



The countryside charity
Oxfordshire

Campaigning to protect our rural county

**CPRE CHERWELL DISTRICT COMMITTEE COMMENTS ON OUTLINE PLANNING APPLICATION
- 22/01488/OUT – OS PARCEL 5616 SOUTHWEST OF HUSCOTE FARM AND EAST OF
DAVENTRY ROAD, BANBURY**

CPRE Cherwell District Committee wishes to register in the strongest terms its opposition to this proposal and asks that it be refused by the Planning Committee.

The main points upon which this objection is based are:

1. The site is specifically and explicitly excluded from the Cherwell Local Plan 2011-2031
2. The Environmental Impact Assessment provided with the application is wholly inadequate and in some places inaccurate and/or misleading
3. The projected site plans for access to and egress from the site are wholly unrealistic and will have significant impact on flow of traffic entering and exiting Junction 11 of the M40 and the surrounding road system and quite possibly will have specific impacts on traffic on the M40 itself.
4. The Transport Plan in the application is wholly inadequate
5. The claimed employment benefits for the Banbury area are, to say the least, tenuous. The applicants selectively misquote the Banbury Landscape Sensitivity and Capacity Assessment. In addition, reference to the linkage of the development to the Oxford-Cambridge Arc is disingenuous given that the Government has severely modified and reduced its proposals for that Arc particularly in relation to transport infrastructure.

Each of these points is discussed in detail below.

1. Cherwell Local Plan 2011-2031

In the preliminary report by the Case Officer, perhaps the most telling issue in relation to the new proposal is in the paragraph of her comments thus:

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 Where the Local Plan is absent, silent or out-of-date, paragraph 11 of the National Planning Policy states that a presumption in favour of sustainable development applies, granting permission unless the benefits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

The Planning Officer's overview of the planning process is very comprehensive, reiterates the fact that the site which is the subject of the current proposal does not exist in any current formal Local Plan. At this time, it is only the subject of a tentative proposal for the review of the CDC Local Plan 2011-2031 extension to 2040.

We fully concur with the points made and ask that the Planning Committee support the conclusions of the Council's officers and reject the application.

The points made by the officers reflect the comments made during the development of the Cherwell Local Plan 2011-2031 by the Inspector reviewing the draft plan who specifically disallowed the use of the site under consideration as follows (my use of bold for emphasis):

"Policy Banbury 15 – Employment Land NE of J11 M40

199. For the reasons outlined above 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

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.

204. However, a scheme of materially reduced scale, from 49 ha to 13 ha only, limited to 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 at Farthinghoe, or "rat running" on the B4525 through Middleton Stoney (Cheney), given that only 10-15% of total future traffic movements are expected to use those routes, rather than the M40.

205. Moreover, development of the whole 49 ha 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 the increased transfer of freight to rail. Some doubts also remain regarding the delivery of other services and infrastructure requirements in connection with the full scheme. In contrast, a smaller scheme, limited to the land west of the A361, is likely to prove viable in the first part of the plan period, without the need for significant highway improvements, not least for the SE Relief Road to be brought forward much sooner, according to the HA, OCC and the scheme's promoters.

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.**

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 of this 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.**

208. Subject to appropriate design and layout incorporated within a suitable master plan, as required by new policy Ban 15, employment development, principally for B2 and B8 uses, at this location would represent the most sustainable means of providing the necessary additional employment land supply for the town and district. For example, it would have reasonably good transport links with the town, including by walking and cycling, including through the existing underpass beneath the motorway, and with opportunities to improve bus services at reasonable cost. Furthermore, peripheral landscaping and green spaces within the site should also reduce the potential impact on the rural areas to the north and east, including from along the approach roads, to an acceptable level in landscape and visual terms.

209. Although various alternatives have been put forward for strategic scale employment sites, including in relation to other M40 motorway junctions, none is a realistic or more sustainable location for this plan period, given doubts over deliverability, including regarding transport implications, especially for the strategic road network. Additionally, some are of insufficient size to be properly considered as strategic scale allocations (e.g. land off Hennef Way), whilst others are less well linked to existing communities and would represent an even greater intrusion of built development into the otherwise largely rural countryside, such as at Ardley.

210. **Moreover, there are reasonable prospects that the new jobs total in the modified plan, related to the revised housing needs, can be achieved without the allocation of the larger site being required.** Firstly, the existing land supply will be significantly augmented by the other allocations in the plan, with most likely to be available in the short to medium term at least. In addition, there are other deliverable opportunities for some smaller, non-strategic scale, sites to come forward in sustainable locations within or adjacent to the present built up areas of the towns in the LP Part 2. Finally, there are job opportunities likely to come forward in the non B class uses, such as retail and in the public and service sectors associated with the new housing growth."

In such terms did the Inspector quite unequivocally reject the site under consideration in this application for the uses suggested by the applicants.

The Cherwell Plan 2011-2031 is still in force and despite early informal consultation on its review, it is not yet known when any draft review of the current plan will be delivered for formal consultation.

An expression of interest in developing this site was included in that early consultation and strongly opposed – the outcome of those earlier representations and any proposals for changing the 2011-31 Plan should be awaited before any more detailed proposals such as the current one are even entertained by the CDC Planning Committee.

At various points the applicants make reference to the Banbury Landscape Sensitivity and Capacity Assessment. They are disingenuous when they say this Assessment “*found capacity for employment development*” on the site. What the Banbury Landscape Sensitivity and Capacity Assessment **actually** says about employment on this site is “***There is the potential for limited commercial/light industrial development located on the lower lying land adjacent to the A361 forming an extension to existing allocation to the west of the road.***” Commercial and light industry at that time were classified as a B1 use (now class E). The Assessment does not mention the use of the land for the monolithic B8 (storage and warehousing) uses for which the current application is **specifically** made – **the B8 classification was not altered by recent changes to land usage categories .**

Notwithstanding the highlighting above of the inaccuracies of the applicants assertions in relation to the Banbury Landscape Sensitivity and Capacity Assessment, it should be remembered the Assessment quoted pre-dated (2014) the adoption in 2015 of the final Cherwell 2011-2031 Plan which rejected any development of the site of the current proposal.

2. Applicants Environmental Impact Assessment - Summary

The Summary of the Environmental Impact Assessment submitted claims on page 2 that: “*The Site creates a transitional area of land between the present urban edge and this more deeply rural landscape to the east.*” This is not the case. It is in fact contiguous with and an integral part of the rural landscape running east from the site into West Northamptonshire – in this respect it is noteworthy that the applicants have slightly amended the boundaries of the proposal such that no part of it now comes within the jurisdiction of the West Northamptonshire planning authorities.

The applicants state that “*The sensitivity of the site has been assessed in the Cherwell District Council Banbury Landscape Sensitivity Assessment prior to the construction of the Frontier Park employment land to the immediate west of the site. **The assessment identified a generally medium sensitivity to the landscape and medium high sensitivity to the visual sensitivity. This baseline has now been changed due to the influence of the adjoining employment development.***”

Who has adjudicated that the baseline has changed due to Frontiers Park? Can the applicants substantiate this statement, if so, the evidence upon which they make this assertion should be made public or they must otherwise justify the grounds on which they make it.

As a further comment on the visual aspects of the proposal, the applicant states that “The development proposals are in outline and consist of a number of large scale built forms to accommodate employment uses. These are set within a layout that retains structural hedgerows and trees and avoid the ascending landform found to the east of the land parcel. This approach incorporates inherent mitigation that assists with limiting the potential for significant landscape and visual harm.” In fact, the application indicates that the heights of the proposed structures are 19m (62.7ft) and 24m (79ft) - significantly higher than the constructions on Frontiers Park which at 17m((56.1ft) and 15m (50ft) are already a significant blot on the landscape on the West of the A361. The envisaged mitigations would be dwarfed by the proposed development which would obscure viewing of the upper reaches of the site from any conceivable angle of view for miles around.

As a final point on environmental issues, the drainage proposals for the site are based on the ditches on the site being used to drain the site into the system used by Banbury 15.

In their submission, the CDC Land Drainage Office points out that:

“These (the ditches) do not flow continuously and remain dry for the majority of the time. The superficial geology in this locality is generally impermeable clay and known not to be suitable for infiltration.

*Foul drainage is proposed to be to a private sewage treatment plant located on the site with the treated effluent being discharged to the ditch system. This will require the consents of both the Council as Land Drainage Authority and the Environment Agency. **Normally, an Environment Agency consent/permit would only be issued if the receiving watercourse is continuously flowing”.***

Drainage from the site would seem to be a fairly fundamental consideration and this comment by CDC is further evidence that the applicant’s advisors seem to be thoroughly ill-aware of the nature of the site under consideration.

Notwithstanding the above, it also has to be questioned if the drainage system from the Frontiers Park development has the capacity to cope with the additional outflows envisaged from the proposed new site.

3. Transport Assessment of the Proposal

In their consideration of this proposal, Oxfordshire County Council have quite rightly suggested that the proximity of the proposed exit roundabout from the site at a distance of 100m from the J11 M40 interchange poses significant issues in terms of safety and traffic congestion at J11 and surrounding access roads. In conjunction with the extra traffic load anticipated from Frontier Park together with anticipated HS2 traffic, the extra traffic load in the vicinity of the already heavily overloaded J11 would be unsustainable.

The Summary for the application makes the following statement:

“Once operational, the development site could generate around 6,300 two-way trips over a 24-hour weekday period, of which approximately 2,200 would be HGVs. The highest number of vehicle trips would route through the A40 (sic) north and south.”

This will significantly increase the traffic load on the system on and around the M40 (not A40!) junction where, even with no impediments to access to the junction from the A361, it is generally acknowledged that the J11 roundabout is already overloaded. This increase in itself is alarming enough but the chaos it would precipitate is compounded by several other factors.

1. The major access point to the A361 would be within 100m of the junction itself on a 90 degree curve.
2. The increase in traffic on this route that is anticipated from the already approved Frontiers Park warehouse development plus anticipated HS2 traffic.
3. Even without the wholly inappropriately sited roundabout there would be three entry and exit points to major warehouse sites within a few hundred yards of the J11 of the M40 with one, at this stage, proposed to be on a tight curve. This can only represent a significant safety hazard let alone the significant potential for traffic build up along that stretch of road.

The consultants obviously did not formulate any of their arguments on a day when an incident has occurred within the vicinity of or on Junction 11 of the M40. Even now, relatively minor incidents can have a significant adverse effect on traffic movements in the Banbury area for several miles around

J11. Given the proximity of entry/egress to/from the proposed development to J11, it is not unreasonable to anticipate that even an incident within the boundaries of the development could severely impact traffic flow in a wide area in and around Banbury and on the M40 itself.

4. The Framework Travel Plan

This plan is wholly unrealistic and, in terms of local public transport, ill-informed.

No doubt much of the basis of the plan is proposed on the assumption that there will be significant use of access by public transport via the bus stop at Ermont Way or via Gateway Shopping Precinct and the Frontier Park development.

This assumption is flawed on many levels.

1. The Ermont Way bus stop is nearly a mile away from the development with an uphill walk to the J11 roundabout and the need to get around that and then a further walk to site and the internal walk within the site which would seem from the comments of OCC to be up to another 460m.
2. The suggested alternative route for pedestrian access from Banbury is by use of the path and tunnel from the Gateway Shopping Centre and includes access via the Frontier Park development – has anyone consulted them about using their land as an access route to the proposed new site? Surely it must be unsatisfactory to have the general public using a busy transport hub as a pedestrian access route to another unconnected site. Even if this could be resolved, there is then the need to cross what is already a very busy road which will become even busier. There is then a further walk to access the development and the internal walk such as mentioned above.

These considerations will only be aggravated during the Winter.

3. As regards the bus services to which the proposal refers, the 200 bus service has been subject to plans by Stagecoach to possibly withdraw it – this is currently subject to discussion.
4. As regards use of the new bus stop that has been constructed in relation to the Frontier Park development, this is served only by the 200 and 500 services. As mentioned, the future of the 200 service is uncertain and the stop is only served by the 500 bus coming through Chacombe which runs hourly weekdays and with no service at all on Sunday.
5. All of the above suggest that the use of public transport access on foot/cycle is unlikely to be an attractive option, increasing even further the use of cars as mentioned above.
6. Another consideration is that lunchtime traffic in the area is likely to be significantly increased as workers go off site to seek food outlets.

In summary, the Travel Plan is deeply flawed and demonstrates a lack of 'homework' and attention to detail by the consultants as to the nature and lay out of the area in terms of roadways and pedestrian access to the proposed site as well as local transport availability.

5. Employment Benefits

The proposal tries to make a case for the employment benefits of the development. This is completely shot down by the comments of the Case Officer in her comments on the proposal as referred to earlier in this response. i.e.

“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.”

Finally the applicants suggest that the scheme “will also contribute towards developing the Oxford-Cambridge Arc which the UK Government has identified as a high growth area.” The applicants seem to have missed the fact that the “Expressway” road infrastructure upgrades of the Oxford-Cambridge Arc planned are [‘dead in the water’](#) and that the Government is focusing development around the rail link facility between Oxford and Cambridge.

Conclusion

This whole application is entirely speculative and without merit. It can only be viewed as a rather crude attempt to influence the ongoing discussions and consultations on the review of the Cherwell 2011-2030 Plan in relation to a site that was vehemently rejected for development in 2015.

The reasons for rejection of inclusion of the site in the Cherwell Plan of 2011-2031 are as valid today as when the proposal was first considered.

Particularly invidious is the apparent presumption by the applicants that because one side of the A361 has been ravaged by the Frontiers Park development, this *de facto* gives carte blanche to ravage the natural beauty other side of the road. The visual impact of the two warehouses currently in construction on Frontiers Park is generally agreed by local residents as horrendous. The buildings are nominally 17m and 15m high in the Banbury 15 development – those in the outline application are mixture 23 and 19m the visual impact of which would be a an even bigger blight on the landscape in the urban/rural boundaries of Banbury. Two planning wrongs don’t make a right!

Likewise, the traffic elements of the proposal have been grossly underestimated (or played down), particularly as we have yet to experience the impact on an already overstretched local road system in and around J11 of the M40 of the Banbury 15 site and HS2 activity. In particular, the proposal of a roundabout 100m from J11 is unbelievable and should be grounds enough itself to reject the application out of hand.

The claimed employment benefits of the proposal have no basis in fact and are based on misinterpretation and misrepresentation of previous official statements on this site.

CPRE Cherwell District Committee therefore most vehemently urges CDC Planning Committee to reject this application in its totality.