

## Planning Statement for

Outline planning application for the 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 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. All matters of detail reserved.

**Land East of Junction 11 of the M40, Banbury,  
Oxfordshire, OX17 2BH.**

**On behalf of Greystoke CB**

Date: 1 December 2023 | Pegasus Ref:

Author: Philip Smith

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## Document Management.

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# 1. Introduction

- 1.1. This Planning Statement has been prepared by Pegasus Group to accompany a planning application which is submitted on behalf of Greystoke CB (the Applicant). It relates to land east of Junction 11 of the M40, Banbury, Oxfordshire (the site).
- 1.2. In summary, the application seeks outline planning permission for up to 140,000m<sup>2</sup> (1.5 million square feet) of B8 logistics warehousing along with other associated works and infrastructure.
- 1.3. A more detailed description of the development proposals is set out in Section 3 of this Planning Statement and within the separate Design and Access Statement that accompanies the application.

## The Purpose and Content of the Planning Statement

- 1.4. This Planning Statement provides a summary overview of the application proposals and identifies the Planning Policy Framework within which it should normally be considered.
- 1.5. **Section 2** provides a description of the site and its surroundings. A description of the development proposals is set out in **Section 3**. The relevant planning history is outlined in **Section 4**. The Planning Policy Framework that is applicable to the application is provided in **Section 5**. An assessment of the main planning issues and a reasoned justification for the scale and nature of the development that is now being proposed is provided at **Section 6**. **Section 7** deals with the overall planning balance. The summary and conclusions are set out in **Section 8**.

## Other Supporting Documents

- 1.6. The planning application is supported by an Environmental Statement and a suite of other supporting documents including inter alia:-
  - a. Design and Access Statement.
  - b. Economic benefits of meeting the demand for new warehouse space
  - c. Energy Statement
  - d. Flood Risk Assessment and Drainage Strategy
  - e. Heritage Desk Based Assessment (Archaeology and Built Heritage).
  - f. Landscape and Visual Impact Assessment (LVIA).
  - g. Statement of Community Engagement.
  - h. Transport Assessment.
  - i. Travel Plan



## Pre-application consultation

- 1.7. The Statement of Community Engagement sets out the pre application consultation that was undertaken prior to finalising and submitting this planning application.

## Background to the application

- 1.8. The Applicant submitted an application in Mayh 2022 for the same scale and form of development on the same site (LPA ref. 22/01488/OUT).
- 1.9. The LPA did not issue a decision on that application and the Applicant lodged an appeal on 25<sup>th</sup> November 2022 on the grounds of non-determination.
- 1.10. Following the appeal being lodged, Officers reported the application to the Council's Planning Committee on 9th February 2023. Members resolved that they been in a position to determine the application then it would have sought to refuse planning permission for for the following reasons:-

**1. The proposal is located on an unallocated site and development would represent an urbanising form of development which by reason of its location and proposed land use would result in a cluster of large warehouse buildings poorly related to Banbury that would result in a harmful visual intrusion of development into the landscape and open countryside and would therefore result in harm to the rural character, appearance and quality of the area. This identified harm would significantly and demonstrably outweigh the benefits of the proposal. Development would therefore fail to accord with Cherwell Local Plan 2011-2031 Part 1 policies ESD10, ESD13 and ESD15 and Cherwell Local Plan 1996 saved policies C7, C8 and EMP4, and with national policy guidance given in the National Planning Policy Framework (NPPF) (2021).**

**2. The proposed development would be sited in a geographically unsustainable location with poor access to services and facilities and therefore future employees would be highly reliant on the private car to access their workplace, which would not reduce the need to travel and would result in increased car journeys and hence carbon emissions. The proposed development would therefore conflict with policies PSD1, SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework. This identified harm would significantly and demonstrably outweigh the benefits associated with the proposed development and therefore the development does not constitute sustainable development when assessed against the National Planning Policy Framework as a whole.**

3. The appeal site is located in an unsustainable location for cycling and walking. The proposal is therefore contrary to policies SLE1 and SLE4 contained within the Cherwell Local Plan 2011–2031 Part 1 (CLP 2031 Part 1), saved policy TR1 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.

4. 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. The proposal is therefore contrary to policies SLE1 and SLE4 contained within the Cherwell Local Plan 2011–2031 Part 1 (CLP 2031 Part 1), saved policy TR1 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.

5. 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. The proposal is therefore contrary to policies SLE1 and SLE4 contained within the Cherwell Local Plan 2011–2031 Part 1 (CLP 2031 Part 1), saved policies TR1 and ENV7 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.

6. Safe and suitable operation of affected highway junctions has not been demonstrated by the use of a suitable analysis tool. It has been agreed with the Appellant's transport consultant and National Highways that microsimulation modelling (such as VISSIM) is required to accurately represent the flow of vehicles at all primary local junctions and the interaction between them. Without such analysis and resultant appropriate mitigation, the proposal is contrary to policies SLE1, SLE4 and INF1 contained within the Cherwell Local Plan 2011–2031 Part 1 (CLP 2031 Part 1), saved policy TR1 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.

7. It has not been demonstrated that a signalised crossing of the A361 Daventry Road for pedestrians and cyclists may be incorporated at a safe and suitable location, and the associated access into the site has not been indicated. The proposal is therefore contrary to policies SLE1 and SLE4 contained within the Cherwell Local Plan 2011–2031 Part 1 (CLP 2031 Part 1), saved policy TR1 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.

8. The site is located immediately west of an existing Air Quality Management Zone and the proposal fails to adequately assess or mitigate against air quality matters as a result of increased vehicle movements associated with the development. The proposal is therefore contrary to policies SLE1, SLE4 and ESD1 contained within the Cherwell Local Plan 2011–2031 Part 1 (CLP 2031 Part 1), saved policies TR1 and ENV7 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.

9. The proposal fails to assess the potential economic impact upon Banbury, specifically the attractiveness of Banbury town centre and the edge of town retail and employment centres as a result of additional traffic and congestion on the strategic and local highway network rendering Banbury a less sustainable location. The proposal is therefore contrary to policies SLE1 and SLE2 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policy TR1 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.

10. The proposal lacks detail and information relating to the drainage of the site and is therefore contrary to Oxfordshire County Council's published guidance "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire" and policies ESD6 and ESD7 of the adopted Cherwell Local Plan 2015 and Government guidance within the National Planning Policy Framework.

11. The application has failed to demonstrate through the lack of submission of a Landscape and Visual Impact Assessment that the proposals on this prominent site would not cause substantial landscape harm to the undeveloped rural character and appearance of the site when viewed from Public Rights of Way in the surrounding countryside. As such, the proposal is contrary to policies ESD10, ESD13 and ESD15 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1) and Government guidance within the National Planning Policy Framework.

12. The proposal has failed to adequately assess the site's archaeology and consequently the development may cause harm to significant archaeological remains and in the absence of any evaluation it is not possible for the Council to reach an informed decision on this issue. The proposal is therefore contrary to policy ESD 15 of the Cherwell Local Plan 2011-2031 and paragraph 128 of the National Planning Policy Framework.

13. The proposal has failed to adequately demonstrate that development would not harm existing flora and fauna and ecological mitigation would successfully deliver a 10% net gain in biodiversity or protection, enhancement and connectivity with the local green infrastructure network. As such the proposal fails to accord with policies ESD10 and ESD17 of the Cherwell Local Plan 2011-2031, saved policies C1 and C2 within the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

14. In the absence of an appropriate protected species survey, the welfare of protected species has not been adequately addressed in accordance with article 12(1) of the EC Habitats Directive. The Local Planning Authority cannot therefore be satisfied that protected species will not be harmed by the development and as such the proposal does not accord with policy ESD10 of the Cherwell Local Plan 2011-2031, saved policies C1 and C2 within the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

**15. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and workers and contrary to policy INF 1 of the Cherwell Local Plan 2015, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.**

- 1.11. One of the main issues in dispute during the previous application process was the traffic modelling.
- 1.12. The Appeal was made on 25 November 2022. At that time, the Appellant had sought, over a prolonged period, the co-operation of OCC as the local highway authority in the assessment of the Appeal Scheme's highways impacts.
- 1.13. Efforts by the Appellant to engage with OCC commenced before it made its planning application to the LPA. The planning application (that became the subject of the Appeal) was made on 17 May 2022. In November and December 2021, the Appellant's highways consultant sought to agree the scope of the assessment of highways impacts with OCC.
- 1.14. On 9 February 2022, OCC informed the Appellant's highways consultant that;  
  
***"The analysis is to be conducted using the VISSIM microsimulation model that has been developed by OCC and Stantec and which covers all of the above junctions. The model has recently been validated and updated to reflect the MOVA system in operation at the J11 roundabout. To obtain access to the VISSIM model, please contact Jacqui Cox..."***
- 1.15. In short, in February 2022, the Appellant was informed by OCC that the assessment of highways impact had to be conducted using the microsimulation model held by OCC
- 1.16. Thereafter the Appellant through its highways consultant's ("DTA") sought to progress that assessment.
- 1.17. The responses of OCC were neither meaningful nor timely. Up to the point of the Appellant making the Appeal on 25 November 2022, OCC had failed to co-operate in the assessment of the Appeal Scheme's highways impacts by using its microsimulation model.
- 1.18. Accordingly, in the absence of any meaningful engagement on the part of the OCC (so as to allow access to and assessment by OCC's microsimulation model) and with there being no evidence that meaningful engagement was likely to occur, the Appellant was left with no choice but to pursue an appeal.
- 1.19. It was only after the Appeal had been made that OCC (and its consultants, Stantec) progressed an assessment of the Appeal Scheme by reference to its microsimulation model.





- 1.20. Accordingly, there was a significant change in circumstances following the lodging of the Appeal by the Appellant. At the point when the Appeal was made, OCC had informed the Appellant that it required an assessment to be conducted using the microsimulation model that it had developed, but had failed to engage in any meaningful sense in allowing that assessment to proceed. There was no evidence that OCC's stance was likely to change. It was only after the Appeal was lodged that the position changed.
- 1.21. Specifically, by 9 February 2023, Stantec undertook to provide the modelling within a week of agreement on the inputs. The proposed inputs were issued to OCC and NH by DTA on the same day. It was not until 3 March 2023 that OCC confirmed the inputs were agreed.
- 1.22. More significantly on 22 February 2023, the Appellant received an email from OCC confirming that their own model (which they had insisted on being used) was not fit for purpose.
- 1.23. Accordingly, only after the Appeal had been made, and by 9 February 2022, did the position with regard to microsimulation modelling change, and it became clear that the assessment was progressing (albeit, progress was thereafter faltering).
- 1.24. In those circumstances, the Appellant decided to withdraw the Appeal. The output of the microsimulation model, self-evidently, would have been material to the determination of the Appeal, and as a material consideration, could have affected the outcome of the Appeal.
- 1.25. The decision was then taken by the Applicant that they would engage with OCC on updated modelling outside of any application or appeal process. That work is now complete, and the Applicant is now in a position to submit another application which is supported by the modelling that OCC will require.
- 1.26. The application scheme itself has not changed but all parties should now be better placed to assess the proposals.

## 2. The Site Description and Location

- 2.1. The application site is located on land east of Junction 11 of the M40, on the eastern edge of the built up area of Banbury. The site would be accessed from the A361, which in turn provides direct access to Junction 11 of the M40.
- 2.2. Banbury is a Market Town. It is the District's largest town with its own sub-region according to the Local Plan [paragraph C.108]. It is a focus for major retail developments, employment, housing and cultural and community uses. The Spatial Strategy requires that most of the growth in the District will be directed to locations within or immediately adjoining the main towns of Banbury and Bicester [paragraph A.11].
- 2.3. The settlement pattern of Banbury has seen employment land develop along the western side of the M40 motorway corridor and to the north of the town. This has recently been extended east of the motorway north of J.11 with the allocation and construction of the Frontier Park employment area. This expansion has logically used J.11 to create an extension to the established employment land to the north of Hennef Way and south along the western edge of the motorway.
- 2.4. The existing established employment land and areas under construction have a strong correlation with the motorway corridor and junction J.11. The geographical extent of the employment land creates robust separation between the motorway and the main civic areas of the town.
- 2.5. The Application Site itself extends to 66.15ha of greenfield land, geometric in shape, comprising a number of field parcels which are defined by mature hedgerow and trees. The internal areas of the fields consist of arable and pastoral land.
- 2.6. The site is bounded by the A422 to the south, and the A361 to the west. It adjoins open countryside to the north and east. Carrdus School, an independent day preparatory school, lies c.180m east of the Site, separated by a dense woodland copse. To the west of the A361 and opposite the Site is the recently consented commercial development of Frontier Park, with large shed buildings which are currently under construction.
- 2.7. There are no footpaths (Public Right of Way, PRoW) within the Site. Within the wider vicinity are a number of PRoW's.
- 2.8. The site itself is not covered by any current national or local landscape designations. It is not in, or adjacent to, an environmentally sensitive area, as defined by Regulation 2(1) of the EIA Regulations (i.e., sites designated as Sites of Special Scientific Interest (SSSI), National Parks, World Heritage Sites, Scheduled Monuments, Area of Outstanding Natural Beauty, and sites covered by international conservation designations), and therefore is not considered to represent an environmentally sensitive location.



- 2.9. There are no ecology designations that directly affect the site. There is a NERC Act S41 Habitat site (as per the Adopted Cherwell Local Plan 2011–2031 (Part 1) Partial Review– Oxford's unmet Housing Need, September 2020) to the north east but no development is proposed in this area and there would be a substantial buffer around it, providing opportunities for habitat and biodiversity enhancements.
- 2.10. In terms of heritage, the site is not located within or adjacent to a Conservation Area and there are no Listed Buildings within the Site boundary. The nearest Listed building is Seale's Farm which lies between c. 50m and 125m to the north–east of the site.
- 2.11. The Site is located entirely within Flood Zone 1 which is considered to be the zone with the lowest risk of flooding by the Environment Agency.
- 2.12. The Site does not lie within an Air Quality Management Area (AQMA). The closest AQMA is Cherwell District Council AQMA No.1, located approximately c.540m to the west of the Site. The designated area incorporates Hennef Way between the junctions with Ermont Way and Concorde Avenue.

### 3. The Development Proposals

- 3.1. The Applicant seeks outline planning permission, with all matters reserved, for a large-scale logistics development. The Description of development reads as follows:-

**“Outline planning application for the 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 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. All matters of detail reserved.”**

#### **Job Creation and Economic Growth**

- 3.2. The most important aspect of this proposal is the potential for job creation and economic growth.
- 3.3. The proposal has the potential to deliver up to 140,000sqm of logistics floorspace which would meet modern day requirements, and which could directly facilitate up to 1,915 full-time equivalent jobs (FTEs) on-site once the scheme is built and operational. There would also be further jobs in the wider supply chain and would make a significant contribution to the local economy.

#### **Layout, Landscaping and Open Space**

- 3.4. Whilst layout is a reserved matter, a Parameter Plan is submitted for approval to demonstrate how this scale and form of development could be accommodated. This is accompanied by an Illustrative Site Layout Plan which shows one way in which the site could be laid out and landscaped with individual buildings and a framework of green infrastructure.
- 3.5. The Parameter Plan identifies the location and extent of the development parcels and how they would be serviced. It allows for the creation of development parcels which can accommodate modern shed style logistics buildings in different arrangements that can be tailored to meet current market demand at the Reserved Matters stage.
- 3.6. The development would complement the adjacent employment allocation at Frontier Park and the broader range of existing commercial development west of the M40 at Banbury.
- 3.7. The Proposed Development also seeks to retain and enhance existing landscape features (including the more important trees and hedgerows) and areas of wildlife value where possible. Land to the east will be left undeveloped and will provide strategic landscaping and opportunities for biodiversity gain for the area.

- 3.8. There are five small waterbodies within the site. Of relatively greater interest in terms of features on the site are the field boundaries with associated mature tree lines, hedgerows, and some woodland copses. The design of the proposed development seeks to safeguard and retain many of these features as part of the scheme. Supplementary tree and shrub planting throughout the site will further improve the biodiversity. Native plant species will be chosen to complement the existing flora of the site and respect any local provenance, as well as providing habitats beneficial for wildlife.

#### **Access**

- 3.9. The site will be served by a new 3-arm roundabout junction off the A361 at the western boundary and a priority junction further to the north. The internal road structure would then allow for a loop road to be created which would link the two access junctions. Individual parcels within the site would then be served off the internal loop road.
- 3.10. Pedestrian and cycle linkages are also designed into the Illustrative Site Layout Plan to improve connectivity and to ensure there is appropriate permeability through the new development and connectivity with Banbury.

#### **Drainage**

- 3.11. As explained in the Flood Risk Assessment and Drainage Strategy, the proposals will incorporate on-site SUDs features which will attenuate the surface water as well as acting as an opportunity for biodiversity enhancements and contributing towards the visual amenity of the site.

#### **Huscote Farm**

- 3.12. The abandoned and derelict farmhouse at Huscote Farm is to be demolished. The other buildings associated with Huscote Farm have been excluded from this application. There will be a separate application for the conversion of the outbuildings into ancillary offices/site facilities.
- 3.13. However, given that this will require detailed plans and elevations as part of a change of use application this will be dealt with separately. The likely impacts have however been considered as part of the wider site assessments including the ES for completeness.

## 4. Planning History

- 4.1. This section outlines the planning history of the site and that of adjoining land parcels, insofar as it is relevant to this application.
- 4.2. Reference is also made to the previous assessment of the site in the Cherwell District Housing and Employment Land Availability Assessment 2018.

### Planning Applications

#### *The Application Site*

- 4.3. There are no known previous planning applications which relate to the application site itself apart from the previous application (ref. 22/01488/OUT) and the duplicate application (ref.23/00349/OUT) that the LPA declined to determine due to there being an underdetermined appeal at that time.

#### *Huscote Farm*

- 4.4. Previous applications concern the farmhouse and buildings of Huscote Farm which will be the subject of a separate application. These include:
  - 05/01910/F: Renewal of consent 00/00268/F. Erection of dwelling to replace existing. Application Permitted.
  - 04/02624/F: Renewal of application 00/00267/F. Conversion of barn to dwelling with associated garages incorporating granny/staff annex. Application Permitted.
  - 00/00268/F: Erection of new dwelling to replace existing. Application Permitted.
  - 00/00267/F: Conversion of barn to dwelling with associated garages and incorporating granny / staff annex. Application Permitted.
  - 97/02182/F: Proposed pig/lairage building. Application Withdrawn.

#### *Frontier Park*

- 4.5. Other planning applications of significance relate to a parcel of land now known as 'Frontier Park' to the immediate west of the application site.
- 4.6. That site consists of three parcels, the northern two (FP217 and FP130) are complete and currently being marketed to let. The third (FP180) is currently under construction. This site as a whole



extends to a total of 13 hectares and is allocated for employment uses in the adopted CDLP (Policy Banbury 15). The various applications include:-

- 23/00501/REM: Reserved matters application & condition discharge of Part B of 19/00128/HYBRID – Part B: Outline planning application – the development of up to 2 no. commercial buildings having a maximum floorspace of 16,890m<sup>2</sup> and having a flexible use [to enable changes in accordance with Part 6 Class V of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)] within Class B2 or B8 of the Town and Country Planning (Use Classes) Order 1987 as amended, and ancillary Class B1 offices, with all other matters reserved for future approval (19/00128/HYBRID). Permitted 09/06/2023.
- 21/02467/F: OS Parcel 0005 And Part OS Parcel 1300 0878 And 7566, Banbury. Erection of mixed-use development including a 240-bed hotel, 4-storey office building and roadside services including 2 no hot food restaurant drive-throughs, a coffee shop drive-through and a petrol filling station with ancillary retail store. Validated 19/07/2021. Application withdrawn 09/02/2023.
- 19/00128/HYBRID : Hybrid/Mixed Application Ban 15 Land Adjacent M40 J11 and West of Daventry Road, Banbury. Part A: Full planning application – the development of a new priority junction to the A361, internal roads and associated landscaping with 2 no. commercial buildings having a maximum floorspace of 33,110m<sup>2</sup> and with a flexible use [to enable changes in accordance with Part 6 Class V of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)] within Class B2 or B8 of the Town and Country Planning (Use Classes) Order 1987 as amended, and ancillary Class B1 offices; and Part B: Outline planning application – the development of up to 2 no. commercial buildings having a maximum floorspace of 16,890m<sup>2</sup> and having a flexible use [to enable changes in accordance with Part 6 Class V of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)] within Class B2 or B8 of the Town and Country Planning (Use Classes) Order 1987 as amended, and ancillary Class B1 offices, with all other matters reserved for future approval. Permitted 30/07/2020.
- 17/01044/F: Part OS Parcels 4200 and 1300 Land Between New Banbury Daventry Road and M40 Street from Banbury to Williamscot, Banbury. Development of land to the north east of Junction 11 of the M40 Banbury, to provide a 22,150sqm industrial building (Class B8); two office buildings of 3716sqm each (Class B1); Motorway Services Area with amenity building, Petrol Filling Station (with canopy, fuel pump islands, ancillary convenience store and food to go outlet) and HGV Parking; creation of a new vehicular accesses off the A361 together with associated alterations to the highway;

parking and circulation; landscaping, drainage and associated works. Application Refused.

### **Strategic Housing and Employment Land Availability Assessment**

- 4.7. The application site was considered in the Cherwell District Housing and Employment Land Availability Assessment 2018 (site reference HELAA048). The analysis of the site was as follows:-

**"Greenfield site outside the built-up limits. The site is adjacent to the Employment Land North East of Junction 11 strategic allocation (Banbury 15) of the adopted Local Plan Part 1 which allocates 13 ha of employment.**

**The site is considered to be unsuitable for residential development as it would be separated from Banbury and other residential areas by the A361, the M40 and junction 11 making non-car access to services and facilities and the creation of a cohesive community difficult.**

**Land in this area was considered for employment development when the adopted Local Plan was prepared and Banbury 15 allocated. The Inspector noted concerns about landscape and traffic impacts and the effect on the rural setting of Banbury. A 2014 landscape study had concluded that limited employment development might be possible (avoiding the valley sides) but the Inspector relied, in this case, on an earlier 2013 study which had considered a smaller site and concluded that commercial development beyond the A361 may become fragmented and lead to urban sprawl within the rural area to the east rising towards Overthorpe. A further detailed landscape assessment, taking into account the existing allocation, would be required should there be a need for further land release for employment purposes.**

**Current availability is unknown and therefore not achievable. With regard to assisting Oxford with its unmet housing need, Banbury lies outside Areas of Search A and B".**

- 4.8. The HELAA concluded in respect of the site:-

**"Developable for employment - Suitable but availability is unknown, not achievable."**

- 4.9. Paragraph 4.19 of the HELAA Report in respect of achievability states:

**"In general, only sites which have been assessed as suitable or potentially suitable, and available or potentially available have been assessed for achievability (since sites that do not meet the suitability and availability requirements are by definition not achievable)."**

- 4.10. It would seem that the only reason the site was assessed as not being available and achievable was the lack of developer interest in the site at that time.





4.11. The site was submitted to the Call for Ideas as part of the Oxfordshire 2050 Plan in October 2021, and to the Cherwell District Call for Sites in November 2021.

**Pre-Application Advice**

4.12. A pre application submission was made on 1st December 2021 and a meeting was held with Officers on 10th March 2022. Those in attendance from the LPA were:-

- Samantha Taylor (Principal Planning Officer)
- Andrew Maxted (Planning Policy and Conservation Manager)

4.13. The response received from the pre-application was that:

- a. The principle of providing employment development on this site fails to comply with SLE 1 of the Cherwell Local Plan and therefore, would not be supported,
- b. 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,
- c. The proposal would cause severe harm to highway safety and currently could not be supported,
- d. Overall, the proposed development would be out of scale and character with the open rural character of the site and its surrounding context, and
- e. The development would cause unacceptable harm to the visual amenity of the area and the local landscape.

4.14. How the Application has addressed these points is considered later in this Statement.

## 5. The Planning Policy Framework

- 5.1. This section refers to relevant national policy and guidance and the Development Plan policies that provide the planning policy framework within which this planning application should normally be considered.
- 5.2. It deals with the following tiers of policy and guidance:
- National Planning Policy Framework as revised September 2023 (NPPF)
  - The Development Plan
- 5.3. There are no 'made' Neighbourhood Plans that are relevant to the site.

### National Planning Policy Framework (NPPF)

#### Introduction

- 5.4. The NPPF was introduced in March 2012 and substantially revised in July 2018 and was then the subject of a small number of revisions in February 2019, July 2021 and September 2023. For the avoidance of doubt references in this statement to the NPPF refer to the version published in September 2023 unless otherwise specified.
- 5.5. The introduction section of NPPF explains how the revised Framework sets out the Government's planning policies for England and how these should be applied [paragraph 1]. It reiterates that Planning Law requires applications for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise [2]. The Framework is to be read as a whole including its footnotes and annexes [3] and is a material consideration in planning decisions [2].

#### Achieving Sustainable Development

- 5.6. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development [7]. It is explained that achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental) and that these are interdependent and need to be pursued in mutually supportive ways [8].
- 5.7. The NPPF clarifies that these are not criteria against which every decision can or should be judged [9]. It goes on to state that planning decisions should play an active role in guiding development towards sustainable solutions but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

### **The Presumption in favour of Sustainable Development (PFSD)**

- 5.8. The NPPF carries forward the concept of the Presumption in Favour of Sustainable Development (PFSD) and reaffirms that it sits at the heart of the framework [10].
- 5.9. Paragraph 11 sets out how planning applications should be determined: –
- “11.....**
- For decision-taking this means:**
- c) approving development proposals that accord with an up-to-date development plan without delay; or**
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:**
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or**
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”**
- 5.10. Paragraph 12 of the NPPF reiterates that the PFSD does not change the statutory status of the Development Plan as the starting point for decision making.
- 5.11. Paragraph 23 of the NPPF identifies that strategic policies should provide a clear strategy for bringing forward sufficient land at a sufficient rate to address objectively assessed needs over the plan period in accordance with the PFSD.

### **Decision Making**

- 5.12. The NPPF explains that Local Planning Authorities (LPAs) should approach decisions on proposed development in a positive and creative way and that decision makers at every level should seek to approve applications for sustainable development where possible [38]. LPAs should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations [55].
- 5.13. Guidance is provided at paragraph 48 on the weight to be given emerging plans.

### **Building a strong, competitive economy**

- 5.14. The NPPF is clear on the role that planning has in supporting a strong, competitive economy by enabling the conditions in which businesses can invest, expand and adapt. Paragraph 81 states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development (emphasis added).
- 5.15. The NPPF states the approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.
- 5.16. Paragraph 83 states that planning policies and decisions should recognise and address the specific locational requirements of different sectors, including storage and distribution operations at a variety of scales and in suitably accessible locations.
- 5.17. Also of relevance is paragraph 82 which states that planning policies should, inter alia, enable a rapid response to changes in economic circumstances as is the case with logistics development at the present time.

### **Promoting Sustainable Transport**

- 5.18. The NPPF requires transport issues to be considered at the earliest stages of development proposals [104]. These include addressing potential impacts on transport networks, opportunities from existing or proposed transport infrastructure, opportunities for promoting walking, cycling and public transport and taking account of environmental effects and features that contribute towards making high quality places.
- 5.19. Significant development should be focused on locations which are or can be made sustainable as would be the case with Banbury, and through limiting the need to travel and offering a genuine choice of transport modes [105].
- 5.20. Applications for development should ensure the take up of appropriate opportunities to promote sustainable transport modes; achieve safe and suitable access to the site for all users; reflect current national design guidance; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree [110].
- 5.21. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe [111].

- 5.22. Development is expected to give priority first to pedestrian and cycle movements and secondly (so far as possible) to facilitating access to high quality public transport. Development should allow for the efficient delivery of goods and be designed to enable charging of plug-in and other ultra-low emission vehicles. [112]

#### **Making Effective Use of Land**

- 5.23. NPPF places emphasis on making effective use of land, not only on previously developed land but also on other land that is released for development [125].

#### **Achieving well-designed places**

- 5.24. Paragraphs 126 to 136 of the NPPF set out the government's approach to achieving well-designed places. The National Design Guide 2021 is a material consideration in this respect and sets out 10 ten characteristics of well designed places.

#### **Meeting the challenge of climate change**

- 5.25. Paragraph 152 states that the planning system should support the transition to a low carbon future in a changing climate. New development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change and that can help to reduce greenhouse gas emissions [154].
- 5.26. New development should comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable. Development proposals should take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption [157].
- 5.27. Development should be directed away from areas at highest risk of flooding [159]. Development should ensure flood risk is not increased elsewhere [167] and should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate [169].

#### **Conserving and enhancing the natural environment**

- 5.28. Planning decisions should contribute to and enhance the natural and local environment [174]. Opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature [180].

## Pollution

- 5.29. New development should be appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment as well as potential sensitivity of the site or the wider area to impacts that could arise from the development. Development should mitigate and reduce adverse impacts resulting from noise from new development; and limit the impact of light pollution from artificial light [185]. Paragraph 186 requires development to identify opportunities to improve air quality or mitigate impacts.

## Conserving and enhancing the historic environment

- 5.30. Paragraphs 194 requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance the heritage impacts of any development proposal.

## Annex 1: Implementation

- 5.31. NPPF paragraph 219 deals with the issue of consistency between existing planning policies and national guidance. It states: –

***“...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.***

## The Development Plan

- 5.32. Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. At the time of writing, the relevant Statutory Development Plan policies for determining this application are contained within the following Plans:
- Cherwell District Local Plan 2011–2031 Part 1 (CDLP) first adopted July 2015,
  - The Adopted Cherwell Local Plan 2011–2031 (Part 1) Partial Review – Oxford's Unmet Housing Need (September 2020), and
  - 'Saved' policies of the Adopted Cherwell Local Plan 1996.
- 5.33. In addition, the following Cherwell District Council Supplementary Planning Documents are considered relevant to the application:

- Developer Contributions Supplementary Planning Document (SPD) (February 2018)
- Banbury Vision and Masterplan Supplementary Planning Document (SPD) (December 2016)

### The Cherwell District Local Plan 2011–2031

- 5.34. The Cherwell Local Plan 2011–2031 (Part 1) was formally adopted by the Council on 20 July 2015. Policy Bicester 13 was re-adopted on 19 December 2016.
- 5.35. From the Policies Map that sits alongside the CDLP it can be seen that the application site is not identified for any specific use.
- 5.36. As referenced earlier, the north-east part of the Site contains a NERC Act S41 Habitat site (as per the Adopted Cherwell Local Plan 2011–2031 (Part 1) Partial Review– Oxford's unmet Housing Need, September 2020) but no built development is proposed on this part of the site. There are no other specific designations in the Development Plan relating to the site.
- 5.37. In terms of priorities, the Plan states at p.10 that:-  
**"Securing the economic future of the District is the main priority of this Plan"** (our emphasis).
- 5.38. The Vision of the CDLP is:-  
**"By 2031, Cherwell District will be an area where all residents enjoy a good quality of life. It will be more prosperous than it is today. Those who live and work here will be happier, healthier and feel safer"** (our emphasis).
- 5.39. For this to happen the Plan at p.28 states that (inter alia):-  
**"We will develop a sustainable economy that is vibrant and diverse with good transport links and sound infrastructure, supported by excellent educational facilities. Our economy will grow to provide more diverse employment for our increasing population and reduce the need for our residents to travel outside the District for work"** (our emphasis).

### Vision For Banbury

- 5.40. The CDLP also includes a Vision for Banbury in 2031:-  
**"By 2031, Banbury will have become a larger and more important economic and social focus for its residents, for business, and for a large rural hinterland. The town will have a more diverse economic base and new employment areas will have been established with levels of deprivation reduced"** (our emphasis) [C.130].

### The Strategic Objectives of the Plan

5.41. In respect of developing a sustainable local economy the Strategic Objective is:

**SO 1 – To facilitate economic growth and employment and a more diverse local economy with an emphasis on attracting and developing higher technology industries.**

5.42. From the foregoing it is clear that economic growth is a key planning issue for the District.

5.43. Given this context and the proposed use, it is considered that the most important policy in the CDLP insofar as this application is concerned is:-

- **Policy SLE1: Employment Development**

5.44. It is also considered that the following CDLP policies are relevant for the determination of the application: –

- **Policy PSD1: Presumption in Favour of Sustainable Development**
- **Policy SLE4: Improved Transport and Connections**
- **Policy BSC9: Public Services and Utilities**
- **Policy ESD1: Mitigating and Adapting to Climate Change**
- **Policy ESD2: Energy Hierarchy and Allowable Solutions**
- **Policy ESD3: Sustainable Construction**
- **Policy ESD4: Decentralised Energy Systems**
- **Policy ESD5: Renewable Energy**
- **Policy ESD6: Sustainable Flood Risk Management**
- **Policy ESD7: Sustainable Drainage Systems (SuDS)**
- **Policy ESD8: Water Resources**
- **Policy ESD10: Protection and Enhancement of Biodiversity and the Natural Environment**
- **Policy ESD13: Local Landscape Protection and Enhancement**
- **Policy ESD15: The Character of the Built and Historic Environment**
- **Policy ESD17: Green Infrastructure**
- **Policy Banbury 6: Employment Land West of M40**
- **Policy Banbury15: Employment Land North East of Junction 11**
- **Policy INF1: Infrastructure**



5.45. The Spatial Strategy of the Plan is that most of the growth in the District will be directed to locations within or immediately adjoining the main towns of Banbury and Bicester (Paragraph A11).

**“Banbury will continue to grow, albeit to a lesser extent than Bicester, in accordance with its status as a market town with a rural hinterland.”**

5.46. The application proposals are consistent with the spatial strategy in this regard.

*Sustainable Local Economy*

5.47. The Plan recognises that the key challenges to achieving a sustainable local economy in Cherwell include, inter alia, a requirement for new employment sites to meet modern business needs (paragraph A.14). It also recognises that there is insufficient diversity within the local economy, an overdependence on a declining number of manufacturing jobs and a need to respond to a growing and ageing population.

5.48. Importantly for this application, paragraph B.32 of the Local Plan states that:

**“We will support the logistics sector, recognising the jobs it provides and the good transport links that attracts this sector” (our emphasis).**

*The Presumption in Favour of Sustainable Development*

5.49. **Policy PSD1** outlines the Council’s approach to sustainable development.

**When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants to find solutions that mean proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.**

**Planning applications that accord with the policies in this Local Plan (and where relevant with policies in neighbourhood plans) will be approved without delay.**

**Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, the Council will grant permission unless material considerations indicate otherwise, taking into account whether:**

- I. **Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or**
- II. **Specific policies in that Framework indicate that development should be restricted.**

- 5.50. Policy PSD1 enshrines the PFSD in the Development Plan, although it should be noted the Policy predates the revisions to the NPPF in 2018 and 2021.
- 5.51. As will be demonstrated later in this Planning Statement, the application proposal will positively contribute to the social, economic and environmental conditions of the area, all consistent with national policy.

*Location of Employment Development*

- 5.52. Policy SLE1 relates to new employment development and states inter alia that:-

**Policy SLE 1: Employment Development**

.....

**Employment development will be focused on existing employment sites. On existing operational or vacant employment sites at Banbury, Bicester, Kidlington and in the rural areas employment development, including intensification, will be permitted subject to compliance with other policies in the Plan and other material considerations. New dwellings will not be permitted within employment sites except where this is in accordance with specific site proposals set out in this Local Plan. 45 Cherwell Local Plan 2011-2031 Part 1 Section B – Policies for Development in Cherwell**

**Employment proposals at Banbury, Bicester and Kidlington will be supported if they meet the following criteria:**

- **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.”**

- 5.53. The proposals will be assessed against this policy in Section 6.

*Design and Amenity*

- 5.54. **Policy ESD15** expects new development to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards. For major sites/strategic sites and complex developments, Design Codes will need to be prepared in conjunction with the Council and local stakeholders to ensure appropriate character and high quality design is delivered throughout. Design Codes will usually be prepared between outline and reserved matters stage to set out design principles for the development of the site. The level of prescription will vary according to the nature of the site.

*Climate Change, Flooding and Water*

- 5.55. **Policy ESD1** requires all development to be designed to be resilient to, and adapt to the future impacts of, climate change through the inclusion of adaptation measures where appropriate.
- 5.56. **Policy ESD2** promotes the concept of an 'energy hierarchy' from reducing energy use to allowable solutions.
- 5.57. **Policy ESD3** states all new non-residential development will be expected to meet at least BREEAM 'Very Good', subject to review over the plan period to ensure the target remains relevant.
- 5.58. **Policy ESD4** states that all applications for non-domestic developments above 1000m<sup>2</sup> floorspace should include a feasibility assessment for the use of decentralised energy systems, providing either District Heating or Combined Heat and Power.
- 5.59. **Policy ESD5** requires all applications for non-domestic developments above 1000m<sup>2</sup> floorspace a feasibility assessment of the potential for significant on site renewable energy provision (above any provision required to meet national building standards).
- 5.60. **Policy ESD6** sets out the requirement for a flood risk assessment, including for all sites greater than 1ha in flood zone 1. Whilst **Policy ESD7** states that all development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off.
- 5.61. **Policy ESD8** seeks to safeguard water quality. Development will only be permitted where adequate water resources exist or can be provided without detriment to existing uses.

*Natural Environment*

- 5.62. **Policy ESD10** states that in considering proposals for development, a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources. Relevant habitat and species surveys and associated reports will be required to accompany planning applications which may affect a site, habitat or species of known or potential

ecological value. An air quality assessment will also be required for development proposals that would be likely to have a significantly adverse impact on biodiversity by generating an increase in air pollution. Planning conditions/obligations will be used to secure net gains in biodiversity by helping to deliver Biodiversity Action Plan targets. A monitoring and management plan will be required for biodiversity features on site to ensure their long term suitable management.

- 5.63. **Policy ESD13** states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.
- 5.64. **Policy ESD17** states the District's green infrastructure network will be maintained and enhanced by, inter alia, connecting the towns to the urban fringe and the wider countryside beyond.

#### *Infrastructure Provision*

- 5.65. **Policy INF1** states development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.
- 5.66. **Policy SLE4** identifies improvements to M40 junctions as a key transport proposal. New development in the District will be required to provide financial and/or in-kind contributions to mitigate the transport impacts of development. All development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling.

#### *Site Allocation Policies*

- 5.67. Although not directly relating to the proposal the following employment allocations in the CDLP are of significance.
- 5.68. **Policy Banbury 6:** Employment Land West of M40 allocates 35ha of land for a mixed employment generating development. The site is now nearing completion and is characterised by medium to large distribution warehousing units.
- 5.69. **Policy Banbury 15:** Employment Land North East of Junction 11 allocates 13 hectares of land for mixed employment generating uses. This site is part under-construction and is subject of planning applications/permissions as detailed earlier. Importantly, the supporting text for the Policy at para c.195 says that this is a highly sustainable location:-

**“C.195.....Policy Banbury 15 therefore seeks to deliver this land for economic development in the interest of delivering jobs and investment in a highly sustainable location.”** (our emphasis)

5.70. The status of these allocations is discussed in more detail in Section 6 of this statement.

#### **'Saved' policies of the Adopted Cherwell Local Plan 1996**

5.71. 'Saved' policies of the Adopted Cherwell Local Plan 1996 remain part of the statutory Development Plan to which regard must be given in the determination of planning applications.

5.72. The saved policies are those that were originally saved on 27 September 2007, and which have not been replaced by policies within the Adopted Cherwell Local Plan 2011–2031 (Part 1). Appendix 7 of that Plan lists those policies that have been replaced.

5.73. The following "saved policies" in the Cherwell Adopted Plan 1996 are also relevant for the determination of the application:-

- **TR1: Transportation Funding**
- **C8: Sporadic retained – development in the open countryside**
- **C28: Layout, design and external appearance of new development**
- **ENV1: Development likely to cause detrimental levels of pollution**

5.74. **Saved Policy C28** states the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban area or rural context of the area. Notwithstanding the outline nature of the application, details of the layout, design and appearance of the proposal are contained within the Design and Access Statement.

5.75. **Saved Policy ENV1** seeks to ensure that the amenities of the environment, and in particular the amenities of residential properties, are not unduly affected by development proposals which may cause environmental pollution, including that caused by traffic generation.

5.76. **Saved Policy C8** states the Council will resist sporadic development in the countryside. This will apply to all new development proposals beyond the built-up limits of settlements including areas in the vicinity of motorway or major road developments. The Council will resist such pressures and will where practicable direct development to suitable sites at Banbury or Bicester. This policy will be discussed in more detail in Section 6 of this planning statement.

5.77. **Saved Policy TR1** requires the necessary highway improvements and traffic management measures and other transport measures as necessary for the development to proceed.

#### **Emerging Development Plan Documents**

[The Emerging Local Plan](#)

5.78. Cherwell District Council published a revised Local Development Scheme (LDS) in September 2023.

5.79. It notes that the key changes since approval of the last LDS in September 2021 include:

- The cessation of work on the Oxfordshire wide Joint Statutory Spatial Plan (Oxfordshire Plan 2050) following a decision in August 2022; and
- Progress on the Cherwell Local Plan Review 2040

5.80. The Programme for the production of the Cherwell Local Plan Review 2020 is as follows:-

Stage (Regulation)	Date
Consultation on draft Plan (Regulation 18)	September–October 2023
Consultation on Proposed Submission Plan (Regulation 19)	September–October 2024
Submission (Regulation 22)	January 2025
Examination (Regulation 24)	January 2025 onwards (hearings estimated April & May 2025)
Receipt and Publication of the Inspector's Report (Regulation 25)	September 2025 (estimated)
Adoption (Regulation 26)	December 2025 (subject to examination)

5.81. As the Plan is at an early stage in the plan making process, it can only be afforded limited weight. However, the published evidence base in support of the emerging Plan is a material consideration in the determination of this application.

5.82. As indicated in the Table above, consultation on the draft Plan (Regulation 18) was recently undertaken, closing on 3 November 2023.

5.83. The consultation Plan identifies an additional 74.8 hectares of land for employment use in addition to the 60 hectares already completed or committed. This leaves a considerable shortfall of at



least 139.2 hectares against the Council's identified need. Of the additional 74.8 hectares identified only 10.5 hectares is at Banbury split over two sites. There is clearly inadequate to meet the needs of the logistic sector in the Banbury area, and therefore requires the allocation of additional sites.

*Neighbourhood Plans*

- 5.84. There are no designated Neighbourhood Plan Areas that cover the site of the application proposal.

## 6. Assessment Of The Proposals

6.1. This section of the Planning Statement sets out the main planning considerations for this application. They include the following:-

- Issue 1 The Principle of Development
- Issue 2 Meeting the Demand for Warehousing and Distribution
- Issue 3 Traffic and Transportation
- Issue 4 Landscape and Visual Impact
- Issue 5 Heritage
- Issue 6 Ecology
- Issue 7 Flood Risk and Drainage
- Issue 8 Other Technical Matters

6.2. Some of these issues are examined in more detail in separate reports, but the purpose of this Planning Statement is to bring all of the conclusions together in order to inform the overall Planning Balance.

### **Issue 1 The Principle of Development**

#### The Development Plan

6.3. The starting point for the determination of any planning application or appeal is the Development Plan. The planning system is “plan led” and Planning Law requires that applications for planning permission must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

6.4. The Development Plan that covers the application site comprises:-

- Cherwell District Local Plan 2011–2031 Part 1 (CDLP) first adopted July 2015,
- The Adopted Cherwell Local Plan 2011–2031 (Part 1) Partial Review – Oxford’s Unmet Housing Need (September 2020), and
- ‘Saved’ policies of the Adopted Cherwell Local Plan 1996.

#### *The Spatial Strategy*

6.5. The Spatial Strategy of the Development Plan requires most of the growth in the District to be directed to locations within or immediately adjoining the main towns of Banbury and Bicester. The application proposals involve strategic scale employment development immediately



adjoining Banbury and would therefore be consistent with the overarching spatial strategy in this regard.

- 6.6. The proposals are also directly aligned with the main priority of the Local Plan which is set out at p.10 and which reads as follows:

***"Securing the economic future of the District is the main priority of this Plan".***

- 6.7. The allocation (Policy Banbury 15) and subsequent approval of strategic scale employment development on the neighbouring land to the west, at Frontier Park demonstrates that the LPA regards land to the east of Junction 11 as an appropriate location for this type of development at Banbury. The supporting text at paragraph C.195 explains why that site was allocated:-

- a. **This new employment site will ensure that the economic strengths of Banbury in manufacturing, high performance engineering and logistics can be maintained.**
- b. **The strategic road network and local distributor routes can be readily accessed from this area and be done so avoiding lorry movements through residential areas.**
- c. **Although an edge of town site, it is also within walking distance of the town centre and bus and railway stations.**
- d. **Development in this area provides an opportunity for high visibility economic investment and the bringing into effective use land that would otherwise be unsuitable for residential purposes.**
- e. **Policy Banbury 15 therefore seeks to deliver this land for economic development in the interest of delivering jobs and investment in a highly sustainable location (our emphasis).**

- 6.8. Whilst the application site is not allocated for development, it must logically follow that all of these reasons for allocating the adjoining site could apply with similar force to the application site. It was therefore surprising to see that the pre application response from Officers suggests that it is not a sustainable location for this type of development. This is directly at odds with the Local Plan which states in unequivocal terms that this is a "highly sustainable location."

- 6.9. Furthermore, it is at odds with the latest HELAA which concludes that the site is suitable for employment development.

*Employment Policy SLE 1*

- 6.10. The most important policy for the purposes of this application is Policy SLE1 which relates to new employment development. For ease of reference the most relevant parts of the policy are reproduced below:-

## Policy SLE 1: Employment Development

.....

Employment development will be focused on existing employment sites. On existing operational or vacant employment sites at Banbury, Bicester, Kidlington and in the rural areas employment development, including intensification, will be permitted subject to compliance with other policies in the Plan and other material considerations. New dwellings will not be permitted within employment sites except where this is in accordance with specific site proposals set out in this Local Plan. 45 Cherwell Local Plan 2011–2031 Part 1 Section B – Policies for Development in Cherwell

Employment proposals at Banbury, Bicester and Kidlington will be supported if they meet the following criteria:

1. Are within the built up limits of the settlement unless on an allocated site.
2. They will be outside of the Green Belt, unless very special circumstances can be demonstrated.
3. Make efficient use of previously–developed land wherever possible.
4. Make efficient use of existing and underused sites and premises increasing the intensity of use on sites.
5. Have good access, or can be made to have good access, by public transport and other sustainable modes.
6. Meet high design standards, using sustainable construction, are of an appropriate scale and respect the character of its surroundings.
7. Do not have an adverse effect on surrounding land uses, residents and the historic and natural environment.

6.11. Officers during pre-application discussions said that the proposals do not accord with Policy SLE 1 because they do not meet all of the criteria. The Applicant would respond as follows:-

- a. The application site is located “at” Banbury, it is not within the Greenbelt and it would also accord with the final three criteria. There is therefore compliance with key criteria.
- b. It is recognised that the site is not within the built up area, it is not allocated and it is not an existing PDL site.
- c. However, the policy does not say that “all” criteria must be met. A conjunctive policy that requires all criteria to be met would normally include the word “and” between criteria. It does not here.
- d. It also does not say that planning permission will “only” be permitted if all the criteria are met.

- e. It is a permissive policy and it does not say that permission will be refused if for example the site is beyond the built up area.
- f. That would make sense otherwise it is difficult to see why development may be permitted in the rural areas adjoining built up area (see the latter part of the policy not reproduced above) and even in the Greenbelt (subject to VSC) yet it would be refused on undesignated land next to one of the main urban areas where the plan seeks to focus new employment development.
- g. What if there are no PDL sites already in employment use within the built up area that are suitable for the development being proposed? Logistics developments have particular locational requirements. A narrow interpretation of the policy would preclude such developments.

6.12. The Applicant's primary position is that the application proposals should be considered on their merits having regard to the criteria outlined and if there is general accord with the criteria (but not necessarily all) then a judgement needs to be made on the acceptability of the scheme, reading the policy and the plan as a whole.

6.13. The LPA's narrow interpretation noted above would be at odds with more recent national policy in NPPF paragraph which says:-

**"83. Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for .... storage and distribution operations at a variety of scales and in suitably accessible locations."**

6.14. It would also fail to reflect NPPF paragraph 82 also says that:-

**"Policies should be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances."**

6.15. If the decision maker disagrees and concludes that the proposal would be in conflict with the policy, then the Applicant considers the policy to be out of date as it is inconsistent with national policy. It should only be afforded limited weight in those circumstances.

6.16. Conflict with a single out of date policy does not mean that there is conflict with the Development Plan as a whole. Even if the LPA disagrees on this interpretation, a conflict with the Development Plan may be justified by other material considerations.

*Saved Local Plan Policy C8*

6.17. Saved Policy C8 from the 1996 Local Plan should have very little bearing on the outcome of this application. It reads as follows:-

**“C8 sporadic development in the open countryside including developments in the vicinity of motorway or major road junctions will generally be resisted”** (our emphasis).

6.18. The application proposals cannot be described as sporadic. This is not an isolated site in the deep rural countryside unrelated to any settlement or infrastructure. It immediately adjoins the built up area of one of the main towns; Banbury.

6.19. The Applicant notes that the policy includes the word “generally” and so this implies that it should be applied flexibly. However, if it is to be rigidly applied then the policy is out of date and inconsistent with the NPPF for a number of reasons.

6.20. The policy was adopted in the context of very different national planning guidance in the form of PPG7 which took a very restrictive approach to development beyond settlements, requiring the countryside to be protected for its own sake. The NPPF takes a much more nuanced approach, recognising the intrinsic character and beauty of the countryside yet also balancing the needs for development and the benefits that it can bring.

6.21. The NPPF and the PPG (which is referred to in more detail later) also recognise that logistics developments need to be in accessible locations, often away from residential areas. Precluding logistics development at motorway junctions is counter intuitive to current day thinking and the policy is simply out of touch with the operational requirements of this important sector of the economy.

6.22. Furthermore, the built up area that applied at the time of adoption is very much changed from that which we see on the ground today some 26 years on. Most notably we have seen development supported by the LPA in the vicinity of J.11.

6.23. For these and other reasons which don't need to be set out in full, this policy should be afforded little to no weight in the determination of this application.

*The social economic benefits of the proposals*

6.24. The positive social and economic benefits of the proposals are substantial in terms of investment, job creation, upskilling and diversification of the local economy. These benefits are considered in more detail later in this statement at Section 7 and in the separate statement “Economic benefits of meeting the demand for new warehouse space” that accompanies this application.

*Other policies and designations*

- 6.25. There are no other policies that are directly applicable to this site. It is not protected public open space. It is in the lowest risk area for flooding. The potential impact of the proposal on nearby adjacent historical assets, the wider landscape, and highways capacity and safety are considered below and do not raise any insurmountable constraints.
- 6.26. Importantly the site is not in the Green Belt or in the AONB which are designations that do constrain opportunities elsewhere along the M40 corridor.
- 6.27. To summarise:-
1. This the right development, in the right location at the right time.
  2. Securing the economic future of the District is the main priority of the adopted Local Plan and the proposals obviously align with this.
  3. The proposals are in general accordance with the Spatial Strategy which requires most of the growth in the District to be directed to locations within or immediately adjoining the main towns of Banbury and Bicester.
  4. The site adjoins the Policy Banbury 15 site allocation which was planned to deliver a similar type of development. The application proposals can similarly ensure that the economic strengths of Banbury in logistics can be maintained.
  5. Likewise, the strategic road network can be readily accessed from this area and be done so avoiding lorry movements through residential areas. The Policy Banbury 15 site was considered a “highly sustainable location” and the same conclusion should apply to the application site.
  6. If a strict and narrow interpretation is taken with employment policy SLE 1 then it is out of date and inconsistent with national policy. It fails to recognise the specific locational requirements of logistics development and fails to provide the flexibility that is required to respond to changed economic circumstances [NPPF paragraphs 81-83].
  7. If a broader interpretation is followed then the proposals are in in general accordance with Policy SLE 1. They direct employment to Banbury, avoid land in the Green Belt, have good access, can meet high design standards, respect the character of its surroundings and not have an adverse effect on the surrounding land uses and the historic and natural environment.
  8. Saved Policy C8 from the 1996 Local Plan should have very little bearing on the outcome of this application. The policy is also out of date and inconsistent with the NPPF. Precluding logistics development at motorway junctions is counter intuitive to current day thinking with logistics development and the policy fails to reflect the more nuanced approach of the NPPF with regards to development beyond built up areas.
  9. The positive social and economic benefits of the proposals are substantial in terms of investment, job creation, upskilling and diversification of the local economy.
  10. There are no other policies that are directly applicable to this site that preclude its development. Unlike other sites along the M40 it is not in the Green Belt, AONB or any



other landscape designation. It is not protected for ecology, heritage or as open space. It is also within Flood Zone 1.

## Issue 2 Meeting the Demand for Warehousing and Distribution

6.28. This part of the Planning Statement should be read alongside the separate report prepared by Pegasus Group detailing the economic benefits of meeting the demand for new warehouse space.

6.29. Demand for warehousing space in the UK has increased dramatically in recent years. It accelerated in the last two years with changes in shopping habits as a result of the Covid 19 pandemic. Analysis by CBRE indicates that this increase in demand for warehousing space is likely to continue: -

**“Following a record-breaking period, take-up levels have started to moderate, but occupier demand will likely continue through 2023 and remain above the 10-year average. Big box logistics space under offer at the end of Q3 totalled 16.8m sq ft (up 27% YoY), indicating that appetite from occupiers for warehouse and manufacturing space is still strong, despite caution over the impact of the cost of living on consumers, and a slowdown in retail spend.<sup>1</sup>”**

6.30. The growth in demand for logistics space is also reflected upon in the Savills’ Big Shed Briefing Paper, January 2023. Across 2020, 2021 and 2022 the average annual take-up at 52 million sqft was double than the average annual 26 million sqft of the preceding 13 years (2007 to 2019). Over the period 2014 to 2022 the total stock of warehousing space grew by 8.9% or 1.1% per annum. In spite of this growth in supply, across the whole stock of warehousing in the UK there has been a marked drop in vacancy rate as demand has grown, with the vacancy rate reaching just 3% in 2021

6.31. Demand and availability for warehouse space in Oxfordshire follows a similar trend to the regional analysis. Research by Savills found that in 2020 Oxfordshire had a record high of warehousing take up at 1.6million sq. ft. As of February 2021, there was only 0.4 million sq. ft. of available Grade A space in Oxfordshire. Many of the buildings currently coming forward or currently being developed are already pre-let or under offer.

6.32. Speaking about the end of its involvement at CM40, Joseph Skinner, associate development director at Tritax Symmetry, commented:

**“We have seen unprecedented demand for prime, sustainable logistics space in this area of Oxfordshire. Most of these units were pre-let or let prior to practical**

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<sup>1</sup> CBRE Market Outlook 2023.

completion and, as we stand today, there is currently a **severe shortage** of allocated land available to accommodate new requirements” (*our emphasis*).

#### National Planning Practice Guidance

- 6.33. It is notable that the PPG now includes recently updated guidance specifically in relation to logistics development, recognising its “critical” role for consumers and businesses. It recognises the particular set of requirements that such developments give rise to. The guidance reads as follows:-

**“How can authorities assess need and allocate space for logistics?”**

**The logistics industry plays a critical role in enabling an efficient, sustainable and effective supply of goods for consumers and businesses, as well as contributing to local employment opportunities, and has distinct locational requirements that need to be considered in formulating planning policies (separately from those relating to general industrial land).**

**Strategic facilities serving national or regional markets are likely to require significant amounts of land, good access to strategic transport networks, sufficient power capacity and access to appropriately skilled local labour.** Where a need for such facilities may exist, strategic policy-making authorities should collaborate with other authorities, infrastructure providers and other interests to identify the scale of need across the relevant market areas. This can be informed by:

- engagement with logistics developers and occupiers to understand the changing nature of requirements in terms of the type, size and location of facilities, including the impact of new and emerging technologies;
- analysis of market signals, including trends in take up and the availability of logistics land and floorspace across the relevant market geographies;
- analysis of economic forecasts to identify potential changes in demand and anticipated growth in sectors likely to occupy logistics facilities, or which require support from the sector; and
- engagement with Local Enterprise Partnerships and review of their plans and strategies, including economic priorities within Local Industrial Strategies.

**Strategic policy-making authorities will then need to consider the most appropriate locations for meeting these identified needs (whether through the expansion of existing sites or development of new ones).**

Authorities will also need to assess the extent to which land and policy support is required for other forms of logistics requirements, including the needs of SMEs and of ‘last mile’ facilities serving local markets. A range of up-to-date evidence may have to be considered in establishing the appropriate amount, type and location of

**provision, including market signals, anticipated changes in the local population and the housing stock as well as the local business base and infrastructure availability.”**  
(our emphasis)

Paragraph: O31 Reference ID: 2a-031-20190722. Revision date: 22 07 2019

6.34. Notably the guidance tells us that these locational requirements need to be considered separate from general industrial land. This is something that the Local Plan fails to do albeit it must be recognised that the Local Plan predates this guidance. This explains in part why the policies are out of date.

6.35. The PPG goes on to explain how locational requirements should be met:-

**"How can the specific locational requirements of specialist or new sectors be addressed?**

**When assessing what land and policy support may be needed for different employment uses, it will be important to understand whether there are specific requirements in the local market which affect the types of land or premises needed. Clustering of certain industries (such as some high tech, engineering, digital, creative and logistics activities) can play an important role in supporting collaboration, innovation, productivity, and sustainability, as well as in driving the economic prospects of the areas in which they locate. Strategic policy-making authorities will need to develop a clear understanding of such needs and how they might be addressed taking account of relevant evidence and policy within Local Industrial Strategies. For example, this might include the need for greater studio capacity, co-working spaces or research facilities.**

**These needs are often more qualitative in nature and will have to be informed by engagement with businesses and occupiers within relevant sectors.”** (our emphasis)

Paragraph: O32 Reference ID: 2a-032-20190722. Revision date: 22 07 2019

#### Local Evidence of Need

6.36. As part of the evidence base in support of the Review of the Cherwell Local Plan the Council published an Economic Needs Assessment in September 2021. It assessed the current demand for logistics warehousing in Cherwell District. It provides evidence of the need/demand for logistics development along the M40 corridor and particularly at Junction 11.

**“5.3.1 Demand is reported from a wide range of occupiers. The largest units are primarily sought by logistics and distribution companies looking for presence on the M40. There is significant demand in the area from national chains and distributors. Stakeholders reported numerous enquiries from occupiers looking for units of 100,000-200,000 sq ft around J11 of the M40 which were not able to**



be met in the area currently. This shortage of space and backlog of enquiries has made it very easy to let any new space coming forward”.

5.3.2 Regional distribution companies are increasingly looking beyond the traditional areas of the M1 corridor and the ‘Golden Triangle’ (centred around the M1, M6, and M42) and the M40 corridor is an expanding market for regional logistics operators. The M40 in Cherwell is an attractive location due to its relative proximity to London but lack of designation such as Green Belt or Area of Outstanding Natural Beauty (AONB). Cherwell is also well located for the A34 / A43 corridor providing a connection with the port at Southampton which is better than that provided by the M1 corridor. Currently the M40 is a cheaper location than the Golden Triangle, increasing its attractiveness. The local workforce was also cited as a positive factor, particularly with regards to J11 at Banbury, however J9 and J10 are also both seen as excellent locations with good access to Bicester.

5.3.3 However, there is a significant undersupply of available sites within the M40 corridor, meaning that all suitable sites within Bicester have gone. This is due in part to a notable increase in take-up in the last two years due to structural changes following the pandemic. This has accelerated the demand and the supply has failed to keep up. Some stakeholders stated that there needs to be a criteria-based policy to account for such step changes in future to ensure unforeseen market changes could be accounted for within the plan process.

5.3.7 Key demand is for unit sizes 200,000–300,000 sqft. This would typically require minimum site requirements of around 8–10 ha. Operational requirements are:

- access to the strategic road network, principally the M40 motorway
- 24-hour operations 7 days a week; and
- Siting away from residential uses but close to labour markets.” (*our emphasis*)

6.37. The application site clearly meets all these operational requirements in full.

6.38. The previous Local Plan Inspector also considered the need for additional employment land at Banbury:

41. “However, despite the Council’s willingness to include a reference to “examining options for the release of land at motorway junctions in the district for very large scale logistics buildings in the Part 2 LP”, it is not necessary or appropriate to include this commitment in the policy. This is because the existence of such a need, specifically in this district, is as yet largely unproven and appears to be essentially reliant on speculative enquiries only at present. Moreover, such schemes would be road based and likely to prove visually intrusive in the open countryside due to the size of buildings, as well as potentially difficult and/or expensive to cater for satisfactorily at the M40 junctions in highway capacity terms”.

- 6.39. The case for more development is not just speculation. It is now proven.
- 6.40. As has been demonstrated above, the logistics market has significantly grown in the last seven years and demand is significantly out-stripping supply and planning policies have failed to keep pace with these market shifts contrary to national policy in NPPF paragraphs 81-83. Whilst the scheme would be road based, this is true of most warehouse development. Either way the accompanying transport assessment demonstrates the scheme can be delivered without causing an unacceptable impact on the existing road network and without prohibitive infrastructure requirements. Such issues can be resolved through the planning application process.
- 6.41. The Inspector also considered additional land at Banbury in the regional context:-

***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 Ban 15 site at J11, including that the traffic movements likely to be generated would trigger the need for the new South East relief road through the town".***

***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."***

- 6.42. Since the publication of the Inspector's Report considerable progress has been made on DIRFT III with developments being taken up by Royal Mail, Eddie Stobart and the NHS. There is no evidence to suggest that development at the application site would pose any risk to the completion of DIRFT III which is of a different scale and performs a different role.
- 6.43. It is also not the role of the planning system to restrict competition and the proposals would provide greater market choice and flexibility.

*The availability of other employment land in the District*

- 6.44. The Local Plan identifies eight strategic employment areas to meet employment needs over the plan period totalling 186.5 hectares, plus approximately 120,000 sqm of floorspace at the former RAF Upper Heyford.
- 6.45. In addition, the Partial Review of the CDLP Oxford's Unmet Housing Need 2020, includes the reservation of 14.7 hectares of land for the potential expansion of Begbroke Science Park as part

of allocation PR8. However, given the specific allocated use it will not contribute to the supply of logistic land.

6.46. The table below reviews the current known status of the employment allocations in the Local Plan.

Allocation	Commentary on availability
Banbury 6: Employment Land West of the M40 (CM40)	Total 35ha. The area has been built out over the last 10 years. In total 1.3million sq ft has been built and let. Only one relatively small site remains of 5.9ha, however it is at the far end of the development and tapers in shape. There is currently no planning application for the remaining parcel. It appears Tritax Symmetry have completed their interests in Banbury 6. There is therefore not certainty the site will be available in the short/medium term.
Banbury 15: North east of junction 11 (Frontier Park)	Total 13ha. 2no. B8 units completed and available for let (FP130 133,401 sq ft and FP217 217,461 sq ft). The third B8 unit (FP180 180,000 sq ft) is currently under construction
Bicester 1: North West Bicester (Axis 9)	Total 10ha. Phase 1 and phase 2 complete and fully let. Phase 3 90,000 sq ft granted on appeal February 2023. 5 units. Currently being marketed for rent. No direct access to motorway, 3.9 miles from Jn9.
Bicester 2: Graven Hill	Former MOD site, mixed use scheme. Outline permission for 1900 homes, primary school, community facilities and employment floor space comprising up to B1(a) 2160sqm, B1(b) 2400sqm, B1(c) and B2 20,520spm and B8 uses up to 66,960sqm. Outline permission granted for 104,000 sq m of B8 storage and distribution October 2023. Masterplan shows 9 units, largest being 23,255 m2. Area increased to 31.1ha .3.7 miles from Jn9.
Bicester 4: Bicester Business Park	Total 29.5 ha. Allocated for B1 offices. South-west of Town centre. Unsuitable for logistics.

Bicester 10: Bicester Gateway	Total 18ha. Allocated for B1 Business uses: high-tech knowledge industries. Unsuitable for logistics.
Bicester 11: Employment Land at North East Bicester (Link 9)	Total 15ha. Site complete and fully let.
Bicester 12: South East Bicester	Total 40ha. Part developed as Symmetry Park (21.4 ha). 5 unit complete and let. Phase 3 comprising two units (14,416m <sup>2</sup> and 10,681m <sup>2</sup> ) not commenced. Remainder of allocation part of mixed use outline application. Latest masterplan shows 6.6ha of employment land remaining, with remainder of allocation switched to residential.
Former RAF Upper Heyford	Total land area 120,000m <sup>2</sup> . Although some potential for logistics in the former hangers, not likely to contribute significantly to supply.

6.47. In summary, there is very little land left in Cherwell allocated for B8 uses and that which is available is diminishing. Once the remainder is let, there will nothing suitable available to meet the requirements of the logistics sector in the area. The increasing demand for logistics floorspace, diminishing supply and absence of up to date policies to respond to this will all be important material considerations for this application.

6.48. It will also be important to consider where those needs can be best met. The application site will be an obvious candidate for the emerging Local Plan. However, the needs exist now.

*Emerging Plans – future employment need requirement*

6.49. In February 2021, a Spatial Framework for the Oxford–Cambridge Arc was published which identifies that a plan will be developed that aims to:

- support long-run sustainable economic growth across the area;
- help to make the area a brilliant place to live, work and travel in – for existing residents and future communities alike; and
- support lasting improvements to the environment, green infrastructure and biodiversity.

6.50. The Spatial Framework also states that there could be between 476,500 and 1.1 million additional jobs by 2050 within the Arc.

- 6.51. In July 2019, the Oxfordshire Local Industrial Strategy (LIS) was published. This document presents a long-term framework which will promote industrial partnerships and guide decisions between businesses, universities, education bodies, local authorities, and Government.
- 6.52. In support of the then emerging Oxfordshire 2050 Plan, the Oxfordshire Growth Needs Assessment (OGNA) was published in July 2021. Phase 1 of the report outlines the gross additional employment land needs in Oxfordshire for the period 2020–50 based on jobs growth shown in the employment projections and past employment floorspace completions for the 2011–18 period. The forecast growth in Industrial, Warehousing & Other needs (excluding office, R&D and education) ranges from 296ha to 645ha for the period 2020 to 2050.
- 6.53. The Cherwell Economic Needs Assessment 2021 assessed the likely future demand for employment land to 2040. It used a range of proprietary economic forecasts but concluded that:
- "Considering the labour demand and completions trend scenario against the wider economic indicators in the report suggest that that the Experian-based sensitivity scenario (187.5 ha) provides the most reasonable assessment of future employment land needs for Cherwell to 2040. This is for the following reasons:**
- **It is the most positive of the labour demand scenarios in terms of future employment land needs. This scenario corresponds with stakeholder feedback and LEP growth ambitions.**
  - **It takes account of changes to working from home patterns for office-based sectors, which have accelerated during the Covid-19 pandemic.**
  - **It takes account of growing trend and expected future demand for R&D space.**
  - **It identifies a high demand for industrial and distribution space – the highest of the labour demand scenarios – however it takes into account the risks of Brexit which are significant".**
- 6.54. The Experian-based sensitivity scenario identified a total need for B8 land of 107 hectares between 2021 and 2040.
- 6.55. The Oxford and Cherwell Housing and Economic Needs Assessment (2022) identifies a need for between 221 and 230 hectares of employment land in Cherwell over the period 2021 to 2040. The majority of this is to meet the forecast growth in logistics space, equating to 154.1 hectares.
- 6.56. It is clear than that the Council will have to allocate a substantial amount of additional land to meet future requirements of the logistics sector. It cannot be met on PDL sites within the built up area (if that is how Policy SLE 1 is to be interpreted).

- 6.57. Given the clear and present need, the development proposal would provide an opportunity in the short and medium term at a suitable location adjacent to the M40 which could provide for a considerable proportion of the need to be identified in the Local Plan Review.
- 6.58. However, the Local Plan Review remains at a very early stage, and it will be years before the plan is adopted with new allocations, yet the need for such development exists now. Whilst it is not necessary to provide an assessment of alternatives as part of this planning application the opportunities offered by this site are obvious and difficult to replicate. Banbury is a preferred location for major development and economic growth and the site is well related to the M40 which is important to logistics operators. Other sites around Banbury will obviously be more distant from the M40 and are more constrained from a planning and transportation perspective.
- 6.59. To summarise:-
1. Demand for warehousing space in the UK has increased dramatically in recent years. It accelerated in the last two years with changes in shopping habits as a result of the Covid 19 pandemic. This increase is repeated regionally and locally.
  2. Analysis by Cushman and Wakefield indicates that this increase in demand for warehousing space is likely to continue. Set against this increase in demand, warehouse space is decreasing in availability.
  3. Commentators say there has been unprecedented demand for prime, logistics space in this area of Oxfordshire. Most of these units were pre-let or let prior to practical completion and there is currently a severe shortage of allocated land available to accommodate new requirements.
  4. The PPG now includes guidance specifically in relation to logistics development, recognising its critical role for consumers and businesses. It recognises the particular set of requirements for such developments including location, land take, access to strategic transport networks and access to skilled local labour.
  5. The Cherwell Economic Needs Assessment (2021) provides evidence of the need/demand for logistics development. Stakeholders reported numerous enquiries from occupiers looking for units of 100,000–200,000 sq ft around J11 of the M40 which were not able to be met in the area currently.
  6. The M40 in Cherwell is an attractive location due to its relative proximity to London but lack of designation such as Green Belt or Area of Outstanding Natural Beauty (AONB). The local workforce was also cited as a positive factor, particularly with regards to J11 at Banbury.
  7. The site is located within the Oxford–Cambridge Arc which aims to amongst other things support long–run sustainable economic growth across the area.
  8. The planning policies of the LPA have failed to keep pace with and reflect national policy in NPPF paragraphs 81–83 and the guidance in the NPPG.

9. A review of the existing sources of supply suggests that there is insufficient warehouse space on committed sites to meet current and projected needs. The Experian-based sensitivity scenario identified a total need for B8 land of 107 hectares between 2021 and 2040.
- 6.60. However, the emerging Local Plan is still only at a very early stage and therefore it is necessary for Applicants to bring sites forward now through the Development Management process to meet needs now.

### **Issue 2 Traffic and Transportation**

- 6.61. Traffic and transportation will always be important issues when considering logistics development both in terms of accessibility and the potential impact on the local and strategic road network.
- 6.62. The application is supported by a Transport Assessment prepared by DTA Transport Planning Consultants. This addresses issues such as traffic generation, the opportunities to take up more sustainable methods of transport and the suitability of the proposed site access. The main findings can be summarised as follows:-
1. The primary vehicle access to the site will be taken from the A361 and will involve the creation of a primary site access roundabout and a secondary standard priority junction.
  2. The development site will be designed to prioritise foot and cycle movements along desire lines through the development, linking to the external access points. Public transport improvements are being provided with the site opposite on the A361.
  3. A review of the latest five-year personal injury collision data for the surrounding area has been undertaken and does not indicate any existing highway safety issues within the study area.
  4. Following the proposed mitigation, the traffic impact of the proposed development will not be material to the local highway network.
  5. Overall, the proposed development, subject to the proposed mitigation, will have no material residual adverse impact on the safe operation of the local highway network.
  6. As such, highways matters should not feature as a reason for refusal.

### **Issue 3 Landscape and Visual Impact**

- 6.63. The application is supported by a Landscape and Visual Appraisal (LVIA) prepared by MHP Design Ltd Chartered Landscape Architects. The main findings can be summarised as follows:-
1. The Site does not carry any statutory or non-statutory designations for landscape character or quality. The land has no rare or valuable attributes and does not form part of a valued landscape with reference to NPPF paragraph 174.

2. The site creates a transitional area of land between the present urban edge and this more deeply rural landscape to the east.
3. The settlement pattern of Banbury has seen employment land develop along the western side of the M40 motorway corridor and to the north of the town. This has recently been extended east of the motorway north of J.11 with the allocation and construction of Frontier Park.
4. The existing established employment land and areas under construction have a strong correlation with the motorway corridor and junction J.11. The geographical extent of the employment land creates robust separation between the motorway and the main civic areas of the town. It is therefore a character area in its own right which does influence the character and setting of the site.
5. The introduction of the Frontier Park employment land development has reduced potential views from the wider Banbury area and limited views towards the site from the motorway. Existing highway infrastructure and the urban edge similarly inform the local landscape character.
6. 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.
7. This baseline has now been changed due to the influence of the adjoining employment development. Even without this change in baseline, the assessment found capacity for employment development. This published assessment has been confirmed by the LVIA.
8. A substantial adverse landscape effect is assessed on the site character itself due to the high magnitude of change that development would cause. However, with mitigation measures established this landscape harm is reduced to moderate.
9. Overall, the residual landscape and visual harm arising from the development is assessed to be less than significant due to the landscape strategy for mitigation and its potential to contain detrimental effects to the site.
10. Landscape policy at both national and local level are not 'nil harm' policies due to the undesignated status of the site. Any development in a greenfield site is likely to give rise to some landscape and visual harm. The proposals are assessed to give rise to harm which is localised and contained. As such landscape and visual harm does not conflict with national and local policies but must be considered in the overall planning balance.
11. The harm arising from the development proposals is less than proportionate with the scale and nature of the development proposals. As such the harm that has been assessed in this landscape and visual impact assessment should not carry great weight against the proposal when considered in the full planning balance.





#### **Issue 4 Heritage**

6.64. The application is supported by a Desk Based Heritage Assessment prepared by Pegasus Group. The main findings can be summarised as follows:-

1. There are no heritage constraints that would represent a significant constraint or preclude the proposed development.
2. The proposed development is anticipated to cause no harm to the significance of the Grade II Listed Seale's Farm in terms of setting.
3. The proposed development is anticipated to cause no harm to the significance of non-designated Overthorpe Hall through change to its setting.
4. The site adjoins Huscote Farm, a non-designated heritage asset that comprises a derelict 19th-century farm complex which has been assessed to possess low heritage significance overall. Huscote Farmhouse will be demolished as part of the proposed development whereas the historic agricultural ranges to the north will be preserved and converted to new uses (as part of a separate application).
5. The results of a geophysical survey of the Site (Headland Archaeology, July 2022) and the results of a trial trench evaluation of the Site (Cotswold Archaeology, September 2023) indicate there are not anticipated to be any archaeological remains from any period within the site that would possess a significance commensurate with a Scheduled Monument.
6. Based on the available evidence and the sources consulted, there are not anticipated to be any archaeological remains from any period within the site that would require preservation in situ or otherwise preclude development.
7. The site includes an area of ridge and furrow. There are such earthworks across the locality and more widely. Together, these would typically be regarded as a non-designated heritage asset of low significance. The ridge and furrow within the site is a small part of this earthworks system.

#### **Issue 5 Ecology**

6.65. An Ecological Assessment has been carried out by Harris Lamb along with an assessment in relation to biodiversity net gain (BNG). The main findings can be summarised as follows:-

1. No internationally designated sites and nationally designated sites were identified within 10km and 2km of the site, respectively.
2. Habitat enhancements would result in a biodiversity net gain at a rate of 23.87%. For hedgerows an increase of 10.61% is predicted.
3. Whilst reptiles were not recorded during survey, the survey area was limited by the presence of cattle. A precautionary approach has therefore been taken. Following completion and establishment of proposed ponds and areas of enhanced grassland

diversity would be positive for local common amphibians and reptiles and significant at a Site to Local level.

4. It is anticipated that the Proposed Development with proposed mitigation would not result in an adverse impact to breeding birds and would enhance site habitats at Site level.
5. It is anticipated that the proposed development with proposed mitigation would not result in a significant adverse impact to badgers.
6. It is anticipated that the proposed development with proposed mitigation would not result in a significant adverse impact to foraging, commuting, and roosting bats.
7. It is anticipated that the Proposed Development would provide an enhancement to hedgehogs or little owl and terrestrial/aquatic invertebrates.

### **Issue 6 Flood Risk and Drainage**

6.66. The application is supported by a Flood Risk Assessment prepared by M-EC. The main findings are as follows:-

1. The application site is located entirely within Environment Agency flood risk zone 1 (the lowest area of risk).
2. It therefore complies with national and local policy (Policy FW1) regarding the sequential approach to siting of development.
3. The proposals incorporate SuDS which can meet the requisite run-off rates as prescribed in policy and guidance.
4. The proposed attenuation ponds also contribute to the green infrastructure and biodiversity of the scheme.

### **Issue 7 Other Technical Matters**

6.67. The application is also supported by other technical assessments including arboriculture, air quality, noise and ground conditions. These do not identify any insurmountable constraints that would preclude development on this site.

6.68. Any necessary mitigation can be addressed through suitably worded planning conditions and/or Reserved Matter applications. It is not necessary to repeat the findings of these assessments in any further detail as part of this Planning Statement.

## 7. The Planning Balance

- 7.1. This section of the Planning Statement explains how the Applicant believes the decision maker should approach the determination of this application, before going on to identify the issues that need to be weighed in the overall planning balance.

### **The Decision-Making Framework**

- 7.2. Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 7.3. The development proposals would comply with the strategy and objectives of the Development Plan when read as a whole.
- 7.4. The recent judgement in *Corbett, R (On the Application Of) v [2020] EWCA Civ 508* reaffirms the approach to be taken when assessing compliance with the Development Plan. It does not mean that an application must accord with every policy and provision of a Development Plan and it explains that it is not unusual for Development Plan policies to pull in different directions.
- 7.5. The decision maker has to make a judgment bearing in mind such factors as the importance of the policies which are complied with or infringed, and the extent of compliance or breach. The judgement about compliance is taken when the plan is read as a whole.
- 7.6. Even if the LPA disagrees with the Applicant and finds that there is a more substantive, material conflict with the Development Plan when it is read as a whole, the decision maker should also consider other material considerations that might outweigh any such conflict.
- 7.7. These would be important material considerations that may justify a departure from the Development Plan.

### **Compliance with the Development Plan**

- 7.8. For the reasons already set out earlier in Section 6 the Appellant considers that the proposals are in general accordance with the Development Plan when read as a whole.
- 7.9. Even if the LPA disagrees, the Applicant considers that planning permission should be granted regardless. That is because the benefits would outweigh the harms. If the tilted balance is engaged, then the case becomes even more compelling in favour of the grant of planning permission.



- 7.10. The Applicant will now go on to summarise the positive benefits and adverse effects that would be taken into account in any such balancing exercise.

## **The Benefits Associated with the Application Proposals**

- 7.11. If the application proposals were to be granted, they would secure important benefits that would respond to all three of the Government's overarching objectives for sustainable development (social, economic and environmental). The benefits of the application proposals are outlined below.

### **The Social and Economic Benefits**

- 7.12. The social and economic benefits of the scheme are closely intertwined. The proposals would contribute towards job creation, investment and economic growth which in turn impact upon prosperity, up-skilling and social cohesion more generally.
- 7.13. The Applicant considers that Significant weight should be afforded to expenditure on construction and investment in the area. The NPPF states that "significant weight" should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development [NPPF para 81]. Logistics development has a significant role to play in supporting economic growth.
- 7.14. Following the recent recession, the Government placed a major emphasis on the planning system to kick-start the economy. There has been a clear push on planning for growth including through national planning policy. More recently we have been faced with the severe economic impact of the Covid 19 pandemic.
- 7.15. This planning application is supported by a statement which considers the economic benefits of developing new warehouse space. It is not necessary to repeat this all again in detail here, but it is important to draw out some of the key points.
- a. The build phase is estimated to generate around **£122.5m** of economic output (current prices).
  - b. Once built and operational, the contribution to economic output by the scheme is estimated at **£398.2million** over a 10-year period (present value).
  - c. Business rates generated by the scheme are estimated at **£3.6m** per annum, a proportion of which will be available locally to invest in local services.
  - d. The construction jobs created by the scheme will generate an estimated **£0.17m** of local expenditure in Banbury over the build timeframe. This relates to spend by workers on lunch, top-up groceries etc.



- e. Once operational, the scheme will result in an additional **£1.21m** of spend per annum on retail, leisure and services within Banbury.
- 7.16. The Applicant considers significant weight should be given to the anticipated **economic investment and contribution to local expenditure**.
  - 7.17. The Application proposals present the opportunity to delivery large scale employment opportunities. The Applicant considers that substantial weight should be afforded to the **creation of permanent employment**. Around 1,900 full-time equivalent jobs (FTEs) are expected to be supported on-site once the scheme is built and operational.
  - 7.18. The construction industry is also reliant upon a constant steam of new sites to keep people employed. New construction jobs could be created locally. The Applicant would attach moderate weight to the newly created construction jobs. This would include an estimated 1,094 temporary construction jobs supported per annum during the build phase. This includes on-site roles and jobs in the wider supply chain. The Applicant considers the **creation of temporary construction jobs** should be given moderate weight.
  - 7.19. Class B8 jobs have traditionally been regarded as low skill and low paid jobs but the evidence suggests otherwise and demonstrates that there would be opportunities at a range of skill levels:-
    - a. An estimated 654 on-site jobs will be for people with a degree or higher
    - b. A further 228 on-site jobs will be for people with A levels or equivalent.
    - c. A further 618 on-site jobs will be for people with GCSE's or equivalent
    - c. Around 206 on-site jobs could require no formal qualifications.
    - d. The further 207 on-site jobs would require other qualifications.
  - 7.20. The proposals also present **opportunities for training** which allows for upskilling and diversification of the local workforce when other sectors are in decline. This could be secured through s.106 planning obligations. The Applicant would afford this moderate weight.
  - 7.21. New jobs leads to increased wages some of which can be spent locally. There is also the more general economic output & business rates to take into account:-
    - a. Estimated wages paid to workers at the site amount to £64m per annum.
    - b. The construction jobs created by the scheme will generate an estimated £0.14m of local expenditure in Banbury over the build timeframe. This relates to spend by workers on lunch, top-up groceries etc.

- c. Once operational, the scheme will result in an additional £0.96m of spend per annum on retail, leisure and services within Banbury.

7.22. The application proposals will also provide **financial contributions towards off-site community infrastructure**. The Applicant recognises that these payments are essentially required to mitigate the impact of the development, however they do still represent new investment in infrastructure which will also be used by the local resident and workplace population in the surrounding area. The Applicant would afford this limited weight.

### **Environmental Benefits**

7.23. The application proposals would deliver new on-site green infrastructure with new planting as part of the landscaping proposals both within the application site and on other land that is in the control of the applicant to the east. The Applicant would afford this moderate weight.

7.24. The scheme would also deliver biodiversity enhancements both on site and off site. This would exceed 10% BNG targets. The Applicant would afford this moderate weight.

### **Adverse effects**

7.25. The Applicant recognises that there would also be adverse effects that would need to be weighed in the planning balance.

7.26. The proposals would obviously give rise to a loss of greenfield land. However, such losses are inevitable if the economic needs of Cherwell District and the wider area are to be met. The Applicant would therefore only afford limited weight to the loss of greenfield land as an adverse effect.

7.27. The Applicant recognises that there would be some landscape and visual harm arising from the development but this is assessed to be less than significant due to the landscape strategy for mitigation and its potential to contain detrimental effects to the site.

7.28. The findings of the LVIA have already been summarised earlier in this Planning Statement. The Site does not carry any designations for landscape character or quality and it is not a valued landscape in NPPF terms.

7.29. The site creates a transitional area of land between the present urban edge and this more deeply rural landscape and the introduction of the Frontier Park employment land development has reduced potential views from the wider Banbury area and limited views towards the site from the motorway corridor.

- 7.30. The harm arising from the development proposals is less than proportionate with the scale and nature of the development proposals. As such the harm that has been assessed in this landscape and visual impact assessment should not carry great weight against the proposal when considered in the full planning balance. The Applicant considers that the adverse effects carry no more than moderate weight.
- 7.31. The adverse effects on heritage assets would be limited. Importantly, there would be no harm to the significance of any designated heritage assets including through changes to setting.
- 7.32. There are not anticipated to be any archaeological remains from any period within the site that would require preservation in situ or otherwise preclude development.
- 7.33. There would be some loss of ridge and furrow (a non designated asset of low significance) but this should only be afforded limited weight.
- 7.34. The farmhouse at Huscote Farm is to be demolished. The complex of farm buildings has been assessed to possess low heritage significance overall the loss of the farmhouse only attracts very limited weight in the overall planning balance. This would be outweighed or at least neutralised by the re-use of the other buildings in the longer term (but those works do not form part of this current application).
- 7.35. The proposals would give rise to an increase in traffic movements as would be expected with most logistics developments of this kind. However the traffic impact of the proposed development will not be material to the local highway network. Subject to the proposed mitigation, will have no material residual adverse impact on the safe operation of the local highway network Overall, the Applicant would afford limited weight to the increased traffic arising from the proposals.

## **Overall Conclusion**

- 7.36. The proposals would be in general accordance with the Development Plan. They should therefore be approved without delay in accordance with NPPF paragraph 11c.
- 7.37. Even if the LPA was to disagree and was to find that there would be a material conflict with the Development Plan, the Applicant considers that the substantial benefits would still outweigh the harms that would arise from this development. This would represent an important material consideration that would outweigh any such conflict. If the tilted balance is engaged then the case becomes even more compelling.
- 7.38. To summarise:-



1. It can be demonstrated that the proposals would be in general accordance with the Development Plan when read as a whole.
2. The proposals will deliver a range of social, economic and environmental benefits which can be afforded varying levels of weight as identified below. These include:-
  - a) Economic investment and expenditure – Significant
  - b) Creation of permanent employment (c1,900 FTE) – Substantial
  - c) Creation of temporary construction jobs – Moderate
  - d) Opportunities for training and upskilling – Moderate
  - e) Financial contributions towards off site infrastructure – Limited
  - f) New green infrastructure including native planting – Moderate
  - g) Biodiversity enhancements – Moderate
3. The potential residual adverse impacts have been identified and these should also be afforded varying degrees of weight as follows:
  - a) Loss of greenfield land – Limited
  - b) Impact on character and appearance of the area – Moderate
  - c) Loss of ridge and furrow – Limited
  - d) Demolition of Huscote Farmhouse – Very Limited
  - e) Additional traffic – Limited
4. All other identified impacts can be mitigated through Planning conditions, obligations or through reserved matter applications.
5. Planning permission should therefore be granted without delay as per NPPF paragraph 11c.



## 8. Summary and Conclusions

8.1. The Applicant seeks outline planning permission, with all matters reserved, for a large scale logistics development. The Description of development reads as follows:-

***“Outline planning application for the 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 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. all matters of detail reserved.”***

8.2. This Planning Statement explains why the application proposals represent sustainable development and it has been demonstrated that there are compelling reasons that justify the grant of planning permission.

1. The proposals would be in in general accordance with the Development Plan when read as a whole. It would focus employment development at Banbury consistent with the spatial strategy.
2. The development proposal will help in meeting the demand for high-quality logistics floorspace nationally, regionally and locally. In particular, it would address the shortage of available and suitable land in the M40 corridor.
3. The proposal will help in meeting the requirements of a growing labour market and provide a range of jobs with varying level of skills.
4. The site is located in an accessible and sustainable location with opportunities to walk, cycle and use public transport. The Local Plan describes the adjoining site to the west as being highly sustainable.
5. The proposal would provide a range of benefits including a significant contribution to local employment and the economy more generally. It would assist in meeting the national, regional and local demand for logistics warehouse space.
6. The site does not carry any statutory or non-statutory designations for landscape character or quality. Overall, the residual landscape and visual harm arising from the development is assessed to be less than significant due to the landscape strategy for mitigation and its potential to contain detrimental effects to the site.
7. No designated heritage assets lie within the proposed development site and there would be no harm to the heritage significance of nearby Listed Buildings through changes to their settings.
8. The proposed development, subject to the proposed mitigation, will have no material residual adverse impact on the safe operation of the local highway network. As such, highways matters should not feature as a reason for refusal.

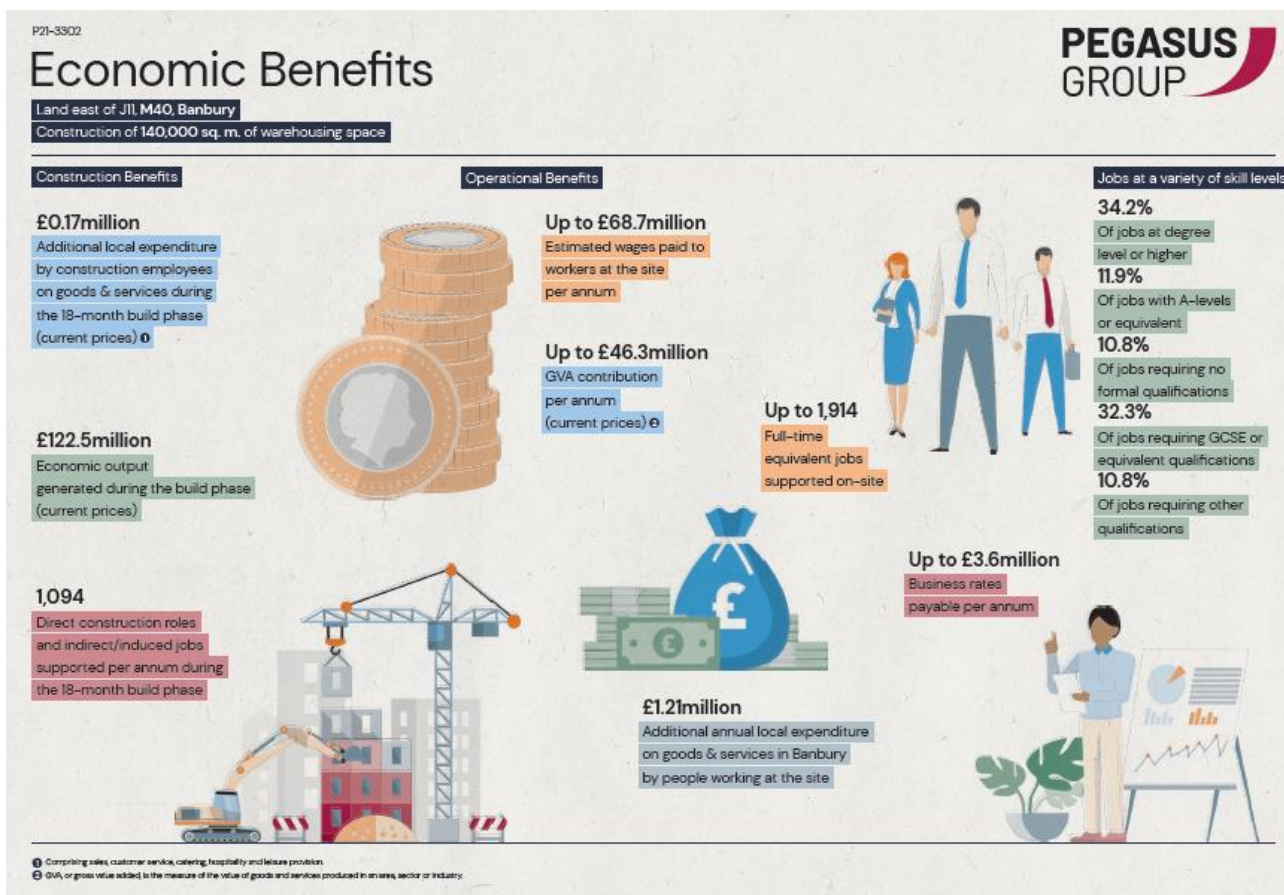


9. The application is also supported by other supporting documents including an Ecological Assessment, and FRA and a Drainage Strategy. These do not identify any insurmountable constraints that would preclude development on this site.
10. All other identified impacts have been mitigated through the layout and design of the proposal or can be through Planning conditions and obligations.

## **Concluding Comments**

- 8.3. Having undertaken an assessment of the proposal against national and local policy, including the planning balance in respect of other material considerations, the Applicant concludes that the proposals represent a suitable and sustainable form of development in this location and that there are compelling reasons that justify the grant of planning permission:-
- 8.4. There are no other material considerations, including national policy, which would indicate refusal.
- 8.5. The site is available, suitable and capable of delivering much needed development as soon as the necessary approvals are in place.
- 8.6. In view of the forgoing, the LPA is respectfully requested to grant Outline Planning Permission, subject to any necessary conditions and planning obligations.

# Appendix – Economic Benefits Infographic



Town & Country Planning Act 1990 (as amended)  
Planning and Compulsory Purchase Act 2004

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