

Development Planning
Cherwell District Council
Bodicote House
Bodicote
OX15 4AA

28 June 2022

Ref: FW/FW

Dear Sir/Madam

OS Parcel 5616 South West of Huscote Farm and East of Daventry Road, Banbury

Outline Planning Application – 22/01488/OUT – 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 associate works including demolition of the existing farmhouse

I write in respect of the recently submitted outline planning application by Pegasus Group on behalf of Greystoke CB, to object to the proposed development on the following grounds:-

- 1) Planning Policy and Decision Making Framework – Principle of the Development :-The site is specifically excluded from the currently adopted Local Plan and was assessed in detail by the Inspector in 2015.
- 2) Detrimental impact on the local landscape
- 3) Detrimental impact on the surrounding highway network
- 4) Absence of Community Engagement contrary to the NPPF

I agree with the conclusions of Cherwell Council within its pre-application report and consider that built form to the east of the A361 is inappropriate and as a result the outline application should be refused.

Planning Policy and Decision Making Framework – Principle of the 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 Where the Local Plan is absent, silent or out-of-date, paragraph 11 of the National Planning Policy states that a presumption in favour of sustainable development applies, granting permission unless the benefits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.

Cherwell Local Plan Inquiry – Local Plan 2011 - 2031

The Cherwell Plan 2011 – 2031 is still the adopted plan. The Inspector in his report to the Cherwell Local Plan Inquiry stated that any development to the east of the A361 (known as Banbury 15) was not appropriate.

It is correct that the Inspector rejected the inclusion of the land to the east of the A361 and I do not consider that there have been any material changes since this time. These representations will demonstrate that the proposal causes significant harm in environmental, landscape and highways terms. There are no benefits to the proposal that can outweigh the harm caused by the proposal.

As is clearly set out within the pre-application report (21/04026/PREAPP) prepared by Cherwell Council, the site lies within the open countryside, outside of the settlement area of Banbury, **“the proposal 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”**.

In addition, I note from the pre-application report 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

It is evident that 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, should not be supported.

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

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.

Cherwell Council at pre-application stage states that:-

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,

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”

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.

It is evident that there is a material difference in character between the landscape to the east and west of the A361 and the Frontier Park Development should not be cited as a precedent. The A361 is a clearly defensible boundary to development from Banbury which should not be breached.

Highways and Transport

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.

It is noted that Oxfordshire 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. Officers consider that the proposal would cause severe harm to highway safety and currently could not be supported.

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 because the proposals would cause severe harm to highway safety they should not be supported.

Lack of Community Engagement

As set out in the NPPF, early engagement with the community is encouraged.

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.”

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.*”

It is considered that given the scale of the proposals, there has been no engagement of any kind with the local community.

Residents of Chacombe anticipated that a number of public meetings would have been held with local villages and/or an exhibition presenting the proposals to the local community. This lack of engagement demonstrates a failure by the applicants to consider or discuss the concerns of the local community.

Conclusions

It is evident that the outline application for development of the site to the east of the A361 is inappropriate and represents a significant departure from the development plan. The conclusions by Pegasus Group that the proposals are in general accordance with the development plan is clearly flawed.

Focusing employment development at Banbury is not consistent with the spatial strategy which clearly seeks to focus development at Bicester.

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 assertion in the planning statement that the impact on character and appearance of the area is moderate, represents a flawed assessment of the existing 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) created a breach to the established built up boundary of Banbury created by the M40, the release of 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.

The Council should reject any form of built development to the east of the A361 for the reasons stated above and to refuse outline planning permission for the proposals submitted under planning application 22/01488/OUT.

Yours sincerely

A solid black rectangular box used to redact the signature of Faye Wright.

Faye Wright

