

In relation to the application for outline planning permission for large scale commercial development in this area, we write further to our initial thoughts given in our comments on 29th May 2022 to provide further comments having had the opportunity to further review the application in more detail. For clarity, we endorse all of our comments made on 29th May and the comments that follow are further objections in addition to those already made. We understand that following the consultation close on 30th June 2022, comments will be accepted after this date, until the date of determination.

We reiterate that it is our strong opinion that the location of the site is unsuitable for development of this nature. Developing the area would have a hugely detrimental impact on our countryside and local heritage; increase traffic and place further pressure on the M40 roundabout which is already insufficient for the volume; increase noise from alarms and machinery for nearby homes; remove the natural habitat for wildlife and birds and increase flooding risks by removing permeable surfaces

Cherwell District Council Local Plan

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements. Cherwell District Council has a current adopted Local Plan in place which does not include this location as it was specifically rejected as previously mentioned

Paragraph 35 of NPPF states: Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Having been specifically rejected from the current adopted Local Plan, the location of this site has been put forward in the Call For Sites as part of the Local Plan Review 2040. The timing of this application, removes the level of scrutiny and assessment that examination seeks to ensure.

The Cherwell Local Plan seeks to provide certainty for communities and developers as to what will/can be developed and where. It is clear that this application is inappropriate to have been submitted and caused uncertainty for the community by its very submission.

In his Foreword to the Local Plan, Councillor Barry Wood, Leader of the Council included the following ambition for Cherwell District Council:

This is a plan which demonstrates a respect for the past and which seeks to preserve and enhance what makes Cherwell District special; our dynamic market towns, the 60 Conservation Areas, our beautiful villages and wonderful landscape.

The application does not reflect this ambition.

Detrimental Impact on Countryside

The application fails to comply with Cherwell District Council Local Plan – Policy ESD13: Local Landscape Protection and Enhancement particularly as the application fails to respect the local landscape, cause undue visual intrusion into the open countryside, is inconsistent with local character and causes harm to the historic value of the landscape, all of which are against this policy.

Goldfinch	10	4.4	4	6.5	15.2	7.2	10.4	30.3	0
Greenfinch	1.5	0.8	7	3.5	3.6	1.6	0.8	1.0	1.3
Grey Partridge	0	0	0	0	0.6	0	0	0	0
Jackdaw	4	2.8	1.5	3.5	20.6	8	10.4	11.0	8.0
Kestrel	1	1.6	3.5	1	0	1.2	0.8	1.5	0
Lapwing	14.5	2.8	4.5	3	1.6	5.2	5.2	10.5	0
Linnet	8.5	6.8	11	10.5	10.8	12	11.2	5.0	1.3
Reed Bunting	6	6.4	7	9.5	4.8	7.2	4.4	4.5	1.3
Rook	95.5	24.4	27	31.5	15.2	25.6	25.2	21.0	5.3
Skylark	19.5	13.2	17.5	13	9.6	12.8	18.4	26.5	6.7
Starling	42	70.4	15.5	0	62.6	9.6	4.4	19.5	0
Stock Dove	1	1.2	1	0	1.2	7.2	5.6	3.5	3.3
Tree Sparrow	0	0	3	0	7.6	0	0	0	0
Turtle Dove	0	1.2	0	0	0	0.4	0	0	0
Whitethroat	8.5	10.4	8.5	7.5	3.6	6.4	7.6	8.5	8.7
Woodpigeon	39	73.6	74	49.5	55.2	62.8	45.2	40.8	43.3
Yellow Wagtail	0	0.4	0	0	0	0	0.8	0.5	0

Yellowhammer	37	8	17	7.5	6.4	6.4	7.6	6.25	8.0
Index	2.29	1.81	1.6	1.16	1.73	1.38	1.25	1.51	0.69

For ease of reading, we have highlighted the AMR table cross referencing the birds listed in Appendix 7.1 Preliminary Ecological Appraisal and it is hard therefore to understand how the geographical importance of the effect on birds can be considered contained to site in geographical importance when there are 6 species present that the AMR has monitored, and with the exception of the Stock Dove, the species have all shown significant decline across Cherwell District

It seems inappropriate to apply the species rich calculation across the whole site, when in the very same reports it is acknowledged the difference of the quality of various fields within the site.

The application also attempts to give the impression that biodiversity of value is predominantly confined to the West of the site, however the various maps show species are found across the entirety of the site

The application fails to comply with government policy, specifically paragraphs 174 – 180 of the NPPF and the policies on “conserving and enhancing the natural environment and “habitats and biodiversity”

The application fails to comply with Cherwell District Council Local Plan – Policy ESD1: Mitigating and Adapting to Climate Change as it is neither a sustainable location nor one that enables sustainable travel options.

The application fails to comply with Cherwell District Council Local Plan – Policy ESD10: Protection and Enhancement of Biodiversity and the Natural Environment as there will be a net loss in biodiversity when applying appropriate calculations and given the lack of TVERC records due to the lack of public accessibility, it is likely that the even with appropriate calculations, true loss of Biodiversity is significantly higher due to under recording of the area.

Noise

Referring to ES Chapter 11 Noise, firstly it is noted that the use of the proposed site is not known and therefore at such stage, it is not possible to predict exact impacts of noise. Given that Nethercote current sound levels are high, it is considered that any addition to this would be unacceptable to residents.

Appendix 11.7 Development Generated Traffic Noise Assessment, table 11-7.1: Road Traffic Assessment shows an adverse impact of some degree on all surrounding roads, A361, Hennef Way, A422 & North Bar Street. A361 South and A422 show moderate and minor adverse impacts respectively.

Observations in Appendix 11.3 Environmental Noise Survey state that the dominant source of noise at all measurement positions was road traffic noise from the M42 (this is incorrectly stated as the M42 is not near to the location) A422 and the A361

With this in mind, it is hard to understand how the report can state that the roads that can be heard from Nethercote will expect material impact on noise levels but that Nethercote itself will not be impacted, this appears contradictory.

Accessibility and Highways Safety

The application fails to comply with Cherwell District Council Local Plan – Policy SLE4: Improved Transport and Connections which covers the importance of facilitating sustainable modes of transport.

Lack of Evidence of Economic Benefits

The application fails to comply with Cherwell District Council Local Plan – Policy Banbury 15: Employment Land North East of Junction 11 as the location falls outside of the specifically defined location within this policy and as previously mentioned the location was deliberate in its omission

The application fails to comply with Cherwell District Council Local Plan - Policy SLE1: Employment Development

The Cherwell Local Plan refers to the need for Banbury to provide more diverse employment opportunities, to increase the skill level of the population and reduce the volume of residents commuting out of the district for better employment prospects

As previous mentioned, there are many warehouses nearby that are unable to recruit and/or retain sufficient labour for their operations, this would suggest that there are already excessive employment opportunities and that this is not the employment that Banbury requires and this is something for the Local Plan to determine.

The Annual Monitoring Report 2021 suggests that the employment land allocated in the current Cherwell Local Plan remains sufficient for the requirements of the area and furthermore that there is sufficient land available at various stages of planning, i.e., some with planning permission already secured, some at planning stage and some yet to be applied. Therefore, there are no circumstances that would suggest that further employment land is needed to be allocated. Furthermore, the current Local Plan Review 2040 is yet to be published and therefore it is not yet known how many new employment sites will become available and until that is determined it is therefore impossible to determine whether there is even a need for more employment land and whether unsuitable sites

should be considered. To be clear, we consider that it is not acceptable in balance to allow an application with such devastating affects on the local heritage, landscape and biodiversity.

It is noted that Banbury 15 currently has two warehouse units, advertised as FP217 and FP133. Despite being advertised for rent since early 2021, and despite FP133 being advertised as available from April 2022, these units both remain unlet. This is in addition to several empty units on Chalker Way. It is therefore difficult to understand how this application seeks to justify a need for more units.

Although not a material planning consideration, it could also be noted that the brochures advertising the units of Banbury 15 quote “affordable labour supply” and state that the average weekly wage (for Cherwell) is 5% lower than the wider South East, this certainly fails to comply with the Cherwell Local Plan which seeks to uplift employment opportunities and average wages.

Drainage and Flood Risk

Given that Cherwell District Council Local Plan Review 2040 is in early stages, it is not yet known what other sites are available and therefore the application fails to comply with Cherwell District Council Local Plan – Policy EDS6: Sustainable Flood Risk Management which requires sites to be used that are at the least risk of flooding.

Insufficient information is given regarding drainage but the information available suggests that it is unlikely that this application will be able to comply with Cherwell District Council Local Plan – Policy ESD7: Sustainable Drainage Systems

Summary

We continue to hold the opinion that Cherwell District Council would not give any consideration to such a proposal. We restate, we would urge you to reject the application on the basis of prematurity. If that is not considered appropriate, we would urge the Planning Committee to refuse the application. Please keep us fully informed on the progress of the application and any publicly accessible meetings where the application will be discussed.