

11th July 2022

Mr David Peckford
Assistant Director
Planning and Development
Communities Directorate
Cherwell District Council
Bodicote House
Bodicote
Banbury
OX15 4AA

Dear Mr Peckford,

RE: APPLICATION FOR OUTLINE PLANNING PERMISSION (“THE PLANNING APPLICATION”) FOR THE ERECTION OF UP TO 230 DWELLINGS AND THE CREATION OF A NEW VEHICULAR ACCESS FROM CAMP ROAD AND ALL ASSOCIATED WORKS WITH ALL MATTERS RESERVED APART FROM ACCESS ON LAND AT OS PARCEL 1570 ADJOINING AND WEST OF CHILGROVE DRIVE AND ADJOINING AND NORTH OF, CAMP ROAD HEYFORD PARK (LPA REFERENCE 21/04289/OUT)

Further to our recent conversation, I write to reiterate our strong objections to the above proposal.

As a starting point, I would refer you to our detailed objection letter dated 6th May 2022 and its associated Appendices. Heyford Park is a high quality, sustainable settlement where around 75% of purchasers come from within a 25-mile radius.

In sharp contrast, the current proposal for up to 230 unplanned dwellings is an opportunistic response to the Council’s 5YLS position and bears no relationship with our carefully planned and now established community. Our representations demonstrate that the adverse impacts associated with this proposal would very significantly outweigh any alleged benefits, when assessed against the policies in the NPPF taken as a whole. In addition, the current proposals fly in the face of the adopted Development Plan and, specifically, policy PV5 which requires a comprehensive and integrated approach to development on the former RAF Upper Heyford site.

Just to highlight one source of harm that we have identified relates to transportation and our representations include an independent review of the submitted Transport Assessments by our consultants, Stantech. **They note that the applicant erroneously relies upon all of our agreed transport mitigation works having been put in place as the baseline against which to assess impacts. With respect, your officers should be aware that the consent under which Upper Heyford is being delivered means that simply could not physically possibly happen within the next 5 years (meaning that they couldn’t possibly add to your five year land supply).** Any consent founded on this assessment would be bound to be challengeable in the Courts.

Indeed, since making the representation, more detailed discussion and negotiation has taken place on the complex (and thankfully well advanced) Planning Obligation relating to our planning application 18/00825/HYBRID.

One matter that the Planning Obligation has had to address is an earlier objection from Highways England (now National Highways) which was summarised in the Officer report to Committee on 5th November 2020 as follows.

“9.73 However, following submission of technical notes and further design work to the roundabouts of the M40 junction, and to the A43 Baynards roundabout, that objection has been withdrawn subject to any permission being granted being subject to conditions and a legal agreement to secure a significant financial contribution improvements to Baynards Green and Padbury Roundabout (where the M40 southbound offslip joins the A43). This would be triggered when traffic generated by the development, both residential and commercial, reaches a certain level calculated by a formula agreed by all parties which will be inserted in to the s106 agreement. No development at Heyford Park will be allowed above that threshold until the mitigation work is undertaken.”

In response, the Planning Obligation contains a ‘Grampian-style’ restriction such that we cannot occupy and further dwellings or commercial floorspace from the date that a trigger level of 1163 trips is reached unless or until the Junction 10 improvements have been completed (or an alternative scheme has been identified or implemented).

In simple terms, this trigger presents a serious commercial constraint which we (and our funding models) have to navigate going forward on a phase-by-phase basis. We are also looking to achieve a step change in delivery from around 100 to 200 dwellings per annum, which represents significant additional investment and units built in the District.

In contrast, and inexplicably, application reference 21/04289/OUT has not been the subject of any consultation with the National Highways (formerly Highways England), despite the obvious interrelationship with 18/00825/ HYBRID and the PV5 mitigation. I would request that this consultation is undertaken as a matter of urgency, to enable Officers to examine the situation on Junction 10 before drafting a recommendation to Committee. Not to do so would also be an obvious ground of challenge.

As it stands, the possibility of the need for a trip rate restriction on the 240 dwelling scheme and its relationship with the Grampian/ trigger level in Obligation has not been considered. This will result in unaccounted trips taking place on the network, contrary to the detailed discussions and negotiation we have had to date with Statutory Highways authority, leading to severe impact. We do not apprehend that National Highways would remotely countenance this approach, and we are baffled that officers of the local highway authority are willing to do so..

I hope that these additional comments are helpful and I would be grateful if you could update me on the National Highways situation as soon as possible. This matter as you can understand is causing us significant concern especially as we have spent ten years bringing forward Heyford Park in a responsible and consensual approach with the relevant authorities and our neighbours through the Mid Cherwell Neighbour hood Plan. **It seems obtuse to grant 240 unit scheme on a greenfield site immediately adjacent to 1250 acres of brownfield land in the Local Plan, which would have the effect of leapfrogging that site, given the significant transport constraints. It also seems madness to suggest that that scheme would do anything else but impact units delivered on the allocated site**

Should your Council decide to nonetheless grant consent please be aware that we will seek to take advice upon the prospects of legal challenge, not limited to the above concerns. However, should your Council resolve to refuse the application, then please be assured that we would seek to support the Council to the full in any appeal launched by the Applicant.

Yours sincerely,

Paul Silver

Chief Executive Officer