

**OXFORDSHIRE COUNTY COUNCIL’S RESPONSE TO CONSULTATION
ON THE FOLLOWING DEVELOPMENT PROPOSAL**

District: Cherwell

Application no: 22/01488/OUT

Proposal: Construction of up to 140,000 sq m 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

Location: OS Parcel 5616 South West Of Huscote Farm And East Of, Daventry Road, Banbury OX17 2BH

Response Date: 30th November 2022

This report sets out the officer views of Oxfordshire County Council (OCC) on the above proposal. These are set out by individual service area/technical discipline and include details of any planning conditions or Informatives that should be attached in the event that permission is granted and any obligations to be secured by way of a S106 agreement. Where considered appropriate, an overarching strategic commentary is also included. If the local County Council member has provided comments on the application these are provided as a separate attachment.

Assessment Criteria
Proposal overview and mix /population generation

OCC’s response is based on a development as set out in the table below. The development is taken from the application form.

Commercial – use class	<u>m²</u>
B8	140,000

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General Information and Advice

Recommendations for approval contrary to OCC objection:

If within this response an OCC officer has raised an objection but the Local Planning Authority are still minded to recommend approval, OCC would be grateful for notification (via planningconsultations@oxfordshire.gov.uk) as to why material consideration outweighs OCC's objections, and to be given an opportunity to make further representations.

Outline applications and contributions

The anticipated number and type of dwellings and/or the floor space may be set by the developer at the time of application which is used to assess necessary mitigation. If not stated in the application, a policy compliant mix will be used. The number and type of dwellings used when assessing S106 planning obligations is set out on the first page of this response.

In the case of outline applications, once the unit mix/floor space is confirmed by reserved matters approval/discharge of condition a matrix (if appropriate) will be applied to establish any increase in contributions payable. A further increase in contributions may result if there is a reserved matters approval changing the unit mix/floor space.

Where a S106/Planning Obligation is required:

- **Index Linked** – in order to maintain the real value of S106 contributions, contributions will be index linked. Base values and the index to be applied are set out in the Schedules to this response.
- **Administration and Monitoring Fee - TBC**
This is an estimate of the amount required to cover the monitoring and administration associated with the S106 agreement. The final amount will be based on the OCC's scale of fees and will be adjusted to take account of the number of obligations and the complexity of the S106 agreement.
- **OCC Legal Fees** The applicant will be required to pay OCC's legal fees in relation to legal agreements. Please note the fees apply whether a S106 agreement is completed or not.

Security of payment for deferred contributions - Applicants should be aware that an approved bond will be required to secure a payment where a S106 contribution is to be paid post implementation and

- the contribution amounts to 25% or more (including anticipated indexation) of the cost of the project it is towards and that project cost £7.5m or more
- the developer is direct delivering an item of infrastructure costing £7.5m or more
- where aggregate contributions towards bus services exceeds £1m (including anticipated indexation).

A bond will also be required where a developer is direct delivering an item of infrastructure.

The County Infrastructure Funding Team can provide the full policy and advice, on request.

Application no: 22/01488/OUT

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Transport Schedule

Recommendation:

Objection for the following reasons:

The site is in an unsustainable location for walking and cycling.

- The proximity of the access roundabout to M40 Junction 11 is likely to lead to severe congestion and potential safety issues arising from queuing on the M40 off slip.
- Any further development around Junction 11 of the M40 will add to the severe congestion and air quality problems on the A422, particularly along Hennef Way – this development does not demonstrate how it would mitigate its impact on these issues through adequate sustainable travel connections or by highway improvements
- Safe and suitable operation of affected highway junctions has not been demonstrated by the use of a suitable analysis tool.

If, despite OCC's objection, permission is proposed to be granted then OCC requires prior to the issuing of planning permission a S106 agreement, including an obligation to enter into a S278 agreement, to mitigate the impact of the development plus planning conditions as detailed below.

S106 Contributions

Contribution	Amount £	Price base	Index	Towards (details)
Strategic Transport (1)	1,069,970	March 2019	Baxter	A highway improvement scheme to relieve congestion on Hennef Way
Strategic Transport (2)	To be confirmed		Baxter	Delivery of an A422 to Overthorpe Road link road, or scheme providing similar

				benefit
Public transport services	600,000	May 2022	RPI-x	To establish a bus service to the site
Travel Plan Monitoring	2,563	May 2022	RPI-x	Monitoring of the Framework Travel Plan
Admin Fee	To be confirmed			Administration of the S106
Total				

Other obligations:

- Off-site highway works –
 - a signalised crossing of the A361
 - widening of the A361 to incorporate a right-turn filter lane at the priority junction access
 - modifications to the alignment of the A361 at the roundabout access
 - other mitigation works as may be necessary, including sections of cycletrack alongside the A361
- On site highway works –
 - two new vehicular access points to the A361

Comments:

Introduction

These comments are in relation to the Transport Assessment Addendum (TAA), dated 26 October 2022, only. This response must be read in conjunction with our previous Transport Schedule comments contained within the OCC Single Response dated 15 July 2022.

Detailed traffic modelling using the VISSIM model of the M40 Junction 11 and surrounding area is required to assess the impact of the generated vehicle movements and proposed changes to the highway network. It is understood that verification of the

base model is imminent, and that the necessary analysis may soon commence. Results and conclusions from this work will require further review and comment.

The remarks below follow the section numbering as used in the TAA.

Transport Assessment Addendum

1.7, 1.8, 2.1, 2.2 and 6.1

The applicant's acceptance of the S106 contributions in principle is noted.

4.1

The introduction of a roundabout on to an A-road may have an overall negative road safety impact, rather than the positive effect claimed.

4.2

The VISSIM runs will provide the most realistic demonstration of the interaction between these junctions and will be used as the basis for an assessment of traffic impacts.

4.3 and 4.5

It would be informative to have a drawing of signage and road markings that could be examined in the Road Safety Audit, but this will not be carried out until after the VISSIM runs and any resulting modifications.

5.2

Whilst it is not required of this application, it is noted that works to be delivered by Frontier Park to improve the ped/cycle underpass below the M40 have not yet commenced. At present the route is recognised as being sub-standard and will be a deterrent to potential users until being upgraded.

5.3

The Banbury 15 (Frontier Park) site may be in a sufficiently sustainable location to be allocated in the Local Plan, but OCC would dispute the text in the Plan that says "...*within walking distance of the town centre and bus and railway stations.*" The bus and railway stations are both approximately 2500m from Frontier Park and the town centre is slightly further. As the walk to the development site would involve up to an additional 500m, these distances are excessive for the majority of people. OCC also dispute that "*the proposed development can be considered to be within walking distance of residential areas*" as the nearest residence is approximately 1600m away.

It will be extremely difficult to connect the site with high quality, attractive sustainable travel links. Therefore, the proposal is contrary to the NPPF requirements that “*safe and suitable access to the site can be achieved for all users*” (para. 110) and “*Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes*” (para. 105).

5.4

The commitment to provide a signalised pedestrian crossing of the A361 is welcomed.

5.5

Cyclists heading to the northern warehouse in Frontier Park will be able to access it directly from the cycle track, so will not need to use the road at all. Those heading for the southern warehouse will be on-road for about 190m before gaining access to the car park at the service yard junction. None of these cyclists will encounter turning vehicles.

It is different and more onerous for cyclists heading to the development site. Whilst on-road they will pass the southern warehouse car park access junction and, potentially, the access junction to the mixed-use development (undecided application no. 21/02467/F). The latter will generate many vehicle turning movements at this access and at the A361 junction. Cyclists will have to cross the A361 but the route into the development site is not yet defined. A toucan crossing and appropriate lengths of cycle track on either side of the A361 may be required to facilitate a safe crossing point.

9.2 and 9.3

Accepted that the base case flows as surveyed are adequate for the PICADY and ARCADY analyses.

9.4 and 9.5

Agreed that TAG Unit M1.2 Data Sources and Surveys (2020) defines March as a “neutral” month.

“Transport evidence bases in plan making and decision taking” (2015, Gov.uk) states “*the neutral months of April, May, June, September and October.*” However, it is accepted that, for this purpose, the date of the one-day survey is acceptable.

9.6 to 9.11

These sections outline the predicted queues on the A361 from the LINSIG analysis,

with no changes to the highway layout. The average AM peak queue increases from 11 vehicles without Frontier Park, to 80 vehicles with Frontier Park and to 134 vehicles with the development. It is concluded that, in this scenario, there would be potential for the queues to impact on the site access roundabout.

9.12

LINSIG results with the proposed mitigation in place are presented. It is claimed that the mitigation more than offsets the development demand. However, the junction operation still significantly degrades, with the Pre-AM peak PRC reducing from -6.3 to -24.8% and the associated delay increasing from 104.9 to 179.7 PcuHr. It is considered that the residual cumulative impacts on the road network would be severe, which is contrary to the requirements of the NPPF.

9.13

It is not disputed that the site boundary adjoins the highway boundary so that any highway widening could use land within the site. However, there is a significant level difference between the carriageway and the ground which will present a considerable technical challenge, and it has still not been demonstrated that these proposed highway modifications are feasible.

9.14

Signalisation of the A361 arm is considered and the associated LINSIG results are presented. Although offering potential improvement over the un-signalised case, the junction performance still reduces, showing a negative PRC in the two AM peak hours, leading to a severe cumulative impact.

A previous review of the M40 J11 by the OCC Traffic Signals team has advised that it is not practicable to signalise the A361 arm, so there is no certainty that this is achievable, even if desirable.

9.16

Accepted.

11.3 and 11.4

These two conclusions are not accepted; hence the reasons for objection remain as per our previous response.

Decide and Provide

Policy 36 of the Local Transport and Connectivity Plan (LTCP) states that OCC will adopt a “decide and provide” approach to managing and developing the county’s transport network. Accordingly, the **Implementing ‘Decide & Provide’: Requirements for Transport Assessments** document has been developed to explain how transport assessments for all new developments will need to adopt this approach. This document has been formally adopted by OCC at the Cabinet meeting on 20 September 2022 and must be considered in any qualifying planning application, such as this.

The Decide and Provide document may be found here:

https://mycouncil.oxfordshire.gov.uk/documents/s62102/CA_SEP2022R12%20Annex%201_Implementing%20Decide%20and%20Provide%20-%20TA%20Requirements.pdf

The applicant must provide a commentary on how they meet the guidance. They may wish to use the Decide and Provide Methodology checklist (at the end of this response) as an aid to examining this issue.

S106 obligations and their compliance with Regulation 122(2) Community Infrastructure Levy Regulations 2010 (as amended):

£1,069,970 Strategic Transport Contribution (1) indexed from March 2019 using Baxter Index

Towards: a highway improvement scheme to relieve congestion affecting the A422 between M40 Junction 11 and Southam Road.

Justification:

The A422 and adjoining roads are already affected by severe congestion and consequent air quality issues, so the proposed development will intensify these problems. A contribution towards the cost of a scheme has previously been accepted as being necessary to make the Frontier Park development acceptable and the same would apply to this proposed development.

Calculation:

The Frontier Park contribution was based on the proportion of AM peak trips on Hennef Way generated by local plan allocated sites, extracted from the Banbury SATURN model. This proposal is not an allocated site so the same method of calculation cannot be used.

The most appropriate calculation is a comparison of the AM peak trips on the A422 (west of J11) generated by Frontier Park and the proposed development. These figures

are taken from Appendix H of the TA.

Frontier Park	97 vehicles (55 eastbound, 42 westbound)
Proposal	138 vehicles (74 eastbound, 64 westbound)
FP contribution	£752,081

Contribution required = $(138/97) \times 752,081 = £1,069,970$

£To Be Confirmed Strategic Transport Contribution (2) indexed using Baxter Index

Towards: delivery of an A422 to Overthorpe Road link road, or scheme providing similar benefit

Justification:

LTP4 recognises that *“In the longer term (post 2024), there is likely to be a need for additional road capacity to manage anticipated traffic growth at M40 Junction 11.”*

Policy BAN1 says:

“BAN1 – We will seek opportunities to deliver transport schemes which will support the regeneration and growth of Banbury to 2031 and protect the historically sensitive areas of the town through:

- Provision of a link road east of M40 Junction 11 (Overthorpe Road to A422).”

Delivery of this link road, or an alternative scheme that will have a similar impact on the capacity of Junction 11, is necessary to make this proposal acceptable by creating additional capacity at the roundabout to accommodate traffic generated by the site.

Calculation:

The contribution is to be determined at a later date.

£600,000 Public Transport Service Contribution indexed from May 2022 using RPI-x

Towards: Establishment of a bus service to the site.

Justification:

Existing bus routes past the site are to be withdrawn. Therefore, to restore a feasible public transport option, which is necessary to make the proposal acceptable, the development must fund a bus service for a four-year period. The service must cover all

shift and office hour changes.

Calculation:

Estimated cost per year = £150,000 x 4 years = £600,000

£2,563 Travel Plan Monitoring Fee indexed from May 2022 using RPI-x

Justification:

To cover the cost of monitoring the travel plan over a five-year period. A travel plan is a bespoke document and requires regular review and update in order to ensure that the measures are succeeding in delivering targets for sustainable travel. Without this monitoring the plan would not be effective.

Calculation:

The amount is based on the cost of OCC staff time, at cost, over the five-year period.

S278 Highway Works:

An obligation to enter into a S278 Agreement will be required to secure mitigation/improvement works, including:

- A priority junction site access from the A361, including widening to incorporate a right-turn filter lane
 - A roundabout site access, including realignment of the A361
 - A signalised crossing of the A361
 - Repositioning of the speed limit to suit the northern site access
- other mitigation works as may be necessary, including sections of cycletrack alongside the A361

Notes:

This is to be secured by means of S106 restriction not to implement development (or occasionally other trigger point) until S278 agreement has been entered into.

The trigger by which time S278 works are to be completed shall also be included in the S106 agreement.

Identification of areas required to be dedicated as public highway and agreement of all relevant landowners will be necessary in order to enter into the S278 agreements.

S278 agreements include certain payments, including commuted sums, that apply to all S278 agreements however the S278 agreement may also include an additional payment(s) relating to specific works. This will include the cost of making the TRO required to reduce the speed limit past the site.

Planning Conditions:

In the event that permission is to be given, the following planning conditions should be attached:

Site Access: Full Details

Prior to the commencement of the development hereby approved, full details of the means of access between the land and the A361 and bus and pedestrian facilities on the A361, including position, layout, drainage, lighting, visibility splays and footways shall be submitted to and approved in writing by the Local Planning Authority. There shall be no obstruction of the visibility splays above 0.6m high. Thereafter and prior to the first occupation of any of the development, the means of access shall be constructed and retained in accordance with the approved details. *Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework*

Site Roads, parking and Turning Areas

Prior to the commencement of each phase of the development hereby approved, full specification details of the site roads, parking and turning areas including bus turning area to serve the development, which shall include swept path analysis, construction, layout, surfacing, lighting and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of each phase of the development, the site roads and turning areas shall be constructed in accordance with the approved details. *Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.*

Cycle Parking

The development hereby approved shall not be occupied until cycle parking spaces to serve the development have been provided according to details that have been submitted to and agreed in writing by the Local Planning Authority. All cycle parking shall be retained unobstructed except for the parking of cycles at all times thereafter, unless otherwise agreed in writing beforehand by the local planning authority. *Reason: To ensure appropriate levels of cycle parking are available at all times to serve the development, and to comply with Government guidance contained within the National*

Planning Policy Framework.

Pedestrian/cycle connection

Prior to the commencement of the development hereby approved, full details of the pedestrian/cycle connections within the site and from the site to the A361 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the connections will be provided in accordance with the agreed details prior to occupation of the development. *Reason: To ensure safe and suitable access to the development for all people.*

Framework Travel Plan

Prior to occupation, a Framework Travel Plan meeting the requirements set out in the Oxfordshire County Council guidance document, "Transport for New Developments; Transport Assessments and Travel Plans" shall be submitted to and approved in writing by the Local Planning Authority. *Reason – to encourage occupiers to use sustainable modes of transport as much as possible in line with the NPPF*

Delivery and Servicing plan

Prior to occupation of the development hereby permitted, a delivery and servicing plan shall be submitted to and approved in writing by the Local Planning Authority. Site deliveries and servicing shall thereafter be carried out in accordance with the approved plan. *Reason In the interests of highway safety and to comply with Government guidance within the NPPF.*

Construction traffic management plan

Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include a commitment to deliveries only arriving at or leaving the site outside peak traffic periods. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details. *Reason - In the interests of highway safety and the residential amenities of neighbouring occupiers.*

Officer's Name: Roger Plater

Officer's Title: Transport Planner

Date: 29/11/2022

Decide and Provide Methodology – checklist for: <i>Site, application number, description</i>				
Date of assessment:				
Assessed by:				
Step	Question	YES/NO	Notes (approach taken)	If NO, and this is considered acceptable, provide justification (text in italics below is for guidance and can be deleted)
1: Scoping scenarios for modelling	Has more than one trip rate scenario been modelled?			<i>(scale, sensitivity, complexity) – note compulsory for 500+ homes or 5000m² employment/retail floorspace or where reduction in vehicular trip rates is proposed on basis of sustainable travel improvements.</i>
<i>If NO can be justified, then there is no need to follow the remaining steps but the application must demonstrate principles of reducing car dependence and providing for sustainable and active modes. Has this been demonstrated? YES/NO</i>				
2: Establishing committed and planned growth assumptions	Have alternative scenario(s) of background growth been modelled? (Must be evidenced)			<i>Not compulsory but must show that this has been considered.</i>
3: Reference case modelling	Has a suitable reference case been modelled?			
4a: Assessing proximity characteristics?	<p>For residential sites: Has a 20 minute walk assessment been carried out assessing the walk time to the facilities below? (10 mins each way or 800m walking distance from centre of site).</p> <ul style="list-style-type: none"> • Primary school • Secondary school • Supermarket or local grocery shop (fresh food) • GP surgery • Large scale employment 			
4b: Assessing proximity characteristics?	<p>For employment sites: Have existing employment sites of similar scale to proposed development been identified, with comparable proximity and scale of nearby settlements and travel options?</p>			

<p>5: Assessing connectivity characteristics</p> <p>6: Selecting TRICS comparison sites</p>	<p>Has a quality assessment been carried out of walking and cycling routes and public transport connectivity to locations in 4a and 4b?</p> <p>Have comparable sites been selected from TRICS, taking account of connectivity characteristics in steps 4 and 5?</p>	<p><i>e.g. street lighting, crossings, footways and cycleways. Consider any severance. For public transport consider frequency, journey times and destinations served.</i></p> <p><i>It may be preferable to use the average trip generation of multiple sites that are broadly similar.</i></p> <p><i>Supplementary or alternative evidence may be used but see section 2.2 of guidance re acceptability.</i></p>
<p>7: Determining internalisation and localisation</p>	<p>For mixed use developments only: Has internalisation of trips been considered in overall trip generation, and is this evidenced and if necessary applied appropriately to future year scenarios, taking into account likely build out?</p>	
<p>8: Modelling do-minimum scenario</p>	<p>Has an appropriate 'Do Minimum' scenario been modelled (i.e. without the connectivity improvements).</p>	<p><i>Should be based on multi-modal trip rates derived from the TRICS database using other sites comparable to the current state of the site, i.e. without any of the proposed off site improvements (see steps 4 and 5)</i></p>
<p>9a: Identifying connectivity improvements and new comparison sites</p>	<p>Have connectivity improvements been identified, with evidence of deliverability and ongoing viability, and have comparison sites in TRICS been identified that more closely reflect similar provision for sustainable modes AND have the same proximity characteristics as identified in Step 1?</p>	

<p>9b: Modelling the 'with connectivity improvements' scenario</p> <p>10: Determining the requirement for further improvements</p> <p>11: Extrapolating trends.</p> <p>12: sensitivity scenarios</p>	<p>Has the 'with connectivity improvements' scenario been modelled?</p> <p>Has consideration been given to the need for further improvements and modelling of these?</p> <p>Has trip generation trend been extrapolated from TRIC database, and another scenario modelled to reflect the trend?</p> <p>Has the need for any sensitivity scenarios been considered.</p>			<p><i>May be more than one, to test different mitigation.</i></p> <p><i>See guidance regarding types of further improvements.</i></p>

Application no: 22/01488/OUT

Location: OS Parcel 5616 South West Of Huscote Farm And East Of, Daventry Road,
Banbury OX17 2BH

Lead Local Flood Authority

Recommendation:

Objection

Detailed comments:

Previous drainage comments not addressed.

Officer's Name: Kabier Salam

Officer's Title: LLFA Engineer

Date: 24/11/2022

Application no: 22/01488/OUT

Location: OS Parcel 5616 South West Of Huscote Farm And East Of, Daventry Road, Banbury OX17 2BH

Archaeology

Recommendation:

We have previously commented on this application and our advice is updated below, as a geophysical survey has now been carried out. The site is in an area of archaeological potential, as defined in the submitted Desk Based Assessment, with the site immediately to the west recording Romano British remains during an archaeological evaluation. The proposal site should be subject to a trenched archaeological evaluation prior to the determination of any planning application.

Key issues:

Legal agreement required to secure:

Conditions:

In accordance with the National Planning Policy Framework (NPPF 2021) paragraph 189, we would therefore recommend that, prior to the determination of this application the applicant should therefore be responsible for the implementation of an archaeological field evaluation.

This must be carried out by a professionally qualified archaeological organisation and should aim to define the character and extent of the archaeological remains within the application area, and thus indicate the weight which should be attached to their preservation. This information can be used for identifying potential options for minimising or avoiding damage to the archaeology and on this basis, an informed and reasonable decision can be taken.

Informatives:

Detailed comments:

The site is located in an area of archaeological interest and potential, with an archaeological evaluation immediately to the west of the proposed site recording

features dating to the 2nd and 3rd Centuries AD (EOX6926), and a watching brief 1km south west of the site found the remains of Saxon boundary ditches (EOX2099). In the vicinity, Neolithic pits and a large Neolithic linear feature were recorded 1.5km to the north west of the site, along with a Roman settlement. A Bronze Age enclosure has also been excavated 1km northwest of the site and Bronze Age settlement evidence has been recorded 900m west of the proposed site. Iron Age settlement evidence has also been recorded west of this proposal site. A large enclosure has been identified from aerial photographs 1.2km north west of the proposed site which is thought to be of later prehistoric date, based on its form (MOX4535). There is high potential for archeological features from a number of periods to be recorded on this site.

The proposed site itself contains relatively well preserved ridge and furrow which form part of a larger system of medieval and post medieval field systems crossing the county boundary into Northamptonshire. 700m to the south of the proposed development is the site of Nethercote Deserted Medieval Village (MOX26804). The extant ridge and furrow contribute to the setting of Nethercote DMV and suggest what the landscape could have looked like before the village was deserted.

An archaeological desk-based assessment has been submitted along with the application which highlights the archaeological features recorded in the surrounding area, as was recommended in the Pre-app advice. This assessment should be updated with the results of the geophysical survey and forthcoming trenched evaluation. The results of the geophysical survey were affected by a large amount of green waste which had been spread on the site prior to the survey taking place and so archaeological anomalies may have been masked.

The archaeological potential of the site will need to be investigated through fieldwork prior to the determination of this application.

Officer's Name: Victora Green
Officer's Title: Planning Archaeologist
Date: 08/11/2022