

Development Planning  
Cherwell District Council  
Bodicote House  
Bodicote  
OX15 4AA

10 January 2024

Dear Sir/Madam

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

**Outline Planning Application – 23/03428/OUT – Construction of up to 140,000 sqm of employment floorspace (use class B8 with ancillary offices and facilities) and servicing and infrastructure including new site access, internal roads and footpaths, landscaping including earthworks to create development platforms and bunds, drainage features and other associate works including demolition of the existing farmhouse**

Chacombe Parish Council writes in respect of the recently submitted outline planning application by Pegasus Group on behalf of Greystoke CB, to object to the principle of the proposed development.

We made representations to the earlier application (Ref: 22/01488/OUT) and this new application has not changed from the application recommended for refusal by the Council on 9 February 2023. We fully agree with all the Council's reasons for refusal and there have been no material changes in circumstances which would alter the assessment of the current application.

This objection is set out as follows:-

- 1) Planning Policy and Decision Making Framework – Principle of the Development :-The site is specifically excluded from the currently adopted Local Plan and was assessed in detail by the Inspector in 2015. It is an unallocated site in an inappropriate location.
- 2) The proposed development would have a significantly detrimental impact on the local landscape. The proposals on this prominent site would 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.

- 3) The proposed development would have a significantly detrimental impact on the surrounding highway network which cannot be mitigated.
- 4) The proposed development would have a significantly detrimental impact on ecology and will involve the loss of 40no TPO trees.
- 5) Absence of Community Engagement contrary to the NPPF.

Chacombe Parish Council agrees with the conclusions of Cherwell Council within its reasons for refusal (set out within the 9 February 2023 committee report) and considers that built form to the east of the A361 is inappropriate and as a result the outline application should be refused for the following reasons:-

### **Planning Policy and Decision Making Framework – Principle of the Development**

Section 38(6) of the Planning and Compulsory Purchase Act outlines that the starting point for the consideration of a planning application is the Local Plan unless material considerations dictate otherwise. Where the Local Plan is absent, silent or out-of-date, paragraph 11 of the National Planning Policy states that a presumption in favour of sustainable development applies, granting permission unless the benefits of the proposal are demonstrably outweighed by any harm caused.

### **Cherwell Local Plan Inquiry – Local Plan 2011 - 2031**

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

The specific relevant paragraphs from the Inspector's Report are assessed below.

**Parish Council Comment** – We agree with the Inspector's rejection of the land to the east of the A361 and do not consider that there have been any material changes since this time. These representations will demonstrate that the proposal causes significant harm in environmental, landscape and highways terms. There are no benefits to the proposal that can outweigh the harm caused by the proposal.

As is clearly set out within the pre-application report (21/04026/PREAPP) prepared by Cherwell Council, the site lies within the open countryside, outside of the settlement area of Banbury, **“the proposal does not accord with the spatial strategy of the Local Plan which seeks to achieve sustainable economic growth by limiting development in the rural areas and focussing most of the growth in locations within or immediately adjoining the main towns”**.

In addition, we note from the pre-application report that the Local Plan seeks to concentrate development at Bicester to improve the self-sufficiency of the town and reduce out-commuting. As such, the highest proportion of allocated sites are situated at Bicester.

Paragraph b. 34 of the Local Plan allows for moderate growth at Banbury, seeking a high-tech manufacturing and higher value distribution opportunity. Given the growth allowed for by the Local Plan, it is important to consider the latest Annual Monitoring Report in respect of employment land availability.

The latest AMR shows that there is employment land available at Banbury and Bicester within allocated sites. Therefore, until such time where the existing capacity within allocated sites has been used and there is a robust and unequivocal evidential need for further employment land, speculative sites are unlikely to be supported.

Notwithstanding this, SLE1 of the Local Plan outlines criteria that must be satisfied, where speculative developments are proposed. The criteria that is applicable to the consideration of the enquiry proposal is that for Banbury, Bicester and Kidlington, which is outlined below:

- Are within the built-up limits of the settlement unless on an allocated site
- They will be outside of the Green Belt, unless very special circumstances can be demonstrated
- Make efficient use of previously developed land wherever possible
- Make efficient use of existing and underused sites and premises increasing the intensity of use on sites
- Have good access, or can be made to have good access, by public transport and other sustainable modes
- Meet high design standards, using sustainable construction, are of an appropriate scale and respect the character of its surroundings

· Do not have an adverse effect on surrounding land uses, residents and the historic and natural environment

Cherwell Council summarises that the site is considered not to satisfy these criteria as, the site is not located within the built limit of Banbury, is not an allocated or an existing employment site, the site is not previously developed land, the site is not easily accessible or supported by more sustainable transport modes and buildings of the scale proposed, given the separation from Banbury, would be out of character with the surrounding rural context, where buildings of this scale would appear incongruous and sporadic, and would be incompatible with the local area.

As set out in Cherwell Council's committee report in relation to the previous application:-

*"In this case the application site is not allocated within the adopted local plan and sits outside of the built envelope of Banbury town to the east of the M40 motorway. It is noted that the site was put forward previously when a 'call for sites' exercise was undertaken in a previous draft iteration of local plan but was not brought forward and the site remains unallocated. The Inspector stated at that time that, amongst other matters, that only land west of the A361 (i.e., not the current application/appeal site) should be allocated for new employment development in the modified plan and none of that to the east of the road, even as a strategic reserve site as this would have the considerable benefit of reducing the very harmful landscape and potential environmental effects of the wider scheme on a main entrance to the town from the north, south east and east, as well as that on the largely rural landscape of the locality. On this basis, the authority can see no reason, through the evidence submitted to depart from the Inspectors previous findings. Furthermore, the latest Annual Monitoring Report (AMR) shows that there is existing employment land available at both Banbury and Bicester within allocated sites. Therefore, until such time where the existing capacity within allocated sites has been exhausted and there is a robust and unequivocal evidential need for further employment land, speculative sites are unlikely to be supported. On this basis it is not considered that the principle of development can be supported in this case and is therefore recommended for refusal on the basis of it being an unallocated site in an inappropriate location.*

**Therefore, the principle of providing employment development on this site fails to comply with SLE1 of the Cherwell Local Plan and, would not be supported.**

**Chacombe Parish Council agrees with Reason for Refusal 1 of Cherwell Council in respect of the principle of the proposed development.**

*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).*

## **Landscape and Visual Impact**

The A361 provides a barrier to the expansion of Banbury from the West. In kinetic views along the A361 the escarpment to the east provide a significant visual landscape benefit to the surrounding area.

The views of the countryside from the urban edge of Banbury created by the A361 across to the undulating rural landscape beyond is unquestionably an intrinsic part of the landscape character providing an important break/buffer to the urban edge of Banbury and the built up infrastructure of the M40 and new frontier park development.

Developing large logistics warehouses in the location proposed which usually extend to 15-20m external height would severely comprise (and potentially completely remove) the views of the escarpment and the rural backdrop beyond.

The Overthorpe escarpment has an intrinsic landscape value and its contribution to the setting of the rural landscape cannot be underestimated. Views of this are only appreciated from the A361 and heading east from the urban sprawl of Banbury. The landscape provides a rural context to the villages beyond and forms the character of this area including historic links to Nethercote, Huscote, Chacombe Priory and Chacombe House and the surrounding farmland.

The visual “break” created by the undulating rural landscape when leaving Banbury and heading east towards the rural area of Northamptonshire is an essential part of the character of this rural setting.

The quality of these fields as agricultural land is not particularly relevant the evident historic ridge and furrow of these fields is clearly visible from the surrounding area.

The impact on the landscape is confirmed by the Inspector in his report into the Local Plan in 2015. A detailed assessment was undertaken of the wider site including the land to the east of the A361 currently being considered for development. We have highlighted and underlined the key comments below.

The Inspector made a clear distinction between the land to the west of the A361 (Frontier Park) and the east of the A361 as follows:-

**Paragraph 199 – In relation to the increased growth in new housing in the district and in Banbury, the Council has now proposed the allocation of a new strategic employment site east of J11 of the M40, either side of the A361, totalling around 49 ha. This could be brought forward in phases, with the first on 13 ha land, bounded by the M40 motorway to the west, the A361 to the east and a firm hedge line to the north which could be readily reinforced with strategic scale planting.**

**Paragraph 200 – In this area the land (the west of the A361) is also fairly flat and new employment buildings would be largely seen in the context of the motorway in public views from the east, north and south east, with some large existing building beyond. This contrasts strongly with the rising ground to the east of the A422 which is also principally open agricultural land but clearly of a higher landscape sensitivity to new built development, including the land below the higher slopes of the hill in the easternmost part of the overall site.**

**Paragraph 201 – Development of the land east of the A361, as noted in the earlier landscape assessment work for the Council (2013), would have a significantly detrimental impact on the local landscape, intruding as it would into presently open countryside currently in agricultural use with inevitably large industrial and warehouse buildings. In particular, it would materially extend the built up area of Banbury to the east and lead to a significantly harmful erosion of its rural setting on this side of the town.**

**Paragraph 206 – In light of the above, only the land west of the A361 should be allocated for new employment development in the modified plan and none of that to the east of the road, even as a strategic reserve site. This would have the considerable benefit of reducing the very harmful landscape and potential environmental**

**effects to the wider scheme on a main entrance to the town from the north, south east and east as well as that on the largely rural landscape of the locality.**

The Report prepared by WYG Planning & Environment dated September 2013 entitled Banbury Landscape Sensitivity and Capacity Assessment makes clear that there is potential for commercial or industrial units up to the boundary with the A361 only as **“development beyond this may become fragmented and lead to urban sprawl within the rural area”**.

The report confirms that the area to the east of the A361 should not even be considered for formal recreation.

Cherwell Council at pre-application stage stated that:-

**This site is not characterised by built development, with important longer distance views from the surrounding area on to the site. Of particular importance are the longer views from the north and west onto the site, as well as vantage points from the Banbury Country Park,**

**It is noted that, Policy Banbury 15 of the Local Plan, allocates a parcel of land, to the north east of Junction 11 of M40, which is in close proximity to the site, the development of which is under construction. Whilst this would cause harm to the open countryside, this site has been allocated and provides necessary employment land meeting the identified needs of the District in the plan period. Furthermore, it is contained between the M40 and the A361 and so is well contained and will not appear sporadic in the same way as the enquiry proposal.**

**As the pre-application site is not allocated, and the District can meet its employment land needs within allocated sites, there are insufficient benefits arising from the development that would overcome the significant harm to the open countryside and the visual amenity of the site.**

**Overall, the proposed development would be out of scale and character with the open rural character of the site and its surrounding context. Development would cause unacceptable harm to the visual amenity of the area and the local landscape. As such, the proposed development would fail to accord with policy ESD13 and ESD15 of the Local Plan, and saved Policy C8 of the 1996 Local Plan”**

**Chacombe Parish Council agrees with this assessment by Cherwell Council.**

Summary of landscape and visual impact:-

The key points from the Inspector's report in relation to landscape impact of the development of the land to the east of the A361 can be summarised as follows:-

- 1) **The rising ground to the east which is principally open agricultural land but clearly of a higher landscape sensitivity to new built development, including the land below the higher slopes of the hill in the easternmost part of the overall site.**
- 2) **Development of the land east of the A361, as noted in the earlier landscape assessment work for the Council (2013), would have a significantly detrimental impact on the local landscape, intruding as it would into presently open countryside currently in agricultural use with inevitably large industrial and warehouse buildings.**
- 3) **It would materially extend the built up area of Banbury to the east and lead to a significantly harmful erosion of its rural setting on this side of the town.**
- 4) **None of the land to the east of the road should be allocated for development, even as a strategic reserve site.**
- 5) **This would have the considerable benefit of reducing the very harmful landscape and potential environmental effects to the wider scheme on a main entrance to the town from the north, south east and east as well as that on the largely rural landscape of the locality.**

It is not considered that there has been any material change in circumstances since this time to justify the evident and significant harmful erosion of the rural setting and landscape of this area which has a high sensitivity to built development as identified by the Inspector's Report.

**Chacombe Parish Council considers that the outline application should be refused on landscape impact and erosion of the rural setting. The council's reasons for refusal clearly indicate that there will be substantial landscape harm as a result of the proposals.**



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.*

The council's committee report expands upon these reasons for refusal and states:-

*"The application submission states that the site creates a transitional area of land between the present urban edge and the more deeply rural landscape to the east. The CPRE considers this not to be the case with the view put forward that it is in fact contiguous with and an integral part of the rural landscape running east from the site into West Northamptonshire. Furthermore, 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.*

*As a further comment on the visual aspects of the proposal, the applicant states that the development proposals are in outline and consist of a number of large scale-built forms to accommodate employment uses. These are set within a layout that retains structural hedgerows and trees and avoid the ascending landforms found to the east of the land parcel. At this stage the proposal is in outline form and the site layout is indicative only and would be determined at reserved matters stage. This approach incorporates inherent mitigation that assists with limiting the potential for significant landscape and visual harm.*

*Furthermore, the application indicates that the heights of the proposed structures are 19m (62.7ft) and 24m (79ft). These are significantly higher than the constructions on Frontiers Park which at 17m (56.1ft) and 15m (50ft) are*

*already highly prominent in the landscape to the west of the A361. The envisaged mitigations would be dwarfed by the proposed development which would obscure viewing of the upper reaches of the site from any conceivable angle of view for miles around which would not be supported.*

*On this basis, it is considered that the application has failed to demonstrate through the submission of a sufficiently detailed Landscape and Visual Impact Assessment that the proposals 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.”*

## **Highways and Transport**

It is also considered that development of this site is inappropriate given the significant highway impacts which would be created.

The existing junction and road network is not of sufficient capacity to accommodate further development of this significant scale.

The Inspector noted that there were barriers to delivery of this site given the need for a new south east relief road through the town which cannot be viably and practically delivered.

In relation to highways and transport the Inspector commented as follows (key points highlighted in yellow):-

**Paragraph 202 – Given the recent approval for DIRFT III, relatively close to Banbury at Daventry,, which provides major strategic opportunities to meet the local and regional needs for new B8 floorspace and has the great advantage in sustainability terms in comparison with this site of being rail related, the likely requirement for further employment floorspace, including towards the end of the plan period is reduced. Moreover, there are acknowledged barriers to delivery of the whole BAN15 sites at J11, including that the traffic movements likely to be generated would trigger the need for a new South East relief road through the town.**

Paragraph 203 – In addition, for the whole site to be development as a mainly road based B2/B8 employment scheme, major contributions are likely to be necessary to other transport and highway improvements, especially to the motorway junction itself. **There is no clear evidence that an acceptable programme of works could viably and practically be delivered, taking into account the impacts of other developments committed in the plan.**

Paragraph 204 – However, a scheme of a materially reduced scale from 49 ha to 13 ha only, **limited to the land west of the A361, would be far less likely to give rise to significant traffic generation impacts going north into Northamptonshire towards Daventry, on the A422 travelling east, including Farthinghoe, or “rat running” on the B4525 through Middleton Cheney, given that only 10-15% of total future traffic movements are expect to use those routes rather than the M40.**

Paragraph 205 – The development of the whole site, especially for very large B8 uses, might well provide direct competition to DIRFT to the detriment of the delivery of both, potentially also discouraging increased transfer of freight services to rail. Some doubts remain regarding the delivery of other services and infrastructure requirements in connection with the full scheme.

Paragraph 207 – Bearing in mind that logistics operators seeking large sites in this area have the alternative of a major rail connected facility at DIRFT nearby, that has good road links to the M1, there is insufficient justification in the evidence for the allocation of the whole 49 ha site at present. However, a lesser scheme limited to the firm defensible boundaries provided by the M40 and the A361 could be viably delivered on the western part of the site only, in the short to medium term. This should ensure that sufficient new land is available to meet largely non-strategic B2 and B8 use needs arising from within and/or related to the Banbury area and its local economy.

We note that Oxfordshire County Council has two significant concerns with development at this location. Firstly, development at this location would not be sustainable, given the site’s location without direct and convenient access for pedestrians, cyclists and no frequent public transport service. Trips to the site would be reliant upon the car.

Secondly, development at this location would require significant mitigation for all travel modes. This was noted by the Planning Inspector at the examination of the Cherwell Local Plan.

Officers consider that the proposal would cause severe harm to highway safety and currently

could not be supported.

Summary of highway impacts:-

There are evidently significant highways and infrastructure barriers to the development of this site. These have not changed since the assessment undertaken by the Inspector in 2015 and can be summarised as follows:-

- 1) There are acknowledged barriers to delivery of the whole BAN15 sites at J11, including that the traffic movements likely to be generated would trigger the need for a new South East relief road through the town.**
  
- 2) There is no clear evidence that an acceptable programme of works could viably and practically be delivered, taking into account the impacts of other developments committed in the plan.**
  
- 3) Development limited to the land west of the A361 (Frontier Park) would be far less likely to give rise to significant traffic generation impacts going north into Northamptonshire towards Daventry, on the A422 travelling east, including Farthinghoe, or “rat running” on the B4525 through Middleton Cheney.**

**Chacombe Parish Council considers that the proposals are unacceptable in highways and transport terms. It is agreed that the proposals would cause severe harm to highway safety and should not be supported.**

**CPC considers that the Council’s reasons for refusal in relation to highways and transport (set out below) still stand:-**

*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 economic impacts 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 it less sustainable. 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..

### **Other matters - Ecology**

Chacombe Parish Council agrees with Cherwell Council in respect of the impact upon ecology.

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.

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. It is evident that protected species will 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.

The Council's committee report summarises the adverse ecology impacts as follows:-

*“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). This part will remain undeveloped with a substantial buffer around it, providing opportunities for habitat and biodiversity enhancements.*

*An Ecological Impact Assessment has been undertaken with a desk-based assessment undertaken to identify records of protected and/or notable habitats and species, and designated nature conservation sites in the vicinity of the site and has been provided within the Environmental Statement. The assessment states that, based on the data gathered, during the construction phase and without mitigation there is potential for significant negative effects at the site to a local level in relation to pollution events, loss of habitats and effects on species such as amphibians, reptiles, birds, bats and small mammals and invertebrates. It then goes on to state that at the operation stage, the proposed development will have established newly created habitats including enhanced grassland, species-rich hedgerows, native trees, new ponds, native woodland and an orchard all of which would be positive, permanent and of significance at up to a Local level with the inclusion of mitigation measures secure by planning condition through a LEMP and CEMP.*

*However, Oxfordshire Newt Officer has placed a holding objection to the application and have stated that they are not satisfied that the applicant has adequately demonstrated that there will no impact to great crested newts and/or their habitat as a result of the development being approved.*

*The development falls within the amber impact risk zone for great crested newts with such impact risk zones derived through advanced modelling to create a species distribution map which predicts likely presence. In the amber impact zone, there is suitable habitat and a high likelihood of great crested newt presence and there are 14 ponds within 500m of the development proposal (5 within the site) and there is direct connectivity between the development and surrounding features in the landscape.*

*The newt officer goes on to state that they remain unsatisfied that the applicant has adequately demonstrated that there will no impact to great crested newts and/or their habitat because of the development being approved. As are P5 was inaccessible it must be assumed that there is a presence rather than absence without further information to prove otherwise and also that the surveying method (HSI Scores) are not a suitable replacement to GCN surveys.*

*Having regard to the Local Planning Authority's duty under the Conservation of Habitats and Species Regulations 2017, the lack of a suitable protected species/ecological survey and proposed mitigation strategy means that it has not been demonstrated that the proposal will not cause harm to any protected species or its habitat which is*

*reasonably likely to be present and affected by the development. The proposal is therefore contrary to Policy ESD10 of the CLP 2031 Part 1, advice contained in the PPG and Natural England's Standing Advice, and section 15 of the National Planning Policy Framework.*

*The authorities Ecology officer has assessed the submission and has stated that generally an appropriate Ecological assessment has been carried out at the site. However, they go on to state that there are a number of ecological issues that have yet to be addressed. Great crested newts have not been considered to the satisfaction of the newt officer and further information on great crested newts should be submitted as discussed above.*

*The applicants have submitted a BIA metric. The Ecologist has noted that this has been updated with a less ambitious habitat enhancement (now proposing other neutral grassland rather than lowland meadow) which whilst considered to be more realistically achieved it does mean that the net gain demonstrated is significantly reduced and this has not been reflected in the current illustrative landscape masterplan. Therefore, at this stage the authority is unable to fully ascertain what level of biodiversity net gain would be achieved and therefore is recommended for refusal on this basis.*

*It has also been noted in the comments and objections raised by third parties that a large number of trees that are subject to Tree Preservation Orders (TPO) are located on site with a number to be lost as part of the proposal. The authority has assessed the proposal and it is noted that up to 40 no. trees comprising of a variety of species, including Oak trees, are located across the site and would highly likely be removed to facilitate the development proposal. Few details have been provided regarding the loss of these trees as the site is subject to an outline proposal with layout determined at a later stage. As a result of this, the loss of trees could be much greater than currently predicted either through tree loss or degradation of trees to be retained during construction and operation phases. On this basis it is considered that the authority does not have sufficient information to adequately assess such impacts or the justification provided for such potential impacts in relation to protected trees. The proposal is therefore contrary to Policy ESD10 of the CLP 2031 Part 1 and the National Planning Policy Framework".*

### **Lack of Community Engagement**

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

In addressing the need for pre-application consultation, paragraph 39 of the NPPF states:



“Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.”

Paragraph 40 sets out the roles of local planning authorities, stating:

“Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do *so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications.*”

**Parish Council Response** - Given the scale of the proposals, there has been no engagement of any kind with the local community.

We would have anticipated that a number of public meetings would have been held with local villages and/or an exhibition presenting the proposals to the local community.

It is not considered that the proposals have undertaken sufficient community engagement commensurate to their scale and have failed to meet the objectives set out within the NPPF.

This also indicates the speculative nature of the development.

## **Conclusions**

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

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

There are no substantial benefits that can outweigh the significant harm arising from this development.

It is evident that the development of the site to the east of the A361 is unacceptable in principle given the significant and harmful landscape and visual impacts that would be result from such a development, creating irreversible erosion of the rural landscape character. The assertion in the planning statement that the impact on character and appearance of the area is moderate, represents a flawed assessment of the existing landscape character.

The highways and infrastructure impacts would also be significant and cannot be mitigated given deliverability barriers to a south east link road through the town.

Whilst the development of the site to the west of the A361 (Frontier Park Site) is disappointing and created a breach to the established built up boundary of Banbury created by the M40, the release of this site (the Frontier Park Site) by the Inspector for development can potentially be considered logical given the somewhat limited landscape value and contribution of those fields - limited by its location between the M40 and the A361 and its largely flat topography.

The same cannot be said for the land to the east and this is fully supported by the Inspectors report in 2015 which clearly stated that development to the east of the A361 would have significant negative visual impact given the rising ground and its higher landscape sensitivity to built development.

**Chacombe Parish Council urges the Council to reject any form of built development to the east of the A361 for the reasons stated above and to refuse outline planning permission for the proposals submitted under this planning application.**