

23/03428/OUT – OS Parcel 7921 South of Huscote Farm and North West of County Boundary Daventry Road, Banbury

I write on behalf of the Banbury Civic Society.

We wish to object in the strongest possible terms to the development of this site for the construction of up to 140,000 sq m of employment floorspace (use class B8 with ancillary offices and facilities), including earthworks to create development platforms and demolition of the existing farmhouse.

The use of this site for employment purposes was considered in detail during the Public Inquiry for the current (2031) Cherwell Local Plan (**Policy Banbury 15**). Whilst the Inspector accepted the allocation of a much reduced 13 Ha area between the A361 (Daventry Road) and the M40 (today's reduced Ban 15 site, or 'Frontier Park) for B1 (Office), B2 (General Industrial) and B8 (Storage and Distribution), he firmly rejected any idea of development to the remaining 36 Ha proposed to the east of the Daventry Road (A361) (this proposals site).

The Inspector was unequivocal in his refusal to allocate this larger part of the original Banbury 15 site (this proposals site) for the following reasons:

- 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.
- 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 (i.e. 2031), is reduced.

The Inspector continued:

- 202. ... Moreover, there are acknowledged barriers to delivery of the whole Ban 15 site at J11, including that the traffic movements likely to be generated would trigger the need for the new South East relief road through the town.
- 203. In addition, for the whole site to be developed as a mainly road based B2/B8 employment scheme, major contributions are likely to be necessary to other Cherwell District Council Local Plan 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.
- 206. In the light of the above, only the land west of the A361 (today's Frontier Park) should be allocated for new employment development in the modified plan and none of that to the east of the road, even as a strategic reserve site. This would have the considerable benefit of reducing the very harmful landscape and potential environmental effects of the wider scheme on a main entrance to the town from the north, south east and east, as well as that on the largely rural landscape of the locality.
- 207. Bearing in mind that logistics operators seeking large sites in this area have the alternative of a major rail connected facility at DIRFT nearby, that has good road links to the M1, there is insufficient justification in the evidence for the allocation of the whole 49 ha of this site at present.

We thus object because the development of this site for 'big shed' uses:

- 1) Because it will result in a "significantly detrimental visual impact... (at) a main entrance to the town from the north, south east and east, as well as... on the largely rural landscape of the locality." and
- 2) Because the transport requirements will make such a development unviable: The traffic generated "would trigger the need for the new South East relief road" as well as improvements to

Junction 10, for which “*There is no clear evidence that an acceptable programme of works could viably and practically be delivered*”.

In addition to objecting most strongly to the principle of 100% B8 'big shed' development on this site, we also have a number of concerns about the supporting documents that underpin the application, notably the Cultural Heritage and Landscape & Visual chapters of the Environmental Statement.

Landscape & Visual Impact Assessment

We have no idea what discussions were had at the scoping stage for the ES, but we find it remarkable that an LVIA has been produced that fails to take account of 1) *Guidelines for Landscape and Visual Impact Assessment: Third Edition* (Landscape Institute and Institute of Environmental management and Assessment, May 2013) and 2) *Landscape Institute Technical Guidance 02/21 Assessing landscape value outside national designations* (published May 2021).

1. Study Area: To comply with Landscape Institute guidance the study area is woefully insufficient. For buildings up to 23 m high the study area should be 10 km (minimum) from the boundary of the proposals site. In the LVIA chapter the study area is 3km from a point at the centre of this extensive site. Whilst considerably less than the 10km study area advised as necessary in Landscape Institute guidance, it nevertheless shows that the development will be plainly visible from the historic settlements of Overthorpe and Chacombe, from Banbury Crematorium (a location of High visual sensitivity) and widely across swathes of the historic ridge-and-furrow farmlands within the Clay Vales and Upstanding Village Farmlands landscape character areas (Oxfordshire Wildlife and Landscape Study (OWLS)).

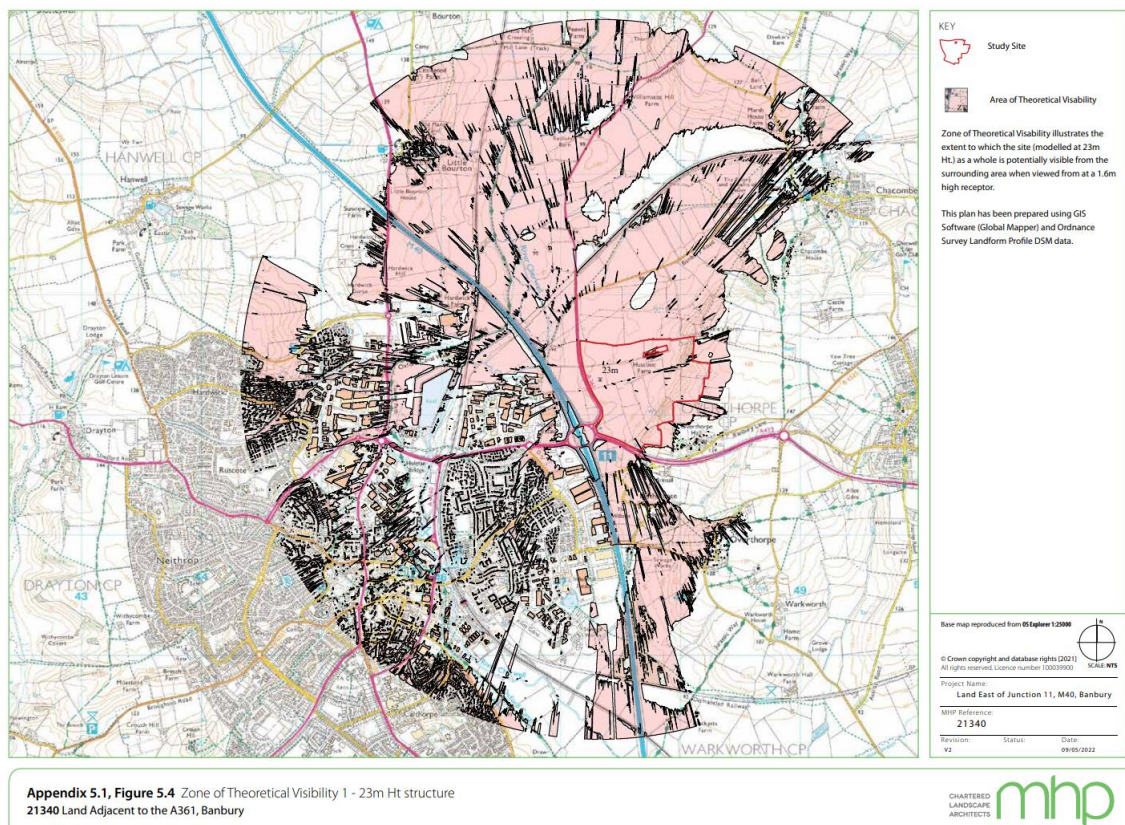
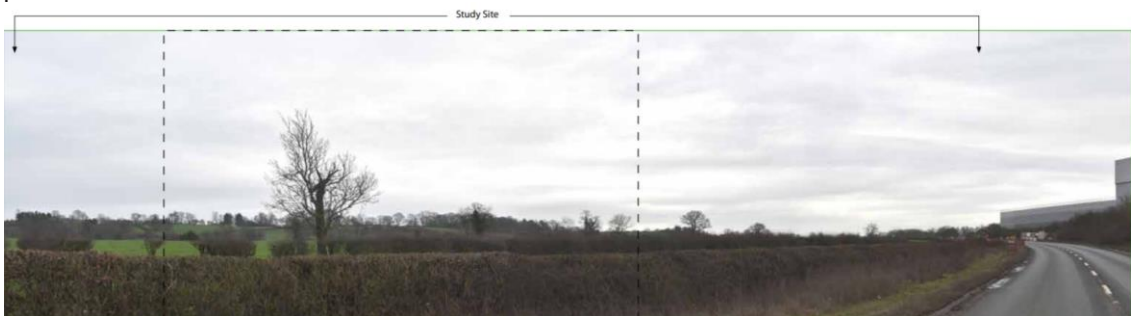


Figure 5.4 of the LVIA, showing 3km study area for the Zone of Theoretical Visibility, excluding for example, much of Banbury. Whilst considerably less than the 10km study area advised as necessary in Landscape Institute guidance, it nevertheless shows that the development will be plainly visible from the historic settlements of Overthorpe and Chacombe, from Banbury Crematorium (a location of High visual sensitivity) and widely across swathes of the historic ridge-and-furrow farmlands within the Clay Vales and Upstanding Village Farmlands landscape character areas (Oxfordshire Wildlife and Landscape Study (OWLS)).

2. Zones of Theoretical Visibility (ZTV): *Appendix 5.2 Landscape and Visual [Impact Assessment] Methodology*, submitted as part of the ES, states, at paragraph 1.20, that the ZTVs are bare-earth only and therefore a 'worst case'. This is not a correct statement. As Figures 5.1 to 5.4 (aka Figs 1 to 4) illustrate, vertical elements have been factored in to the ZTV.
3. Fieldwork methodology: Were the best locations of viewpoints chosen and how were these chosen? Some of the photographs (notably location AV1 taken from behind a hedge) would suggest that some of the locations may not have been the best or most useful. Also many of the photographs have been taken from roads (generally Medium/Low sensitivity receptors) rather than focussing on locations where High sensitivity receptors would experience an effect of the change in views, e.g. footpaths and residential receptors. This gives an under-representation of those people with the potential to experience significant effects, which an LVIA should be focussing on, as set out in the *Guidelines for Landscape and Visual Impact Assessment: Third Edition* (Landscape Institute and Institute of Environmental management and Assessment, May 2013) (GLVIA) paragraph 1.17).
4. Photomontages: Despite this being a major application for very large buildings on a highly visible, elevated site, no visualisations are provided showing the visual impact of the proposed development on the wider landscape. *Landscape Institute Technical Guidance Note 06/19 Visual Representation of Development Proposals* (published September 2019) (TGN 06/19) requires that "...most applications accompanied by a LVIA (as part of a formal EIA), some non-EIA (LVA) development which is contrary to policy or likely to be contentious" require a Type 2 to 4 visualisation (as set out in paragraph 3.5.2 of TGN 06/19, Table 1, TGN page 9 and Table 2, TGN page 11). Examples are given in section 3.7 of development types and appropriate visualisation types. Falling somewhere between (4) a large housing site and (6) a large energy from waste plant, in scale, the appropriate visualisation type would be Type 3 or Type 4, i.e. a photomontage/photowireline or a verifiable photomontage/photowireline. The basic annotated photographs submitted in the LVIA are Type 1 visualisations (as stated in the submitted *Appendix 5.2 Landscape and Visual [Impact Assessment] Methodology*, paragraph 1.7) and not sufficient to illustrate the scheme. The authors of the LVIA, as well as Cherwell's planners and the wider public are thus unable to view any meaningful representations of the impact of the proposed development on the wider countryside. To comply with Landscape Institute guidance for LVIA, photomontages for both the parameter plan and for the illustrative layout should have been produced.



Example of the Type 1 visualisations inappropriately supplied in Appendix 5.3 to illustrate the visual impact of the proposals, simply showing the extent of the proposed development ("Study Site") as opposed to the wirelines / photomontages required under *Landscape Institute Technical Guidance Note 06/19 Visual Representation of Development Proposals* (published September 2019) (TGN 06/19)

5. Value of the Landscape: As set out in the *European Landscape Convention* (Council of Europe, 2000, ratified 2006) (ELC) requires that account should be taken of all landscapes, designated or not. Box 5.1 of the GLVIA sets out a range of factors that can help in the identification of valued landscapes. *Landscape Institute Technical Guidance 02/21 Assessing landscape value outside national designations* (published May 2021) (TGN 02/21) builds on the factors set out in the GLVIA guidance. TGN 02/21, Table 1 sets out factors and requires evidence to identify the level of the value of such landscapes. The LVIA submitted with the application (Land East of Junction 11, M40, Banbury) has not undertaken such an evaluation. *Appendix 5.2 Landscape and Visual [Impact Assessment] Methodology*, submitted as part of the ES gives landscapes with no designated features or landscape, a Low value. This is

not the correct approach and under-values the Application Site landscape, ignoring its functionality, resulting in a lower sensitivity of the landscape and consequently a lower significance of effects on the existing landscape character. We note that the 'Medium / High' landscape value of the two landscape character types within the proposal site (Clay Vales and Upstanding Village Farmlands LCAs in the Oxfordshire Wildlife and Landscape Study (OWLS)) is acknowledged in the LVIA, but we would strongly take issue with how the 'Medium / High' sensitivity of these LCAs is reduced in the LVIA first to Medium / Low, and then to Low, simply because of the presence of the M40 (which was there when OWLS was written) and because of Frontier Park, a development that the Inspector determined would **not** have the *very harmful landscape and potential environmental effects... on a main entrance to the town... (and) on the largely rural landscape of the locality* that would arise from the development of the proposals site.

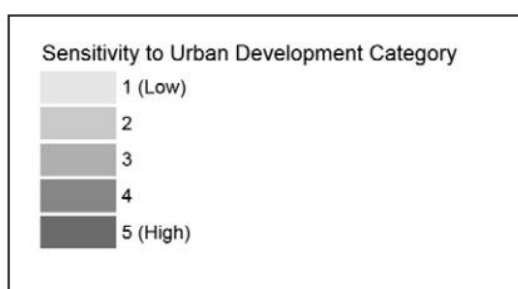


Figure from Oxfordshire Historic Landscape Characterisation Project [Chapter5CaseStudies.pdf](#) ([oxfordshire.gov.uk](#)), 5.3.4.2 - Capacity for Change: Banbury Study Area, showing the proposals site within an area of "Medium / High (4) Sensitivity to Urban Development". Note: this excludes land in Northamptonshire (on the right of the map) that is of at least equal sensitivity to urban development.

- Value of views: As with the value of undesignated landscape, *Appendix 5.2 Landscape and Visual [Impact Assessment] Methodology*, submitted as part of the ES gives local views (defined as any views not mentioned as important at a district level) a Low value. Apart from ignoring the value that might be placed on views identified in Neighbourhood Plans or other local literature, this information would also come out of a proper review of landscape value (TGN 02/21). The approach taken in the methodology has resulted in a lower significance of effects experienced by visual receptors.

7. Significance of Landscape Effects: The tables that report the significance of effects, in Appendix 5.3, does not follow Table 6 of *Appendix 5.2 Landscape and Visual [Impact Assessment] Methodology*, submitted as part of the ES, e.g. “National Character Area (NCA 95) Northamptonshire Uplands (construction effects)” (see corrected version below).

Sensitivity	Medium
Magnitude of Change/Impact	Low
Permanent or Temporary	Permanent
Direct or Indirect	Indirect - This is an incorrect statement the Application Site falls within NCA 95, it is therefore a direct effect
Beneficial/Adverse	Slight adverse – This is incorrect terminology. Using Table 6 of Appendix 5.2 this should be Minor to Moderate adverse
Residual Effect	Slight adverse – Incorrect terminology, as above

There are many examples of these anomalies, e.g Site features (construction effects) has a High Sensitivity and a Medium magnitude of change would result in a Major adverse (i.e. significant). The statement at paragraph 9.1.3 (at Appendix 5.3) is therefore incorrect.

8. Significance of night time effects: There is no night time assessment, either for landscape character or views. A development of this type will be lit at night, so an assessment should have been done.
9. Cumulative Impact Assessment (CIA): Appendix 5.3, Section 8 Cumulative and In-combination Effects, paragraph 8.1.4, states that “*the development of the site would not give rise to cumulative effects on shared receptors of similar development*”. This is clearly not correct. There would be cumulative effects, they may not be significant but there would be some. Section 8 does not list the projects considered, not does it provide a plan showing the cumulative projects considered in the CIA. There are many types of cumulative effects as set out in GLVIA Chapter 7 Assessing Cumulative landscape and visual Effects (pages 120 to 134) there are seven listed in the chapter. This section of the ES chapter does not follow GLVIA guidance and as a result gives an incorrect account of the potential CIA effects on both landscape and visual resources and receptors.
10. The assessment has taken into account development that has not yet been completed to justify down grading the value of landscape character and views. This is not a correct approach. Projects under construction, or with planning permission, but not yet implemented are Tier 1 cumulative projects, not part of the existing baseline. The photomontages, whilst not showing the proposed development, crudely photoshop in a building between the M40 and A361 is not yet complete. Again this is an incorrect approach if you are not similarly showing the proposed development on the Application Site.

The above are fundamental issues that appear to be designed to downplay or conceal the visual impact of the proposed development and which would result in any consent based upon the LVIA being open to potential legal challenge.

Cultural Heritage

Our objections are similar to the above for Cultural Heritage.

Firstly, and most crucially, we would strongly dispute the attribution of a ‘Low’ heritage value for the extensive and well-preserved medieval ridge-and-furrow fieldscape that characterises both the proposal site itself (formerly belonging to the Huscote deserted medieval village) and the adjoining fields within both Oxfordshire (Nethercote deserted medieval village) and Northamptonshire (Warkworth deserted medieval village, Chacombe and Overthorpe). This Low value derives from the matrix approach to assessment chosen by the author, whereby any non-designated heritage asset is automatically ascribed a Low value, irrespective of its heritage significance. This approach is contrary to the NPPF, which at paragraph 209 recognises that the ‘significance’ of non-designated assets can vary greatly: “*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*”

Whilst the Huscote ridge-and-furrow fieldscape (and likely Huscote deserted medieval village (DMV)) (the proposals site) and the Nethercote DMV and ridge-and-furrow fieldscape are not recorded or assessed within the Oxfordshire Historic Environment Record (OHER), it needs to be noted that the contiguous ridge-and-furrow of Warkworth, Overthorpe and Chacombe townships are inscribed on the Northamptonshire HER (NHER) (see map below). The difference is simply a matter of modern administrative boundaries: whilst all of these townships (together with Grimsbury) were historically in Northamptonshire (subject to modern, county-wide survey “Midland Open Fields Project, 1995-99”), the former townships of Grimsbury, Nethercote and Huscote are now in modern Oxfordshire, a county notable for lagging nationally in Historic Landscape Characterisation, particularly with regard to the sort of fine-grain, time-depth, county-wide historic landscape studies found in Northamptonshire, notably *Hall D.*; *Palmer R.. 2001. Midland Open Fields Project: Digital Archive* and the *Northamptonshire Terrestrial Minerals Resource Assessment (TMRA), 2012-14*.

Whilst Hall and Palmer merely identified and mapped the extents of the of surviving ridge-and-furrow of Warkworth (NHER 9 - MNN209), Overthorpe (NHER 18 - MNN217) and Chacombe townships (NHER 9052/0), the last-named, which directly abuts the northern edge of the proposals site has been assessed in much greater detail, thanks in part to the Northamptonshire Terrestrial Minerals Resource Assessment (TMRA), 2012-14). It has been subject to further assessment as it is a SHINE (Selected Heritage Inventory for Natural England) candidate site. As a result of these assessments, the NHER contains the following significance ratings for the part of the Chacombe fieldscape immediately abutting the proposals site (NHER 9052/0/2 - MNN132348):

Other Statuses and Cross-References

SHINE Candidate (Possible)	Active
Sites & Monuments Record - 9052/0/2	Active

Ratings and Scorings

Current Assets Rating	Yes	06/07/2005	
Form of Survival	Upstanding	06/07/2005	Midland Open Fields Project, 1995-99 - 7968005
TMRA Asset Significance	High	09/10/2013	Northamptonshire Terrestrial Minerals Resource Assessment (TMRA), 2012-14
TMRA Evidence Value	Medium	09/10/2013	Northamptonshire Terrestrial Minerals Resource Assessment (TMRA), 2012-14
TMRA Aesthetic Value	High	09/10/2013	Northamptonshire Terrestrial Minerals Resource Assessment (TMRA), 2012-14
TMRA Historical Value	High	09/10/2013	Northamptonshire Terrestrial Minerals Resource Assessment (TMRA), 2012-14
TMRA Community Value	Unknown	09/10/2013	Northamptonshire Terrestrial Minerals Resource Assessment (TMRA), 2012-14
TMRA Survival Value	Extant	09/10/2013	Northamptonshire Terrestrial Minerals Resource Assessment (TMRA), 2012-14

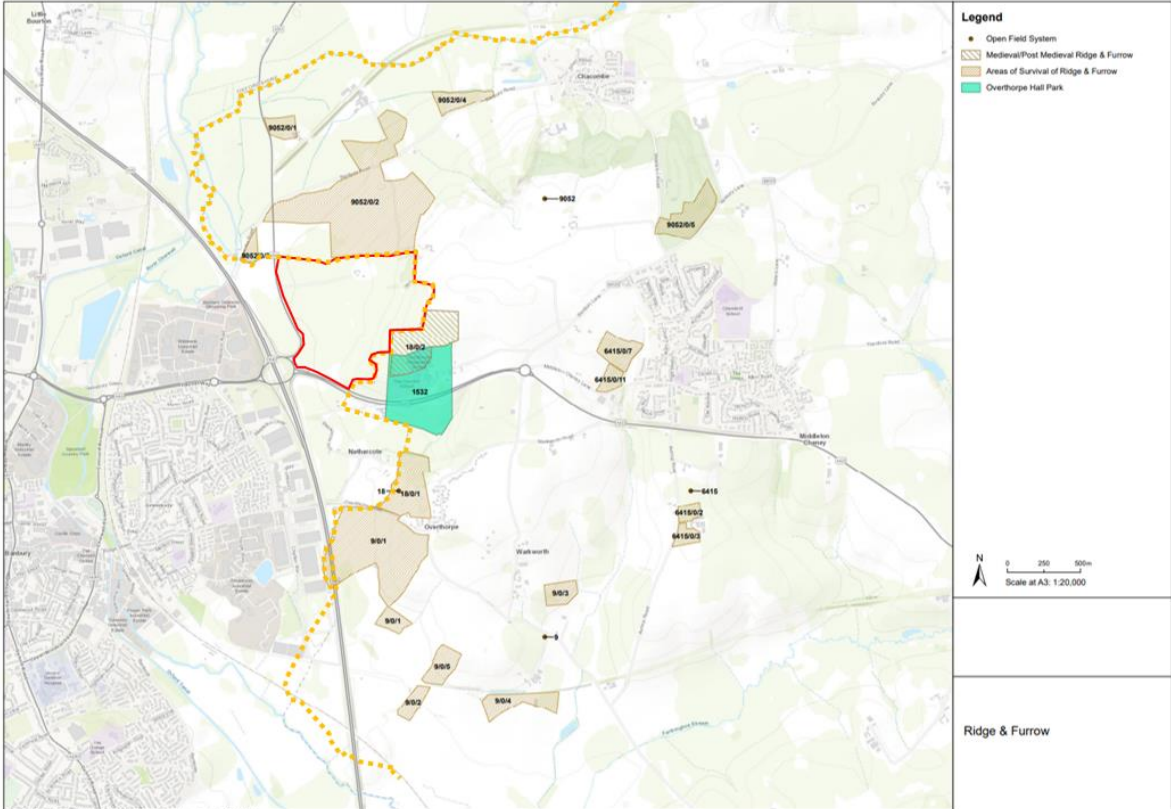
From the above it is evident that the ridge-and-furrow fieldscape of Chacombe township abutting the northern boundary of the proposals site is of High aesthetic value, High historical value, Medium evidential value. It is likely that residents of Chacombe would argue that it is of at least Medium communal value. As it scores a High overall TMRA (Terrestrial Minerals Resource Assessment) value and is a candidate SHINE site (meaning its preservation and interest is such that the use of public money for a stewardship scheme is justified), it would be argued that, whilst technically a non-designated heritage asset, the Chacombe medieval fieldscape would be of at least regional, and potentially national, importance (Medium or High importance and High sensitivity).

It is of course a further step to then imply that the similarly well-preserved ridge-and-furrow fieldscapes of the former Huscote, Nethercote and Overthorpe townships are of equal value (as they haven't been assessed in the same detail), but the above does show that the assertion in the Heritage chapter that these fieldscapes (including that of Chacombe) are only of Low value simply because they are non-designated (i.e. not Listed buildings, Scheduled Monuments or Registered Battlefields) is a perverse application of an unduly simplistic and biased matrix-based approach.

Nevertheless, it is clear that the proposed development will substantially destroy the historic ridge-and-furrow fieldscape of the former Huscote township and likely also its deserted medieval village. The loss of this ridge-and-furrow, together with the proposed development itself, will also, of course, have their own impacts on the setting of the Chacombe fieldscape (and parts of Chacombe), the Nethercote fieldscape and DMV (including the Grade II Home Farm (former manor house)) and the Overthorpe fieldscape (and large parts of Overthorpe village).

Using the Significance of Effect matrix in the Heritage chapter of the ES, the substantial loss of the Huscote township fieldscape (and likely Deserted medieval village (DMV)) would be a High impact on an asset of at least Low value, resulting in an effect of Moderate significance (a significant effect). If the Huscote fieldscape (the proposal site) is assessed as being of Medium value (i.e. comparable with Chacombe), the significance of effect rises to Major (effectively a show-stopper).

We would dispute the assertion in the ES that the impact is instead Low, which is only achieved by calling the asset “*the surviving ridge and furrow earthworks across the locality more widely*”, so that it can be argued that the proposed development will only physically impact a small part of the combined medieval field systems of Huscote, Nethercote, Overthorpe, Warkworth and Middleton Cheney. This aggregation to produce a non-significant effect is the same arguing a non-significant effect from the demolition of a Listed building by arguing that the asset is not the Listed building itself, but instead ‘*all of the Listed buildings in the locality more widely*’.



Northamptonshire HER plot with the Oxon - Northants county boundary overlain, showing (in brown) the ridge-and-furrow fieldscapes of Middleton Cheney, Warkworth, and Overthorpe. Overthorpe Hall Parkland shown in green. The only reason the Huscote ridge-and-furrow landscape (the proposals site) is not also shown is because it is in Oxfordshire and thus not surveyed under the Northamptonshire Terrestrial Minerals Resource Assessment (TMRA), 2012-14)

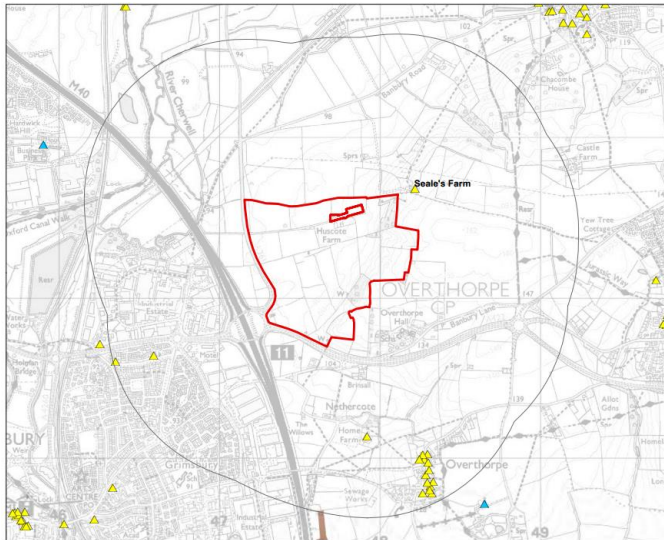


Lidar image from the Heritage chapter of the ES, showing the Huscote ridge—and-furrow fieldscape within the red-line boundary, with the Chacombe fieldscape to the north (NHER 9052/0/2), part of the Overthorpe landscape (NHER 18/0/2) to the east, and part of the Nethercote fieldscape (in Oxfordshire) to the south. It will be seen that in terms of complexity, form, preservation and historic interest, there is not a lot to separate these individual assets. It may be noted that there has been a more erosion on some of the uppermost parts of Huscote field system. Unfortunately the proposed development is concentrated on the pristine and well-preserved lower slopes

As well as taking issue with the assessments of the importance of these fieldscapes and the resultant effect of the complete loss of the fieldscape (and likely Deserted medieval village (DMV)) of the Huscote township, we would also take issue with assessment of impacts upon the *setting* of multiple heritage assets.

Despite the extensive (but non-compliant) 3km ZTV assessed in the LVIA (see above), the Heritage Desk-Based Assessment adopts a study area of only 1km from the boundary of the proposals site (Appendix 2, Figure 1 of the DBA, below). Despite the obvious limitation of such a constrained study area, given the ZTV and visual prominence of the proposals site, this study area includes the Grade II Home Farm, Nethercote, the Grade II Seale's Farmhouse and 13 Grade II Listed buildings in Overthorpe. Because of the limited radius, the study area misses some 30 Grade II Listed buildings in Chacombe, including the Grade II* Chacombe Priory and Grade I church.

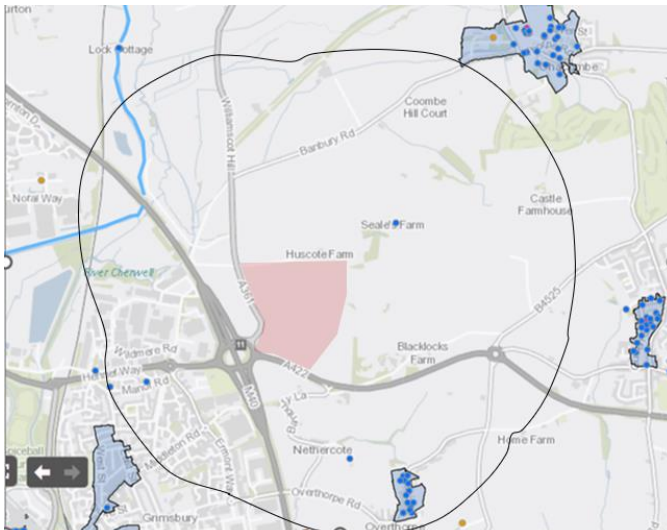
The 1km study area includes parts of the Overthorpe Conservation Area and the Oxford Canal Conservation Area. Despite this, neither conservation area is acknowledged in the Desk-Based Assessment or the Heritage chapter, so the impacts and effects of the proposed development on both are not assessed. Because Chacombe Conservation area and its listed buildings lie just outside of the 1km study area, any impacts and effects on these are also not assessed, despite their proximity to the proposals site and their inclusion within the ZTV of the proposed development.



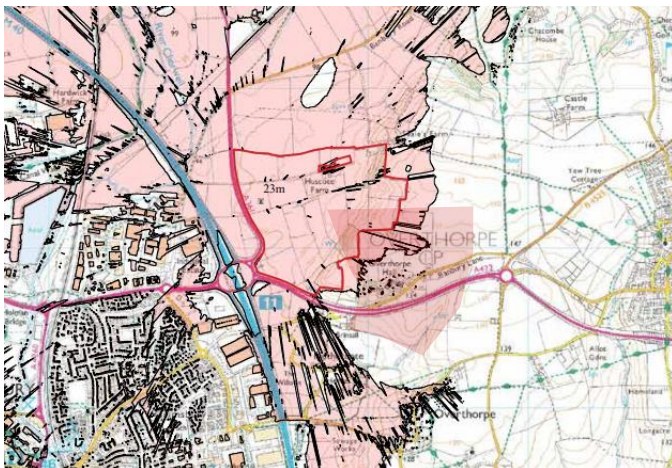
- KEY**
- Site
 - Study Area (1km)
 - Scheduled Monuments
- Listed Buildings**
- ▲ Grade I
 - ▲ Grade II*
 - ▲ Grade II

Figure 1: Map of Designated Heritage Assets
 Land East of Junction J.11, M40, Banbury
 Client: Greystoke CB
 DRWG No: P21-3302 Sheet No: - REV:-
 Drawn by: JT Approved by: GS

Heritage assets plan from Appendix 2, Figure 1 of the applicant's Desk Based Assessment (ES Appendix 6.1), purporting to show Designated Heritage Assets within 1km of the proposals site



Corresponding plan showing all designated heritage assets within 1km of the site boundary, including the Chacombe, Middleton Cheney, Overthorpe, Grimsbury and Oxford Canal conservation areas (Blue areas and linears). Grade II* Listed buildings (brown dots), Grade II Listed buildings (blue dots). Approximate extent of the proposed built development shown in pink



Excerpt from the Zone of Theoretical Visibility (ZTV) of the proposed development, showing visual impacts to the Overthorpe and Chacombe conservation areas

In terms of setting and views, we would note that the Chacombe Conservation Area Appraisal states that “*This varied landscape character is evident particularly to the south and west of the village with expansive views over to the Cherwell Valley*”. Similarly the Overthorpe Conservation Area Appraisal notes “*The views emphasise the agricultural nature of the village, surrounded by open fields. These views have been altered in more recent years, with the growth of Banbury and the construction of the M40 motorway. The rural nature of these views is still maintained however, with views of the rolling countryside visible.*” The Oxford Canal Conservation Area is linear and of varied character, but it becomes increasingly rural and tranquil as it passes the Site.

Given the importance of the rural setting to the significance of these conservation area (and indeed given all established EIA guidance), we do find it astonishing that the only off-site receptors that are considered at all in the Heritage chapter are the Grade II Seale’s Farmhouse and the non-designated Overthorpe Hall Pak (the present Cardus School), both of which adjoin the proposals site. Completely ignoring the Overthorpe and Chacombe conservation area, their Listed buildings and their surrounding ridge-and-furrow fieldscapes is an egregious omission.

Again, most particularly because of the scale of proposed development and its prominent valley-side hillside location, the omission of any consideration of impacts and effects on the setting and heritage significance beyond, in effect, 100m of the Site boundary is extraordinary. As this excludes all conservation areas and many Listed buildings whose setting will, or may, be affected, the Heritage chapter is non-compliant with all professional guidance, any consent based upon the findings of the Heritage chapter would be open to legal challenge on the grounds of Irrationality or Procedural Impropriety.

Conclusions

We maintain our strong objection to the development proposed, essentially for the same reasons set out so clearly by the Planning Inspectorate in their refusal to allocate this site for ‘big shed’ use in the current Cherwell Local Plan 2031, viz:

- *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.*
- *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 (i.e. 2031), is reduced.*

It is most unfortunate that any reassurance that the ES might have provided with verified views (visualisations) and robust assessment is fatally undermined by studies that do not meet recognised professional standards (including that of the Landscape Institute, the Institute for Archaeology, IEMA and Historic England).

The failure to provide visualisations appropriate to the scale of the development, the failure to recognise the potential regional (or even national) importance of the Chacombe medieval fieldscape (and the importance of the contemporary Nethercote, Huscote and Overthorpe fieldscapes individually, collectively, or in their contribution to the setting of other heritage assets, most notably their respective village conservation areas) are fundamental flaws that make it impossible to gainsay the Inspector’s opinions above.

As a result, we object on the grounds that the proposed development is entirely contrary to:

- **Cherwell Local Plan Policy ESD 13 - Local Landscape Protection and Enhancement –**
“Development will be expected to respect and enhance local landscape character, securing

appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would:

- Cause undue visual intrusion into the open countryside
- Cause undue harm to important natural landscape features and topography
- Be inconsistent with local character
- Impact on areas judged to have a high level of tranquillity
- Harm the setting of settlements, buildings, structures or other landmark features, or
- Harm the historic value of the landscape.

- **Cherwell Local Plan Policy ESD 15 - The Character of the Built and Historic Environment -** Where development is in the vicinity of any of the District's distinctive natural or historic assets, delivering high quality design that complements the asset will be essential.

New development proposals should:

- Be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions
 - Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular ... within the Cherwell Valley and within conservation areas and their settings
 - Conserve, sustain and enhance designated and non designated 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG
 - Include information on heritage assets sufficient to assess the potential impact of the proposal on their significance. Where archaeological potential is identified this should include an appropriate desk based assessment and, where necessary, a field evaluation.
 - Respect the traditional pattern of routes, ... enclosures and the form, scale and massing of buildings.
- **NPPF Paragraph 201 :** “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise)”
 - **NPPF Paragraph 205.** “When considering the impact of a proposed development on the significance of a designated heritage asset, *great weight should be given to the asset's conservation* (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.” And
 - **NPPF Paragraph 209.** “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

Should the Council determine that the obvious harm on landscape and heritage is balanced by the claimed public benefits of the proposed development, we would insist that these public benefits include the funding of improvements to Jct 11 of the M40 and the Wildmere Road roundabout, as well as the full funding of the South to East Link Road, which the Inspector considered would be the minimum necessary

simply to mitigate for the additional lorry movements generated by a B1 (Office), B2 (General Industrial) or B8 (Storage and Distribution) use of this site.

Yours sincerely

Rob Kinchin-Smith

(Chair, Banbury Civic Society)

(Address supplied)

Enclosed:

- 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 Date: 9th June 2015 PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED) SECTION 20 REPORT ON THE EXAMINATION INTO THE CHERWELL LOCAL PLAN Document submitted for examination on 31 January 2014 Examination hearings held between 3 June and 23 December 2014 File Ref: PINS/C3105/429/4
- Northamptonshire HER Ridge-and-Furrow plot
- Northamptonshire HER Pidge and Furrow Monuments data
- "Turning the Plough"