



## Adequacy of Consultation Representation Proforma

Under *Section 55(4)(b) of the Planning Act 2008 (PA2008)* the Planning Inspectorate, on behalf of the Secretary of State, must take any adequacy of consultation representation (AoCR) received from a local authority consultee into account when deciding whether to accept an application for development consent, and this will be published should the application be accepted for examination.

An AoCR is defined in s55(5) in PA2008 as “a representation about whether the applicant complied, in relation to that proposed application, with the applicant’s duties under sections 42, 47 and 48”.

<b>Project name</b>	Oxfordshire Strategic Rail Freight Interchange project
<b>Date of request</b>	8 April 2026
<b>Deadline for AOCR</b>	22 April 2026
<b>Return to</b>	OxfordshireSRFI@planninginspectorate.gov.uk

Please complete the proforma outlining your AoCR on the above NSIP.

<b>Local Authority</b>	Cherwell District Council
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In the opinion of the local authority, has the applicant complied with the legislative requirements listed below?

*Please note that this is specifically about the statutory consultation(s) undertaken.*

<b>Assessment of Compliance - Required</b>	
<b>S42 Duty to consult</b>	Yes / <del>No</del>
<b>S47 Duty to consult local authority</b>	Yes / <del>No</del>
<b>S48 Duty to publicise</b>	Yes / <del>No</del>

If you would like to give more detail on any of the above, please do so below.

*Please keep it as succinct as possible and refer to facts and evidence related to consultation, rather than the merits of the application.*



<b>Additional comments - <i>Not compulsory</i></b>	
<b>S42 Duty to consult</b>	<p>Cherwell District Council (CDC) can confirm that the Applicant has complied with subsection (b) of section 42 as it has consulted with the Council in advance of the submission of its application.</p> <p>Accordingly, it is the view of CDC that the consultation required with the Authority under section 42 has been carried out in a proper manner and meets the requirements in the Planning Act 2008.</p> <p>The engagement undertaken with CDC has included both an informal Stage 1 consultation in 2021 and a formal Stage 2 consultation in 2025.</p>
<b>S47 Duty to consult local authority</b>	<p>CDC can confirm the applicant has complied with the requirements of Section 47.</p>
<b>S48 Duty to publicise</b>	<p>CDC can confirm that the applicant has complied with the requirements of Section 48 by publicising the proposal in two local newspapers (Bicester Advertiser and Oxford Mail), the Guardian and the London Gazette.</p>



<b>Any other comments</b>	<p>The applicant for the proposed Oxfordshire Strategic Rail Freight Interchange (“OxSRFI”), held its Stage 1 non-statutory consultation from May through to early July 2022. An updated Statement of Community Consultation (SoCC) for the Stage 2 Statutory Consultation was published by the Applicant in September 2025 following consultation with the Host Authorities on the draft. The Stage 2 Statutory Consultation ran from 23rd September 2025 to 4th November 2025. Owing to these events, CDC considers the applicant has complied with the requirements under sections 42, 47 and 48 of the Planning Act 2008.</p> <p>Regular meetings between DCO leads at the applicant and the Host Authorities: Oxfordshire County Council (OCC) and Cherwell District Council (CDC), have occurred since mid-2025. These have largely been constructive and have helped facilitate coordination of engagement with officers at CDC.</p> <p>CDC is aware that there have been positive areas of engagement particularly regarding the consideration of the impact of the proposal on the highway network, and particularly the operation of junction 10 of the M40.</p> <p>However, for the other significant environmental disciplines, the Council considers the engagement on matters such as landscape, biodiversity, cultural heritage and socio-economic impact specific engagement has been inadequate.</p> <p>In reviewing the adequacy of consultation offered to the Council, consideration is given to the <i>Gunning / Sedley</i> principles governing a lawful consultation.</p> <p>In this instance, consultation on these matters considered to be integral to the suitability of the scheme, was primarily offered only after the conclusion of the Stage 2 Statutory Consultation. This differs from the standard practice adopted by some other NSIP developers in the local area who have taken a more iterative approach to engagement on all environmental disciplines.</p> <p>In some of these areas such as landscape, the applicant has responded to requests for further information by responding that these details would be included in an updated Environmental Statement (ES). This ES would only be shared with Cherwell District Council post submission. It has not been made clear what steps would be undertaken to address the concerns raised by CDC.</p> <p>One area of note to CDC is in respect of ecological surveys regarding their extent and timing.</p> <p>In the response to the Stage 2 consultation, the Council noted that the proposal would result in both permanent and temporary habitat losses from within the boundary of the Ardley Cutting and Quarry SSSI</p>
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extending in excess of 7.6 Ha. Whilst 6.4 Ha of calcareous grassland will be planted in close proximity to the SSSI, there are concerns that this level of mitigation would not sufficiently overcome the level of harm caused to the SSSI.

At the time of the Stage 2 response, CDC were of the view that insufficient Ecological surveys had been undertaken to determine the level of impact on protected species within the application site.

Furthermore, draft control documents such as Habitat Management and Monitoring Plans and the Construction and Environmental Management Plan had not been provided as part of the consultation pack for consideration. Accordingly, the Council requested that draft versions of these documents should be shared before the submission to PINS.

Whilst it is understood further information has been submitted by the applicants as part of the formal submission, the Council has not had opportunity to review this material prior to submission. Accordingly, the Council may be seeking further information or amendments to the proposal during the consideration of the DCO rather than discussing them outside of the timescales set by the formal process.

It is accepted that CDC will have the opportunity to comment on these matters in the Local Impact Report. However, as set out in the *Gunning / Sedley* principles, the approach adopted of consulting late in the process, leaves these important environmental, social and economic aspects of the development listed above potentially seen as secondary matters fitted around the development and not integral to it.

In principle, it is part (iv) “conscientious consideration” which states that consideration must be given to the consultation responses before a decision is made.

CDC is committed to continuing to work productively with the applicant throughout the post-submission and examination process.