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Development Planning  
Cherwell District Council  
Bodicote House  
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OX15 4AA

1 March 2022

Ref: FW/FW

Dear Sir/Madam

**Junction 11 M40, Banbury, OX17 2BH**

**Screening Opinion for proposed construction of a commercial development of between 1.2 million and 1.5 million square feet to logistics/warehousing and associated infrastructure and landscaping on land at Junction 11 M40, OX17 2BH**

We write in respect of the recently submitted screening opinion by Pegasus Group on behalf of Greystoke CB to request a Screening Opinion (“SO”) to determine the requirement for an Environmental Impact Assessment (EIA) to accompany a planning application as set out above, to object firstly to the conclusions of the SO and also to the principle of the proposed development.

This objection is set out as follows:-

- 1) EIA Screening – objection to conclusions that development to the east of the A361 would not constitute EIA development
- 2) Objection to the principle of the development of the site to the east of the A361.

## EIA Screening

As you will be aware, EIA Development is defined within the EIA Regulations (Regulation 2) as one that is either Schedule 1 or Schedule 2 Development.

In relation to Infrastructure Projects, 10a relates to Industrial estate development projects and sets the applicable thresholds and criteria for EIA as

***“ the area of the development exceeds 5 hectares”***

In this case, the application site area extends to 75 hectares. This is significantly and materially in excess of the threshold for EIA development confirming that the development should require an EIA Development.

Turning to Schedule 3 and the selection criteria for screening Schedule 2 Development, we comment as follows:-

### Characteristics of the Development

- a) **Size** – As set out above, the proposed site area extends to 75 hectares. This significantly exceeds the site area thresholds set out within S3 of the Regulations (As amended). The submission by Pegasus Group references the number of jobs that could be created and the impact on local economy. This is completely irrelevant to the consideration of whether the proposal constitutes EIA Development or not. The submission contends that the “development would not form a landmark feature within the wider area. The scale of the development is not of a magnitude or complexity to give rise to unusual risks or effects” and “the proposed development is unlikely to have any significant effects by virtue of its size/scale”.

It is evident from the proposed size of the development that it constitutes EIA Development. The proposed site is of a magnitude that would give rise to significant adverse landscape impacts. We set out more detail in this regard below.

- b) **Cumulation with other development** – This section of the screening opinion references the development to the west of the A361 and states that because there is only one notable application within the wider locality, that significant cumulative effects are unlikely to arise.

The cumulation of the proposed site with the Frontier Park Development will have significant, adverse highway impacts and the existing infrastructure is insufficient to be able to support such development.

Indeed, the Inspector in his report to the Cherwell Local Plan Inquiry stated in relation to any development to the east of the A361:-

“there are acknowledged barriers to delivery of the whole BAN15 sites at J11, including that the traffic movements likely to be generated would trigger the need for a new South East relief road through the town” (Paragraph 202).

The Inspector also noted:-

“In addition, for the whole site to be developed (referencing the land to the east of the A361 in addition to the Frontier Park site) as a mainly road based B2/B8 employment scheme, major contributions are likely to be necessary to other transport and highway improvements, especially to the motorway junction itself. **There is no clear evidence that an acceptable programme of works could viably and practically be delivered, taking into account the impacts of other developments committed in the plan.**”

It is therefore evident that any development of to the east of the A361 would necessitate significant highway and transport works with no evidence that these works can be delivered.

- c) Use of natural resources – The SO submission makes the reference to the loss of “potential agricultural land”. It is evident from the Inspector’s Report that he considered that

development to the east of the A361 would have very harmful landscape and potentially environmental effects. The site is “agricultural land with a higher sensitivity to built development”.

The proposal would result in a harmful loss of landscape which makes an important contribution to the surrounding area. We provide further detailed assessment on this later in this statement.

The quality of the agricultural land is not considered relevant to the assessment of EIA development. It is the landscape impact of development to the east of the A361 which would be significant given the intrinsic landscape value provided by the escarpment and the rural nature of the site.

### **Location of the Development**

In relation to the location of the development, the applicants comment as follows:-

- i. Existing Land Use - The applicants refer to the existing land use as greenfield land which does not benefit from Grade I or II agricultural land classification.
- ii. Loss of natural resources – There would be no loss of natural resources and the loss of tree and hedgerow would not be significant.
- iii. Absorption Capacity – The site would be an extension to existing commercial development at Frontier Park creating visual coherence to the surrounding area. It is considered unlikely that significant effects on populated areas would occur.

**Response –Development to the east of the A361 was specifically excluded from the Local Plan by the Inspector in 2015 because of the significant and harmful impacts on the area. The Inspector described the development of land to the east of the A361 as resulting in the significant harmful erosion of the rural landscape character.**

As a result, it is evident that in the event that if development were to be brought forward on this site, that it would constitute EIA Development given the significant adverse impacts of any built form to the east of the A361.

### **Principle of the Proposed Development**

It is considered that built form to the east of the A361 is inappropriate for the following reasons:-

### **1) Landscape and Visual Impact**

The A361 provides a barrier to the expansion of Banbury from the West. In kinetic views along the A361 the escarpment to the east provide a significant visual landscape benefit to the surrounding area.

The views of the countryside from the urban edge of Banbury created by the A361 across to the undulating rural landscape beyond is unquestionably an intrinsic part of the landscape character providing an important break/buffer to the urban edge of Banbury and the built up infrastructure of the M40 and new frontier park development.

Developing large logistics warehouses in the location proposed which usually extend to 15-20m external height would severely comprise (and potentially completely remove) the views of the escarpment and the rural backdrop beyond.

The Overthorpe escarpment has an intrinsic landscape value and its contribution to the setting of the rural landscape cannot be underestimated. Views of this are only appreciated from the A361 and heading east from the urban sprawl of Banbury. The landscape provides a rural context to the villages beyond and forms the character of this area including historic links to Nethercote, Huscote, Chacombe Priory and Chacombe House and the surrounding farmland.

The visual “break” created by the undulating rural landscape when leaving Banbury and heading east towards the rural area of Northamptonshire is an essential part of the character of this rural setting.

The quality of these fields as agricultural land is not particularly relevant the evident historic ridge and furrow of these fields is clearly visible from the surrounding area.

The impact on the landscape is confirmed by the Inspector in his report into the Local Plan in 2015. A detailed assessment was undertaken of the wider site including the land to the east of the A361 currently being considered for development. We have highlighted and underlined the key comments below.

The Inspector made a clear distinction between the land to the west of the A361 (Frontier Park) and the east of the A361 as follows:-

Paragraph 199 – In relation to the increased growth in new housing in the district and in Banbury, the Council has now proposed the allocation of a new strategic employment site east of J11 of the M40, either side of the A361, totalling around 49 ha. This could be brought forward in phases, with the first on 13 ha land, bounded by the M40 motorway to the west, the A361 to the east and a firm hedge line to the north which could be readily reinforced with strategic scale planting.

Paragraph 200 – In this area the land (the west of the A361) is also fairly flat and new employment buildings would be largely seen in the context of the motorway in public views from the east, north and south east, with some large existing building beyond. This contrasts strongly with the rising ground to the east of the A422 which is also principally open agricultural land but clearly of a higher landscape sensitivity to new built development, including the land below the higher slopes of the hill in the easternmost part of the overall site.

Paragraph 201 – Development of the land east of the A361, as noted in the earlier landscape assessment work for the Council (2013), would have a significantly detrimental impact on the local landscape, intruding as it would into presently open countryside currently in agricultural use with inevitably large industrial and warehouse buildings. In particular, it would materially extend the built up area of Banbury to the east and lead to a significantly harmful erosion of its rural setting on this side of the town.

Paragraph 206 – In light of the above, only the land west of the A361 should be allocated for new employment development in the modified plan and none of that to the east of the road, even as a strategic reserve site. This would have the considerable benefit of reducing the very harmful landscape and potential environmental effects to the wider scheme on a main entrance to the town from the north, south east and east as well as that on the largely rural landscape of the locality.

The Report prepared by WYG Planning & Environment dated September 2013 entitled Banbury Landscape Sensitivity and Capacity Assessment makes clear that there is potential for commercial or industrial units up to the boundary with the A361 only as “**development beyond this may become fragmented and lead to urban sprawl within the rural area**”.

The report confirms that the area to the east of the A361 should not even be considered for formal recreation.

Summary of landscape and visual impact:-

The key points from the Inspector’s report in relation to landscape impact of the development of the land to the east of the A361 can be summarised as follows:-

- 1) The rising ground to the east which is principally open agricultural land but clearly of a higher landscape sensitivity to new built development, including the land below the higher slopes of the hill in the easternmost part of the overall site.
- 2) Development of the land east of the A361, as noted in the earlier landscape assessment work for the Council (2013), would have a significantly detrimental impact on the local landscape, intruding as it would into presently open countryside currently in agricultural use with inevitably large industrial and warehouse buildings.
- 3) It would materially extend the built up area of Banbury to the east and lead to a significantly harmful erosion of its rural setting on this side of the town.
- 4) None of the land to the east of the road should be allocated for development, even as a strategic reserve site.
- 5) This would have the considerable benefit of reducing the very harmful landscape and potential environmental effects to the wider scheme on a main entrance to the town from the north, south east and east as well as that on the largely rural landscape of the locality.

It is not considered that there has been any material change in circumstances since this time to justify the evident and significant harmful erosion of the rural setting and landscape of this area which has a high sensitivity to built development as identified by the Inspector's Report.

## 2) Highways

It is also considered that development of this site is inappropriate given the significant highway impacts which would be created.

The existing junction and road network is not of sufficient capacity to accommodate further development of this significant scale.

The Inspector noted that there were barriers to delivery of this site given the need for a new south east relief road through the town which cannot be viably and practically delivered.

In relation to highways and transport the Inspector commented as follows (key points highlighted in yellow):-

**Paragraph 202 – Given the recent approval for DIRFT III, relatively close to Banbury at Daventry,, which provides major strategic opportunities to meet the local and regional needs for new B8 floorspace and has the great advantage in sustainability terms in comparison with this site of being rail related, the likely requirement for further employment floorspace, including towards the end of the plan period is reduced. Moreover, there are acknowledged barriers to delivery of the whole BAN15 sites at J11, including that the traffic movements likely to be generated would trigger the need for a new South East relief road through the town.**

**Paragraph 203 – In addition, for the whole site to be development as a mainly road based B2/B8 employment scheme, major contributions are likely to be necessary to other transport and highway improvements, especially to the motorway junction itself. There is no clear evidence that an acceptable programme of works could viably and practically be delivered, taking into account the impacts of other developments committed in the plan.**



Paragraph 204 – However, a scheme of a materially reduced scale from 49 ha to 13 ha only, limited to the land west of the A361, would be far less likely to give rise to significant traffic generation impacts going north into Northamptonshire towards Daventry, on the A422 travelling east, including Farthinghoe, or “rat running” on the B4525 through Middleton Cheney, given that only 10-15% of total future traffic movements are expect to use those routes rather than the M40.

Paragraph 205 – The development of the whole site, especially for very large B8 uses, might well provide direct competition to DIRFT to the detriment of the delivery of both, potentially also discouraging increased transfer of freight services to rail. Some doubts remain regarding the delivery of other services and infrastructure requirements in connection with the full scheme.

Paragraph 207 – Bearing in mind that logistics operators seeking large sites in this area have the alternative of a major rail connected facility at DIRFT nearby, that has good road links to the M1, there is insufficient justification in the evidence for the allocation of the whole 49 ha site at present. However, a lesser scheme limited to the firm defensible boundaries provided by the M40 and the A361 could be viably delivered on the western part of the site only, in the short to medium term. This should ensure that sufficient new land is available to meet largely non-strategic B2 and B8 use needs arising from within and/or related to the Banbury area and its local economy.

#### Summary of highway impacts:-

There are evidently significant highways and infrastructure barriers to the development of this site. These have not changed since the assessment undertaken by the Inspector in 2015 and can be summarised as follows:-

- 1) There are acknowledged barriers to delivery of the whole BAN15 sites at J11, including that the traffic movements likely to be generated would trigger the need for a new South East relief road through the town.
- 2) There is no clear evidence that an acceptable programme of works could viably and practically be delivered, taking into account the impacts of other developments committed in the plan.

- 3) Development limited to the land west of the A361 (Frontier Park) would be far less likely to give rise to significant traffic generation impacts going north into Northamptonshire towards Daventry, on the A422 travelling east, including Farthinghoe, or “rat running” on the B4525 through Middleton Cheney.

## Conclusions

It is evident that the development of the site to the east of the A361 would constitute EIA Development. The assertion by the applicants that it does not is clearly flawed and ill considered.

The submission of an EIA Screening Opinion is premature and inappropriate given the principle of the development of this site is unacceptable.

It is also evident that the development of the site to the east of the A361 is unacceptable in principle given the significant and harmful landscape and visual impacts that would be result from such a development, creating irreversible erosion of the rural landscape character.

The highways and infrastructure impacts would also be significant and cannot be mitigated given deliverability barriers to a south east link road through the town.

Whilst the development of the site to the west of the A361 (Frontier Park Site) is disappointing and created a breach to the established built up boundary of Banbury created by the M40, the release of this site (the Frontier Park Site) by the Inspector for development can potentially be considered logical given the somewhat limited landscape value and contribution of those fields - limited by its location between the M40 and the A361 and its largely flat topography.

The same cannot be said for the land to the east and this is fully supported by the Inspectors report in 2015 which clearly stated that development to the east of the A361 would have significant negative visual impact given the rising ground and its higher landscape sensitivity to built development.

**We urge the Council to reject any form of built development to the east of the A361 for the reasons stated above.**

We look forward to receiving confirmation that this objection has been received and if you have any further queries please contact Faye Wright of this office on 07812 140 099

Yours faithfully

*Forward Planning and Development*

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