



**West
Northamptonshire
Council**

Other Authority Consultation

To: Cherwell District Council C/O Cherwell District Council Chris Wentworth Cherwell District Council Bodicote House Bodicote Banbury OX15 4AA	CDC reference: 23/03428/OUT
	WNC reference: 2023/8096/OAC
	Application Date: 19 December 2023
	Date of Decision: 22 nd April 2024

Dear Sir/ Madam

WEST NORTHAMPTONSHIRE COUNCIL has considered the plans and particulars for:

Application No. 23/03428/OUT

Outline planning application for the construction of up to 140,000 sqm of employment floorspace (use class B8) with ancillary offices and facilities and servicing and infrastructure including new site accesses. Internal roads and footpaths, landscaping including earthworks to create development platforms and bunds, drainage features and other associated works including demolition of the existing farmhouse

at OS Parcel 7921 South Of Huscote Farm And North West Of County Boundary,
Daventry Road, Banbury

and reiterates the comments made on 31 January 2023 in respect of application reference 22/01488/OUT (as displayed below).

Principle of Development

WNC notes that the site is not within any existing settlement confines and constitutes open countryside. The site is not allocated for development.

As stated in para 47 of the NPPF "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."

The adopted Cherwell Local Plan (Part 1) 2011-2031 sets out the long-term spatial vision for the Cherwell District and contains policies to help deliver that vision. The Plan includes policies relating to the delivery of employment development, and those

policies are considered to be up-to-date. As a result, the 'tiled balance' test in para 11(d) of the NPPF is not considered to be activated.

Therefore, WNC objects on the grounds that the principle of development would be contrary to the Development Plan, particularly Cherwell Local Plan (Part 1) Policies PSD1 (presumption in favour of sustainable development) and SLE1 (employment development).

Impact on Character of Area (landscape and visual impact)

The site directly abuts the WNC boundary on its northern and eastern/south-eastern sides. In both directions, the land beyond (within West Northamptonshire) is open countryside, as far as Middleton Cheney (east), Chacombe (north-east) and Overthorpe (south).

Land levels in this instance are important. The escarpment to the east of the site means that the development would have little impact upon the character of the rural landscape towards Middleton Cheney. The topography means that the site simply wouldn't be visible in this direction (VP7 and VP8) other than in the fields immediately adjacent to the border.

The LVIA assesses the impact on views from the public right of way running to Seale's Farm (to the north-east, from elevated ground) to be 'moderate adverse'. As with views from the south-east, the baseline is already lowered by the fact that any views are also seen very much in the context of the existing urban form of Banbury and the M40.

From the south, around the area of Overthorpe, views would be partially screened by the escarpment and, in some instances, existing foreground vegetation. The most open views would be along Public Right of Way leading west from Overthorpe (such as BE3), although these do not appear to have been assessed in the LVIA. From viewpoints where the development would be visible, it would also be seen in the context of the existing urban form of Banbury and the M40. However, the LVIA does not appear to give an assessment for the magnitude of impact upon this direction (VP10).

The landscape to the north is generally flatter and views are often limited by existing hedges and mature trees. However, where gaps do allow longer distance or more open views, the character is more strongly of an unspoilt rural nature (with limited glimpse views of existing development around the M40). The embankment of the dismantled railway line (and the self-set woodland thereon) realistically limits the extent of possible significant visual effects to within 500-1,000m to the north.

Approximately half the site would have a maximum height parameter of 23m. The remainder, including the plots predominantly around the site's northern and eastern edges, would have a maximum height of 19m. Whereas extensive landscaping is proposed to the eastern and south-eastern parts of the site, where the land starts to rise up to the escarpment, only a relatively narrow line of additional woodland planting is proposed to the northern boundary. No bunding appears to be proposed.

The LVIA does not provide any wireframe images to show how visible the development could theoretically be. Whilst landscaping is a reserved matter in this case, it is considered that the LVIA fails to demonstrate what the visual impacts of the development within the open countryside to the north of the site would be and how well they could be mitigated. WNC's concern is that the impacts would be 'moderate adverse', or even 'major adverse' in some instances, and that the indicative landscaping would not have meaningful effect on mitigating that impact, even in the longer term (15+ years post-construction).

Therefore, WNC objects on the grounds that the applicant has failed to fully demonstrate the landscape and visual impact to land within West Northamptonshire or that the visual impact on the rural landscape to the north of the site could be effectively mitigated.

Highway impacts

National Highways have issued a holding direction (currently expiring 21st March 2023) that the application proposals should not be determined until they had time to properly assess the implications of development on the strategic highway network.

With regard to the impact upon the highway network under WNC's jurisdiction:

On the A361 North, the applicant's submission indicates there would be an additional 36 movements in the AM peak hour and 38 movements in the PM peak hour. Although the HGV traffic (17 movements in the AM peak hour and 10 movements in the PM peak hour) is expected to travel to the A45 and continue to the East Midlands, it is likely that the light vehicle trips will disperse from the A361 into rural areas. It is therefore considered that further analysis of A361 junctions is not required, and the additional movements on the A361 resulting from the proposed development are considered to be less than severe.

On the A422 East, the AM peak hour would see an additional 74 movements and the PM peak hour would see an additional 83 movements. The next junction up (east) from the M40 Junction 11 is the A422 / B4525 roundabout at Middleton Cheney. As the number of additional movements is expected to exceed 35 movements, the applicant should be required to model this junction. This is currently lacking from the submission.

Further east along the A422, there is a physical pinchpoint where the road passes through the historic core of the village of Farthinghoe. Here, the road narrows on a bend to the extent that HGVs and other large vehicles (buses, refuse vehicles, etc.) cannot pass on another. The submission fails to analyse the highway safety implications of the additional peak hour flows through this pinchpoint.

It is understood that the Oxfordshire County Council (OCC) VISSIM traffic model will be used to assess the development impact. The scope of the traffic model covers:

- M40 Junction 11 gyratory;
- A422 Hennef Way – Ermont Way;
- A422 Hennef Way – A4260;
- A422 Hennef Way – A361 Southam Road; and,
- Southam Road – Dukes Meadow Drive.

As the VISSIM model does not cover the A422 / B4525 roundabout, a peak hour junction survey should be undertaken, including queue data at this junction. This is currently lacking from the submission.

A comparison of this data with pre-covid DfT data on that stretch of the A422 is also required.

Finally, the applicant should be required to submit Arcady modelling of the A422 / B4525 roundabout of 'Do Minimum' and 'Do Something' scenarios of the 2032 development assessment year, calibrated to the queue survey data.

Without the above information, it is not possible to properly assess the impacts upon the A422 (and B4525) east of the site within West Northamptonshire, nor is it possible to judge whether any off-site highway mitigation along these routes is required.

Therefore, WNC objects on the grounds that the applicant has failed to demonstrate that there would be no significant harm to the local highway network within West Northamptonshire or that the increase in traffic would be appropriately mitigated.

Ecology Impact

The impacts on ecology and biodiversity of WNC are, on the whole, more likely in the context of the use of habitats by species at a landscape scale. The application site is outside WNC and is not due to have any direct habitat loss or biodiversity net gain within the WNC boundary.

General comments only can be provided with respect of the potential for impact on badgers. Much of the development site presents foraging, commuting and potential sett locations for badgers which utilise large territories. Therefore, loss of habitat could push Badger clans into each other's territories, negatively impacting populations. There is also the aspect of impacts from increased potential for road collisions.

Bats are likely to be impacted with the loss of foraging habitat (grassland) and disruption to their commuting corridors, through breaking up of the hedgerow network and increased lighting.

Farmland Birds will be affected through the loss of habitat, pushing birds into adjoining suitable habitats, which may not have the carrying capacity to support these additions to the local population.

Great Crested Newts operate in meta populations at a landscape scale. This is the basis for the District Licensing model. The scale of the development is likely to have potential impact on GCN population operating across this local landscape given the network of pond and terrestrial habitats.

There is a large number of ponds within and surrounding the site. The site is identified on the Impact Risk Map that support the Great Crested Newt District

Licensing Scheme as being within mainly the Amber and Red zones, giving rise to the potential for impacts on Great Crested Newts (GCN).

The information submitted to support the conclusions of the Environmental Statement has some limitations; a number of ponds were not surveyed (eDNA) to prove presence or absence of GCN. Instead, there is reliance on HIS score and the presence of potential barriers to movement (for example the A422).

Given the limitations to the GCN survey data outlined above, there is a need to ensure sufficient clarity on the presence/absence of GCN to fully rule out this potential impacts.

In summary, the applicant has failed to fully investigate and identify the true impact upon protected species and has, therefore, failed to demonstrate that the proposed mitigation would be adequate, or deliver the required 10% biodiversity net gain.

Therefore, WNC objects on the grounds of impacts upon ecology.

Other material considerations

Heritage Impact

The proposal has potential to impact two nearby heritage assets, the Grade II designated C17 Seals Farm farmhouse which is located to the north east of the proposed development site and Overthorpe Hall to the east of the proposed development site, a non-designated heritage asset.

The application concludes that the development, with mitigation (landscaping) would cause no harm to the setting of Seale's Farm or Overthorpe Hall.

The WNC Conservation Officer is satisfied that the significance of each assets has been appropriately considered and reasonable conclusions formed as the potential impact of the proposed development on the setting / significance on the assets.

Therefore, WNC does not object on the grounds of impacts upon heritage assets within West Northamptonshire.

Neighbouring amenity impacts

The properties within West Northamptonshire closest to the application site are:

- Seale's Farm (75m to north-east of site)
- The Bungalow, adjacent to Dogs For Good (186m south of the site – on opposite side of A422)
- Various properties at and around Overthorpe Hall (270m approx. east of the site)

All of these properties are separated from the developable part of the application site by the proposed areas of strategic landscaping, meaning that all are at least 370m from any building or service yard.

Given the separation distances, WNC does not object on the grounds of impact upon neighbouring amenity for properties within West Northamptonshire, subject to conditions being including to address the following:

Subject	Comments
Noise (baseline)	Prior to development, it is essential that the baseline noise levels are established so that additional noise sources can be properly assessed. This is so that cumulative noise does not lead to "noise creep" occurring.
Noise (Plant / Refrigeration units / Condensers, etc.)	<p>Further details of these aspects would be necessary to make an assessment as to whether this could lead to noise nuisance to neighbours.</p> <p>In addition, information regarding management controls and times for deliveries should be submitted.</p>
External lighting	Details of external lighting should be submitted and approved, to ensure light pollution to the adjacent rural area is minimised.
Construction Management Plan	<p>To minimise the impacts of construction, including:</p> <ul style="list-style-type: none"> • the parking and turning of vehicles of site operatives and visitors; • loading and unloading of plant and materials; • storage of plant and materials used in constructing the development; • the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; • details of measures to prevent mud and other such material migrating onto the highway from construction vehicles; • wheel washing facilities; • measures to control the emission of dust and dirt during construction; • a scheme for waste minimisation and recycling/disposing of waste resulting from the construction works. • design of construction access • hours of construction work • measures to control overspill of light from security lighting • a nominated Developer/Resident Liaison Representative with an address and contact telephone number to be circulated to those residents consulted on the application by the developer's representatives. This person will act as first point of contact for residents who have any problems or questions related to the ongoing development.

Air quality	The development would generate traffic which could contribute towards poor air quality in West Northamptonshire.
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James Rodger – Acting Assistant Director of Planning