

## Statement of Community Involvement for

OUTLINE PLANNING APPLICATION FOR THE CONSTRUCTION OF UP TO 140,000 SQM OF EMPLOYMENT FLOORSPACE (USE CLASS B8 WITH ANCILLARY OFFICES AND FACILITIES) AND SERVICING AND INFRASTRUCTURE INCLUDING NEW SITE ACCESS, INTERNAL ROADS AND FOOTPATHS, LANDSCAPING INCLUDING EARTHWORKS TO CREATE DEVELOPMENT PLATFORMS AND BUNDS, DRAINAGE FEATURES AND OTHER ASSOCIATED WORKS INCLUDING DEMOLITION OF EXISTING FARMHOUSE. ALL MATTERS OF DETAIL RESERVED.

**LAND EAST OF JUNCTION 11 M40, BANBURY, OXFORDSHIRE.**

On behalf of GREYSTOKE CB.

Date: 12 May 2022 | Pegasus Ref: P21-3302PL

PINS Ref: | LPA Ref:

Author: Philip Smith

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## Document Management

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# 1 Introduction

- 1.1 This Statement of Community Involvement has been prepared by Pegasus Group on behalf of Greystoke CB ("The Applicant") to support an outline planning application for a logistics warehouse development of up to 140,000m<sup>2</sup>, ancillary offices and associated infrastructure on Land East of Junction 11 M40, Banbury, Oxfordshire ("The Application Site").

# 2 Proposed Development

- 2.1 This application seeks outline planning permission, with all matters of detail reserved, for the following:

***"The construction of up to 140,000 sqm of Employment floorspace (use class B8 with ancillary offices and facilities) and servicing and infrastructure including new site accesses, internal roads and footpaths, landscaping including earthworks to create development platforms and bunds, drainage features and other associated works including demolition of the existing farmhouse. All matters of detail reserved."***

# 3 Planning Policy Framework

- 3.1 The main planning policy references for pre-application community consultation relevant to the proposals are:
- The National Planning Policy Framework (NPPF), published July 2021;
  - The National Planning Practice Guidance web-based resource (NPPG), first published 6th March 2014, with updates; and
  - Cherwell District Council Statement of Community Involvement (Revised, Adopted October 2021).

## National Planning Policy Framework

- 3.2 The NPPF sets out the national planning policy for the delivery of sustainable development through the planning system.

- 3.3 In addressing the need for pre-application consultation, paragraph 39 of the NPPF states:

***"Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community."***

- 3.4 Paragraph 40 sets out the roles of local planning authorities, stating:

***"Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a***



*planning application, but they should encourage take-up of any pre-application services they offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications."*

## National Planning Practice Guidance

- 3.5 The Government's web-based NPPG went live on 6th March 2014 and contains guidance on the planning system and has been subject to updating periodically. The web-based guidance should be read alongside the NPPF and is a material consideration for planning applications.
- 3.6 The NPPG web-based resource further raises the importance of consultation in the planning process, in particular the desire to "front-load" consultation in the form of pre-application discussions.
- 3.7 The NPPG outlines in detail the consultation process which Local Authorities must follow during their determination of planning applications.

## Cherwell District Council Statement of Community Involvement (SCI)

- 3.8 Cherwell District Council adopted a revised SCI on 18th October 2021. This SCI has been updated in response to updated government regulations (April 2020) and Planning Practice Guidance (May 2020) issued as a result of the Covid-19 (Coronavirus) pandemic. This SCI is intended to provide a more flexible approach to consultation and engagement to ensure that the Council can still proceed with its planning duties whilst responding to unpredictable national or local circumstances. This SCI supersedes the 2016 SCI and the Addendum adopted in July 2020.
- 3.9 Section 5 of the SCI - 'Pre-application discussions and consultations' - states:

*"For enquiries relating to specific schemes or emerging proposals, we offer a formal preapplication service. All potential applicants are encouraged to use this service before applying. Information on accessing pre-application advice, the service that will be provided and financial costs involved can be viewed on the Council's website<sup>1</sup>.*

*"In any submission which has included pre-application consultation, the Applicant should set out: what consultation was undertaken; and how any and all comments received have been addressed in the evolution of their design and the detail of their proposals.*

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<sup>1</sup> <https://www.cherwell.gov.uk/info/115/planning/55/apply-for-pre-application-advice>



## Pre-Application Advice

- 3.10 A request for pre-application advice was made to Cherwell DC on 1st December 2021 by Pegasus Group on behalf of Greystoke CB. Advice sought included the principal of the proposed development at the site location, the scale of development and design and access considerations. A copy of the request is attached at Appendix 1.
- 3.11 A meeting was held with Officers on 10th March 2022. Those in attendance from the LPA were:-
- Samantha Taylor (Principal Planning Officer)
  - Andrew Maxted (Planning Policy and Conservation Manager)
- 3.12 The response received from the pre-application was that:
- 3.13 A pre-application report was received from the Council on 22nd March 2022.. A copy of the Report is attached at Appendix 2. In summary the response was that:
- a) The principle of providing employment development on this site fails to comply with SLE 1 of the Cherwell Local Plan and therefore, would not be supported,
  - b) Development at this location would not be sustainable, given the site's location without direct and convenient access for pedestrians, cyclists and no frequent public transport service,
  - c) The proposal would cause severe harm to highway safety and currently could not be supported,
  - d) Overall, the proposed development would be out of scale and character with the open rural character of the site and its surrounding context, and
  - e) The development would cause unacceptable harm to the visual amenity of the area and the local landscape.
- 3.14 How the Application has addressed these points is considered in the accompanying Planning Statement.
- 3.15 Additionally, Oxfordshire County Council and National Highways were consulted as part of a pre-application request. The responses received are attached at Appendix 3 and Appendix 4, respectively of the Transport Assessment produced by David Tucker Associates. The detailed comments from the response are considered in the relevant sections of the Transport Assessment.

## Other Engagement

- 3.16 A Screening Opinion Application (R22/00385/SO) was submitted to Cherwell District Council and West Northamptonshire Council on 10th February 2022. Their response confirmed the Proposed Development does constitute EIA Development and that an Environmental Statement will be required.
- 3.17 In formulating the Flood Risk Assessment and Drainage Strategy produced by Delta-Simons that accompanies the application the following was made:



- A consultation request was submitted to Oxfordshire County Council in January 2022. A response is awaited.
- A pre-development enquiry request was submitted to Thames Water in January 2022. A response is awaited.



## Appendix 1 – Pre-Application Request



P21-3302PL

1<sup>st</sup> December 2021

Planning Control,  
Bodicote House,  
Bodicote,  
BANBURY,  
Oxon,  
OX15 4AA

**By e-mail**

Dear Sir or Madam

**Request for Pre-Application Advice for a commercial development of between 1.2 million and 1.5 million square feet of logistics/warehousing and associated infrastructure and landscaping**

**Land at Junction 11 M40, Banbury, OX17 2BH.**

I am writing on behalf of my client, Greystoke CB, to seek pre-application advice from the Council in respect of the above site.

The site is located to the immediate east of Junction 11 of the M40 and west of Banbury. The site itself extends to approximately 75ha and comprises a series of agricultural fields, farmhouse, barns and other agricultural buildings. The developable part of site, approximately 50 hectares, is flat and not subject of significant constraints.

The site is bounded by the A422 to the south, and the A361 to the west. To the north and east lie more agricultural fields. To the west of the A361 and opposite the proposal site is the recently consented commercial development of Frontier Park, which is currently under-construction.

The subject site was recently submitted in response to the Council's Local Plan Review Options Consultation.

The Development Proposal

The development proposal is for between 1.2 million and 1.5 million square feet of commercial development primarily in the logistics and warehousing sector.

The location lends itself to the development of large units commensurate to those at Frontier Park. However, the number and size of units will be guided by market demand.

Access to the site would be from the A361, with direct access to Junction 11 of the M40.

**PLANNING** | **DESIGN** | **ENVIRONMENT** | **ECONOMICS**

Pegasus House, Querns Business Centre, Whitworth Road, Cirencester, Gloucestershire, GL7 1RT

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Birmingham | Bracknell | Bristol | Cambridge | Cirencester | East Midlands | Leeds | Liverpool | London | Manchester

The proposal will include internal roads, landscaping and tree planting. The eastern part of the site, approximately 25 hectares, will be left undeveloped and will provide strategic landscaping and opportunities for biodiversity gain for the area.

There is potential for the provision of a HGV lorry park in the southern part of the site should it be required to meet national or regional needs.

### Phasing

Our clients are willing to phase the development to meet market expectations of the area.

### Benefits of the Proposal

The proposal could directly facilitate in the region of 1,600 jobs on site with further jobs in the wider supply chain, and would make a significant contribution to the local economy. Specifically, it would help to unlock the potential of the Cambridge/Oxford-Cambridge Arc as one of the world's premier growth corridors and deliver high value jobs in the national interest. It has the potential to support other sectors of the economy and unlock opportunities for jobs and economic growth. The site is mid-way between Oxford and Milton Keynes and could provide a strategic site enhancing the economic strength of the sub-region.

The Council's Economic Needs Assessment Report (Sept 2021) concluded in relation to the logistics sector in Cherwell District that there is a preference to be located on the M40 side of Banbury but there are currently insufficient sites to meet the local business needs.

Banbury is seen as the largest logistics/industrial market in Oxfordshire and is an attractive location for future logistics development. The assessed demand is for unit sizes of 200,000-300,000 sqft. This would typically require minimum site requirements of around 8-10 ha. Operational requirements are:

- access to the strategic road network, principally the M40 motorway
- 24-hour operations 7 days a week; and
- Siting away from residential uses but close to labour markets.

The proposal site at Jn 11 Banbury would meet all these criteria and would assist in realising the aims of the Oxfordshire Local Industrial Strategy in ensuring a sufficient supply of employment land.

The development would complement the adjacent employment allocation at Frontier Park and existing commercial development west of the M40 at Banbury.

Existing hedgerows and trees would be retained where possible and enhanced at the boundary edge through additional planting. Supplementary tree and shrub planting throughout the site would further improve the biodiversity. Native plant species would be chosen to complement the existing flora of the site and respect any local provenance as well as providing habitats beneficial for wildlife.

The proposal could support local bus services to/from Banbury passing the site through increased patronage.

Other benefits include appropriate contributions towards local infrastructure, jobs created through the construction phase and spend by those employed on site in local shops and services and training schemes which will all support the local economy.

### Known Constraints

The developable site is not the subject of key constraints such as:

- Green Belt
- Area of Outstanding Natural Beauty (AONB)
- Green Wedge
- SSSI
- Conservation Area
- Scheduled Ancient Monument or Listed Buildings
- Flood Zone 2 or 3 (high risk of flooding)

The north-east part of the site contains a NERC Act S41 Habitat site. This part will remain undeveloped with a substantial buffer around it, providing opportunities for habitat and biodiversity enhancements.

### Deliverability

The site is under contract with Greystoke CB. The landowner is fully committed to the delivery of commercial development on the site and there are no known legal issues that would prevent the delivery of the site moving forward. The site is capable of being quickly developed following the grant of satisfactory planning permission and could contribute to economic growth of Banbury in the short term.

Our clients will continue to promote the site through the review of the Cherwell Local Plan, but also offer the site for development in the interim through an early planning application to ensure a sufficient supply of employment land.

### Advice Sought

Our clients request pre-application advice on the following matters: -

- The principle of commercial development at the proposed site,
- The appropriate scale of development,
- Design and Access considerations, including comments on the Indicative Masterplan,
- Potential phasing of the development,
- Any technical and/or environmental issues to be addressed as part of any future planning application,
- The requirement for, and scope of, public and stakeholder pre-application engagement,
- Infrastructure requirements including access and Planning Obligations,
- Validation requirements for a planning application including any need for EIA, and
- The status of the Local Plan Review and site promotion.

Enclosures

As part of the formal pre-application request, I enclose the following: -

- A location Plan
- An indicative site Plan

Pre-application fee

I understand the minimum charge is £3,600, and thereafter £120 per person hours for all work/meetings undertaken (rounded up to 15 mins).

I trust that the above and enclosed provides you with the information that you require to register this request and to be allocated to an officer. However, if you require any further information, please do not hesitate to contact me.

Yours sincerely,



**David Hutchison**  
**Executive Director**



## Appendix 2 – Pre-application response from Cherwell DC

## CHERWELL DISTRICT COUNCIL

### Pre-Application Report

<b>Pre-application Reference No:</b>	21/04026/PREAPP
<b>Proposal:</b>	Commercial development of between 1.2 million and 1.5 million square feet of logistics/warehousing and associated infrastructure and landscaping
<b>Site Address:</b>	OS Parcel 7921 South of Huscote Farm And North West Of County Boundary Daventry Road Banbury
<b>Date Site Visited:</b>	25 <sup>th</sup> January 2022

#### TECHNICAL ASSESSMENT

**Internal Consultations Required:**

Landscaping  
Ecology Officer  
Building Control  
Planning Policy  
Economic Development  
Public Art

**External Consultations Required:**

Oxfordshire County Council  
Environment Agency  
Highways England  
Thames Water  
Police Crime Prevention and Design Adviser  
South Northamptonshire District Council  
Northamptonshire County Council  
CPRE

**Flood Risk:** The site is within Flood Zone 1 which is the zone of lowest flood risk. The Environment Agency has produced advice for applicants and agents about assessing flood risk in the planning process, and this can be viewed online at: <https://www.gov.uk/flood-risk-assessment-for-planning-applications>. You should have regard to this advice when preparing your application.

The Environment Agency also offers a pre-application service, details about which are available online at: <https://www.gov.uk/government/publications/planning-advice-environment-agency-standard-terms-and-conditions>

**Drainage:** You need to consider foul and surface water drainage when designing your proposals. In respect of foul drainage, you should first seek to connect to the public sewer network. You can contact Thames Water for further advice about this; information about their pre-application service is available online at: <https://developers.thameswater.co.uk/commercial-building-works/water-supply/disconnections/pre-application-help-and-advice>.

Only if a connection to the public sewer network is not feasible should you then consider other foul drainage options. The Environment Agency would be consulted on any planning application that proposes non-mains foul drainage. If you are proposing non-mains foul drainage, you should submit a completed Foul Drainage Assessment Form with your planning application. This form can be viewed online at: <https://www.gov.uk/government/publications/foul-drainage-assessment-form-fda1>

In respect of surface water drainage, wherever possible surface water should be drained within the site using Sustainable Drainage Systems (SuDS). Technical Standards for the design, maintenance and operation of SuDS can be viewed online at: <https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards>

In some cases the Water Authority may adopt SuDS which meet the legal definition of a sewer. Water UK has published [Design and Construction Guidance](#) which contains details of the water sector's approach to the adoption of SuDS. If you wish to explore the option of the Water Authority adopting SuDS, you will need to ensure the SuDS are designed in accordance with the Guidance.

In addition, you should refer to the guidance published on [Oxfordshire County Council's Flood Toolkit](#) concerning surface water drainage, and in particular the detailed guidance provided in the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire".

#### **EIA Screening Opinion Required?**

Yes, due to the scale of the development proposed, its location and the likely environmental impacts, Officers consider a screening opinion is required to establish whether the planning application should be accompanied by an Environmental Statement.

#### **Committee or Delegated Matter?**

Committee matter due to the development being classed as major and a departure from the development plan, given that the site is not allocated by the Local Plan for a specific use.

#### **Relevant Planning History:**

20/00191/PREAPP – a proposal for a similar mixed commercial development on the site was considered. In summary, as extracted from the Pre-application Enquiry report:

*I regret to inform you that I will not be able to support the proposal in its current form because of the following deficiencies/issues:*

§ *The development does not accord with the spatial strategy of the Local Plan which seeks to achieve sustainable economic growth by limiting development in the rural areas and focussing most of the growth in locations within or immediately adjoining the main towns, as provided for by Policy SLE1*

§ *The development also conflicts with several other Local Plan policies, as outlined in the assessment below*

**Policy:** Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan in Cherwell comprises the Cherwell Local Plan 2011-2031 Part 1, and the saved policies of the Cherwell Local Plan 1996. The policies considered most relevant to your proposal are:

**CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031)**

Policy SLE1 - Employment Development

Policy SLE4 - Improved Transport and Connections

Policy ESD1 - Mitigating and Adapting to Climate Change

Policy ESD2 - Energy Hierarchy and Allowable Solutions

Policy ESD3 - Sustainable Construction

Policy ESD4 - Decentralised Energy Systems

Policy ESD5 - Renewable Energy

Policy ESD6 - Sustainable Flood Risk Management

Policy ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment

Policy ESD13 - Local Landscape Protection and Enhancement

Policy ESD15 - The Character of the Built and Historic Environment

Policy Banbury 15 – Employment Land North East of Junction 11.

**CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)**

Policy C8 - Sporadic development in the open countryside

**OTHER MATERIAL CONSIDERATIONS**

The National Planning Policy Framework (2019) is a material consideration which should be afforded significant weight. Other material considerations include:

Planning Practice Guidance (PPG)

The Banbury Masterplan SPD and the Developer Contributions SPD are also material considerations relevant to the assessment of your proposal.

**You should be aware of the following matters/issues/designations:**

§ The site lies within the open countryside, outside of the settlement area of Banbury.

§ Physical constraints – hedges, highways, protected trees, areas of water

§ Give the proximity of the site to the M40, specifically Junction 11 it is recommended that Highways England are contacted and separate advice with them is sought. Please contact [www.highways.gov.uk](http://www.highways.gov.uk). Useful link: <http://www.highways.gov.uk/publications/planning-protocols-for-planning-and-development>

§ You need to consider the effect on protected species when developing your proposals. Further information may need to accompany your application including a phase 1 survey to identify habitats present and features likely to be used by protected species and any further detailed survey reports for any individual protected species should these be necessary. In order to assist you in this you should refer to the Standing Advice prepared by Natural England (link below). This 'standing advice' will help in assessing if there is a reasonable likelihood of protected species being present and if so the relevant survey and mitigation requirements. This advice will be a material consideration in the determination of your application.  
<http://www.naturalengland.org.uk/ourwork/planningdevelopment/spatialplanning/standingadvice/advice.aspx>

In this case I have considered the standing advice and note that there is a reasonable likelihood of protected species being present within the site due to the open countryside context and presence of existing hedgerows/trees within the site I would, therefore, advise you to submit a phase 1 survey/bat and barn owl survey/great crested newt survey.



Failure to do so could result in your application being refused as the Council will not be able to properly assess the impact of the development on protected species.

### PROFESSIONAL ASSESSMENT BY CASE OFFICER

It is considered that the main issues relating to your proposal are:

- § Principle of Development
- § Highway safety and Transport
- § Visual Amenity and Landscape Impact
- § Protected species
- § Other matters

I regret to inform you that I will not be able to support the proposal in its current form because of the following deficiencies/issues:

- § The development does not accord with the spatial strategy of the Local Plan which seeks to achieve sustainable economic growth by limiting development in the rural areas and focussing most of the growth in locations within or immediately adjoining the main towns, as provided for by Policy SLE1
- § The development also conflicts with several other Local Plan policies, as outlined in the assessment below

#### Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act outlines that the starting point for the consideration of a planning application is the Local Plan unless material considerations dictate otherwise. Where the Local Plan is absent, silent or out-of-date, paragraph 11 of the National Planning Policy states that a presumption in favour of sustainable development applies, granting permission unless the benefits of the proposal are demonstrably outweighed by any harm caused.

As such, the starting point for the consideration of this proposal is the Cherwell Local Plan. The Cherwell Local Plan outlines the Council's policies for the period 2011-2031. These policies are considered up-to-date and includes the allocation of sites for employment purposes to meet the District's needs. As such, paragraph 11 of the NPPF is not engaged in this instance.

Therefore, full weight is applied to the relevant policies within the local plan. SLE1 of the Local Plan outlines the strategic vision for the provision of new employment development within the District. Also contained within the Local Plan are site specific policies allocating land for employment purposes. Each policy sets out the type of employment development that is required for each site, and cumulatively these allocations provide sufficient employment development opportunities to meet the identified needs of the District until 2031.

In addition, it should be noted that the Local Plan seeks to concentrate development at Bicester to improve the self-sufficiency of the town and reduce out-commuting. As such, the highest proportion of allocated sites are situated at Bicester. Paragraph b. 34 of the Local Plan allows for moderate growth at Banbury, seeking a high-tech manufacturing and higher value distribution opportunity. Given the growth allowed for by the Local Plan, it is important to consider the latest Annual Monitoring Report in respect of employment land availability. The latest AMR shows that there is employment land available at Banbury and Bicester within allocated sites. Therefore, until such time where the existing capacity within allocated sites has been used and there is a robust and unequivocal evidential need for further employment land, speculative sites are unlikely to be supported.

Notwithstanding this, SLE1 of the Local Plan outlines criteria that must be satisfied, where speculative developments are proposed. The criteria that is applicable to the consideration of the enquiry proposal is that for Banbury, Bicester and Kidlington, which is outlined below:

- Are within the built-up limits of the settlement unless on an allocated site
- They will be outside of the Green Belt, unless very special circumstances can be demonstrated
- Make efficient use of previously developed land wherever possible
- Make efficient use of existing and underused sites and premises increasing the intensity of use on sites
- Have good access, or can be made to have good access, by public transport and other sustainable modes
- Meet high design standards, using sustainable construction, are of an appropriate scale and respect the character of its surroundings
- Do not have an adverse effect on surrounding land uses, residents and the historic and natural environment

In summary, the site is considered not to satisfy these criteria as, the site is not located within the built limit of Banbury, is not an allocated or an existing employment site, the site is not previously developed land, the site is not easily accessible or supported by more sustainable transport modes and buildings of the scale proposed, given the separation from Banbury, would be out of character with the surrounding rural context, where buildings of this scale would appear incongruous and sporadic, and would be incompatible with the local area.

Therefore, the principle of providing employment development on this site fails to comply with SLE1 of the Cherwell Local Plan and therefore, would not be supported.

#### **Highway Safety and Transport**

Oxfordshire County Council as Highways Authority has provided detailed comments in respect of the pre-application enquiry. Cherwell District Council has reviewed the comments made in respect of Highways Matters and are supportive of the comments made. As such, the full comments of Oxfordshire County Council have been included as part of the response issued by Cherwell District Council and should be read as part of the formal response. A summary of the response has been provided below:

The County Council has two significant concerns with development at this location. Firstly, development at this location would not be sustainable, given the site's location without direct and convenient access for pedestrians, cyclists and no frequent public transport service. Trips to the site would be reliant upon the car. Secondly, development at this location would require significant mitigation for all travel modes. This was noted by the Planning Inspector at the examination of the Cherwell Local Plan.

The County Council recommend that pre-application advice from themselves and National Highways is sought before progressing further with the proposal.

In addition to the significant concerns raised, the County Council also identify other issues with the proposed development and would welcome further discussion and information with regards to the progression of site layout and design matters. The County Council response sets out where matters should be discussed and agreed prior to the submission of any application with the County Council in order to potentially overcome concerns.

Given the scale of development and the impact of the proposal, should an application be considered acceptable, financial contributions towards appropriate highway safety mitigation would be required. Further work on Transport Modelling and design is required before a view on the financial contributions that would be required can be provided.

Officers consider that the proposal would cause severe harm to highway safety and currently could not be supported. It is advised that independent pre-application advice is sought from both Oxfordshire County Council and National Highways.

### **Visual Amenity and Landscape Impact**

ESD13 of the Cherwell Local Plan requires development proposals to enhance and protect the character of the landscape. Development proposals should not intrude on the open countryside or the local character.

The site is open agricultural land, situated close to Junction 11 of the M40. The site is open countryside in character, with the M40 and A361 forming a physical and visual separation from the built limits of Banbury. Within close proximity to the site is the development on allocated site Banbury 15 for approximately 50,000sqm of mixed B2/B8 uses. Within relative proximity to the site is a small grouping of buildings on the A422 east of the site.

This site is not characterised by built development, with important longer distance views from the surrounding area on to the site. Of particular importance are the longer views from the north and west onto the site, as well as vantage points from the Banbury Country Park,

The impact from sensitive receptors should be considered and it is recommended that viewpoints should be agreed with the Cherwell District Council Landscape Officer prior to the preparation of an LVIA.

It is noted that, Policy Banbury 15 of the Local Plan, allocates a parcel of land, to the north east of Junction 11 of M40, which is in close proximity to the site, the development of which is under construction. Whilst this would cause harm to the open countryside, this site has been allocated and provides necessary employment land meeting the identified needs of the District in the plan period. Furthermore, it is contained between the M40 and the A361 and so is well contained and will not appear sporadic in the same way as the enquiry proposal. As the pre-application site is not allocated, and the District can meet its employment land needs within allocated sites, there are insufficient benefits arising from the development that would overcome the significant harm to the open countryside and the visual amenity of the site.

Overall, the proposed development would be out of scale and character with the open rural character of the site and its surrounding context. Development would cause unacceptable harm to the visual amenity of the area and the local landscape. As such, the proposed development would fail to accord with policy ESD13 and ESD15 of the Local Plan, and saved Policy C8 of the 1996 Local Plan.

### **Protected species**

Policy ESD10 requires the protection and enhancement of biodiversity and the natural environment. Specifically, development proposals should provide a net gain in biodiversity, retaining existing features and providing new resources.

The enquiry site contains two areas of priority habitat. The fields that form the site are well connected by hedgerows with small ponds appearing on the site. Also, either within or adjacent to the site are a series of small copses. As such, an application would need to be supported by a full Phase 1 survey with any necessary Phase 2 species/habitat surveys.

The pre-application submission does not contain specific details of how biodiversity would be protected or enhanced, other than the retention of existing hedgerows where possible. Mitigation should be designed into the layout and ecological impacts avoided where possible. In addition, an application would need to consider lighting, functional wildlife corridors and amenity areas for the workspaces as part of the assessment of opportunities and impacts.

The site is also adjacent to the North Cherwell Conservation Target Area. These are areas of particular value to wildlife. An application should consider whether any habitat creation can be achieved on site which compliments the Conservation Targe Areas priorities.

Developments should provide a minimum 10% measurable net gain for biodiversity and it is advised that the Biodiversity Impact Assessment Metric is used to demonstrate how this will be achieved. It is expected that a range of enhancements including bird and bat boxes and green roofs would be incorporated into a scheme of this type and scale.

The proposal would result in the loss of some habitat and would currently fail to accord with ESD10 of the Local Plan. However, it is acknowledged that there is potential within the site to retain existing features, notably the hedgerows and protected trees at the northern boundary as well as an opportunity to introduce new features to improve biodiversity. An application should be supported by appropriate surveys and a Biodiversity Impact Assessment Metric.

### **Other Matters**

#### **Archaeology**

Oxfordshire County Council has provided a response on archaeological matters. Please refer to their response for advice on this matter.

#### **Flood Risk and Drainage**

Oxfordshire County Council has provided a response on flood risk and drainage matters. Please refer to their response for advice on this matter.

Notwithstanding the officer comments above, a Section 106 Legal Agreement is likely to be required for this type of proposal in the event of a permission being granted.

Contributions towards the following items are likely to be required:

- § Payment of a financial contribution towards public art
- § Payment of financial contributions towards landscaping improvements at Banbury Country Park
- § Payment of the Council's Monitoring Costs

You are advised to read the Council's Supplementary Planning Document for further advice. This is available on the Council's website:

<http://www.cherwell.gov.uk/index.cfm?articleid=3390>

Developer contributions may also be required by external agencies such as OCC & EA:

- § Highways, public transport (OCC)
- § Monitoring (OCC)
- § Flood Risk mitigation (EA)

The following issues may also need to be addressed by the legal agreement.

You may wish to consult with these agencies prior to submitting a planning application.

Please note that a Solicitor's undertaking will be required to pay the Council's reasonable legal fees based on the time taken to prepare and negotiate the S106 agreement and to investigate land title/s. It would assist the efficient processing of your application if you provided such an undertaking with any formal application for planning permission.

You should also include in your submission the following additional plans/information:

- Proposed materials – make, type, colour etc
- Hard and soft landscaping proposals (to include hedge and shrub planting, sizes, species, positions, area of grass seeded/turfed; trees/hedges to be retained; TPOs)
- Proposed boundary treatments
- Proposed bin storage areas and bin collection points
- Details of roof lights
- Flood risk assessment
- Landscape and Visual Impact Assessment
- Design and Access Statement
- Evidence of Need for the Development

- Phase 1 Habitat Survey and Specialist Phase 2 Surveys (as needed)
- Biodiversity Impact Assessment Metric
- Site Location and Block Plan
- Floor Plans and Elevations
- Access plans and parking arrangement
- Vehicle tracking plans for HGVs and larger vehicles
- Transport Assessment and Mitigation
- Archaeological Assessment

You may wish to consider proceeding to stage 2 of the pre-application advice stage before submitting any formal planning application. In such circumstances, the following extra information would be required:

§ An amended/ more detailed plans showing proposed access, parking, floor plans, elevations, heights and material finishes.

**Date of Report:** 22<sup>nd</sup> March 2022

**Case Officer:** Samantha Taylor

#### **DISCLAIMER**

The above advice represents the professional views of Council Officers and although given in good faith, it cannot prejudice any decision with the Council, as Local Planning Authority, may make at either Planning Committee or delegated officer level.

Town & Country Planning Act 1990 (as amended)  
Planning and Compulsory Purchase Act 2004

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