

Huscote is a beautiful, unspoilt area of Banbury countryside. It contains remnants of the agricultural heritage of the Banbury area, links to the once famous Banbury Cheese, and the biodiversity supports an abundance of wildlife. At a time of climate crisis, when Government is working hard on Nature Recovery Strategies, it seems abhorrent that any consideration would be given to destroy what we already have in this area.

In relation to the application for outline planning permission for large scale commercial development in this area, thank you for consulting us on this and we would like to outline our objection to this proposal.

It is our strong opinion that the location of the site is unsuitable for development of this nature. Developing the area would present as a starkly industrial mass of metal in the rolling, open countryside, have a hugely detrimental impact on our landscape and local heritage; increase traffic with accompanying air pollution and place further pressure on the M40 roundabout which is already insufficient for the volume; increase noise from alarms and machinery for nearby homes; increase light pollution; remove the natural habitat for wildlife and birds and increase flooding risks by removing permeable surfaces.

Cherwell District Council Local Plan

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

Paragraph 35 of NPPF states: Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound.

The location of the proposed development was rejected from the currently adopted Local Plan due to the significant and harmful impacts on the area. This is detailed extensively in a report to Cherwell District Council by Nigel Payne BSc (Hons), Dip TP, MRTPI, MCMI, an Inspector appointed by the Secretary of State for Communities and Local Government. The report on the examination into the Cherwell Local Plan is dated 9th June 2015 and the location is referenced "Banbury 15 – Employment Land NE of J11 M40" Paragraphs 199-211 detail the reasons that the location is not suitable for development and reference matters such as: detrimental impact on local landscape; particularly the rural areas; reduced need for this type of development due to other developments across the district; lack of evidence of viability; expected traffic movements and lack of infrastructure to support this and the need for significant highway improvements in the area.

As part of Cherwell District Council Local Plan Review 2040 Call For Sites, speculative proposals were submitted for the areas of both Nethercote (LPR-A-185) and land north of the A422 (Huscote) (LPR-A-034 and LPR-A-168) these proposals would in effect see both areas of countryside turned into Industrial Estates. Neither of these areas are currently within the Local Plan and therefore not earmarked or assessed for development. Huscote Farm having been specifically rejected from the current adopted Local Plan, early indications of the emerging draft Local Plan 2040 suggest that both of these sites have been rejected and are not being considered as appropriate

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

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

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

The application does not reflect this ambition.

The proposed development does not accord with the spatial strategy of Cherwell District Council Local Plan, which seeks to achieve sustainable economic growth by limiting development in the rural areas

Prematurity

The Local Plan process allows a series of consultations, over a period of time, allowing input from a wide range of stakeholders and includes public engagement and consultation. At each stage, an update on the reviews of consultation can be presented and new consultations sought. Once in draft form, the process allows for public examination of the Local Plan and anyone with objections has the opportunity to be heard by the planning inspectorate. Consultations include a whole variety of experts, and allow for public consultation and engagement. To consider using a greenfield site, as prominent and significant as the land in the application, requires this robust consultation that the Local Plan process allows.

Consideration of this application prejudices the Cherwell Local Plan and undermines the current Local Plan Review as well as removing the level of scrutiny and assessment that examination seeks to ensure.

The greenfield land in this application, previously rejected from consideration for development in 2015, has had no public consultation by the applicant despite the large number of objections to the same proposal previously, a clear indication that providing what is needed and wanted by the local community is not a priority for the applicant

Lack of Public Consultation

The applicant's statement of community involvement indicates pre-application consultees have raised significant concerns regarding the development and that some significant consultees have yet to respond to the consultation. There has been no public consultation which is paramount for a proposal of this size, on a green field site that has previously been rejected from Cherwell District Council Local Plan.

Statutory consultees, along with NGO and individuals have responded to the planning, expressing objections and concerns across many aspects.

The SEI includes information on Biodiversity Net Gain, one of the fundamental principles of the BNG metric is that it's use is inclusive and equitable yet the information has been gathered using only the applicant's own sources.

Cherwell District Council opposed the previous planning application based on 15 grounds, the area is not earmarked for development in the Local Plan and does not meet national or local guidelines.

Significant concerns and objections have been raised from statutory consultees such as OCC, TVP, The Environment Agency, Highways, Banbury Town Council and neighbouring Northamptonshire councils as well as prominent local groups such as CPRE Oxon, Banbury Civic Society and BBOWT. There were over 200 objections to this proposal by the public previously too

Site History

We note that the current planning application is an identical proposal to that submitted twice recently (22/01488/OUT and 23/00349/OUT) as well as a withdrawn appeal. In consideration, Cherwell District Council planning committee unanimously voted to support their case officer's recommendation of refusal upon fifteen planning grounds. To insolently resubmit the same proposal shows a complete lack of consideration or regard for our Local Planning Authority and wider area or residents.

It is not derogatory to state that the applicant's primary purpose of this development is in pursuit of profit; the applicant is a company, by definition its very purpose is to make profit for their shareholders; it is important however that this isn't at the expense of the local area and should not be able to override local needs, demands or policies

The latest planning performance report for Cherwell District Council shows that the council's performance both in terms of speed and quality, is well above national targets set by DLUHC and therefore there is no valid reason for continual indistinguishable applications which simply waste council resources at the tax payers' expense and creates unnecessary anxiety and uncertainty for those living in the area

Detrimental Impact on Countryside

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

Landscape is more than the sum of physical features that make up our environment. The proposal does not respect the character of the countryside, the habitat provided for wildlife nor the history of Banbury held in this area. The area of Huscote Farm is significant to Banbury and nearby West Northamptonshire, it is the first thing that visitors see when leaving or passing over the M40. It is currently rural, open countryside containing remnants of Banbury's agricultural past. To industrialise this area would be devastating for the environment and would significantly deteriorate the landscape view in this fundamental area.

We note that the application contains only a narrow selection of viewpoint images. Appendix 1 to our objection shows a series of eleven aerial photographs of the proposed site and the landscape character of the surrounding area

The Oxfordshire Historic Landscape Characterisation Project, Capacity For Change, shows the landscape in the location of the application to be Level 5: High Sensitivity to Urban Development. The project identified ways in which the creation of large-scale urban development might have an effect on historic landscape character. The map is included in Appendix 5 to our objection.

Referring specifically to paragraphs 200+201 from the Report on the examination into the Cherwell Local Plan in 2015:

200. In this area the land 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 buildings beyond. This contrasts strongly with the rising ground to the east of the A4225, 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.

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

The nature of the rural landscape character when viewing to the North, East and South of the location is evident in Appendix 1 (3,4 +11) to our objection

Heritage

Building in open countryside destroys the value of local heritage assets to the authority and local community, and in some cases, nationally. The setting of buildings and local heritage assets would be significantly diminished and seriously compromised by the proposed development.

The fields in the site are medieval ridge and furrow landform. The ridge and furrow is well-preserved. The ridge and furrow is clearly visible in Appendix 1 to our objection, with Appendix 1 (1 + 11) showing particularly, how well preserved the ridge and furrow is. The area North of the location is recorded in NCC Archaeological Assets Ref Monument ID MNN132348.

The archaeological survey report shows the major feature is the ridge and furrow field system, potentially dating to the 14th Century. It therefore follows that the sealed land surface upon which those fields were laid out must be earlier than that, and hints of possible earlier medieval or Roman levels were noted. Given what is known about the history of the wider area, it is perhaps surprising that so little evidence of previous settlement was recorded over such a wide area, especially in the locations sealed and preserved below the later medieval ridges.

Given the area is considered to be one of considerable archaeological significance, it would be useful to see a sample of the ridges (as opposed to the furrows) excavated by hand to see what if anything sits on the sealed land surface: although clearly defined stratigraphy would have been broken down by worm and root action, stone settings, postholes, beam slots or other evidence of more ephemeral structural features might have survived.

Little attention has been paid to the field boundaries, with their hedges and mature trees, especially where they are aligned directly over or on field boundaries respected by changes in the direction and orientation of the ridge and furrow.

Huscote Mill

There were three mills recorded for Chacombe at Domesday, one of which may have been Huscote Mill as Hulescote Mill is named on Eyre's 1779 map. The mill is now demolished but earthworks remain. Registered on Northamptonshire HER No 6174/1, which shows the following information:

“Huscote Mill is present on Eyre and Bryant's county maps and on the unpublished OS map of 1811 as Hulsecote Mill. Whilst no standing remains of the mill are recorded, modern aerial photos suggest that this site has not been re-developed and remains as open ground.

*1086 Domesday Survey records Cewecumbe with three mills rendering 16 shillings
1133-89 Chacombe Priory founded during reign of Henry II and the first endowment included a mill in Chacombe
1786 William Falkner of Huscott Mill, in the parish of Chalcomb, miller and farmer insured his house in Oxfordshire
1927 Described as "Not in work"
1928 Willima Jarvis, sausage skin manufacturer, occupied the mill
Shown as Hulsote Mill on Eyre's 1779 map; as Huscott Mill on Bryant's 1827 map and as Huscote Mill on 1834 1 inch OS map”*

Northamptonshire HER record 6174/1/1 also identifies the earthworks of the mill leat for Huscote Mill (Medieval to Mid-20th Century - 1066 AD? to 1950 AD?)

Appendix 4 to our objection shows the location of Huscote Mill on a map dated 1888-1889 and Appendix 7 shows an image of Huscote Mill from a postcard dated 1906

The application appears centralised only on heritage assets within the site and fails to give any consideration to heritage of surrounding areas, the Listed Building at Seal's Farm is adjacent to the location and the proposal would negatively impact on the characteristics surrounding that building. Appendix 1 (9) to our objection shows clearly the close proximity of the proposed site to Seal's Farm

Much wider consideration of heritage assets and designations needs to be considered, the Zone of Theoretical Visibility in the application shows a large area impacted and therefore this area should all be considered.

Appendix 2 to our objection shows an extract from Northamptonshire County Council Conservation Map, showing the immediate area surrounding the location, that falls within Northamptonshire. As well as the aforementioned Listed Building at Seal's Farm, the map shows numerous Historic Environment Assets, Listed Buildings, Conservation Areas as well as the scheduled monument at the site of the former WW1 Filling Factory. There is additionally a large area South of the site, designated as Special Landscape area.

Loss of Biodiversity

The desktop study, including obtaining of biodiversity records from TVERC and NBRC was carried out in July 2021, this cannot be considered up to date now, in 2024, and will exclude records for this intervening time held by the record centres which would give more up to date information on species present etc.

The land at the location of the proposed development is not accessible to the public, there are no cycle or footpath routes surrounding the site and therefore passers-by are likely to be travelling in a vehicle. Therefore it could be assumed that a lower level of records would be found at TVERC due to the location of the land. This means that the lack of records does not conclude a lack of species, merely the lack of ability for those to be recorded. The applicant recognises themselves in the Environmental Statement that an absence of records may be a result of under-recording. In addition to the reduction in records due to accessibility, it follows that the records made at the site visit will be seasonal and any species not in season would not of course be present.

It is noted that consultants and ecologists who carried out site visits for general and specific field visits, did not make the records from their surveys available to TVERC

Within Chapter 7 – Ecology, table 7.18: Summary of Effects, Mitigation and Residual Effects, Birds, the effect is stated as “risk of killing or injuring nesting birds during demolition/vegetation clearance without mitigation”, the only mitigation measure suggested is to carry out this clearance outside of the bird breeding season which of course will not completely mitigate the effect. The geographical importance states that this will only impact on the site, and significance of effects again stated as confined to site, local level negative, not significant. We note that the report states 43 species identified during site visit, 17 of which are of conservation concern, including 10 that showed evidence of breeding or holding territory on the site.

Turning to Appendix 7.1 Preliminary Ecological Appraisal, Table 2 lists the species of conservation concern breeding or holding territory within the site and the wider survey area:

Cuckoo, Stock Dove, Kestrel, Skylark, Song Thrush, Mistle Thrush, Dunnock, Bullfinch, Linnet and Yellowhammer

Table 3 lists the species of conservation concern noted but not considered to be holding territory:

Swift, Little Ringed Plover, Black-headed Gull, Lesser Black-backed Gull, Red Kite, Peregrine and Starling

The application is at conflict with Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment and the ambitions set within Cherwell District Council Local Plan

Within the Annual Monitoring Report 2021, Biodiversity and the Natural Environment

Table 33 – Distribution and Status of Farmland Birds (Mean counts per squares (i.e. density per square kilometre) of farmland birds in Cherwell. Results generated from data supplied by the BTO/JNCC/RSPB Breeding Bird Survey)

Species	2012	2013	2014	2015	2016	2017	2018	2019	2020
Corn Bunting	0	0	0	0	0	0	0	0	0
Goldfinch	10	4.4	4	6.5	15.2	7.2	10.4	30.3	0
Greenfinch	1.5	0.8	7	3.5	3.6	1.6	0.8	1.0	1.3
Grey Partridge	0	0	0	0	0.6	0	0	0	0
Jackdaw	4	2.8	1.5	3.5	20.6	8	10.4	11.0	8.0
Kestrel	1	1.6	3.5	1	0	1.2	0.8	1.5	0
Lapwing	14.5	2.8	4.5	3	1.6	5.2	5.2	10.5	0
Linnet	8.5	6.8	11	10.5	10.8	12	11.2	5.0	1.3

Reed Bunting	6	6.4	7	9.5	4.8	7.2	4.4	4.5	1.3
Rook	95.5	24.4	27	31.5	15.2	25.6	25.2	21.0	5.3
Skylark	19.5	13.2	17.5	13	9.6	12.8	18.4	26.5	6.7
Starling	42	70.4	15.5	0	62.6	9.6	4.4	19.5	0
Stock Dove	1	1.2	1	0	1.2	7.2	5.6	3.5	3.3
Tree Sparrow	0	0	3	0	7.6	0	0	0	0
Turtle Dove	0	1.2	0	0	0	0.4	0	0	0
Whitethroat	8.5	10.4	8.5	7.5	3.6	6.4	7.6	8.5	8.7
Woodpigeon	39	73.6	74	49.5	55.2	62.8	45.2	40.8	43.3
Yellow Wagtail	0	0.4	0	0	0	0	0.8	0.5	0
Yellowhammer	37	8	17	7.5	6.4	6.4	7.6	6.25	8.0
Index	2.29	1.81	1.6	1.16	1.73	1.38	1.25	1.51	0.69

For ease of reading, we have highlighted the AMR table cross referencing the birds listed in Appendix 7.1 Preliminary Ecological Appraisal and it is hard therefore to understand how the geographical importance of the effect on birds can be considered contained to site in geographical importance when there are 7 species present that the AMR has monitored, and with the exception of the Stock Dove, the species have all shown significant decline across Cherwell District.

Section 41 of the Natural Environment and Rural Communities (NERC) Act provides a list of habitats and species of principal importance in England includes 56 habitats and 943 species first identified as priority habitats and species in the UK Biodiversity Action Plan (UK BAP). The list is important to public bodies to enable them to be aware of biodiversity conservation in their policy or decision making.

Of the birds identified as holding territory on the site, the following 7 species are also found listed in the 49 species of birds within Section 41: Sky Lark, Linnet, Cuckoo, Tree Sparrow, Bullfinch, Yellowhammer and Song Thrush with Starling present in the list considered not to be holding territory but observed during survey.

Sky Lark's present on the site are ground nesting birds who need vegetation with access to the ground.

The submitted Ecology Appraisal states that three site visits were made, approximately 3 hours each from around 5am on 19th and 30th June and 7th July 2021. It was suggested that further early season survey visits would be required in April and May, subsequently carried out in April and May 2022, which is almost 2 years since the last survey, given the changes to the nearby land at Frontier Park, this seems outdated and the report is simply a resubmission of that given at the withdrawn appeal, almost a year ago, suggesting no up to date information has been obtained. The results of the 2022 surveys are presented vaguely in just one sentence

The report states that “birds heard and seen outside the site were recorded to an approximate distance of 100m” this seems a very short distance, given the open and rural layout of the area surrounding the site and wouldn’t even include Nethercote, South of A422 where several species of birds are regularly seen migrating between the two areas. This would also exclude the deciduous woodland East of the site, just North of A422.

The Bat Ground Level Tree Appraisal shows 81 trees on site providing moderate or high potential to support bat roosts, despite the earlier survey provided with prior application focusing on the farmhouse as potential, no new surveying has taken place as part of the application, despite the previous surveys being carried out in 2021.

It is noted that not all areas were considered accessible or safe for surveying of bats, both in the buildings due to structure and in other areas due to the presence of cattle. Bats are considered a species of worldwide significance. All bat species and their roosts are legally protected and covered in both UK and international law due to their significant decline and risk of extinction.

Legislation dictates that any structures or place which bats use for shelter or protection are protected from damage or destruction whether occupied or not. A partial survey citing lack of access is not satisfactory to ensure the extent of bat roosting and foraging is understood and there is no mitigation suggested to protect the bats present on this farmland, despite an acknowledgement of ideal habitat for roosting and foraging

The applicant’s Environmental Statement refers generally to limitations in the surveys undertaken due to the presence of cattle, the cattle are moved throughout the year between fields, so it is hard to understand why the cattle could not be moved to facilitate surveys.

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

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

The area provides much opportunity for Government Nature Recovery Schemes and the Oxfordshire Local Nature Recovery Strategy. Development of this area will destroy nature and runs counter to the Government goals for nature recovery through their 25-year environmental plan. The site contains areas of species rich grassland of which Banbury is lacking in general & therefore, given the global climate crisis, it would be more logical to expand the areas we have locally rather than destroy them.

As the biggest plants on the planet, trees give us oxygen, store carbon, stabilise the soil and give life to the world's wildlife. Not only are trees essential for life, but as the longest living species on earth, they give us a link between the past, present and future. There is an abundance of mature trees across the site, trees of a significant age, the benefit to the environment of which cannot be offset in any meaningful way. Appendix 3 to our objection shows an extract from Cherwell District Council conservation map. This shows approximately 42 TPOs on trees across the site, many of which overlap the proposed location of units within the proposals. Government guidance recommends a buffer zone around ancient or veteran trees, suggesting the buffer zone should be at least 15 times larger than the diameter of the tree. Despite the quantity of veteran and ancient trees present on the site, this is not reflected in the application.

The Woodland Trust's 'Emergency Tree Plan' reported in January 2020 a recommendation of 30% tree canopy cover. Cherwell District is currently low in tree cover and therefore we should not be removing such large areas of tree cover we do already have.

The boundaries of the ridge and furrow fields are marked by hedgerows. These hedgerows are irreplaceable pieces of living history as well as providing quality habitat for wildlife. The older a hedgerow, the more it can support the greatest diversity of plants and wildlife, and is more valuable for ecology due to the maturity, not only of the hedgerow but the soil and fungi too. Removal of these hedgerows cannot be offset in any meaningful way. New planting throughout a developed site will provide a biodiversity net loss when we should be aiming for gains. The hedgerow in the area meets criteria that makes it legally protected under the Hedgerow Regulations Act and legally defines the hedgerow as an "important" hedge. The application suggests that the hedgerows are only of moderate quality due to intense management, yet fail to acknowledge the methods to successfully rejuvenate a hedgerow of this age, such as coppicing. Not only are such methods successful, landowners are actively encouraged to improve the quality of their hedgerows in this way by organisations such as CPRE and People's Trust For Endangered Species.

The Great Crested Newt Survey shows the presence of GCN in Pond 5, this is not surprising as GCN are known to be present in the wider area. The information presented in the Environmental Statement of the Ecology statement appear to be at odds with information previously presented particularly relating to the assessment of the ponds present.

In the 2021 survey, it was stated that only P1 + P7 were considered to have GCN habitat suitability, yet P7 is now assessed as below average, there is no explanation as to why this assessment has changed.

It is also noted that two ponds were not present as expected at survey; there is no information provided as to whether these ponds fall within the site nor explanation of why these ponds were removed, by whom and what measures were taken to ensure no harm came to any species from the removal of the ponds

It is also noted that not all ponds were accessible to survey so it still remains that not all ponds have been surveyed. Many of the ponds that were surveyed talk of interference by the cattle, including vegetation around ponds, this therefore seems likely that the ponds inaccessible to survey would be inaccessible to cattle, particularly given the positive presence in pond 5 and the suitability of habitat. A clear overlap of the 250M pond buffer zones can be seen and GCN will typically travel up to 500m from their breeding pond, but given the habitat and buffer zone overlaps of ponds, this could realistically be increased on this site

Not only has P4 not been assessed, this pond would be lost under the proposals, or at best would be sited adjacent to a roundabout connecting roads.

Positive eDNA surveying can only give an indication of the presence of GCN, in view of the habitat suitability of the site, the presence of GCN in the area and the number of ponds unable to be surveyed, more details on the size of the GCN population would be required in order to ensure proportionate mitigation for this

The loss of biodiversity that would occur in the event of the proposed development would lead to the loss of much natural habitat for wildlife and birds. The area is an established, natural habitat for much wildlife, such as Muntjac deer, foxes, badgers, bats, hedgehogs, birds of prey, including owls, rare birds such as woodpeckers, insects and bees along with many species of small mammals. The area with its proximity to the M40, A361 and the A422 gives the wildlife an unusual protection from human interference or disturbance.

with regard to the information on suggested Biodiversity Net Gain from the proposal. Biodiversity Net Gain is a tool that should seek to leave biodiversity in a measurably better state than before any development. It is simply a tool and not intended to override expert opinion and it does not change any species-specific protection

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

The applicant refers to potential LWS West of the site at Cherwell Country Park, this falls within Oxfordshire, however there are also potential LWS of equal close proximity in Northamptonshire, falling directly East of the site.

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

The BNG metric csv file has not been provided to review how it has been applied by the applicant

The BNG information provided does not follow the mitigation hierarchy which illustrates the priority is to avoid, minimise and then compensate for loss in that order. Cherwell District Council Local Plan AMR 2023 suggests that there is still sufficient land available for the employment needs of the district which means there is no need to consider this land that is not within the Local Plan. Refusing this application means that biodiversity loss is avoided in its entirety which is preferable.

Many experts consider that BNG is not a useful tool when considering agricultural land, this is because the metric is based on botany, ie plants only, which cannot be accurately assessed on grazing land. At best, when used for agricultural land, the metric fails to make allowance for the loss of farming land. Also previously mentioned is the fact that calculations applied across the whole site which do not take into account the different biodiversity value levels of differing areas of the site, such averaging will disproportionately reduce the impact of the high value areas within the site and give a false gain suggestion.

As previously mentioned, the land at the location of the proposed development is not accessible to the public, and passers-by are likely to be travelling in a vehicle. This means that there will be a lack of records for the area, increasing reliance on what is present at the time of limited surveys, so it is hard to imagine how the biodiversity can be fully assessed in this way, in order to provide measurably gains. Snapshots of data collection by isolated visits can lead to incorrect conclusions,

for example the Ecology Appraisal within the EIA suggests that there is no evidence to suggest that the gull's overhead are foraging on the land. Those birds can be seen foraging on the land at Huscote Farm in Appendix nine. The Peregrine was simply noted as flying over during the course of one of the visits; Peregrine has not previously been recorded in this area South of A422 but during the Archaeological evaluation digging on the site last year, several displaced birds were recorded at Nethercote South of A422, including several observations of Peregrine, suggesting that the Peregrine is in fact reliant on the land at Huscote Farm.

The metric provided in the SEI suggests that there is no local strategy and therefore there is no strategic significance to the habitat assessment. The currently adopted Local Plan provides seventeen policies dedicated to Ensuring Sustainable Development, including ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment. It is therefore simply untrue that there is no local strategy as stated in the metric provided with the SEI. Furthermore, the Local Plan review process has recently seen the close of Reg18 Consultation and information available from the emerging Local Plan 2040 show that the policies and strategies are intended to be further strengthened in this regard.

If approval is given to this proposal, a shelter belt must be placed and maintained between Nethercote and the development, a screen of deciduous trees and shrubs replicating the flora and fauna represented in the oldest hedgerows in the area, especially if the original field boundaries are allowed to be removed.

Light

There seems little attention to light pollution, the recent construction at Frontier Park has already had a huge impact on negative light pollution in the area.

Noise

Such large-scale commercial development gives no consideration for residents in nearby areas and would bring unreasonable disturbances from units such as alarms, machinery and HGVs. Regularly, alarms can be heard sounding at Central M40 site on the other side of M40, these are distant enough, masked by traffic hum to remain inconspicuous to residential homes in the area, but it is noted that caretakers of the units rarely attend to address the noise, with alarms regularly left ringing for whole weekends and holiday periods such as Christmas. Noise of this nature in such close proximity to residential properties would be unacceptable due to the day and night nature of the anticipated noise levels once a site of the nature proposed were operational.

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

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

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

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

Air Pollution

Hennef Way is known to have levels of Nitrogen Dioxide much above what is considered safe by national standards, in fact, pre pandemic levels were almost double what is considered safe. A Friends Of The Earth survey rated Hennef Way as one of the most polluted in the South East, to put this in some kind of perspective, there are around 18000 roads in Oxfordshire, over 4000 in Cherwell alone.

Because the levels are too high by national standards, the council is required to intervene. The council accept that there is limited scope to bring them down due to it being the main route between the town and the M40. Whilst there may be limited scope to bring the levels down, at best the council should ensure that no further traffic volumes are added to the area as stationary traffic, such as that seen in congestion, will only exasperate the pollution problem.

It should also be noted that Air Quality monitoring on Hennef Way is not measured in real time, annual results showing average readings are currently used. This means we only know the average pollution levels and we don't actually know how high the maximum is.

Whilst air pollution, specifically Nitrogen Dioxide is monitored at 45 locations around the Cherwell District, there is no specific monitoring East of the M40, despite its proximity to M40, A422 and the known polluted hot spot of nearby Hennef Way

Cherwell District Council's Air Quality Action Plan was approved in 2017 and outlines measures which are aimed at improving air quality in the four AQMAs and the wider district. The priorities set out in the action plan are not met by the proposals

- Priority 1 – Strengthening local policy to improve air quality and its role in protecting health;
- Priority 2 – Reducing NOx emissions from cars in all AQMAs;
- Priority 3 – Ensuring new developments encourage and facilitate low emission and alternative transport;
- Priority 4 – Ensuring transport infrastructure delivery takes account of air quality improvement potential within AQMAs;
- Priority 5 – Raising awareness of poor air quality and encouraging improvement actions by vehicle users and fleet managers

The Centre For Ecology and Hydrology (CEH) has undertaken significant research and provides tools to allow for assessment of air pollution using lichen. Lichens do not have roots, instead they receive all of their nutrients and water direct from the atmosphere. Lichens therefore are sensitive to atmospheric pollution such as nitrogen because of how they receive their nutrients and water and this makes lichen good indicator species in this regard.

In the 1980-1990's the impact of atmospheric nitrogen (mainly ammonia) especially from intensive animal husbandry units (poultry, pigs, dairy) on epiphytic (growing on trees) lichens was recognised. A number of studies have assessed the effects of ammonia on epiphytic lichens (van Herk 1999; Wolseley et al. 2004, 2006; Leith et al. 2005). In addition to ammonia, emissions of nitrogen oxides from traffic contribute to atmospheric nitrogen and several papers have shown that lichens respond

to nitrogen from this source (Davies et al. 2007, Seed et al. 2013). This research on epiphytic lichens and their response to atmospheric N-pollutants has shown that two functional species groups can be identified: lichens that are sensitive (N-sensitive) to increasing Nitrogen and those that are tolerant (N-tolerant) of increasing nitrogen.

CEH have produced an app, using robust methods to determine nitrogen pollution levels using a standardised nitrogen air quality index (NAQI) that can be used to Inform the public of their local nitrogen air quality based on four pollutant zones - 'Clean', 'At risk', 'Nitrogen Polluted' or 'Very Nitrogen Polluted'. Unfortunately the CEH app is currently experiencing technical difficulties which are unlikely to be resolved by the comment deadline, therefore it has not been possible for us to use the app to provide this informal assessment to establish the likely levels of air pollution in residential areas close to the site.

Data was collected across five oak trees, three aspects of each trunk along with three core zones of a branch from each of the trees, in order to determine the presence of epiphytic lichens belonging to the two functional species groups. The data shows a high presence of N-tolerant species; *Physcia adscendens* and *Xanthoria parietina* present on all aspects of trunk and most branch zones, several instances of *Lecidella elaeochroma* on trunk aspects and one instance of *Arthonia radiata*. In contrast only one instance of N-sensitive *Parmelia* species identified. The presence of predominantly N-tolerant species would suggest that when the tool is available, a result showing higher levels of local nitrogen will be expected.

Adverse Impact On Infrastructure and Traffic

The current infrastructure capacity is insufficient at the M40 roundabout and further development would have an unacceptable impact on local roads. Since the building of the M40, J11 is a bottle neck for traffic trying to reach Banbury from areas of Northamptonshire such as Middleton Cheney & other numerous villages, Brackley, Towcester, Daventry, Northampton as well as anyone travelling South or North on the M40. All of this traffic must come across J11 roundabout and this is already incredibly problematic.

The previously consented Frontier Park has only exasperated the problems with congestion during it's build phase and due to remaining empty, is not yet operational for that impact to be known. Before any further development is considered, it would be absolutely necessary to resolve the issue of the current infrastructure in a sustainable way.

Increased traffic congestion will not only affect the road infrastructure, a successful town is a moving town and increased traffic will put people off Banbury as a whole, people shopping, visiting and working in Banbury town centre and wider areas would all be impacted by inappropriate development

Appendix 6 shows the impact on the traffic when there is an incident or roadworks in the area.

The proposal for an entry/exit roundabout so close to the M40 J11 roundabout will only exacerbate already chronic issues with traffic on and around J11 with inevitable significant increases in vehicle emissions pollution on roads in the surrounding area

It is noted in the SEI, suggestion of S106 agreement towards congestion relief on Hennef Way. It is hard to imagine how congestion relief could be progressed in this area and this doesn't address the infrastructure improvements needed on other roads that would be impacted by the proposal around J11.

Congestion relief for the road network will require a holistic infrastructure strategy and is not a situation that has a simple solution, certainly £1million sounds a lot of money but would go nowhere to making any meaningful impact on the infrastructure problems that are present in the area. The applicant should be expected to fund all required improvements if the application were to be allowed.

It is also noted that the applicant is open to contribute to an A422 to Overthorpe Road link road & suggest that this has been muted by OCC. It should be noted that co-operation would be required with Northamptonshire areas who have indicated a lack of support for any such proposal.

Sustainability and Highways Safety

The NPFF states three dimensions to sustainable development, economic, social and environmental. It is clearly laid out that these roles are mutually dependent and how the planning system should play an active role in guiding development to sustainable solutions. The starting point for this locally is and should always be the Local Plan. Cherwell District Council have already assessed that this site does not achieve sustainable development for our area

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

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

The 2011 census contains relevant information relating to cycling and walking commuter trips amongst Banbury residents. The 2021 census data, whilst more recent was impacted by the national lockdown in place at that time. Relating to Banbury residents and travel to work journeys, the 2011 census showed that 66% of journeys were undertaken by car as a driver or passenger and this compared to 54% nationally and 35% in Oxford. 15% of households across Cherwell District and notably 29% in Grimsbury, the closest Banbury area to the site, are no car households. Therefore in order to provide employment for Banbury residents and reduce work journeys undertaken by car, employment must be provided in sustainable locations, which this site is not.

The area is not easily accessible for any potential jobs that could be created by the proposed development. 3.10 of the applicant's Planning Statement states that pedestrian and cycle linkages are designed into the site to improve connectivity with Banbury. Without significant infrastructure changes in the surrounding areas, there is no safe route to facilitate this. This is further corroborated by the recently adopted Banbury LCWIP by Oxfordshire County Council and Cherwell District Council, who considered proposals for safe routes in and around Banbury. This site is not near to any proposed routes.

This would therefore mean that if the proposal were permitted, all workers of future units would be accessing the site by vehicle, further increasing traffic volumes in the area and in contrast to environmental policies.

The insinuation that the site is within walking distance of Banbury is simply not correct. This is a distance of just under 2 miles and there is no safe walking or cycling routes to the site. The shortest option requires navigating junction 11 on foot or cycle, avoiding this means walking almost half a mile in the other direction and then across secluded wasteland. The suggestion that this be based on Frontier Park is disingenuous as this was based on improved access along the canal path and

public transport, no improvements have taken place and this does not in any case alter the fact that it is not practical in either time taken or safety terms, to walk from Banbury to Huscote Farm, regardless as to whether the route is taken under the M40, or across J11. We personally walked this route to see, it took 40 minutes and was incredibly dangerous crossing the M40 junction on foot, the alternative is to walk half a mile in the opposite direction to be able to walk through secluded waste land, under M40 onto the Gateway then another half mile to get back on track, we certainly didn't feel safe with either option.

Lack of Evidence of Economic Benefits

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

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

The Annual Monitoring Report 2021 suggests that the employment land allocated in the current Cherwell Local Plan remains sufficient for the requirements of the area and furthermore that there is sufficient land available at various stages of planning, i.e., some with planning permission already secured, some at planning stage and some yet to be applied. Therefore, there are no circumstances that would suggest that further employment land is needed to be allocated. Furthermore, the current Local Plan Review 2040 is yet to be published and early indications from the emerging Local Plan 2040 suggest that the district will be able to fulfil the need for future employment land from more suitable sites. To be clear, we consider that it is not acceptable in balance to allow an application with such devastating effects on the local heritage, landscape and biodiversity.

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

It is not expected that B8 units in this area would create the volume of jobs suggested by the applicant, in fact, the recently approved, Frontier Park, used the argument of low FTE job creation in mitigation of concerns surrounding traffic.

There are many warehouses nearby that are unable to recruit and/or retain sufficient labour for their operations. This would suggest that whilst there are people in the area seeking employment, employment created by B8 units is not the kind of work that is required to meet that need. In contrast, those small businesses and start ups requiring small, light units are having to travel out of the area to find appropriate availability and this is something for the Local Plan to balance out.

It is noted that Banbury 15 currently has two warehouse units, advertised as FP217 and FP133. Despite being advertised for rent since early 2021, and despite FP133 being advertised as available from April 2022, these units both remain empty, with a third warehouse nearing completion of construction. This is in addition to several empty units on Chalker Way and there are over 20 empty warehouses in Bicester, also within the Cherwell District area

The companies occupying units in Banbury, similar to those proposed, continue to struggle to recruit sufficient staff from the local area and are having to recruit from areas further afield, large volumes of employees are travelling from areas such as Milton Keynes, Birmingham and Leicester for example. This would support the suggestion in the currently adopted Local Plan that the area should

strive to provide a more diverse range of employment opportunities to avoid residents having to travel outside of the area for a higher quality of employment prospects. More B8 units therefore would not provide jobs for local people, but would also add increased pressure to those already struggling to recruit.

It is important to consider several implications of Banbury based employers recruiting large numbers of employees from outside of the area: Firstly, if the employees don't live locally, they will not be supporting our local economy, they will instead be spending their money and supporting the economy of the towns in which they live.

If established companies in B8 units in Banbury are already struggling to recruit employees for their roles then building further B8 units is only going to exasperate this issue, with more competition for employees from a scarce recruitment market, there are only so many employees than can be brought in from other UK towns. There will become a risk of the scarcity of local labour impacting the business operations and potentially mean those established companies will move away from Banbury if the recruitment situation becomes too precarious

It is therefore difficult to understand how this application seeks to justify a need for more units.

The Economic Benefits of Developing New Warehouse Space report, submitted with the application, shows figures relating to a growth of transport and storage within Cherwell, higher than other areas of South East, whilst the applicant positions these figures as demonstrating an ongoing trend, when considered with the context of what is actually happening locally, particularly with empty units and scarce local labour supplies, they more serve to demonstrate that this employment type is beyond saturated in the district.

It is also important, when considering these statistics relating to area employment and jobs per sector, that this relates to the area that has the available jobs and employment share and does not factor in that the jobs are not being filled by local people.

It should be noted, that despite a large growth of storage and distribution during and following the Covid-19 pandemic, as more people opted towards the ease of online shopping, recent trends show indications that the public are turning away from this, due to a large increase in thefts and damages. Amazon, once seen as a pioneer in logistics and fulfilment centres, shows signs of looking to reduce their floorspace during the past twelve months, and they currently are seeking tenants for one of their 736,000 square foot fulfilment centre in Peterborough.

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

The applicant proposes a development of B8 units, typically large warehousing used for storage or distribution. The applicant claims that this could create up to 1915 FTE jobs, yet nearby B8 units have created significantly lower numbers of FTE jobs per sqm

Within the Economic Benefits report, it is suggested that the scheme will contribute towards developing the Oxford-Cambridge arc. The Oxford-Cambridge arc, at this time is a proposal and one that, it was reported in February 2022 by local councils, that Central Government appear to have stepped back from.

On a wider economic theme than employment, traffic issues already put people off using the roads in and around Banbury, adding further pressures to an already crippled road infrastructure would put more people off coming to our area, therefore compromising already established businesses of all types operating in Banbury, both in terms of employees and customers as well as tourism.

Drainage and Flood Risk

Flood risk is a huge concern. development of the area would create an increased risk of flooding by removing permeable surfaces, nearby areas have required much work against natural flooding and the lower grazing land is already prone to flooding. Lying on the lower levels, the area will absorb groundwater running from the surrounding higher ground. Land Management Strategies allow for working with natural processes, using such strategies to lock the water into the land to stop it reaching water courses and highways for example. With permeable surfaces removed from both the slopes and lower land, this water will need to go somewhere. Owing to the slope of the area, land slip is also a concern if development were to be permitted. On the other side of the A422 to Huscote, in Nethercote there is a string of underwater springs, there is little knowledge of what lies beneath the ground at Huscote. Nethercote lies on lower land too and already suffers water logged fields at times, particularly in the corner by J11, as seen in Appendix 6 to our objection. Prior to the building of the A422 dual carriageway, this field was part of a larger field, the remainder of which falls South West within the proposed site.

The application site is not located within an Internal Drainage Board district and despite the flood risk, it does not appear that ongoing future management of water levels have been considered in any depth.

It is noted that the site borders two Environment Agency administrative areas and both will have valuable information including details of previous pollution incidents

Given that the AMR 2021 shows sufficient employment land available to meet expected needs of the district, the application fails to comply with Cherwell District Council Local Plan – Policy EDS6: Sustainable Flood Risk Management which requires sites to be used that are at the least risk of flooding.

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

Reliance on Frontier Park as Precedence

Within the SEI, there are several references to Frontier Park, suggesting that precedents with this development have been set. It only takes a quick read of objections and local comments to understand that there remains a lot of anger and confusion locally at the approval of this development. Although local opinion may not be a material planning consideration, as time goes on, it becomes clearer that errors were made relating to this application and that there is substantial basis for the frustration expressed locally.

An aerial photo of Frontier Park can be seen in Appendix Eight, two warehouses that are now constructed but remain empty, with a third nearing construction. This is not sustainable development, it is not accessible by sustainable travel methods yet have no car parking, it has not brought the proposed benefits to the area and yet permission was granted, on an area of known archaeological interest, without proper evaluation or planning conditions and has blighted the landscape in this area.

Although it could not have been known at the time of the application, it is noted that the decision on the planning application for Frontier Park was made in July 2020, very early in the Covid-19 pandemic when there was a lot of difficulty in normal services being provided across all sectors.

Errors are mistakes that we should strive not to repeat, mistakes should not set precedent.

Some of the reliance on Frontier Park in the SEI is simply disingenuous, taking the Frontier Park information out of context.

S106

Any S106 agreement discussions, as well as requiring the applicant to fund necessary infrastructure improvements that their proposal would require, should also seek to benefit the local area. An opportunity for this would be contribution towards the Banbury LCWIP which is currently being drawn up and includes a proposed route from Banbury to Middleton Cheney, via Overthorpe Road.

Summary

We would like to believe that consideration would not be given to such a speculative proposal as this, and one which fails to meet local and national policies. The area is not within the adopted Local Plan and would not bring the suggested levels of employment to Banbury which in any case are not the employment type required locally. Developing the area would have a hugely detrimental impact on our countryside, biodiversity and local heritage; increase traffic and place further pressure on the M40 roundabout which is already insufficient for the volume; increase noise from alarms and machinery for nearby homes; remove the natural habitat for wildlife and birds and increase flooding risks by removing permeable surfaces.

Please continue to keep us fully informed on the progress of this case, including any opportunities for public engagement.