a considerably slower manoeuvring of vehicles than the Applicants capacity modelling has catered for and worryingly that ***“less skilled (articulated lorry) drivers may even get stuck”***. Thereby blocking the entire junction and in turn leading to the gridlock of the ring road and access to and from Bucknell.
32. Additionally, the Applicants have still failed to provide any form of proper updated and detailed Traffic Assessment, despite the application being due for consideration and despite having had over a year and half. As OCC Highways indicates:

*“Ultimately, for completeness, I would expect the applicant to produce **an amended TA or TA Addendum, with reference to the technical notes as appendices**”.*

Further Submissions in relation to the traffic documentation provided by the Applicant

A. Assessment of the updated Trip Generation assessment

33. TN02 is an updated Trip Generation assessment, produced by Jubb in August 2022. It attempts to show that, despite this application increasing the number of homes from the 2,600 (allowed in the Local Plan) to the 3,100 (under this application), the true number of vehicle trips, they argue, in quite an extraordinary submission, will be *“slightly lower”* – and the report by Jubb uses the BTM transport assessment tables (from 2014) for comparison.
34. In Table 4.2, it sets out the generated trip data created using the TRICS database. These figures are **Significantly** higher than those originally presented in the equivalent tables in 2014. (For example, for the 8-9AM Peak hour, the Total Vehicle Trips (In + Out) is 3,128 – which is a 240% increase over the benchmark figure they present in the second table named Table 4.12, in point 2.1.48 at the bottom of page 8.)
35. Jubb then present a series of arguments, some of which weren’t considered in the 2014 assessment, as to why the planning officers should effectively ignore the figures from

the 2014 assessment and instead the trip generation figures that are produced in that report, dealing with traffic a decade ago, should now be significantly reduced.

These include the suggestions that there will be:

- 34% reduction of trips for commuting, due to internal containment;
- 90% reduction of trips for education;
- 25% reduction of trips for personal business;
- 5% reduction of trips for shopping;
- 10% reduction of trips for home working and innovations related to working remotely;
- 15% reduction of trips for behaviour change, i.e. encouraging people not to use cars;
- They also include a 15% increase for convenience store use, from those “passing by”.

36. By doing so, the Jubb report “magically” reaches a total number of trips at peak hours which is just 10 trips **less** than the 2014 TA result (Or 0.51%, in relative terms.) Or put in another way, they are suggesting that despite the massive increase in housing already in North-West Bicester since 2014, despite the vast increase in through traffic caused by a rejuvenated Bicester Heritage, traffic coming through North-West Bicester from a blocked junction 10 during peak times and the addition of 3,100 houses under this scheme, the traffic at peak times will, they submit, be less than it was a decade ago. Quite frankly, those submissions are simply not borne out by any form of reality and rather than use outdated figures and then apply entirely unfounded reductions, based on wide ranging assumptions which have no logical basis, the proper direction should have been for the Applicants to undertake an area wide traffic count, under different conditions and at different times of year and undertaken a proper assessment of car usage from the nearest estate in kind to their proposed development; namely Elmsbrook.

37. However, even on a basic level, there are several reasons why the assumptions behind the reduction figures used by the Applicants in their calculations cannot be relied upon or trusted:

38. Firstly, the way that Jubb have applied the reductions is incorrect in some cases. For example, for the Primary School – stated as based on a capacity of 420 pupils. For the 8-9am Peak hour, this is stated as having vehicle trips generated of 135 In, 105 Out, with a total of some 240 vehicular movements. They then state that since 90% of trips will be internal, they can reduce these figures by 122, 95 and 216 respectively, i.e. by 90%.

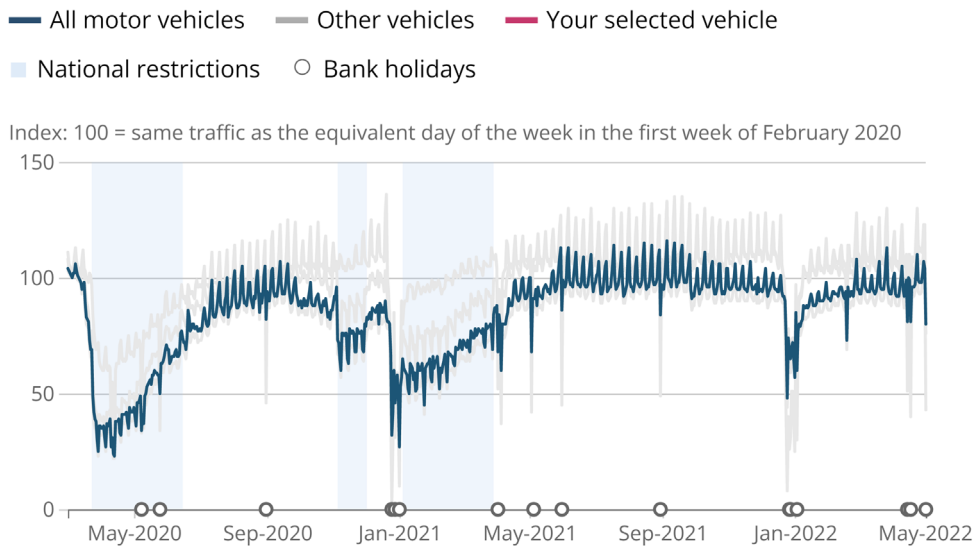
a) The NW Bicester Exemplar and school Travel Plans set 30% and 25% respectively as the Target for Vehicle trips. The Applicants existing Hawkwell Village TA is entirely silent on their targets; however, by reducing their total trips by 216, to 24 in total, they are effectively modelling for less than 3% Vehicle Trips as a Target.

b) This is a completely unrealistic target, which no school could hope to meet, even in an ecotown. The error is in applying the 90% reduction on a figure originally calculated based on ~30%: the 30% are going to be those travelling from greater distances – teachers and non-local pupils, or parents from the far edge of the Hawkwell Village housing with smaller children who can't walk that far, or parents who drop their children on the way out to work. It is illogical and wrong to then apply a 90% reduction on top.

39. Secondly, in the Innovation and Home working section, Jubb quote references (2.1.31/2.1.32/2.1.35) from sources in 2020, i.e. during the early part of Covid and during the nationwide lockdown, as evidence for why it is justifiable for them to reduce employment and residential trips (the latter making up the vast majority of trips) by 10%.

40. However, this completely ignores much more recent data and evidence of vehicular usage, for example from the Office of National Statistics (ONS), showing that Vehicle Trips due to Covid reduced initially, each time there was a lockdown, but recovered to pre-Covid levels quickly (despite the Applicants assumptions) and this occurred despite a number of people continuing to work partly or mostly from home:





**Source: Department for Transport road traffic statistics: management information**  
<https://www.ons.gov.uk/economy/economicoutputandproductivity/output/bulletins/economicactivityandsocialchangeintheukrealtimeindicators/5may2022#transport>

[N.B the falls in traffic on the above statistics mirror perfectly the periods of national lockdown, before recovering entirely following the end of lockdown, to traffic levels at pre-covid levels and now increasing again, this should also be borne in mind when considering the Applicants environmental noise assessment (See below) which was also undertaken during the above period of lockdown, when traffic and train usage was minimal].

a) The return to work, is perhaps because so few businesses can be run with many staff working frequently from home; but also, because many secondary effects of commute trips include e.g. stopping off for groceries, petrol, visits, school run etc – which would not be recorded in travel survey statistics (which only collect the primary reason for each trip in/out), but which do show up on more accurate vehicular movement studies. For those now working from home, these trips would now need separate trips to conduct these secondary activities, which seems to be entirely ignored in the submissions by this Applicant.

41. In any event, it is submitted that for the serious consequences which are involved in a planning application of the present size, the planning officer should be considering primarily the actual official ONS data, rather than basing conclusions, as the Applicants

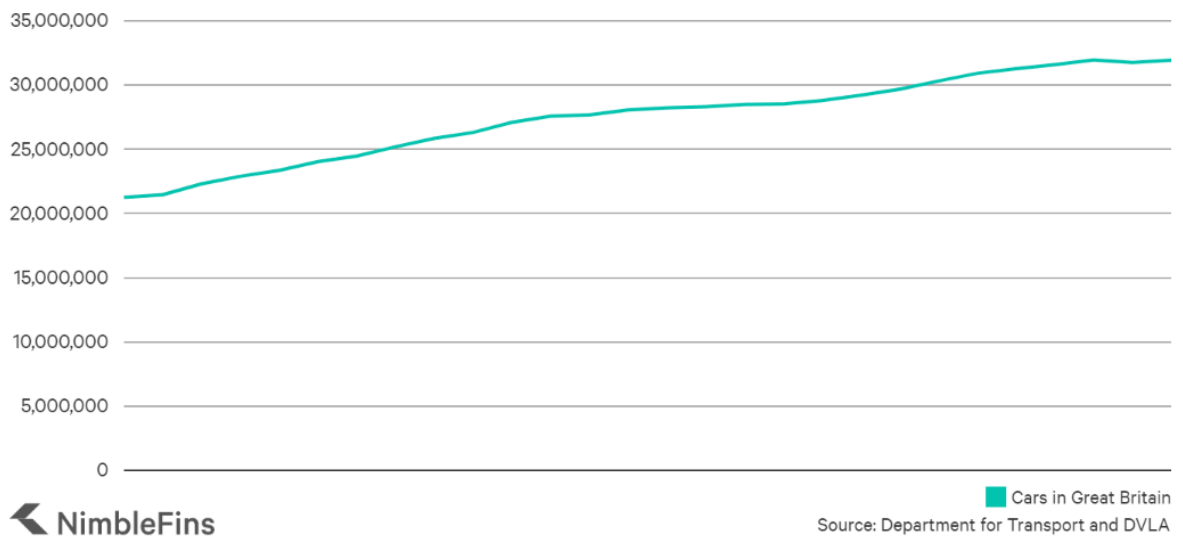
do, on a “how would you act in future” surveys from 2020, which were obtained at a unique time during this Countries history, when those surveyed were locked down and forced to temporarily re-assess life during the Covid pandemic and/or applying unsustainable assumptions to try and demonstrate a reduction in vehicular travel which is simply not reflected on the roads.

42. But equally, rather than basing assumed vehicular usage on unqualified assumptions, one only needs to look at the factual data and in particular the precise figures for registered vehicles in the UK, which is the best indicator as to how vehicular traffic is increasing, not decreasing as argued by the Applicant (Source Nimblefins / DVLA):

<b>Number of Cars by Year</b>	<b>Great Britain</b>	<b>United Kingdom</b>
2021	31,878,624	32,889,462
2020	31,695,988	32,697,408
2019	31,888,448	32,884,320
2018	31,517,597	32,493,258
2017	31,200,182	32,159,943
2016	30,850,440	31,792,259
2015	30,250,294	31,170,701
2014	29,611,489	30,513,268

### Number of Cars Licensed in Great Britain, 1994 - 2021

*In 2021 there were 31,878,624 cars licensed in GB, up 5.8% from 2020 and up 12% in the ten years from 2011.*



43. At the end of 2021 there were 31,878,624 cars licensed in Great Britain. Over the past 25 years, the number of cars in GB has risen **39.6%**. If growth continues at the same pace, which the indication is that it will, there will be 45 million cars on British roads by 2045.
44. In 2020 the period of lockdown, relied upon by the Applicants as the foundation for their assumptions, the number of cars dropped in the only time in recent history, but even then only by 0.6%, not the 30-40% that is extrapolated in the Applicants assumptions. Although this is clearly related to the pandemic, considering 25 years worth of data, 2020 was the first and only year that the number of registered cars decreased and by the end of lock down in 2021 the number of cars started to climb once again and with the increased number of vehicles comes an increase in vehicular movements; not a decrease.
45. The figures show, that far from decreasing since 2014, the number of vehicles in the UK and therefore the number of vehicular journeys has increased from 29,611,469 (29 m) in 2014 to 31,878,624 (31m) in 2021 an **increase of 7.6%** in only 7 years and meaning that by 2028 the number of vehicles in the UK will have increased to 34.3million.

46. Once the formal data is considered rather, than merely an out-of-date limited survey of people attempting to predict their own future behaviour and applying illogical assumptions to artificially reduce the suggested future use of vehicles, it is impossible to justify any reduction in vehicular trip levels as Jubb argue for, indeed the true figure to be applied should be a very substantial increase in vehicular trips in the next 7 years to 2030.
47. Thirdly, even taking some of the other figures the Applicants promote, it can be seen that the data and as such the conclusions on which their entire Travel Assessment is based, is entirely flawed. For example, the behaviour change of 15%, which Jubb argued for, is based on a 2008 DfT document (now 15 yrs out of date) stating that “Good travel plans” might achieve such a result (i.e. in the best case – which could have been in a small village, or a city...it’s not necessarily appropriate to use this figure for Bicester) and has no bearing on what the actual situation is now, 15 years on.
48. A realistic comparison would provide much better evidence as to what is practically achievable in Bicester itself: and the nearest equivalent estate for comparison is Elmsbrook, the NW Bicester Ecotown Exemplar site – for which a significant amount of money and work was put in to encourage cycling, walking, bus use etc, with regular events, multiple Bicester Bike Users Group members living in Elmsbrook, and many first generation residents there buying houses on the estate precisely because they were attracted by the “eco” travel aspects, i.e. they paid more for homes there because of it. During the application process for that it was also argued that the vehicular use emanating from the estate would be vastly reduced by 40% + due to measures undertaken to ensure “internal containment” (i.e discouraging vehicle use, by not providing large amounts of parking / garages etc, ensuring work, education and amenities were all on site and providing highly efficient and cheap public transport to remove the attraction of car ownership and travel).
49. For example, the BioRegional monitoring survey of Elmsbrook, published in 2019 (and not referenced by Jubb in their submissions), found 32% estimated electric vehicle ownership, compared to the UK national average of 1.8%. Therefore, Elmsbrook provides the most accurate behaviour change reference to what is being proposed at

Hawkwell and which is also supposed to be part of the “eco-town” concept of the Local Plan for North-West Bicester.

50. Furthermore, the data to compare in relation to Elmsbrook actually exists (albeit ignored by the Applicant in their reports) and doesn't require reliance on outdated data and assumptions: the assessments of Transport Modes for Elmsbrook and the true traffic levels at peak times vs BTM simulated predicted levels, can be used for this comparison, as they are part of regular monitoring, conducted by Mode Transport, as per planning conditions for Elmsbrook.
51. Figure 5.2 of the Mode Transport report (published March 2022) shows the most recent assessment results for this: for example, vehicle trips make up **79%** of 8-9am Peak hour travel, along with 8.2% pedestrians, 6.2% cycling, and **only 3.7%** for public transport / bus.
52. The initial target by the developers for Elmsbrook was for vehicular trips to make up only **50%** (therefore it is already 29% over the intended target), and the 2026 target (also the long-term target), once the estate had ‘bedded down’ and peoples habits and attachments to cars had been broken was for that figure to have reduced be only **40%** and as such several years on from it being built, the amount of vehicular trips on this specially designed eco exemplar is **39% higher** than the developers had calculated and 39% higher than it was intended to be as a long term goal.
53. Indeed, even the average Bicester vehicular trip (from the BTM) level is only **63%** and therefore itself **16%** better than the level of vehicular use on the Elmsbrook eco-estate which was supposed to have been developed specifically to encourage public transport and non-vehicular use, to discourage car use and which was developed to considerably tighter restrictions and higher standards than Hallam are proposing for Hawkwell.
54. But once again, these figures cannot be a surprise to the developers, nor can the fact that the figures are entirely contrary to the assumptions that they urge upon the planning officers, as the figures are entirely in line with what is to be expected, because, as with the proposed Hawkwell development, Elmsbrook is aimed at attracting affluent young / to middle aged families, who by their nature will have and use vehicles

more than other demographics for estates in Bicester Town itself (such as the elderly or those who are financially struggling and who cannot afford vehicles or even multiple vehicular ownership per household. Whereas, the target demographic for Elmsbrook and in turn Hawkwell (and those who could afford the prices of the houses on these estates) will be those with multiple cars per family, including car ownership for the teenage to adult children who live with them in the same household.

55. Further, by the proposed design of the estate (and as set out in the Objections by the bus operator; Stagecoach), the public transport provision for Hawkwell will simply not be sustainable in the medium to long term, nor will it be attractive to residents in the medium to long term (as Elmsbrooks public transport offering has demonstrated), given that the proposed development is not on any natural bus route, the buses will be too infrequent and take too long to travel to relevant places. As such, residents will inevitably be forced to take considerably more vehicular journeys than the Jupp assumptions predicts.
56. Furthermore, traffic monitoring data from Mode Transport, and travel surveys undertaken in 2019, 2021 and 2023 by local residents, all confirm that the true traffic levels at the morning peak especially, are significantly higher than the BTM prediction—by well over a factor of 2 (increasing as the school grows to capacity). Which of course the Applicants would have established if they had actually carried out appropriate road traffic monitoring in the area and on effected roads.
57. While part of this can be excused by the lack of any local amenities on the ecotown having yet been built (the Elmsbrook local centre still hasn't been built) and therefore the need for residents to travel for amenities, this would only account for ~10% of trips at most (and likely much less, because most people don't do their shopping at 8-9am).
58. The conclusion from this evidence can only be: that an assumed Behaviour Change of 15%, as argued for by Jupp on behalf of the Applicants, simply cannot be justified on any sensible basis and should be removed; in the worst case, one might argue that it should be replaced by a considerable increase in predicted vehicular traffic, rather than the reduction presently deployed by the Applicants, due to the chronic underestimations

in the BTM – though a more rigorous study is required to understand why these exist and predict what the true long-term levels will be.

59. Based on the above points alone, instead of getting slightly less vehicles compared to the 2014 data as the Applicants argue for, the figures from the data for Elmsbrook would suggest that there will be an increase in vehicular use of some 69% for the 8-9am Peak hour traffic, and a 51% increase overall. Even on the basis of leaving in a 70% proportion of the erroneous 90% school reductions x2 (or two sets of trips per day), there would still be a 20% increase over the 2014 data for the 8-9am Peak hour, and a 27% increase overall.
60. In the latter more generous scenario, it implies that 3,100 homes is far too many households for the site based on the 2014 comparison figures, and the simple 4 way junction model proposed for Hawkwell Village. In fact, the figures suggest that an application for less than 2,500 homes would be required in order to meet the criteria used in the assessment by Jupp, i.e. of meeting the 2014 TA traffic levels (Note: that this conclusion is based only on the above reductions in the assumptions and even though the assumed figures still include several of the reductions proposed by Jupp, despite those assumptions neither being sustainable nor based on any firm data, meaning that the actual levels of traffic created by this development and the reductions in housing required to meet the supposed target of 2014 traffic levels, will consequentially be significantly more).

B. Assessment of Other Important Factors

61. There are other points, outside the scope of TN02 but also not covered in later TNs, which, when added to the above conclusions, give further significant weight to concerns that the true traffic/congestion levels are simply not being assessed by the Applicants in either a reliable, or accurate manner, and thus the results simply cannot be trusted as a means of demonstrating “non-severe” traffic impacts, as required by NPPF Paragraph 111.
62. Firstly, there are still no diagrams or data demonstrating that the proposed 3 or 4 separate entrances/exits into the proposed Hawkwell development have actually been

modelled separately (and what that modelling showed), i.e. to date, the Applicants traffic models appear to assume that traffic will simply “appear” on the A4095 between the Bucknell Road and B4100 junctions.

63. This approach ignores the interactions between adjacent junctions and the entrance/exits into the proposed Hawkwell development, which can be especially significant during peak hours, i.e. where the queue from one junction, traffic light, or pedestrian crossing interacts with the queue from another. Therefore, without proper modelling and predicting the extent of these ‘interaction effects’ on each other, the question posed by NPPF Para. 111 cannot be robustly answered, either properly or at all.
64. Secondly, in TN10 v9, it is concluded that the proposed redesign of the A4095 – Bucknell Road junction would enable 1,250 homes of Hawkwell Village to be constructed and occupied prior to the completion of the Strategic Link Road (SRL). However, there are issues which are simply not covered by Jubb in their submissions:
65. This mitigation does not consider the combined impact of its 1,250 homes plus the 530 homes in the Firethorn Application (nor the 1500 homes on the agreed Himley village site), despite Jupp using the removal of OCC Highways objection re the Firethorn Application to suggest the setting of some sort of precedent. As OCC have indicated, that stance does not create a precedent, but more importantly it is inconceivable that an Applicants modelling fails to take into account 2030 further residences on adjacent sites, but which will traverse exactly the same roads and junctions as the present proposed developments traffic will have to use.
66. Without modelling including the Firethorn application, the Himley village development and the proposed 1250 interim homes the applicant is proposing on the Hawkwell application, the modelling becomes hopelessly inadequate and unreliable, but additionally, fails to take any account or consider the impacts of (i) construction traffic for the proposed mitigation (ii) construction traffic for the 1,250 homes; nor (iii) construction traffic for the strategic link road, nor (iv) construction traffic for other adjacent sites.



## **Environmental**

67. In response to a number of concerns raised by different consultees, the Applicants have submitted a number of further documents, including Brookbanks Technical Note 3 (dated June 2022) a Biodiversity Impact Assessment on 12th August 2022, Brookbanks Technical Note 4 Rev 1 (dated 15th August 2022) submitted on 26th August 2022.
68. However, once again the Applicants have failed to address other than in a perfunctory way a number of the Environmental impacts of their proposed development raised by numerous Respondents to their planning application. The Applicants accept in their covering letter that “flood modelling work”, which should have been part of the original application, to allow other parties an opportunity to critically analyse the data relied upon and respond, is in April 2023 1 year and 5 months on from when the Planning application was made and a year on from when it should have been decided is still: “ongoing”.
69. However, even a cursory analysis of responses indicates matters which have simply not been addressed and remain outstanding. From the BioRegional’s May 2022 report:
- i) *“Key items we believe to be outstanding include: Water Cycle Study; demonstration of net biodiversity gain; demonstration of residential water efficiency proposals; proposed overheating analysis details; waste management strategy; and sustainability credentials including BREEAM for non-residential spaces and standards equivalent to Code for Sustainable Homes Level 5.”*
70. In the BioRegional report, there were a large number of significant “red” and “amber” items in their document, relating to the above matters and more, which have simply not been addressed by the Applicants to date and have largely been ignored.
71. In relation to the Environment Agency, maintaining its Objection in January 2023:
- “We have reviewed the submitted Technical Note : Response to EA Drainage Comments: 20th April 2022, dated 15th August 2022 and prepared by Brookbanks. **The detail is not sufficient to address our flood risk concerns** and **we therefore maintain our objection** as set out in our previous response dated 20 April 2022.”*

72. However, as is set out in the work of Prof J van Thor (Professor of Molecular Biophysics) the Planning Application 21/04275/OUT as well as the Agent covering letter response (24/03/23) are “*completely deficient in addressing environmental pollution*”.
73. The Agents submissions and the further documents and reports served in support of this application fail to address key objections by Bioregional in their Consultation Response 11/05/2022. Bioregional identified the following issues, none of which have been addressed:
- a) “*It is not clear in the supporting Energy Strategy (Appendix 13.1) how the zero-carbon definition proposed for this application meets the requirements of Policy BIC 1.’ And ‘For example, have the unregulated emissions been included?’ and “Energy Statement does not go into the detail of the of how this would be achieved. Whilst we acknowledge that this is due to the outline nature of the application, we do not believe that sufficient information has been provided for this issue. The response from Claire Britton does not include any details on unregulated emissions”*
- b) “*A Carbon Management Plan is not included in the planning application. No economic strategy could be located with the application. The response from Claire Britton does not include any details to these missing items”.*
- c) “*No detail of BREEAM standard can be found in supporting documents.’ The response from Claire Britton includes a statement that ‘commercial buildings will be constructed to BREEAM standard’, but there is no statement regarding the BREEAM standard for the planned residential dwellings”.*
- d) “*The Planning Statement does not confirm that the 30% target will be met as a minimum, as it states that “up to 30%” will be provided.’ The response from Claire Britton does not include any details on this issue. The planning application is deficient in stating: ‘that “up to 30% affordable housing” is proposed”.*

e) *“No mention of water consumption targets in the Energy Statement or the Water Resources section of the ES. The response from Claire Britton does not include any details on this issue”.*

f) *“No Water Cycle Study has been provided.’ The response from Claire Britton does not include any details on this issue”.*

g) *“An operational waste strategy with targets and confirmation of waste storage locations has not been provided’ The response from Claire Britton does not include any details on this issue”.*

h) *“Insufficient information has been provided to confirm that measures are in place to mitigate overheating risk.’ The response from Claire Britton does not include any details on this issue”.*

i) *“Again, as per previous sections, we have seen no sign of DEFRA metric on achieving net gain on site.’ And ‘there is no support Biodiversity Strategy that brings together how these mitigation strategies will be incorporated and designed. The response from Claire Britton does not include any details on this issue”.*

74. The Agents submissions and the further documents and reports served in support of this application fail to address key objections by Consultation Response 03/02/2022 Healthy Place Shaping OCC, which deployed the OXFORDSHIRE HEALTH IMPACT ASSESSMENT TOOLKIT : Rapid HIA Review Checklist of Hawkwell Village, NW Bicester (Hallam Land) and highlighted the following failings of the application:

1. “HIA focuses on : Community inclusion, Healthy neighbourhoods, Active lifestyles, Protecting the environment, Safety and wellbeing, New and converted housing provision HIA concluded the following:

*“4.1.1 There should be a narrative which interprets the data collected in the context of the HIA:*

**Grading Inadequate”**

2. “4.1.2 The HIA uses robust data sources which could include other key environmental or technical specialists involved in the proposed development  
**Grading Inadequate”**
3. “Health effects  
4.4.1 Some information provided but **it needs to address the specific health and wellbeing issues identified – mitigations are very generic  
Grading Inadequate”**
4. “4.4.2. Mitigations presented re : construction impact on AQ, noise and vibration, water Ch6/7/11 **need clearer mitigation of the impact of take aways – such as proximity to schools/opening hours”**
75. The conclusions of the HIA reviewer were: “*This Health Impact Assessment is both high level and generic. It has not identified the local health priorities that may be impacted by this development nor provided adequate evidence that positive impacts will be delivered and negative ones mitigated. Overall, it is an inadequate assessment and needs significant revision.”*
76. The response from Claire Britton does not include any details on any of the objections raised by HIA, nor does any subsequent documents in support. The important Health Impact Assessment therefore remains hopelessly “inadequate” and is unfit for purpose.
77. Further, the Consultation response “The Healthy Place Shaping OCC” (03/02/2022) is deficient by failing to mention environmental pollution. The Health Impact Assessment purportedly focuses on : ‘Community inclusion, Healthy neighbourhoods, Active lifestyles, Protecting the environment, Safety and wellbeing, New and converted housing provision’. However, in the HIA response to the consultation itself, there is no specific mention at all of the effects of environmental pollution on ‘safety and wellbeing’. Since local environmental pollution affects health and health equality significantly, the consultation response from HIA is highly deficient.

78. The Consultation Response by Bioregional in their document (11/05/2022) is itself deficient by failing to mention environmental pollution. Source:

<https://www.bioregional.com/bioregional-oxfordshire>:

“Bioregional Oxfordshire works with local partners to create a better, more sustainable way to live in Oxfordshire Using Bioregional's unique sustainability framework One Planet Living, Bioregional Oxfordshire is: Creating healthy, happy, zero carbon communities”.

79. While Bioregional claims to champion ‘healthy’ communities, the consultation response fails to fully address the impact of environmental pollution. In their response, there is no specific mention at all of the effects of environmental pollution on ‘healthy communities’. Since local environmental pollution affects health and health equality significantly, the consultation response from Bioregional is itself highly deficient.
80. The Environmental Health Officer’s ‘evaluation’ is highly inadequate (email sent by Mr Neil Whitton 20 January 2022).
81. In the email, Neil Whitton writes: “Air Quality: Having read the Air Quality Chapter of the ES I am satisfied with its findings.” This statement is itself highly deficient, as outlined in the work of Prof J van Thor.
82. It has been estimated the burden of PM air pollution in the UK in 2008 to be equivalent to 29,000 deaths each year, in addition to numerous health effects.
83. Air pollution from multiple sources both during and after construction of Hawkwell would be an unacceptable since it adds to existing high air pollution levels in Bucknell, historically caused by the proximity to the M40, the Ardley incinerator, the traffic using Bucknell as a cut through or ‘rat run’.
84. *“Increased, additive air pollution violates the principles of health equality that local government claims to aspire to. Existing air pollution is from the Ardley incinerator, which emits a range of toxins and carcinogens that have significant health effects, cancer and mortality as proven in the scientific literature.”*

85. The proposed Hawkwell site is itself *“also in the primary fallout area, and the proposal is to settle thousands of people in a polluted environment with known increased risks for health effects, cancer and mortality”*.
86. “One of these pollutants from the incinerator is PM2.5. In 2010 the government accepted the conclusions and recommendations from the Committee on the Medical Effects of Air Pollution, Dept of Health (COMEAP) that “there exist no absolute safe levels of PM2.5”. The UK has adopted a target to reduce PM2.5, not increase it”. PM2.5 emissions during and after construction of Hawkwell are contrary to the government’s accepted policy and target levels.
87. The outline proposal Air Quality Chapter for Hawkwell fails to consider at all the existing levels and sources of air pollution, let alone properly model the effect of a further 3,100 residence (or approx. 7440 people), 6,200 vehicles in the area and a massive increase in vehicular journeys throughout the area abutting the proposed development and in particular through Bucknell. It is not clear how the Applicants could remotely address Environmental issues and Air Quality, without carrying out any form of modelling and assessment of present and future pollutant levels.
88. The present Environmental Health Officer ‘evaluation’ by Neil Whitton fails to adequately discharge his statutory duties of review, either properly or at all and if to be relied upon, requires to be comprehensively re-done. In particular, he fails to a) consider existing air and environmental pollution, b) it fails to make quantitative conclusions regarding additional air pollution from the development, c) it fails to show awareness for the UK target to reduce average concentrations of PM 2.5 at urban background locations by 2 µg/m<sup>3</sup> by 2020, d) it fails to consider local government policy for Health Equality measures and e) it fails to meet the Core Values of the Civil Service, in particular Objectivity: *‘basing your advice and decisions on rigorous analysis of the evidence’* (Civil Service Code, 2015). The conclusion by the Environmental Health Officer must therefore be rejected as inexpert, uninformed and lacking any form of rigour or indeed proper analysis.

89. Instead, the work of an expert, Prof van Thor does produce a technical document outlining the existing pollution levels from the work he has conducted and he concludes:

*“The impact of the proposed Hawkwell village on air quality will be unacceptable for Bucknell” ;... Bucknell already suffers “from significant air pollution primarily from the Ardley incinerator facility which is operated by Viridor, in addition to the emissions from the motorway nearby;..*

*The Hawkwell development would firstly expose Bucknell;.. unacceptable increases of air pollutants and secondly it would house thousands of additional people directly in the primary fallout region of the incinerator stack. These pollutants include PM2.5, PM0.1, NOx, dioxins, polycyclic aromatic hydrocarbons, heavy metals and many additional toxins and carcinogens (see further below). Every year, the Ardley incinerator facility emits an estimated 6.3 tons of particulates (only PM10 is reported) and 314.8 tons NOx [Viridor Ardley erf Permit emission levels, EA and reported <https://ukwin.org.uk/>]. In addition, PM2.5 levels are only modelled and not measured, and it is estimated that the even much more dangerous yet unreported PM0.1 dominates the emissions.”*

90. Despite this issue being highlighted in excess of a year ago, the Applicants have taken no steps to undertake property or any environmental assessment with modelling of the effect of the proposed development and in particular have failed to even mention, let alone address, the increased effect of this development to the high pollution levels already suffered, despite the OCC Highways (when considering the Applicants own data) concluding that *“The model predicts **significant increases in traffic; ... they would have an undesirable environmental impact on Bucknell village.**”*. Yet the pollution from the massively increased amount of traffic fed by the Applicants design, directly onto the Bicester Road into Bucknell, is only one environmental factor that such a development would have on the levels of pollutants in the area and specifically effecting the inhabitants of Bucknell.
91. It should be emphasized that the government agrees with, and accepts, the conclusion reached by COMEAP that *“there are no absolute safe levels of PM2.5”* [The mortality effects of long-term exposure to particulate air pollution in the UK, Committee on the

Medical Effects of Air Pollution, Dept of Health, 2010

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/304641](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/304641)

92. The COMEAP report concluded: *“it is recognised that there are no absolutely safe levels of PM, one of the main pollutants of concern. Evidence suggests that health effects can still occur well below these limits. Any improvement in air quality will have positive health consequences and the UK has a target to reduce average concentrations of PM 2.5 at urban background locations by 2 µg/m<sup>3</sup> (a reduction of 15% on 2010 levels)” by 2020.”*
93. By comparison, the resulting PM<sub>10</sub> levels emitted by the Ardley incinerator stack is **4-12 mg /m<sup>3</sup>** [Environment Agency Ardley EfW Facility report 1st Quarter 2015]. PM<sub>0.1</sub> levels are unknown. PM<sub>2.5</sub> levels are assumed to be about half of the reported PM<sub>10</sub> levels. The stack emissions exceed environmental levels of PM<sub>2.5</sub> discussed by COMEAP as harmful by more than a thousand-fold and dilution of the plume by distance is the only mechanism to reduce local exposure levels. PM air pollution in the UK in 2008 is the equivalent to nearly 29,000 deaths and an associated loss of population life of 340,000 life years lost. In comparison, a study in 2006 found that reducing PM by 10 µg/m<sup>3</sup> would extend lifespan in the UK by five times more than eliminating all casualties on the roads, or three times more than eliminating passive smoking”.
94. Even more concerning is the fact Public Health England concluded that even finer particles PM<sub>0.1</sub>, which are much more dangerous to human health than PM<sub>2.5</sub>, likely constitute > 99% of incinerator particle emissions, and are completely unregulated and are not measured and monitored by the environment agency.
95. In addition to the high and dangerous levels of PM<sub>2.5</sub> and PM<sub>0.1</sub>, the Ardley incinerator emits many other toxic substances. Instantaneous Levels alone for Bucknell, which are calculated and modelled based on permit levels, are typically: NO<sub>x</sub> 9 microgram/m<sup>3</sup> , Sulfur dioxide 2.2 microgram/m<sup>3</sup>, Carbon monoxide 2.2 microgram/m<sup>3</sup>, Hydrogen Chloride 430 nanogram/m<sup>3</sup>, Hydrogen Fluoride 43 nanogram/m<sup>3</sup> TOC 430 nanogram/m<sup>3</sup>, Ammonia 215 nanogram/m<sup>3</sup>, Mercury 2.2 nanogram/m<sup>3</sup>, Cadmium and Thallium 2.15 nanogram/m<sup>3</sup>, Other metals 22



nanogram/m<sup>3</sup>, Dioxins and furans 4.3 femtogram/m<sup>3</sup>, BaP 5.9 picogram/m<sup>3</sup>.  
[www.plumeplotter.com/Ardley]. Note for example that the Cadmium and thallium level from the incinerator emissions is 3072% of what is considered the background level.

96. But none of this is dealt with by an expert report for the Applicants, let alone any consideration given to the increased pollutants from the proposed development when mixed with the present background levels of pollution.
97. *“In conclusion regarding the air quality objection to Hawkwell development, the above summarises evidence from the literature and reports accepted by government that fine particulates and other toxins and carcinogens are currently polluting Bucknell significantly already. The additional pollution from the Hawkwell village is therefore unacceptable; ..... The Air Quality Chapter for the 21/04275/OUT proposal is highly inadequate and cannot be accepted for the following reasons: Firstly, it does not include existing pollution sources and the added effect of the Hawkwell development. Second it is highly un-quantitative. There is no quantitative information included or assessed on the pollution burden to the Bucknell area. Third, by proposing to increase pollution, with regard to PM<sub>2.5</sub> alone it is directly against the UK target to reduce average concentrations of PM 2.5 at urban background locations by 2 µg/m<sup>3</sup> by 2020 [COMEAP report 2010].”*

#### Facilities : Sport England

98. Sport England provided a response dated 7th January 2022 which advised there was insufficient information to enable Sport England to adequately assess the proposal or to make a substantive response advising of their interim position as a holding objection. Information was requested in relation to; the nature of the formal playing fields proposed; evidence to support the statements that the sports pitches for the NW Bicester allocation is expected to be delivered in the Himley Village element and to clarify where expected contributions will be directed.
99. In response to this, the Applicant via their agents covering letter have simply responded by confirming that there are no provisions within their plans for this development to provide any sports pitches on this site of in excess of 7,000 people and in the place of

the proposed Sports pitch in the adopted Local Plan, instead they will simply provide local equipped area for play (LEAP) and neighbourhood equipped areas for play (NEAP). Which is a provision which needed to be provided on the Local Plan in any event.

100. The Sports pitch provisions and facilities are now being passed entirely by these developers, on to the developers of the Himley Village area. However, this ignores the fact that Himley Village development have recently conceded (during Public Consultations) that any Sports pitch provisions on their site will have to await the third phase of development and that nothing beyond Phase 1 can be developed unless or until the Strategic Link Road (SLR) is delivered. Given that there is no longer any guarantee that the SLR will ever be delivered, or indeed even if delivered, it cannot now be delivered until well into the next decade. As such if this Application were allowed there would be no provision of the Sports facilities for the North-West Bicester site at all, which were fundamental to the Adopted Local Plan at all, or at the very least for a decade or more after these properties were constructed.
101. It is hoped that the full picture, of what is actually being proposed and the fundamental delay in the provision of any sports facility if any are ever provided, is properly relayed to Sport England by the planning officers, so they can fully consider whether in reality their objections have simply not been met.

### **Local Plan and expansion beyond the Local Plan**

102. In relation to a number of objections to this development which have been raised indicating the total non-compliance of these plans with the Adopted Local Plan and which was vocalised by the planning officer to the Applicants as being a concern, the Applicants response is as follows:

*“In addition, we would like to offer the following comments to address the officer points: Policy Bicester 1 CLP Part 1 (2011-2031). In 2009, the site at NW Bicester was identified as having potential as an eco-town location in the relevant Planning Policy Statement. In 2014, a masterplan and supporting vision document was submitted to the*

*council by developers A2Dominion setting out the spatial land uses for up to 6,000 homes and which was used as the basis for the NW Bicester SPD (2016) which supports the implementation of Policy Bicester 1 of the Cherwell Local Plan adopted 2015*

*The DAS includes a section on vision and design principles as well as on design and placemaking”.*

103. The Applicants then claim this:

*“The NW Bicester SPD **has been largely followed** but there are some differences in the arrangement of uses shown on the Development Framework Plan which officers have cited as not being fully explained within the submission.”*

104. In fact, the Applicants statement is entirely false, the Supplementary Planning Documents and most importantly the Adopted Local Plan for NW Bicester has been almost entirely ignored by the Applicants:

a) The land boundaries identified for this part of the development have been entirely ignored by the Applicants, with further significant encroachment northwards into the parish of Bucknell

b) The Applicants proposed landmass for this development covers nearly 33% more than that identified in the ALP. Indeed, the Applicants in their representations boldly claim that: *“Approximately 81.5ha of the site is proposed as green infrastructure (in excess of 40% as required by policy).”*. In fact this 40% is only remotely achieved by the developers proposing to take 33% more arable farm land to increase the overall size of the development in order to meet the 40 % figure and without the further land grab there would be nothing remotely approaching even 15% green space based on 3100 within the existing proposed Local Plan boundaries for this site.

As part of their latest submissions the Applicants go on to state, seemingly in an attempted to demonstrate the retaining of traditional structures, that *“The grain stores and the two farmsteads are outside of the application site boundary and to our best knowledge, are to be retained”*

Unfortunately, that as with many of the Applicants submissions, seems to miss the point that if you build on the farm land for those two Farms, the farms will no longer be able to operate and will close down and have to be developed on as will the Grain stores which would no longer have any use in the middle of a cemetery. But it also ignores the realities of their own plans. The redundant farm will be situated right next to a large shopping area / local area and surrounded by houses and shops and the grain stores presently in the middle of the arable field which they serve, will be directly opposite the shops and takeaways of the “local centre” and surrounded on all sides by the proposed vast cemetery.



This is the view from the present farm to the grain storage, the “local centre” (Co-op and takeaway shop) will be to the right and behind the camera, the arrows indicate further road egresses onto the planned burial ground (and there are a further two directly behind the camera leading back towards Bicester) and some other unspecified facility. It is not only wholly destructive to the Countryside and wildlife which live here, but will also destroy the character of a Country lane and village beyond it, but will bring dangerous levels of traffic out onto, what on the Applicants plans will become a

busy congested road, but which will remain a small lane (as there are no plans to widen it).

c) the proposed cemetery is positioned largely outside of the boundaries and control of Bicester town Council and instead is not only largely situated within the parish boundaries of Bucknell, but the boundaries are now on untested land within meters of the nearest houses in Bucknell

d) the ALP included provision of a Sports field within the development set aside for “Hawkwell”, this has been removed from the Applicants plans

e) Crucially, the planned road layout envisaged within the Adopted Local Plan and consisting of a Primary Road feeding into the envisaged Strategic Link Road has been dramatically changed. The connection to Bucknell envisaged in the ALP via a secondary road half way down the Primary Road with the aim of mitigating the amount of traffic funnelled through Bucknell has been entirely altered and instead the Applicants plans involve the Bicester Road to Bucknell connecting directly on to the Strategic Link Road, thereby pushing traffic directly through the village with little or no mitigation (save for an inadequate and ill thought through plan to add traffic calming measures).

f) The ALP had designated shops and a local centre for the Hawkwell site on the Primary Road of the estate and central to the development. Instead, the Applicants have moved and expanded significantly the commercial properties on their plans, placing it directly onto the Bicester Road to Bucknell causing and actively encouraging a vast increase of traffic into Bucknell and onto the only road to serve Bucknell.

g) The ALP set out that the Primary Road through the new estate would connect to the spine road in Elmsbrook and thereby assisting with the movement of public transport that on the Applicants plans is removed and instead a possible future secondary road connects into Elmsbrook

h) Whereas the ALP, aware of the traffic problems with existing junctions proposed a main entrance onto the proposed new Strategic Link Road, the Applicants plans disgorges traffic only meters away from the existing major junction with the B4100, creating an unmodelled dual effect of two major road junctions in close proximity to each other.

i) The Applicants plans bring the development substantially within the Parish boundaries of Bucknell village and have the effect of bringing the development some 50% closer to the key aspects of Bucknell than under the ALP creating almost complete coalescence between the large Garden City of Bicester and the historic village of Bucknell.

j) The ALP envisaged provision of further primary education within the site, on the Applicants plans this will be a requirement which will be hived off to the Himley development (and cannot be met if or until the Strategic Transport Link is built) and the expansion of the provision in the neighbouring Elmsbrook.

k) The ALP envisaged the provision of medical facilities on the NW Bicester site. This will also not be provided for within the Applicants plans and neither will it be catered for at all by any of the developers. Instead, the only provision of health care will be that provided in the existing and overstretched GP practices in central Bicester [See Response and objections to this development by Oxford Health Trust response].

l) To add to the problems, there is insufficient Water and Foul Water infrastructure to be able to support the Applicants development (see response from Thames Water) nor is there (or will there be in the near future) sufficient Electricity supply surplus or grid infrastructure to be able to provide for the supposed increase in supply required to serve this estate, let alone the massive increase required to service Electric cars for the estate (Fast charging points required to encourage people to use Electric vehicles).

m) The Applicants plans fails to unequivocally meet the minimum 30% Social housing required under Cherwell own Planning policy and envisaged and encapsulated within the ALP.

n) The Applicants plans fail to meet the minimum building standards required to create genuinely environmentally friendly (let alone carbon neutral) homes, despite the ALP promising that *“Proposals should ensure: zero-carbon development as defined in the Eco-Towns PPS”*, which is not remotely met by the Applicants plans or their reports.

o) The ALP envisaged a maximum of 2,600 homes on this site (due to a recent change in housing requirements level by policy of CDC this number is now proportionately lower still). The Applicants seek to ignore this and seek to build some 3,100 properties instead, an increase of 500 houses (or some 20% increase in houses, people, vehicles)

105. The ALP had as its cornerstone the principle that: *“Eco-Towns Planning Policy Statement (PPS). The PPS sets out eco-town standards including a requirement to match the number of homes to jobs within the eco-town and ensure that these are easily reached by walking, cycling and/ or public transport. Furthermore, the opportunity exists to use the 'eco-town' proposals to encourage a range of environmental and green technology industries and the development of employment clusters;... ”*.
106. The Applicants plans fail this principal on every level. The number of homes does not remotely match the number of jobs created on the Applicants plans, indeed at present the number of jobs created within the Hawkwell site is minimal and at best the few jobs created are at the lower retail end and could not sustain those who require a high income to afford the properties that the Applicants are aiming to build.
107. Indeed, as with nearly every other aspect of their plan, the Applicants instead of creating areas of employment within their own development seek to outsource this requirement to another developer on the Himley Village site. However, the area on the Himley village site for development of “employment opportunities” has already largely been built upon and instead of the promised “environmental” and “green technologies” being encouraged, almost the entire site has been turned over to the building of large storage warehouses, which employ very few people, on very low wages and rather than creating Green Technology, simply increase the damage to the surrounding environment by servicing large numbers of delivery lorries to transport goods to and from them.

108. In short, the promised provision of employment to provide a similar number of homes to jobs and specifically : “employment -At least 3,000 jobs within the plan period (approximately 1,000 jobs on B use class land on the site within the plan period) has been an abject failure and this Application does nothing to make any provision for this and will provide little more than a handful of unskilled jobs in the local “centre” at best.

109. In their response, even the Applicants are forced to concede that even on their own figures, the walking distance from properties at the far end of the expanded plan (unlike those in the ALP), no longer meet the walk time requirements to major facilities, let alone to Bicester centre or transport hubs of Bicester North station. The Applicants response seeks to try and justify this:

*“To demonstrate that community facilities will be within 15 min walk criteria, p48 of the DAS includes a 15 min walking distance concentric circle. **The furthest properties are approximately 1400m away** from the local centre which is **slightly more than a 15 min walk (1200m).**”*

110. In the overall scheme of this plan 200 meters takes those properties considerably more than the 15 minute maximum required, especially as the individuals are not moving ‘as the crow flies’ or straight line distance, which is what the developer applicants base their calculations solely upon, as is depicted in the concentric circles representation of the Applicants, but instead an individual will have to go considerably further than the basic 1400 meters to follow the limited road and path access from the furthest addresses on the development to local area, meaning that in reality on a proper calculation of the walk distances the journey is likely to be somewhere in the region of 1680 to 2240m or an average of the two figures of **1960m or nearly 2Km** distance from the further housing point to the Local Centre and taking in reality in the region to **25 minutes to 30 minutes** to walk in or double the maximum walk criteria [(Haggett 1967). Cole and King’s (1968) Quantitative Geography defined the ratio of travel distance to straight-line distance as the “detour index” and reported typical values of 1.2 to 1.6].

111. These figures outside of the criteria are caused because the Applicants plans move the Local Centre from the more central position envisaged in the Adopted Local Plan to one on the far west outskirts of the development site on the Bucknell/Bicester Road and



Secondly, because the Applicants plan involves moving the boundary of the development several hundred meters to the North Western boundary of the Site towards Bucknell.

112. However, interestingly the Applicants see 200 meters at this part of their application as being an insignificant distance, although it is also very close to the distance which the Applicants development now comes to properties within Bucknell (see below under coalescence).

113. In relation to public transport provision; the Applicants in their submissions claim that:

*“The DAS at p49 and p90 refers to public transport in the form of provision of high quality bus routes and includes a plan indicating bus stop locations advising that the majority of dwellings will be within 400 metres of a bus stop with all dwellings within 600 metres of a bus stop. Appropriate public transport provision and walking and cycling routes will help **facilitate a modal shift away from the private car**. The TA also includes information on the Access and Movement Strategy, Public Transport Strategy, Mobility Hubs and a Travel Plan, further detail to which can be secured by condition.”*

114. The response from the only bus operator in the area; Stage Coach sets out in detail why the provision of public transport to the present (much smaller) Elmsbrook estate has failed with little take up of the service and also sets out in detail how the present plans of the Applicants are not suitable for a sustainable public transport which could serve it.

115. It is noticeable that Stagecoach conclude that in relation to any existing bus route which could serve Hawkwell; *“we see no conceivable way that this service comes close to covering its operating costs from passenger usage”* Indeed, they add: *“Regrettably, it is not possible to avoid the conclusion that there is no existing bus service offer on which to build. This requires an all-but-standalone approach to be taken if the development is to benefit from public transport provision”*.

116. Indeed, even in relation to Kingsmere, where the shuttle buses which were developed were able to be incorporated into existing bus routes (due to the positioning of that estate), Stagecoach indicate that *“has consistently shown that the demand for the local*

*facility was never going to become close to a level necessary to allow it to be sustainable in the long term”. Even with a relatively high frequency of service, Stagecoach set out that “The 30 minute frequency is sufficient to realistically only appeal to essential non-discretionary use, which on a site like this will be a relatively small portion of residents.”*

117. Compared to even the Kingsmere development in South-West Bicester, Stage Coach warned that the proposed Hawkwell:

*“The application site does not benefit from these locational advantages, however. It is much more distant from local destinations, and it cannot “piggy back” on an established frequent inter-urban bus service. Severed to a great extent from the existing neighbourhoods in the town by the A4095, these present little in the way of readily accessible facilities to initial occupiers on the site.”*

118. In addition, from a public transport operator perspective, Stagecoach also comment on the significant divergence of the Applicants plans from that carefully designed as part of the Local Plan:

*“It must first be emphasised that the Master Plan submitted with the application, including the movement and access parameters plan, **diverges quite materially from the overarching Ecotown Master Plan** that steered the 2014 applications”*

*AND*

*“It is regrettable that there is little in the proposals that gives much indication that facilitating a high quality public transport offer through a deep and comprehensive understanding of the necessary principles has been especially high in the client team’s design approach. Any material divergence from the same formulaic approach typically used to structure urban extensions in the English shires is extremely hard to discern. This has typically produced exceptionally high levels of car dependency.”*

In relation to the Jubb Transport Assessment they comment *“We note that a greatly lesser trip rate is now assumed. This has been **done on a “predict and provide” basis – in other words the planning application has been prepared with regard to predicting levels of demand for car traffic, and only that. The credibility of other mode choices, and the practicality of their provision (including phasing and timing of inception of key links) forms no part of the application. Public transport provision is this simple treated as a “box to be ticked” and as such, there is little need to address any more than quite superficially”***

AND in relation to Jubb’s and the Applicants approach to give no consideration to how public transport will actually be delivered:

*“; ...the Government now expects sustainable modes to become the “natural choice” or most journeys. **The applicant, the planning and the highways authorities therefore need to consider a great deal more carefully what needs to be true in respect of bus service provision and its attractiveness set against car use, in terms of its quality, reliability and efficiency. There is no evidence of this consideration being given. A “predict and provide” methodology actually runs entirely counter to such consideration being made.”***

*“– the cumulative impacts of traffic congestion arising from development on bus services over the last 20 years are one of the largest single causes of the reduction of bus services, and contraction of entire networks to evanescence. One direct corollary of the application of para 111 of NPPF is that bus services have become slower, more unreliable, and less relevant to the public, whether living on new developments or not; ... operating costs steadily rise and patronage gradually falls, frequencies are cut, to the point where services are simply no longer worth maintaining. This also should be obvious”*

*“We have deep concerns about the agreed methodological approach taken by the TA. Given the location and scale of this scheme, and its intent to be at the vanguard of sustainable mobility and carbon reduction”*

119. As is set out in the formal figures from Elmsbrook (See above), which was predicated on a similar concept of *“facilitating a modal shift away from the private car”*. In reality, considerably more people on such an isolated development (many miles from the key hubs of the large supermarkets, rail and bus transport into Oxford, London and Birmingham and from any amenities) have been shown to turn to vehicular use than in the average population of the rest of Bicester and there is nothing within the Applicants plans which will remotely change that.
120. It is not therefore clear what changes the Applicants suggest they have made since the damning indictment of their plans for public transport set out in the Stagecoach response. In reality, a 600m distance to a bus stop is a significant prohibition on encouraging transport by bus, but in any event the Applicant have failed to address how it is suggested that they will ensure that the required sustainable and very regular bus service would be provided after the end of the period of subsidies.
121. Indeed, there appears to be no plans to address any of the problems that have been encountered in the Elmsbrook service and in trying to change people’s transport habits or make public transport an attractive alternative to the majority of this developments residence, who will have to travel now by vehicle for School, Health Care, Sports facilities, Shopping, amenities and clubs as well as for work.
122. The Cycle routes provided are inadequate and even the proposed *“interim measures”* aimed at standing in for the Strategic Link Road, are deemed to be a danger to cyclists and the developers plans overall fail to show any real understanding, beyond the superficial to the requirements of cyclists or the provision of any proper workable, reliable and sustainable public transport links.
123. In relation to transport, the Adopted Local Plan had at its heart for this development that *“at least 50% of trips originating from the development to be made by means other than the car”* Not only does this plan fail to achieve remotely that figure, there is no report or concept as to how it could be achieved other than vague concepts of allowing other companies to run a bus link through the estate which for reasons explained above (both in the travel figure assessment for Elmsbrook and in the response by Stagecoach) simply will not work.

124. In their Agents response and seeking to justify why the Applicants plans increase significantly the coalescence of Bucknell with Bicester and seeking to justify the significant further 'landgrab' made as part of these plans, the Applicants state:

*“The adjustment in position for some of the land uses are based on sound place making principles and reflect the desire to provide a green edge to the north west of the site”.*

125. In fact, the Adopted Local plan had already set out the requirement for a “green edge” or green buffer zone between this development and Bucknell, but the Local Plan’s buffer zone was incorporated within the existing Bicester Town Boundaries and the land identified for development, whereas the Applicants plan to take their proposed development substantially into the Bucknell Parish boundaries and up to the very village itself, to then supposedly provide the buffer. Or in other words taking land up to Bucknell in order to create the impression of a buffer, when in reality they are seeking to expand the extent of development significantly further north to Bucknell in order to fit in a further 500 homes.

126. In their further submissions the Applicants claim that:

*“The positioning of residential parcels and the employment area between Bucknell Road and the railway line will facilitate integration between development parcels to the south side of the railway (which are shown to be acceptable in principle in proximity to the railway line) and which is important as it is conceived as a coherent place; there are no objections from Environmental Health officers in this regard (following review of the noise assessment accompanying the application) and these parcels will positively connect to development parcels the opposite side of Bucknell Road and the dedicated pedestrian/cycle route as it is intended to be traffic calmed/stopped up in part, as part of the development proposals. The proximity of more residential parcels around the mixed-use centre will also help integrate the uses aiding the success and vibrancy of the local centre.”*

127. This submission seems to ignore the fact that their proposal will mean that the Country lane that is the Bicester Road to Bucknell would instead be surrounded on both sides by houses and a “local centre”, described in the Applicants latest document as a “mixed

use” centre, both of which would feed directly onto the Bicester/Bucknell lane and would have to be accessed from this lane, leading to an obvious vast increase in the amount of traffic funnelled towards Bucknell village, a short distance away and is the reason that such a plan was not part of the Adopted Local Plan in the first place, to avoid such an effect occurring.

128. Such a plan would not only massively increase the traffic, but would entirely destroy a Country Lane, replacing it instead with concrete, tarmac and buildings, along with a “mixed use centre” only a few hundred meters from the village of Bucknell.
129. In addition, the Applicants seem to rely on the Environmental Health officers inability to properly consider the ramifications or indeed limitations of reports relied upon by the Applicants. However, the “noise assessment” conducted by the Applicants in support of development in close proximity to the railway line and also the proposed busy Strategic Link Road, fails entirely to undertake modelling in relation to the increase in noise at these points in the proposed developments caused by these factors. But additionally, the “noise assessment” is fundamentally flawed, as previously identified, having been conducted at extremely limited points within the proposed development site and carried out at a time when the Country was in lock down, the use of trains was significantly curtailed and the amount of vehicular use was significantly reduced.
130. It is further suggested by the Applicants in their response, as to why a vast cemetery or burial ground aimed at servicing Bicester’s funeral needs is, on their plans, being placed instead substantially within the Bucknell Parish boundaries OR why their plan involves moving this to within a few meters of the nearest properties in Bucknell village. Their submissions are instead, as follows:

*“The new location for the burial ground which will be verdant, low key and rural in nature, with minimal urbanising elements, as is described in page 75 of the DAS, will provide an appropriate edge to the development. Whilst it is noted that it now does not fall within Bicester Town boundary, this is not a sufficient rationale to revert to its previous position as our understanding is that there is potential for the administrative boundary position to alter (as has been previously undertaken as part of Community Governance Reviews)”*.

131. In fact, such a plan has been roundly rejected by Bicester Town Council (See their objections to this development) which would ultimately be the Council who require this facility and who would have to maintain it in the long term, but require any such facility it to be within their own Town Council boundaries.
132. The suggestion by the Applicants is the somewhat surprising suggestion that they should be allowed to develop up to the physical outskirts of Bucknell village and then retrospectively the historic Parish boundaries should be changed to (presumably make this Bicester). Such an extraordinary response fails to appreciate that substantial boundary changes such as that suggested, take years to develop, consult upon and to enact. In the meantime, the small Parish Council of Bucknell would be financially responsible for running a vast cemetery, which its parish simply does not require. Whilst Bicester which urgently needs burial provision, would not be able to access it in any event in the foreseeable future.
133. But that such a suggested boundary change as is now being proposed by the Applicants, simply to allow their development to be financially viable and to meet the other targets they have to meet for green space, would have the actual effect of removing the vast majority of the land within Bucknell Parish and instead making it part of Bicester and would not only destroy the traditional Parish boundaries, but would be a perfect example of rampant coalescence being undertaken, where not only does a large city develop up to a boundary of a Parish, but the suggestion of these Applicants is that the City or town in this case should steal substantial further land from the Parish to develop and bring the town within a few hundred meters of the actually houses within that village.
134. Such a concept seemingly ignores every single planning principle and regulation both at a national level, but also the policies of Oxfordshire County Council and CDC.

### **Coalescence**

135. In their response by their Agents, the Applicants seek to deal with the substantial Coalescence brought about by their plans, by suggesting that the plans contain a “substantial” “green edge” to the proposed development. That as a concept is simply wrong. Their plans would instead take further agricultural farm land, in order to turn it

into a more formal park area in order to then claim a green buffer zone. Whilst all the time the ‘green buffer’ between the nearest properties within the development and the existing work areas and dwellings of Bucknell are brought substantially closer to the dwellings in the further Bucknell parish land, which the developers seek to build upon (at the north most tip of their development), but which the developers seek to turn into part of Bicester by means of boundary change in the future, in their latest submissions, the developer Applicants state:

*“The low key and informal green edge to the northern boundary is substantial and coupled with the separating fields to Bucknell village, means there is an approximate 900m separation distance between the crossroads of Bucknell and the nearest new home.”*

136. That response is highly misleading, as the cross-roads in Bucknell, is of course hundreds of meters further away and north-west of this development than the properties and work places of Bucknell’s South-Eastern edge. However, this response does have the advantage that for the first time in this planning application, the developers have provided a firm figure for where the nearest house will be on their proposed development, allowing Respondents to calculate precisely where the nearest property will be situated on the developers site plan.

137. In the CDC Conservation report dated May 2022 – although not objecting *per se*, they make the following hugely important comments, given the legal obligations on CDC and indeed their policy to avoid coalescence (in Served Policy C15):

*“The key concern is the proposed proximity of the settlements and the danger of their coalescence (Saved policy C15), the site boundary strays beyond the SPD.” AND*

*“No objections to principle of development in this area within the SPD boundary which has already been agreed, **but the layout needs to take account of setting of listed buildings and non-designated heritage assets consisting of farms related to the inclosure of the land and their field pattern/historic parish boundaries, in addition to allowing a robust separation to avoid the coalescence of the settlements.”.***

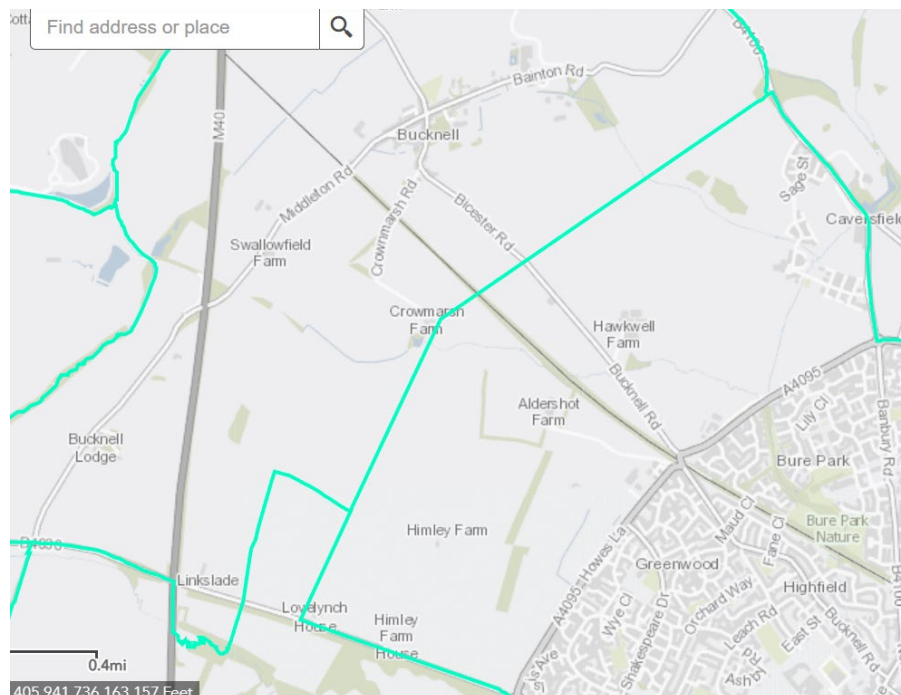


138. CDC Heritage – Objection, July 2022:

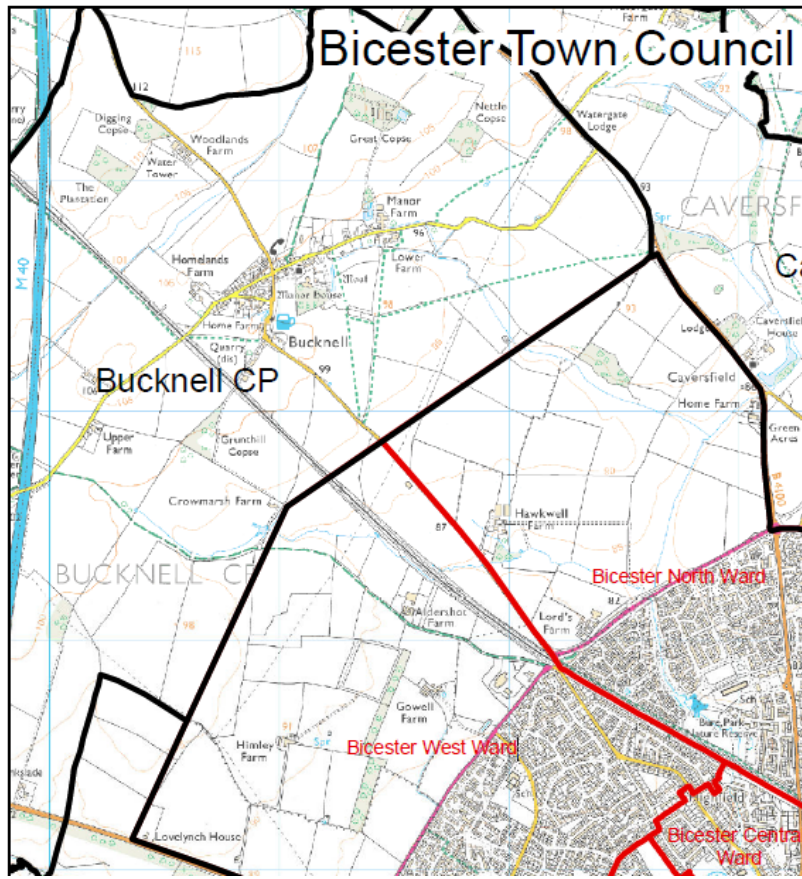
*“It is **necessary to mitigate the less than substantial harm to the designated heritage assets found close to the north of the site in Bucknell. The need for a quality and reasonable large green buffer which would include a selection of large native broadleaf trees. This should be secured at this stage due to impact of the potential for the development to damage the wider setting of three Grade II and a Grade I listed buildings”.***

139. In their Application the Applicant Developers regularly suggest that part of the reason for why their plans go significantly beyond the area designated for development in the Adopted Local Plan is because the boundaries used in the Local Plan are, it is suggested, illogical. Far from being illogical or without thought, the Local Plan boundaries purposefully follow the boundary of the Bucknell Parish Council and Bicester Town boundaries and as such follow the land which is within the Bicester Town Council area, so that the land being developed is part of Bicester Town council and not develop land that is within the village parish of Bucknell.

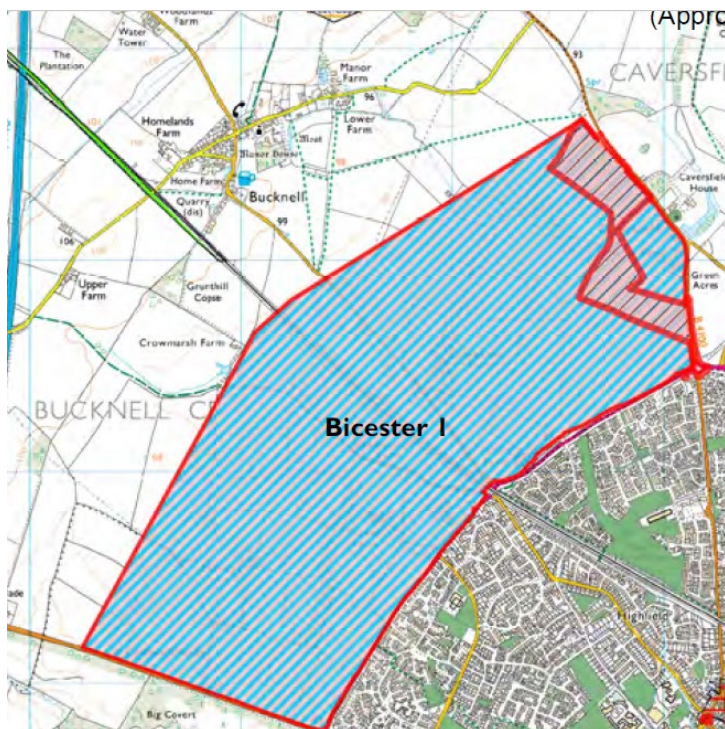
**Figure 1** – The actual Bucknell Parish boundaries shown in light green:



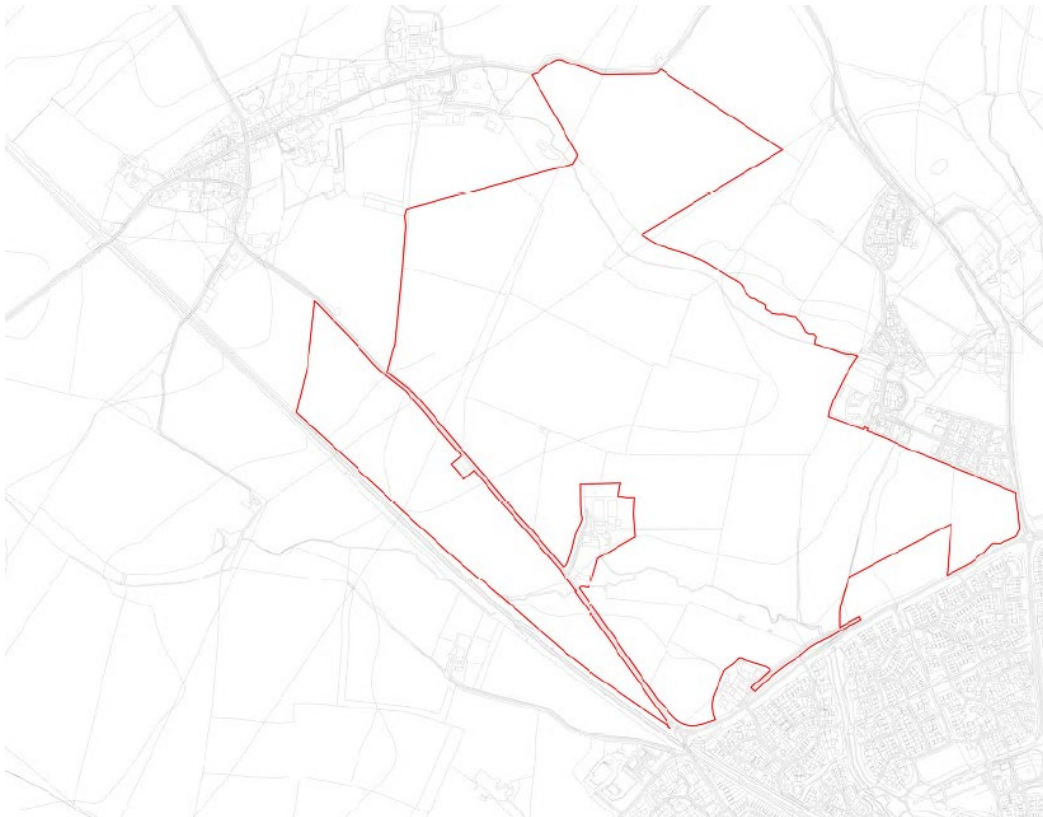
**Figure 2 - Bicester North West Electoral district Boundaries –**



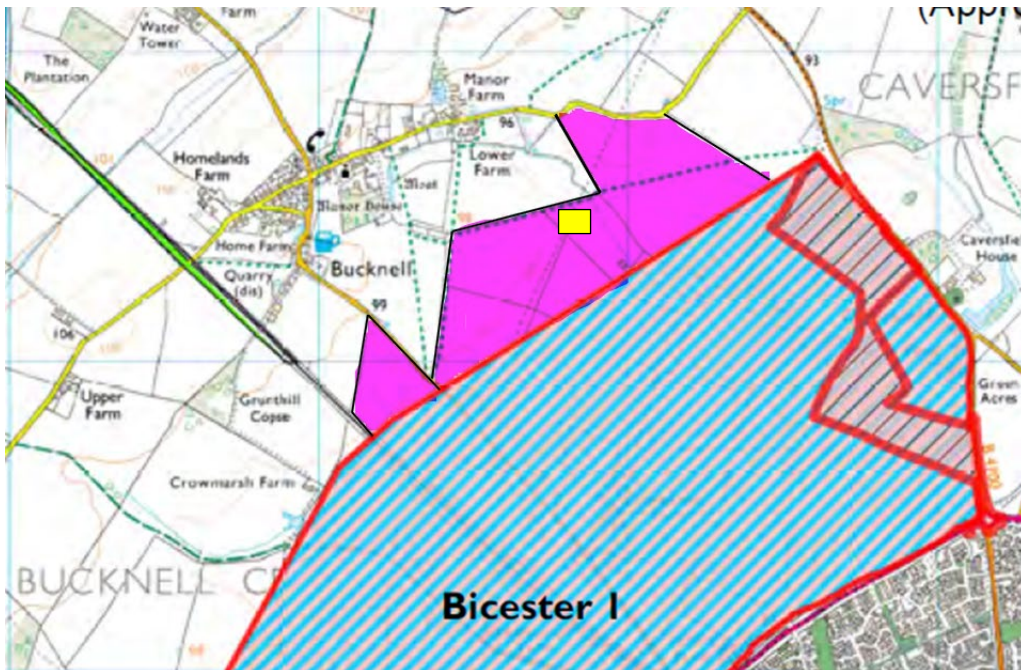
**Figure 3 – The Map for Bicester North West from the final adopted Local Plan (following precisely the electoral boundary of Bicester)**



**Figure 4 – The Hallam Development Application site:**

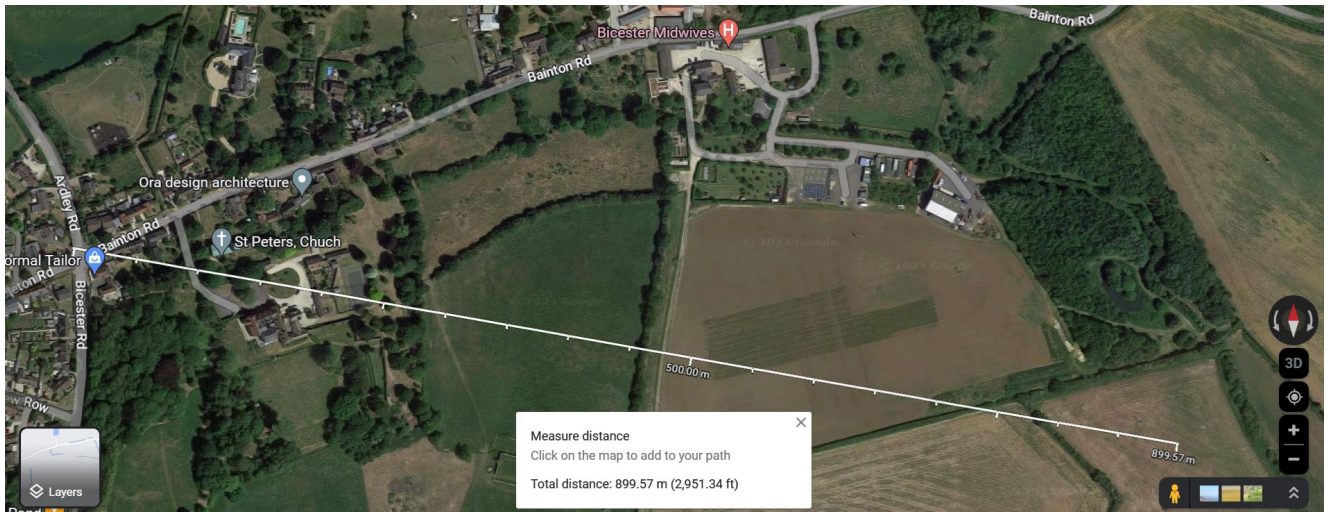


**Figure 5: The additional coalescence of land of the Hallam Application compared to that agreed as part of the adopted Local Plan (highlighted in Purple below):**



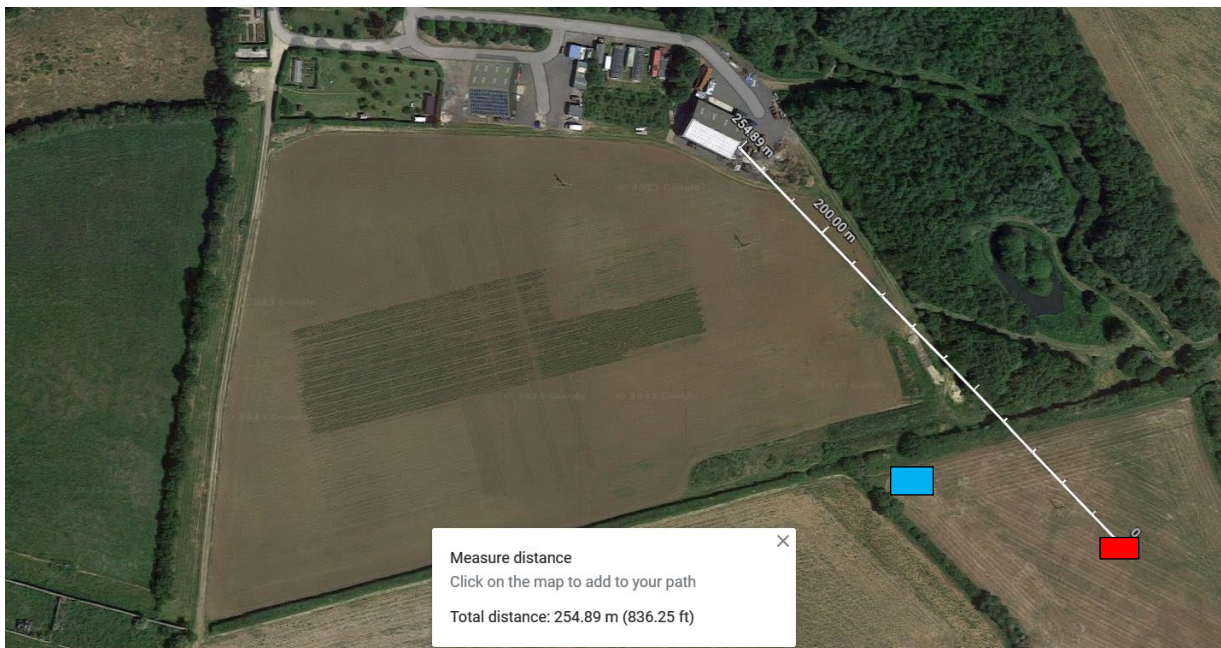
140. In the above map, as well as the purple representing further land taken for development by this Application, over what was set out in the Adopted Local Plan, the purple area also highlights land that is in the Parish of Bucknell and as such the building policies and regulations of the National planning regulations, relating to proposed large scale developments in small rural villages apply, as do the policies of Oxfordshire County Council and CDC against such development. Additionally, the yellow square shows the position of the nearest proposed dwellings to Bucknell village (for comparison below), with a large number of houses being proposed under these plans to be actually built within the boundaries of Bucknell.
141. As well as increasingly the land covered in the Local Plan for the Hawkwell part of the general Bicester 1 area of development by around 33%, by increasing the land they are proposing to use, by adding large tracts of land within the parish of Bucknell, the developers are also moving all main points of the development site significantly closer to and into the village of Bucknell itself, meaning that in reality the plans, if approved, would merge the town/Garden city of Bicester with the village of Bucknell.
142. To demonstrate what the proposed changes in the plan of the Applicant mean in comparison to that allowed under the Local Plan, we have set out below a series of maps based on the figure now provided by the developers as to where they claim the nearest property would be, although an examination of the actual fields which have been designated by the developers for the building of dwellings, shows in fact that the nearest houses would in any event be considerably closer than the claimed figure of 900m from the cross-roads (it not clear how the Applicants have calculated their figures).

**Figure 6 – the nearest housing according to the newly released figures from the Applicants showing 900m from the cross-roads in Bucknell**



**Distances from Buildings in Bucknell to the nearest housing in Hawkwell**

**Figure 7 : 200 meters to the nearest building (work spaces) within Bucknell:**



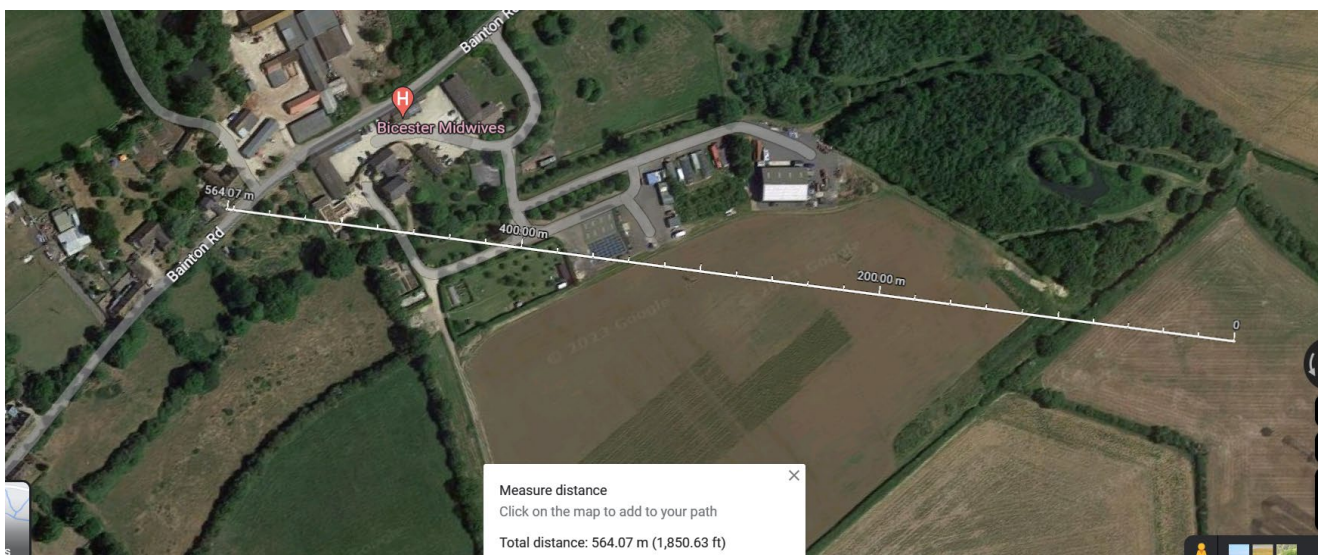
143. However, the above images demonstrates how the figures of the Applicant are clearly not accurate. Although 900m from the cross-roads, on an arc takes the nearest house to the point of the Red Square (above), the Applicants are proposing to build dwellings up to the boundary of that same field, which would in fact mean that the nearest dwelling and the infrastructure such as street lights would be up to the point of the Blue Square

(above) approximately 80-100 meters closer to Bucknell on all the below figures, than the Applicants claim.

**Figure 8 – Nearest Bucknell residence Lower Farm Barns– 470 meters (or if adjusted for the error in the Applicants figures 370 meters from Lower Farm Barns)**



**Figure 9 – 564m to the Grade II listed Manor Farm house (adjusted 464m)**



**Figure 10 – 700 meters to the Grade II listed Manor house and in direct line of sight (600 meters adjusted)**

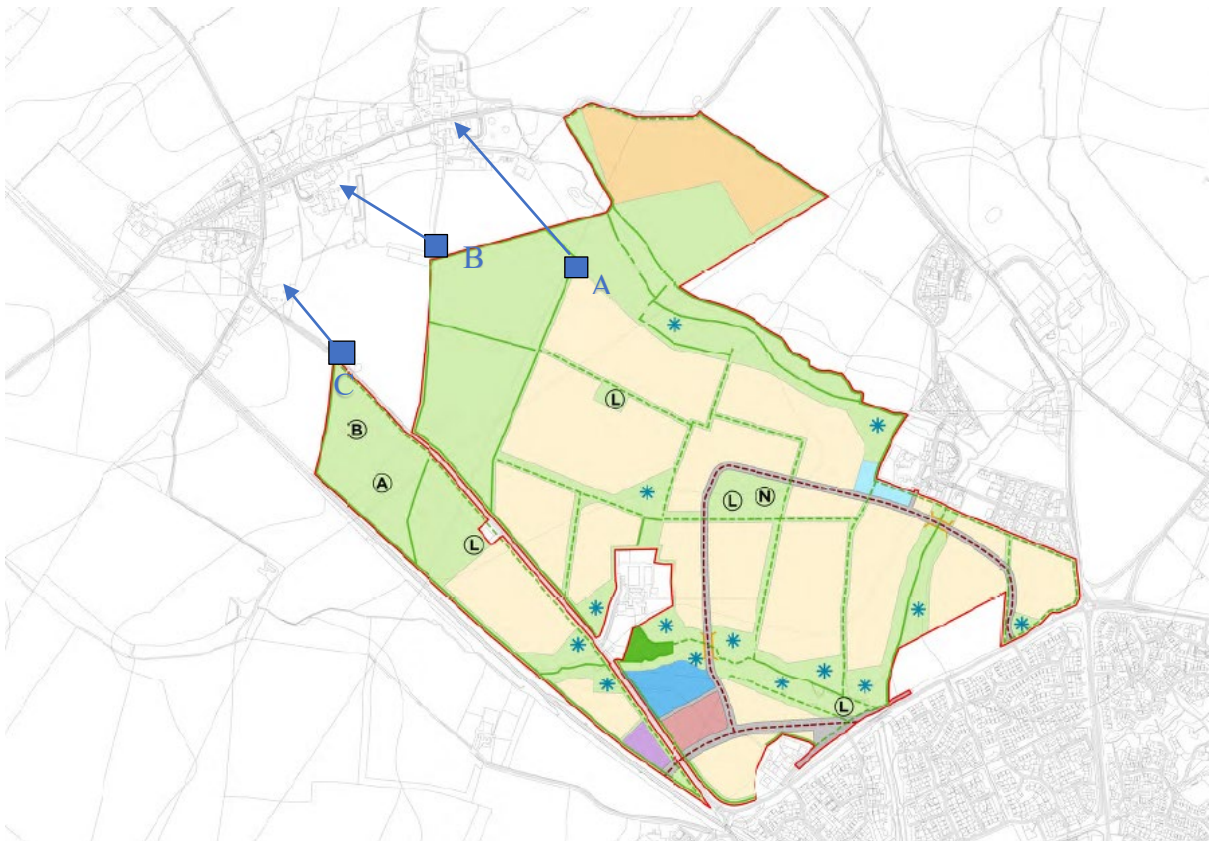


**Figure 11 – 754 meters and in direct line of sight of the Grade I listed St Peters Church Bucknell (or 654m adjusted)**



144. These distances need to be compared to the fact that this proposed dwelling and those around it in the far North-West corner of the proposed development (and considerably outside the original Adopted Local Plan area of development) are in comparison over 2.88Km / 2880 meters (even as the crow flies) from the nearest transport hub –namely Bicester North station.

145. There follows a number of diagrams and maps demonstrating the significantly increased Coalescence of the Applicants plans compared to those within the Adopted Local Plan, taking 3 main comparison points, 1) the distance of the closest boundary of the proposed development to a dwelling in Bucknell 2) the distance of the closest proposed development or dwelling in the plans to a dwelling in Bucknell and the distance on the Southern edge of the proposed cemetery / or development under the two sets of plans, to an existing dwelling in Bucknell:





	Description of comparison	Distance on Bicester Masterplan	Percentage change in buffer zone	Distance on Hallam Plans
<b>A</b>	Distance from nearest dwelling of Development to existing dwelling in Bucknell	721m	<b>35% Reduction</b>	<b>470m</b>
<b>B</b>	Distance from development boundary to nearest property	690 m	<b>57% Reduction</b>	<b>297m</b>
<b>C</b>	Distance from Cemetery boundary to nearest property	504 m	<b>59% Reduction</b>	<b>206m</b>

Figure: Showing the same three positions as above on the Adopted Local Plan (CDC's NW Bicester doc: NW\_Bicester\_Masterplan\_BIMP6\_01\_02\_03 (1)):

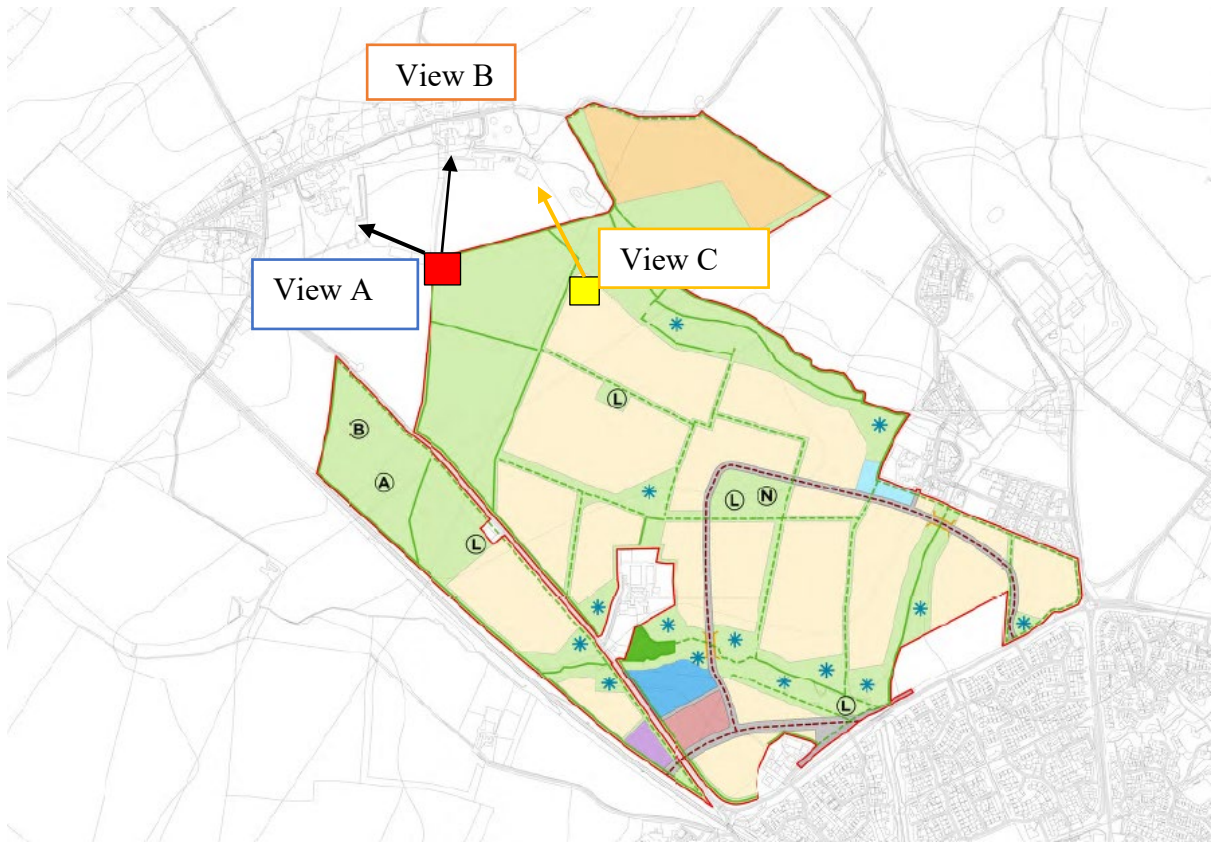


146. As a result of the Applicant's plans and attempts to extend the development, there will be across the key points of the development a 50% decrease in the size of the buffer between the development and Bucknell, leading Bucknell as an independent entity being coalesced and merged into Bicester.

147. Below are the views from 3 different directions showing: A) the view from the boundary of the Applicants proposed development (looking towards Bucknell), B) showing how close the Applicants plan would bring the boundaries of Bicester to the homes of Bucknell and C) showing the view from the supposed nearest house on the Applicants plans (although in reality this will be up to the boundary fence) in comparison to the nearest work buildings in Bucknell:

**View A – towards the Manor House (Grade II) & St Peters Church (Grade I)– approx 297m**

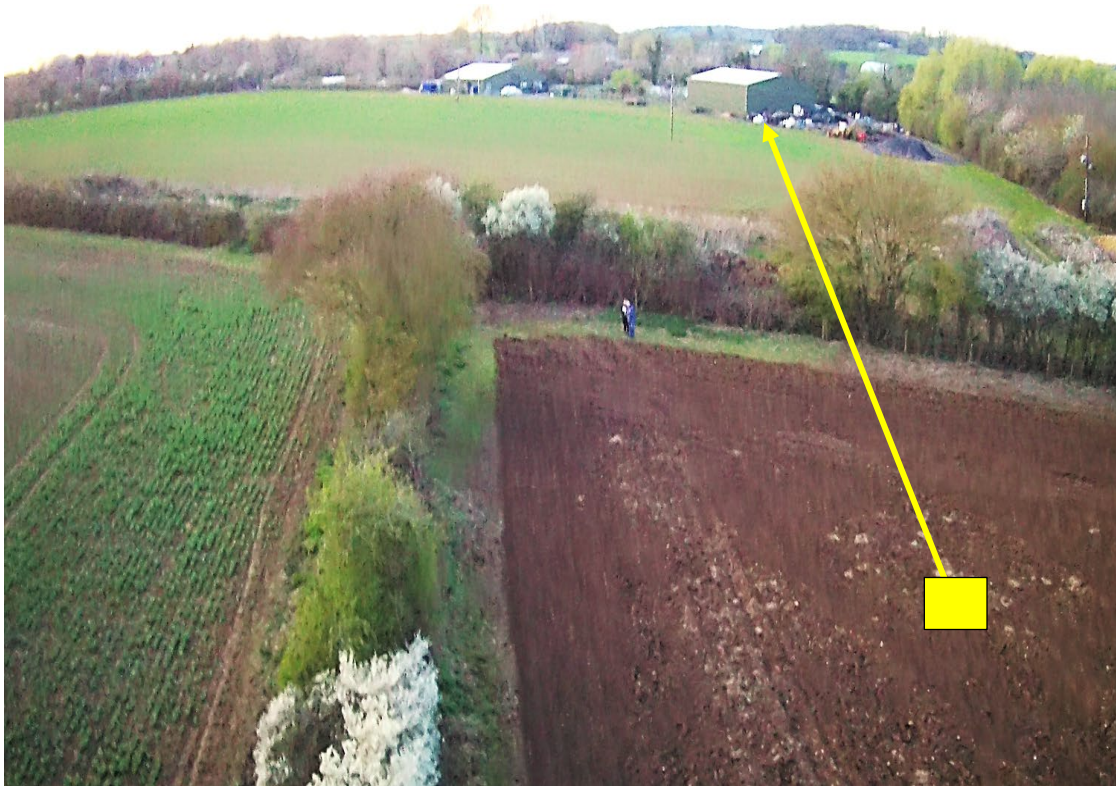




**View B – towards Lower Farm House 316m & Manor Farm (Grade II) (& Pig Farm) 370m**



**View C – View from top of nearest dwelling / lamppost on Proposed Harkwell development to nearest building in Bucknell, work spaces on Lower Farm – less than 250 m**



148. Further OC Archaeology Services – by email, November 2022 stated that:

*“In accordance with the National Planning Policy Framework (NPPF 2021) paragraph 194, we would **therefore recommend that, prior to the determination of this application the applicant should therefore be responsible for the implementation of an archaeological field evaluation.** This must be carried out by a professionally qualified archaeological organisation and should aim to define the character and extent of the archaeological remains within the application area, and **thus indicate the weight which should be attached to their preservation**”. AND*

*“This evaluation must be undertaken in line with the Chartered Institute for Archaeologists standards and guidance for archaeological evaluation including the submission and agreement of a suitable written scheme of investigation. This information can be used for identifying potential options for minimising or avoiding damage to the archaeology and on this basis, an informed and reasonable decision can be taken.”*

149. To date the Applicants have simply ignored this recommendation and no archaeological field evaluation has been undertaken.

**Relevance of Inspectors conclusion on other applications**

150. In their submissions the Applicant seems to try and prey in aid what they describe as the “inspectors conclusions” in a recent appeal, seemingly suggesting it sets some form of legal precedent for planning officers and the planning committee to simply ignore the provisions of a local plan or to amend it substantially; it doesn’t.

151. The Applicants submit the following:

*“It is also relevant to highlight some of the Inspectors conclusions in the consideration of the recent appeal by Albion Land for employment development on part of the NW Bicester allocation site (APP/C3105/W/22/3304021 in relation to application ref 21/03177/F). The Council refused the scheme, in part due to the conflict with the LP Policy Bicester 1 as employment land in this part of the allocation would not be in accordance with the masterplan within the SPD.*

*The Inspector allowed the appeal and in the conclusions notes that; “The SPD states that it supports the implementation of LP Policy Bicester 1 and will be a material consideration in determining planning applications on the North West Bicester site. Since the masterplan is embodied within the SPD rather than the LP, it is not part of the development plan and therefore carries comparatively reduced weight”.*

152. That suggestion by the Applicants is a misunderstanding of both the law and indeed the reasons behind the inspectors findings (the full Judgment is attached), but the point in dispute was with regard to the provision of employment land and whether the provision of that land had to by necessity be in the same place as was contained in the SPD.

153. The inspector held:

*“LP Policy SLE1 supports employment proposals at Banbury, Bicester and Kidlington if they meet a number of criteria including proposals that are within the built-up limits of the settlement unless on an allocated site.*

*8. The supporting text for the Policy states that a flexible approach to employment development is set out in the Plan with a number of strategic sites allocated for a mix of uses and many allowing for different types of employment. It goes on to say that the LP identifies strategic sites for employment use in Banbury and Bicester, then refers to policies including LP Policy Bicester 1. Unlike the wording for LP Policy Bicester 1, LP Policy SLE 1 does not refer to the SPD.*

*9. On this basis, I consider that ‘allocated site’ as cited in LP Policy SLE 1 relates to the North West Bicester strategic site as allocated in the LP, rather than specific sites within the masterplan area allocated for employment use in the SPD. Therefore, since the site lies within this development plan allocation, it would meet this criterion. The criteria of LP Policy SLE 1 relating to new employment proposals within rural areas on non-allocated sites is therefore not relevant to this case.” [Emphasis added]*

154. This was not an endorsement let alone a legal precedent for the idea which the Applicants are forced to promote, that the planning officers and planning committee can, or should, simply ignore the Bicester LP and allow the boundaries of this development to substantially increase, to ignore the LP and allow the substantial increase in the size of the proposed development, ignore the LP and increase the number of properties to be developed, ignore the LP and allow a complete change to the road and infrastructure of the scheme or indeed the many other significant changes which the Applicants proposals make to the plans under the LP. The Albion decision was purely deciding the meaning of the LP Policy SLE 1 in relation to the siting of the employment land within a development already allocated for that exact use.
155. As such the changes proposed in that case made little or no change to the overall Bicester LP for that development, unlike the present substantial changes proposed by the Applicant.
156. The inspector also went on to set out basic planning law, which seems to be ignored by the Applicants, namely:

“17. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise”

157. In the present case there is no material consideration that warrants the wholesale departure by the Applicants from the Adopted Local Plan.

**Conclusions: Planning and Policy**

158. The “PLACE AND GROWTH INTERNAL MEMORANDUM”, from the CDC Planning Policy, Conservation and Design Team, written by Chris Cherry and published on the 28th April 2022, which concluded in the need to object based on Planning and Policy (with caveats re balance...) – is now out of date with respect to the 5-year housing land supply (5YHLS). This has increased, as of the 3rd Feb 2023, from 3.5 years to 5.4 years.
159. This renders the points raised by the Applicant (towards the bottom of page 4) regarding the “tilted balance” clauses, no longer applicable. It is submitted that this change in policy is crucial when considering the balance of a permission being granted unless “*detriment outweighs benefits*”.
160. Although, it is submitted that even before this change in policy by CDC, the detriments of this application, which entirely ignores the adopted Cherwell Local Plan, far outweighed any benefit of this estate. That calculation becomes considerably more tilted in favour of rejections when the further changes in the housing requirements for Cherwell are factored in and crucially, it means that the argument and submissions by the Applicant for increasing the number of proposed homes on the site from 2,600 homes to 3,100 and with it, the proposal to simply ignore the boundaries of development proposed under the Local Plan and based on the previous 5YLHS has now gone in its entirety and in fact the revised requirement for 6,000 homes across Cherwell area will be easily met with considerably less houses required on this site, than even the proposed 2,600 homes envisaged for this site by the Local Plan.

161. As such there is no need for the increase in houses on this site to 3,100, no need to move the boundaries closer to Bucknell, no need to increase the land obtained for development on this site to increase by 33% over that set out in the LP.
162. The result, is that the benefit side of the planning equation for this proposed development is now entirely outweighed, in every aspect, to the vast detriment that the proposals bring to the residents of Bicester, Bucknell and all the surrounding villages and the destruction that these plans would bring to the land, environment and entire community.
163. The CDC Planning Policy, Conservation and Design Team, conclude that the proposals do not accord with Policy Bicester 1 or the NW Bicester SPD, and should do so. Crucially, they include an explicit concluding statement that the 40% green space which the development must provide, must be contained “within that part of the site within the allocation.” (i.e within that land identified within the Bicester Local Plan) It is not therefore for the developers to grab further land in order to meet their requirements of providing 40% green space within the development and as a result of which exacerbating the coalescence of Bucknell village, or in other words and we would have thought obviously, a developer cannot just grab further land outside the original identified boundaries and push most of the required green space outside the original boundary so as to build more homes within the original boundaries.
164. In addition, there is a requirement that the application MUST include 30% Affordable Housing and no less, whereas the application currently states, vaguely, that it will include “up to 30%.” This has been a subject which Cherwell District Council have recently indicated must be adhered to and that if less than 30% is offered (as the present application appears to suggest), the application should be refused.
165. In their further representations the Applicant state whilst attempting to justify the further substantial movement of the proposed boundary and increase in the number of dwellings on the site that:



*“By increasing the densities of development in parts of the site, from the very low assumptions previously made, a more efficient use of land has been possible resulting in a proposed total of up to 3,100 homes;..... This will deliver more much needed houses in Cherwell District and **help ensure a five year housing land supply can be maintained.** The emerging draft Local Plan, whilst still at an early stage, and recognising that this has not yet been agreed by Members, also recognises the potential increased capacity and site area of the allocation which is proposed to expand in area. As proposed, the emerging site allocation will exactly reflect the current boundary of this planning application and proposes a total number of dwellings proposed across the allocation to increase from 6,000 to 7,000.*

166. As is set out above, the five-year housing land supply is now in fact met by the delivery of considerably less than the original 2,600 homes, meaning that there is no longer need for the 3,100 homes proposed in this application or the connected destruction to the buffer between Bucknell and Bicester that the Applicants plans will bring.
167. Further, the Applicants claim support in what they describe as the “emerging draft local plan”, in fact the draft local plan upon which they rely was resolutely rejected by CDC before it was even sent for public consultation, with a direction that it be re-considered, in light of the comprehensive conclusions of the “Overview and Scrutiny Committee held on the 11th January 2023”.
168. These findings of the Committee, far from encouraging a lessening (or flexibility as the applicants have described in) in relation to affordable housing, concluded that:

*“The balance of affordable housing included in the plan **is not ambitious enough or adequate.**”*

169. But more importantly, when considering the future of this site and this Application the committee found that:

*“It is important that all infrastructure keeps pace with development as well **as ensuring satisfactory integration between new developments and established communities***

*“The importance of farming in the district has been recognised in the draft, but it should be given more prominence.”*

170. In the present application, substantial farm land and the farms which go alongside it in the Parish of Bucknell are simply destroyed.

171. Of particular importance in relation to Policy and the coalescence which would occur if this development were allowed, the committee recognised the importance of preventing coalescence in and around Bicester (such as in the present application) and instead suggested that the Local Plan:

*“Noting the reference to Bicester Strategic Corridors, consideration should be given to creating a formal Green Belt around Bicester.”*

172. A green belt, does not by definition, consist of separation of a large conurbation by merely 200-300 meters, or the width of one field, between a large town/garden City on the one hand and a small historic village on the other, as the present proposed plans only allow for.

29<sup>th</sup> April 2023

**Adrian Langdale K.C**

(Drafted on behalf of Bucknell Parish Council)