

20 June 2022

## **Objection to planning application 22/01488/OUT**

Dear Sirs,

As nearby neighbours who will be heavily impacted by the above planning application, we wish to object in the strongest terms.

The proposed development is in contravention of existing planning policy, would lead to significant environmental harm and would offer no economic benefit to the residents of Banbury or the wider Cherwell district.

## **Planning Policy**

### *Site is not included in the current local plan*

The proposed site was specifically excluded from development in the Adopted Cherwell Local Plan 2011-2031.

Sections 199-201 of the Inspectors Report

(<https://www.cherwell.gov.uk/download/downloads/id/3278/cherwell-local-plan-inspectors-report-with-main-modifications-2015.pdf>) clearly sets out the reasons why this site is not suitable for development, even as a strategic reserve site, including:

- 201. Development of the land east of the A361, as noted in 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.
- 206. In the 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 of 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

As there has been no significant change in circumstances since the publication of the above report, and there have been no significant infrastructure improvements in the area, we do not believe there is any new justification for allowing development on this site when it was previously considered unsuitable.

### *Application pre-empts public consultation and adoption of the Local Plan 2040*

The site has been proposed as a speculative development location in the Cherwell Local Plan 2040 consultation (sites LPR-A-034 and LPR-A-168)

A development of this size should not be allowed to proceed without full public consultation, and this application appears as an attempt to circumvent this process by seeking planning permission before full consultation on the Local Plan has been completed.

### *Removal of 'Green Buffer' between Oxfordshire and Northamptonshire*

The site is outside the existing built limit of Banbury and currently forms part of the 'Green Buffer' between Oxfordshire and Northamptonshire.

We believe that these buffers are an important corridor for wildlife and nature, especially at sites like this

where they lay in the main path of the valley. The development of this site could have a significant impact beyond its boundaries.

The ENV04 Banbury Green Buffers Report (<https://www.cherwell.gov.uk/downloads/file/4183/env04-banbury-green-buffers>) clearly states the benefits and reasons that surrounding land around Banbury, such as this site, should not be developed. These include:

- maintain Banbury's distinctive identity and setting,
- protect the separate identity and setting of neighbouring settlements which surround the two towns,
- prevent coalescence and protect the gaps between the existing/planned edge of the towns and surrounding settlements,
- protect the identity and setting of landscape and historic features of value that are important to the identity and setting of the town,
- protect important views.

"The Green Buffers are key to shaping the town and to allow its character as a compact historic market town to be retained".

The proposed development is also inconsistent with the Local Gap policy: The ENV04 Banbury Green Buffers Report, dated September 2013 clearly states, "Extending the Buffer to the District boundary in the east not only protects the settlement of Nethercote, but also provides a policy boundary that is coincident with that of the Local Gap policy in the adjacent District of South Northamptonshire."

### *Inconsistent with existing policy not to develop east of the M40*

There is a longstanding planning policy that the urban development of Banbury should not be able to extend further east than the M40, which forms a logical boundary for the town.

Although this policy has been 'flexed' to a limited extent to allow the existing 'Frontier Park' development (against much opposition from local residents), allowing this application would violate it completely.

### *Sets a dangerous precedent*

Should this application be permitted, it will set a dangerous precedent which will make it harder for the Council to refuse further development on greenfield sites east of the M40.

The controversial and unpopular decision to allow development of Frontier Park has already been used as a supporting argument for this application, and the same arguments will no doubt be applied by developers to future applications in this area.

As part of the Local Plan 2040 consultation, developers have already submitted speculative plans for the land south of the A422, which would obliterate the historic rural hamlet of Nethercote, as well as the Bowling Green Inn.

As residents of Nethercote, we want to ensure that this does not happen and our peaceful hamlet and local pub are preserved for future generations!

Also, although the applicant only proposes development on the western part of the site, there is no guarantee that this will not be expanded in future, and it will be much more difficult to reject once part of the site has already been developed!

## **Environmental Impact**

The proposed development would also have a devastating impact on the environment, not only within the site, but further afield.

## Protection of wildlife

The site is currently greenfield agricultural land and is full of mature hedgerows, trees, ponds and other important wildlife habitats. As a result this area has a massive range of wildlife, including (but not limited to): bats, deer, weasels, small birds (such as tits and sparrows), medium birds (such as lapwings and woodpeckers) and large birds (such as owls, buzzards, kites and pheasants)

Whilst the applicant is proposing to retain some of the existing trees and hedgerows as part of the development, they will be adjacent to concrete car parks and solid buildings rather than the wide open fields required for hunting and foraging, and will therefore lose significant habitat value and biodiversity.

Construction activity to build the warehouses and par parks will be taking place immediately adjacent to these trees and hedges; this will significantly disturb or displace existing wildlife, which will probably never return.

## Protection of Lapwings

The Lapwing has a Red UK conservation status and is protected by The Wildlife and Countryside Act 1981. Although Lapwings are known to be present in the area, they were not included in the applicant's Ecology survey.

We live in Nethercote, just south of the A422 and have personally seen lapwings in the surrounding fields, we even managed to once get a photo (right)!

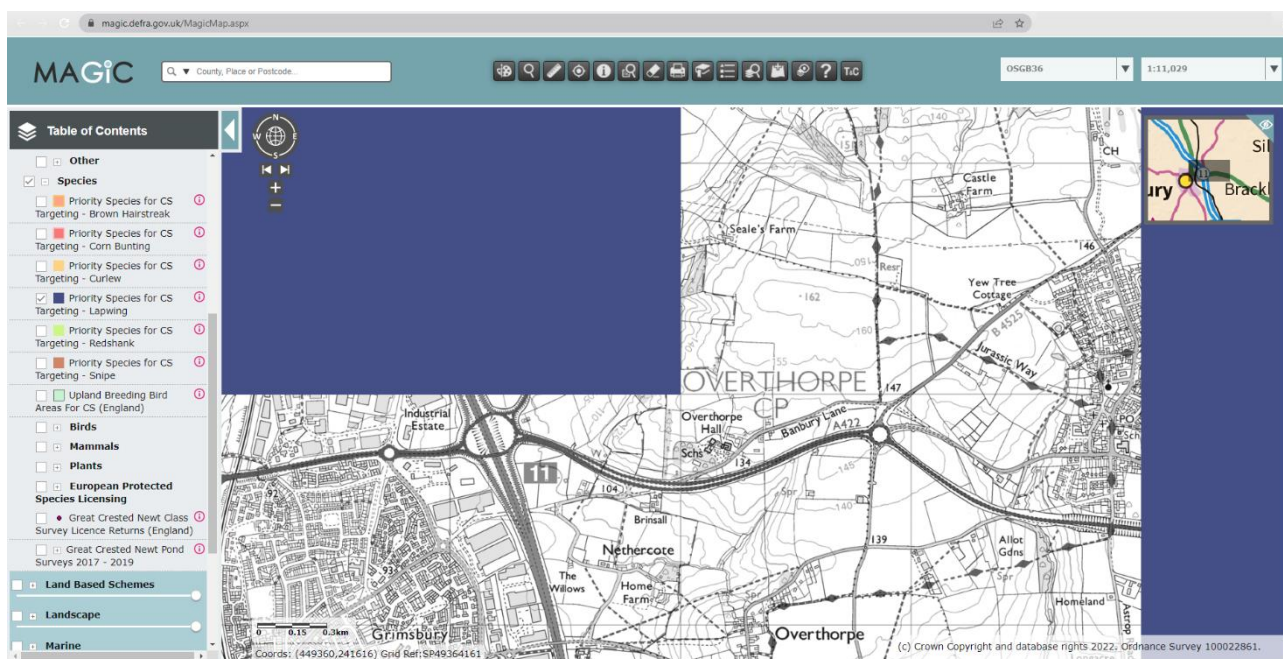


According to DEFRA, part of the site is in an area designated as a "Priority Species for CS Targeting – Lapwing habitat"

<https://magic.defra.gov.uk/MagicMap.aspx>

The Northern lapwing is listed as one of four flagship species, in the **Northamptonshire Biodiversity Action Plan**

<https://www.northamptonshire.gov.uk/councilservices/environment-and-planning/planning/planning-policy/archaeology-biodiversity-and-landscape/documents/PDF%20Documents/Northamptonshire%20BAP%202015-2020.pdf>



*The declines in lapwing population have been greatest in southern England and Wales, where the farming changes have been greatest and farmland is the only suitable habitat for the lapwing. Between 1987 and*

1998 lapwing numbers dropped by 49 per cent in England and Wales. Since 1960 the numbers dropped by 80 per cent.

<https://www.rspb.org.uk/birds-and-wildlife/wildlife-guides/bird-a-z/lapwing/population-trends/>

## Badgers

We are disappointed to see that the applicant has not made public the information related to badgers, in a confidential Appendix 7.2. We believe that this information should be made publicly available to allow appropriate response to the application. If no evidence of badgers was present, then surely the applicant would face no issues from clearly stating so. Failing to do so suggests that the applicant has something to hide.

## *Impact on air quality*

Any development will have an impact on the air pollution in the area, which has been shown to have an adverse effect on wildlife as well as nearby residents.

*“Air pollution is a major environmental pressure that is felt at a range of scales, from local, to regional, to global. Air pollutants can affect biodiversity and ecosystem services, harm human health and contribute to climate change. Air pollution has caused widespread changes to sensitive ecosystems in the UK.”*

<https://jncc.gov.uk/our-work/air-pollution/>

It is clear that the development will create significant additional vehicle movements (both within and to/from the site), a large proportion of which will be the most polluting vehicles; diesel HGVs.

This will result in an unavoidable increase in both NO<sub>2</sub> and particulate emissions.

*The Air Quality to the north of Banbury is already extremely poor due to the proximity of the M40 and the large number of HGVs accessing the existing industrial areas. Part of the area is already included in an Air Quality Management Area.*

*Allowing construction of more warehouses and the resulting increase in lorry movements will only increase the level of air pollution, causing more misery for residents and damage to local wildlife.*

We are also concerned that Carrdus School is on the south-east corner of the site and poor air quality has been shown to have a disproportionate damaging effect on children's lungs.

We note that the air quality assessment has been carried out based on data obtained from existing Cherwell District Council 'Diffusion Tube' detectors west of the M40 (Appendix 10.3).

However, there are currently no detectors east of the M40, so the impact of the development on air quality in Nethercote, Chacombe and the A361 corridor cannot be accurately modelled, and is likely to be significantly worse than suggested by the applicant.

## *Noise Pollution*

Construction and operation of new industrial units will undoubtedly lead to a significant increase in noise pollution.

This will not just include the movement of vehicles within the site, air conditioning units and machinery, it will also include alarms, reversing beepers and warning sirens, which do not appear to have been considered as part of the applicant's assessment and, by design, are far more disruptive and carry a lot further. The residents of Nethercote are already regularly bothered by alarms in the Central M40 development nearly 1km away!

Additional noise pollution will not be limited to the site itself, but will also include the area surrounding the M40 junction, A361 and A422 as a result of the additional vehicle movements generated by the site, a large proportion of which will be HGVs

Any increase in noise pollution will have a negative effect on the residents of Chacombe, Banbury Lane and Nethercote.



As the site is proposed to operate 24/7, there will be no respite from noise for nearby residents. Additional, the proposal is for construction activity (with the additional associated noise and dust) to take place over at least 5 years.

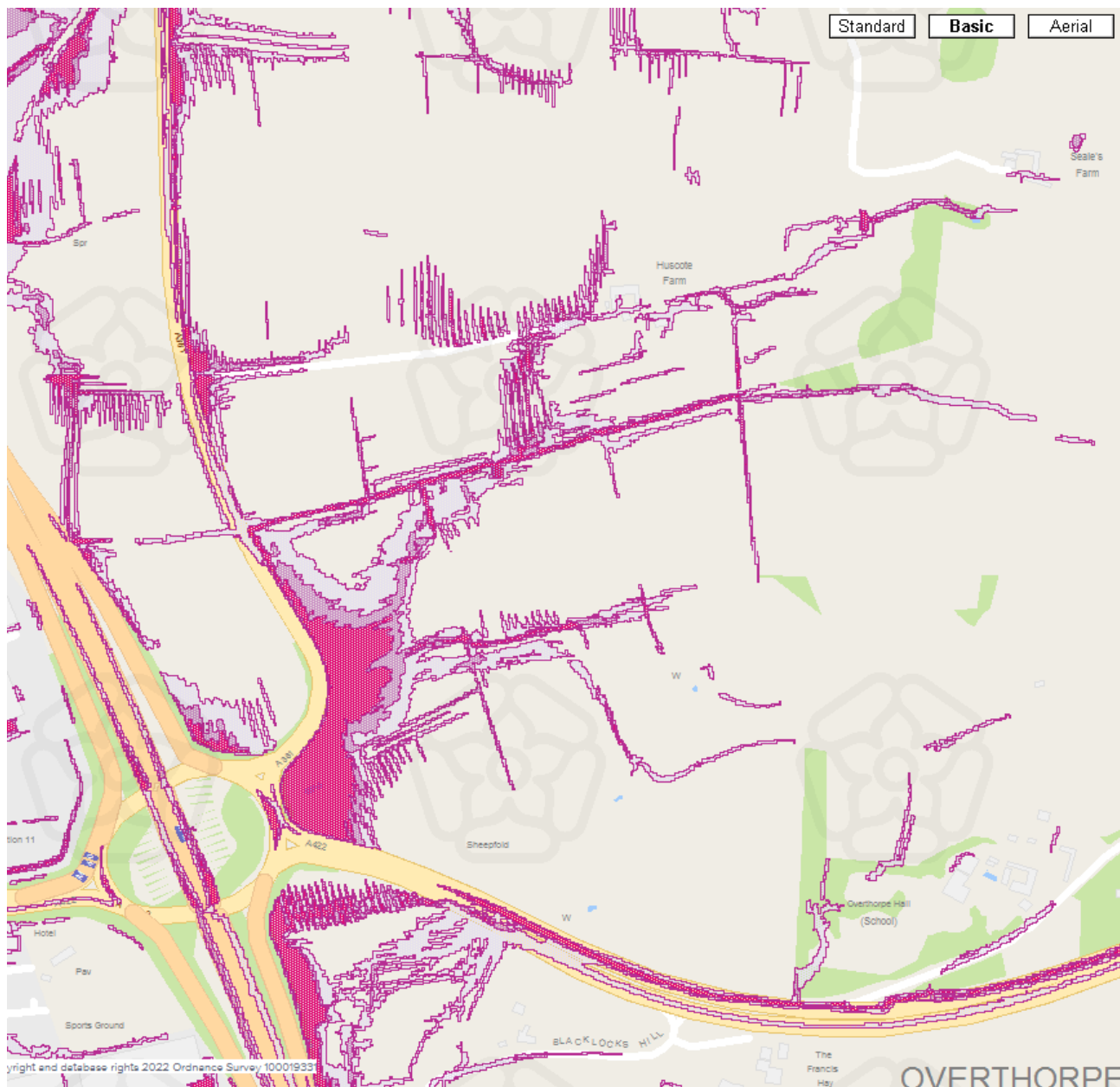
We note that 'Dogs for Good', some of whose service users are autistic and likely to be highly noise-sensitive, has not been considered in the applicants' assessment.

Noise pollution is also likely to have a detrimental effect on local wildlife, especially on those creatures which rely on hunting by sound (bats, owls etc).

### ***Impact on flooding management***

The Northamptonshire Flood Toolkit and the Oxfordshire Treescapes Project maps (among others) clearly show how the area is at a high risk of flooding from surface water, and therefore is an important natural flood management area.

Adding additional permanent impermeable ground covering on the sloping site is likely to lead to additional floodwater running off the site into adjacent low lying areas. This includes areas with residential properties (for example, Chacombe and Nethercote).



<https://www.floodtoolkit.com/risk/>

## Surface and Foul Water Disposal

We are concerned that the proposed site has no connection to the existing sewerage system, and that foul water will be treated at a new plant on the site and then discharged into the surface water network.

The operation of this treatment plant could result in neighbouring residents in Nethercote, Chacombe and Overthorpe being exposed to noxious odours.

We are also concerned that, should this plant or the surface water drainage become overwhelmed during periods of heavy rain, the adjacent low lying residential areas and the River Cherwell would be subjected to untreated discharges and run-off from this site.

We believe that, should the development go ahead, the applicant should instead be required to fund the extension of the mains sewerage system onto the site to ensure that all foul water and run-off is properly dealt with.

## Light pollution

The applicant's Environmental assessment does not appear to have considered the impact of light pollution from the development on the surrounding area.

Banbury already causes a massive amount of light pollution in this area. The current green buffer gives wildlife some safety from harm, it also provides an important buffer to the surrounding residents. The sheer number of industrial units on the east side of Banbury, and the high levels of light pollution they emit must not be allowed to increase!

The problem of the additional light pollution needs to be considered, as per the Government's guidance on light pollution [www.gov.uk/guidance/light-pollution](http://www.gov.uk/guidance/light-pollution)

*"Artificial light can wreak havoc on natural body rhythms in both humans and animals. Nocturnal light interrupts sleep and confuses the circadian rhythm—the internal, twenty-four-hour clock that guides day and night activities and affects physiological processes in nearly all living organisms."*

<https://www.nationalgeographic.org/article/light-pollution>



## *Visual Impact*

This site is visible for miles due to its rising location on the edge of the valley. The applicant's own 'Theoretical Visibility' maps (appendix 5.1) show it will clearly be visible across a large part of Banbury town, as well as from Nethercote, Overthorpe and to road users on the A422, M40 and A361.

We strongly disagree with the applicants' conclusions that the visual and landscape impact is overall not significant. Instead, we believe the damage to the landscape and visual impact is not outweighed by any potential benefits offered by the development.

We also disagree that the remaining medieval ridge and furrow farmland is of low value, as it provides important evidence of Banbury's agricultural past and the development of Oxfordshire as a whole.

## **Sustainability**

### *Loss of Farmland*

The development would result in the loss of existing good quality agricultural land that is suitable for arable or grazing purposes.

At a time when the UK is concerned about its future food security (due to the current global supply chain problems, as well as the ongoing conflict in Ukraine), it seems foolish to allow valuable farmland to be irretrievably lost to unsuitable development.

### *Lack of Rail Access*

Both central and local government are seeking to reduce the impact of climate change by reducing carbon emissions, with an ultimate aim of reaching net-zero.

A key strategy to achieve this is to encourage as much modal shift as possible from road to rail for both passengers and freight. This also has the benefit of relieving congestion on the road network.

We believe it would therefore be irresponsible to permit a development that is solely reliant on road vehicle movements for its operation and construction and has no realistic possibility of any connection to the rail freight network.

The lack of a rail connection to the existing Central M40 development seems like a missed opportunity, given that it is adjacent to the Chiltern Main Line and even has a disused rail alignment running through the site.

On the other hand, the obstacle of the M40 means that there is no realistic possibility of the application site ever being connected to the rail network.

We strongly believe that, if there truly is a need for additional warehouse and logistics developments within the local area, such developments should only be permitted at sites which are already rail-connected (such as DIRFT or MOD Kineton), or immediately adjacent to an existing rail line with a realistic possibility of a connection being established.

## **Traffic & Transport**

### *Traffic Impact*

The Inspectors Report into the 2011-2030 plan states regarding this site:

- 203. In addition, for the whole site to be developed 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.

As the circumstances have not changed, and no other infrastructure works are planned as part of this application to resolve the traffic problems, then it is clear that the site remains unsuitable for development.

Junction 11 of the M40 often cannot cope with the amount of traffic using it and when there is an incident or roadworks in the vicinity, this whole area frequently grinds to a crawl. The A361 and the A422 are simply not fit to handle the projected 6300 additional daily vehicle movements that the development would create.

The proposal to add an additional roundabout on the A361 between the Frontier Park and the M40 roundabout will further exacerbate the queues along the A361 at peak times.

Congestion on the A422 already causes motorists to ignore the 'No Entry' sign at the north end of Banbury Lane and rat-run along the narrow single track lane through Nethercote, leading to safety concerns for residents, cyclists and pedestrians who all use this route. Extra traffic from this development would cause this to happen more frequently.

The applicant proposes that construction will take place between 2023 and 2028. This coincides with construction work on HS2. Vehicles associated with both will be using the A361 and M40 junction, leading to a significant increase in construction vehicle movements during this period.

### *Public Transport & Active Travel*

There is virtually no infrastructure in the area to provide this development with any form of access, other than vehicular. There is no pavement for pedestrians or safe cycling route along the A361, more importantly there is no safe means for pedestrians or cyclists to cross the M40 junction.

Although the applicant does suggest that pedestrians and cyclists could reach the site via Banbury Gateway and the tunnel under the M40, this would be a significant detour. It is also a very isolated and barely lit (if at all) which makes it totally unsafe for women and vulnerable people, particularly during the hours of darkness.

The applicant does not propose adding a signalled crossing across the A361 to allow pedestrians to access the development, only dropped kerbs and a pedestrian refuge.

Given the significant increase in traffic along the A361, including construction traffic for HS2, we do not believe that this offers enough safety for pedestrians crossing this busy road, especially those with mobility problems or a visual impairment. This would likely limit the ability of disabled people to access employment on this site.

The applicant does not propose any infrastructure improvements that would make it easier to access the site on foot or bike from the east, north or south. This limits the ability of residents in Chacombe, Nethercote, Overthorpe and Middleton Cheney to access employment opportunities within the site without using a vehicle.

The site is too far from the main transport hub at Banbury Railway Station for it to be within easy walking distance, discouraging employees from arriving by train.

Of the two bus routes that currently go past the site, Stagecoach recently announced that it was completely scrapping the 200 bus service, due to lack of demand. Some of the buses on the 500 service do go past to Chacombe, but not evenings or Sundays, so are not a practical method for accessing the proposed site which is proposed to operate 24/7.

It is clear, therefore, that most employees will arrive by car, which is inconsistent with council policies to reduce car journeys and associated carbon emissions.



Additional traffic congestion caused by this development will also increase in additional delays to existing bus services, making them less attractive and require more vehicles and drivers to maintain the existing frequency.

### ***Personal Injury Collisions Data***

We are disappointed to see that the applicant has only examined Personal Injury Collision (PIC) data for Oxfordshire as part of the Transport and Access assessment.

Given the site's proximity to the Northamptonshire border, and that many of the vehicles accessing the site will arrive from the Northamptonshire direction via the A422 and A361, we would expect the applicant to also have included PIC data from Northamptonshire when assessing the risk to pedestrians and road users from this development.

### **Economic Impact**

The application proposes creating employment of Class B8 – Storage or distribution.

Banbury already includes huge amounts of this type of employment, many warehouses are still awaiting tenants and existing employers are struggling to recruit and retain staff.

This will only get worse as Brexit reduces the amount of labour available from the EU.

Any additional jobs created are unlikely to benefit residents of Banbury (who are already spoiled for choice) and so potential employees would need to travel in from further afield, leading to additional vehicle movements on the M40, A422 and other parts of the area's road network.

These jobs are also likely to be low-skill and low-wage positions, not the high-skill, high-wage, high-tech and manufacturing jobs that Banbury needs to attract people and investment to the town.

The location of the site on the edge of Banbury means that employees will be unlikely to visit the town centre shops and facilities (e.g. to buy lunch) so it is unlikely to provide any boost to regeneration of the town centre.

Therefore, the council should reject this application because any benefit from new employment does not justify the environmental damage from building on greenfield sites.

### **Loss of Residential Property**

The application proposes the demolition of the existing Huscote Farm farmhouse and adjacent buildings.

Cherwell District Council does not currently have a sufficient supply of housing to meet targets set by central government and has consequently been forced to approve residential developments outside of areas identified by the Local Plan.

Therefore, to help meet housing targets, the council should not be permitting the demolition of existing residential properties without adequate replacement.

If agricultural buildings on the site are now redundant, the council should instead be working with the property owners to refurbish and re-purpose them for residential use.

### **Conclusion**

As laid out above, we believe that the extremely limited benefits offered by the new development are vastly outweighed by the negatives, and therefore implore the council's officers to do the right thing and reject the application, as well as any future similar applications for development east of the M40.

Yours Faithfully

Daniel Hill & Andrea Keeping