OXFORDSHIRE
STRATEGIC RAIL FREIGHT INTERCHANGE

# DCO Submission

## Applicant's Post Hearing Submissions (ISH1, ISH 2 and CAH 1)

**Document 10.3**
**Revision 01**

On behalf of
Oxfordshire Railfreight Limited

**13 October 2026**

## 1. Introduction

1.1 This document provides a written summary of the Applicant's responses to questions from the Examining Authority (ExA) at the hearings that took place as part of the OxSRFI Examination. It provides a summary of the following hearings:

- **Section 2 - Issue Specific Hearing 1 (ISH 1)** – Tuesday 29th September 2026
- **Section 3 - Issue Specific Hearing 2 (ISH 2)** – Wednesday 30th September 2026
- **Section 4 - Compulsory Acquisition Hearing 1 (CAH 1)** – Thursday 1st October 2026

1.2 These hearings took place at the Bicester Hotel Golf and Spa and were hybrid events with attendees both in person and on Microsoft Teams.

1.3 Also submitted alongside this document are the following documents, which help to provide further context to points raised at the hearings:

- **Appendix 1 (Document 10.3a)** – Approach to Design including Quantum of Development
- **Appendix 2 (Document 10.3b)** – Passenger Rail: OxSRFI Wider Benefits

## 2. Applicant's Post Hearing Submissions (ISH 1)

Table 2.1 – Submissions in response to matters raised at Issue Specific Hearing 1 (ISH 1)

| OxSRFI ISH1 | | |
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| **Agenda item** | **Matter** | **Applicant's submissions** |
| 1. Welcome and arrangements for the hearing | The ExA introduced themselves and talked about the arrangements for the hearing. | N/A |
| 2. Purpose of the hearing and introductions | The ExA talked through the purpose of the hearing and asked the Applicant and others who wished to speak to introduce themselves. | For the Applicant:<br><br>1. Alexander Booth KC<br>2. Laura-Beth Hutton, Eversheds Sutherland<br>3. Harriet Moloney, Mountpark<br>4. Tom Kilmister, Mountpark<br>5. Ben Holmes, Oxalis Planning<br>6. Steve Harley, Oxalis Planning<br>7. Simon Hilditch, BWB Consulting |
| 3. Overview of the proposed development<br><br>The Examining Authority (ExA) requests the applicant provide an overview of the proposed development, with a focus on:<br><br>• explanation of the individual components of | The ExA explained that this part of the agenda would be led by the Applicant but that there may be questions by the ExA and third parties. | The Applicant noted that the purpose of the hearing had been identified for the Applicant to explain to the ExA its purpose and how it operated. The Applicant explained its proposed approach to this agenda item was to provide an overarching summary of the project in its legal context and that it would then address the project and the three bulleted points in the agenda. The Applicant submitted that this would address those primary bullet points and the subsidiary points in the |

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| the proposed development and how they would operate/interrelate<br><br>• overview of the construction programme, including the intended approach to the phasing of construction, commencement of operation and any influence market forces might have on timescales<br><br>• detail of principal mitigation measures and programme for delivery To help the ExA fully understand the nature and scale of the proposed development, the applicant should also cover:<br><br>• justification for the location, what alternatives were considered and why they were discounted | | agenda. The Applicant proposed that it would pause after each topic area to allow time for questions.<br><br>The Applicant stated that the subject of the Examination was a Strategic Rail Freight Interchange on land adjacent to Chiltern Main Line in Oxfordshire, northwest of Bicester, south of Ardley and north of Middleton Stoney as identified on the location plan **(Document number 2.4) (Examination library reference APP-038)**. The Applicant explained that delivery of the SRFI would comprise a NSIP by virtue of s26 of the PA 2008. The relevant NPS which has effect for the purposes of s104 is the National Networks NPS (NNNPS). The core elements were the terminal, the warehousing and relevant associated development.<br><br>The Applicant stated that the terminal would comprise five rail sidings, each able to accommodate a 775m freight train. There would also be a 775m head shunt. As regards the commercial accommodation, maximum building heights would be 25.5m, but these would reduce to 21m and 18.5m in the western part of Zone A. The Applicant explained that much of the development would be sunk into the main site to assist with landscaping and visual screening**.** The Applicant referred to the Parameters Plan **(Document number 2.5) (Examination library reference APP-040)** and Illustrative Masterplan **(Document number 2.6) (Examination library reference APP-041)**. The swiftest summary and explanation |

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| • justification for the amount of floorspace proposed<br><br>• timescale for the completion of the rail infrastructure<br><br>• relationship with surrounding developments, including former Ardley Station<br><br>• comparisons with other SRFIs within the UK<br><br>• any details of potential users of OxSRFI and occupiers of the buildings<br><br>• suitability of Chiltern main line to support the proposed development | | of the development is provided by the Guide to the Application **(Document number 1.3) (Examination library reference APP-003)**, and further detail is provided in the Planning Statement (**Document number 5.4) (Examination library reference APP-161)**.<br><br>The Applicant stated that in addition to these core elements, there were highway works proposed as part of the development, two of which were highway NSIPs (s22 of the PA 2008). These are works to J10 of the M40 and the works to the A43. The Applicant explained that there are also other works to be delivered as associated works: the Middleton Stoney Relief Road and Ardley Bypass. There is also ecological mitigation and works to the Ardley landfill.<br><br>The Applicant stated that in terms of delivery, as set out in the Funding Statement **(Document number 4.2)** (**Examination library reference APP-144)**, the Applicant is an SPV ultimately owned by the U.S. Automobile Association, which organisation possessed annual revenues of more than £48bn (as at 2024) and assets of some £221bn. The Applicant would fund the acquisition and land assembly as well as the development. The facility would be delivered and operated by Mountpark Properties Limited, a global leader in strategic logistics provision. The Applicant explained that in the last decade, Mountpark has delivered some 19 million square feet of logistics development across |

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| | | Europe, and also has a further 10 million square feet consented.<br><br>The Applicant explained that Mountpark was owned by Affinius Capital, and that group had delivered some 112 million square feet of industrial development in North America over the last decade and a half.<br><br>The Applicant stated that the project had been in preparation since 2019, with non-statutory consultation in 2022 and statutory consultation in 2025, and the application was submitted at the end of March this year. Most of the land required to deliver the project had already been assembled. Almost 70% was already within the control of the Applicant. CA powers were being sought for other land. The case in respect of compulsory acquisition was set out in the Statement of Reasons **(Document number 4.1) (Examination library reference APP-143)**. The current position was as set out in the Land and Rights Negotiation Tracker **(Document number 4.4) (Examination library reference APP-146)**, which had already been once updated. The Applicant confirmed that efforts remain ongoing to reach voluntary agreement for outstanding interests.<br><br>The Applicant submitted that the project had the very strong and unequivocal support of national policy which recognised |

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| | | a compelling need for SRFI facilities in general and one in a locality such as this which was not currently served.<br><br><u>Location and principle of development</u><br><br>The Applicant stated that the Government had concluded that there was a 'compelling need' for an expanded network of SRFIs throughout the Country.<br><br>The Applicant explained that this conclusion flowed from an assessment of the drivers of need for SRFIs. These drivers, the Government said, included the benefits of SRFIs in terms of:<br><br>• supporting supply chain resilience;<br>• meeting user or logistics business needs;<br>• increasing connectivity and enabling economic productivity and growth; and<br>• realising the full range of environmental benefits that rail freight can offer.<br><br>The Applicant stated that in terms of this latter point the Government had recently reaffirmed its ambitions to achieve a 75% growth in rail freight by 2050, with specific targets to 2040[1]. That target could not be achieved without more SRFIs. |

[1] Post Hearing Note: The Government target of an increase in rail freight by at least 40% by 2024 was announced on 8 September 2026 - Rail freight growth 2040 target - GOV.UK.

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| | | The Applicant stated that the Government's ambition was for a network of SRFI across all regions, where there was demand or potential demand, recognising that a more extensive cross-country network would help unlock the full range of benefits that an expanded network could provide.<br><br>The Applicant stated that the work that had been undertaken by the Applicant and its team concluded that those drivers of the need for SRFIs, identified by the Government, also applied to the market area within which OxSRFI was located. The work concluded that OxSRFI would expand the network of SRFIs into an area that was currently very poorly served by rail.<br><br>The Applicant said that for reference, that work was principally contained within the Planning Statement **(Document number 5.4) (Examination library reference APP-161)**, the Market Analysis Report **(Document number 7.1) (Examination library reference APP-311** and the GB Railfreight Supporting Statement **(Document number 7.2B) (Examination library reference APP-313)**.<br><br>The Applicant stated that the area within which OxSRFI sits is, strategically, exceptionally well located, with the potential to connect to both the strategic rail and road network and to an extensive market area. Its location in the south east, but close to the Midlands, and on the M40 corridor, meant it was accessible to a large population. This meant it was very |

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| | | attractive to logistics businesses seeking space for national and large regional distribution centres. These were the type of facilities and businesses, due to their scale, most likely to seek to and be able to incorporate rail in their supply chains.<br><br>The Applicant submitted that the area therefore had the fundamental attributes to help to facilitate the Government's ambition for modal shift, delivering logistics space that was rail served and enabling existing and future businesses on site and in the catchment area to utilise rail. Without an SRFI in this broad location, expanding the SRFI network, logistics operations in the area would continue to be entirely road based. The Applicant stated that the Government had concluded in the NPS that reliance on road-based logistics was not an option. Nor was the delivery of a greater number of smaller rail freight interchanges. In this regard, the delivery of road-based logistics schemes in the market area, now or in the future, only reinforces the compelling need for an SRFI in this market area.<br><br><u>Suitability of the site and consideration of alternatives</u><br><br>The Applicant stated that the OxSRFI site had been identified because it had the crucial attributes for an SRFI. It provided access to the strategic rail and road network alongside access to markets and access to an existing and growing labour pool. |

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| | | The Applicant said that importantly the geography of the site and its context provided an environment within which an SRFI could be developed, contained and the effects managed.<br><br>The Applicant explained that it was well contained by the Chiltern Mainline to the north, the B430 to the east and the former US airbase at Upper Heyford to the west. The site's characteristics and this context, together with the approach to the design, enabled the effects of the scheme on the environment and on existing communities, to be appropriately managed and mitigated.<br><br>The Applicant explained that consideration had been given as to whether there were alternative sites within the defined market area. The approach to and conclusion of this assessment were set out in the Alternative Sites Assessment, Appendix 2.4 of the Environmental Statement **(Document number 6.2D) (Examination library reference APP-190)**.<br><br>The Assessment finds that there were very few locations that had the required attributes for an SRFI and it concluded that of the potential sites none would be preferable to OxSRFI.<br><br>The form of development proposed including floorspace<br><br>The Applicant explained that the scheme had evolved through an extensive iterative process, of design, |

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| | | assessment, consultation, re-design, reassessment and so on. The first assessment work and masterplan options were undertaken in 2017.<br><br>The Applicant explained that the site was well contained by existing physical features: the Chiltern Mainline to its north, the B430 to its east and the former US airbase at Upper Heyford to its west. The form of the scheme had been informed by these features, as well as the constraints and opportunities of the site and the environment of the wider context.<br><br>The Applicant stated that the environmental assessment process had directly informed development parameters, the nature and scale of the scheme and the mitigation proposed.<br><br>The Applicant stated that the approach to the design of the proposal and its evolution was set out and explained in the Design Approach **(Document numbers 5.5A, 5.5B and 5.5C) (Examination library reference APP-166, APP-167 and APP-168).**<br><br>The Applicant stated that the NPS is clear that SRFIs are locations for businesses, capable now or in the future of supporting their activities by rail. The NPS recognises that SRFIs necessarily involved large structures, buildings and operations, and that they deliver many benefits to the local economy. The NPS requires Applicants to maximise local |

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| | | employment opportunities and outlines the range of socio-economic benefits SRFIs can deliver.<br><br>The Applicant stated that the approach to the proposal therefore necessarily sought to achieve the appropriate balance between maximising the economic benefits of this nationally significant infrastructure project, whilst minimising environmental and other potential harms.<br><br>The Applicant explained that the final form, size and scale of the proposal, including the floorspace proposed, was a response to the site and its context, the iterative design and assessment process and to this Policy Framework.<br><br>The ExA asked what the driver was for identifying that quantum of floorspace, for example, was there demand? Was it about capacity? The Applicant explained that the three core issues which shaped the development were firstly, the geographical features on the ground which shaped the site. The second consideration was the scale of demand which the Applicant said was very significant with regards to XXL units. The third consideration was the question of what one would expect to see in the context of a SRFI – EMG first phase was 557,000 sqm, Northampton Gateway was 468,000 sqm, WMI was 743,000 sqm. The Applicant said it was squarely within the context of a development of this type. |

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| | | The Applicant explained that the floorspace was a conclusion of an iterative process, including maximising economic benefits whilst minimising harms[2].<br><br>The ExA asked whether there was a hierarchy to the process and how the site under examination was arrived at in terms of proximity to railway and highway, and whether the Applicant then thought about what could fit in that site. The Applicant pointed out that Appendix 2.4 of the ES explained the process that had been undertaken, but one could not have an SRFI without a suitable proximity to rail and highways.<br><br>The Applicant pointed out that the Alternative Sites Assessment addressed the methodology which was set out in paragraph 1.7. The Applicant's assessment was conservative with a distance of 5km from rail and the strategic road network. The sites were then sifted through by adding more analysis including environmental considerations like flood risk and proximity to heritage assets. Topography was a key issue. Ultimately three sites were shortlisted and the reasons why those which were not taken forward were explained in the ASA. |

[2] Post Hearing Note: As discussed during ISH1 and mentioned further below in these Post Hearing Submissions, the Applicant attaches at **Appendix 1** a note dealing with the Applicant's Approach to Design Including Quantum of Development.

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| | | <u>The vision and how it is anticipated that the development will operate in practice if consented</u><br><br>The Applicant explained the vision for the scheme with reference to the Design Approach Document **(Document numbers 5.5A, 5.5B and 5.5C) (Examination library reference APP-166, APP-167 and APP-168)**.<br><br>The overarching vision for the OxSRFI scheme is to establish a successful, nationally significant, Strategic Rail Freight Interchange.<br><br>The SRFI will :<br><br>o meet the demands of the market<br>o facilitate investment<br>o job creation and economic growth and<br>o greater use of rail in the supply chain.<br><br>The Applicant stated that the vision masterplan had evolved over many years following extensive engagement and consultation alongside extremely thorough technical work.<br><br>The Applicant stated that the rail terminal, built development and other active components of the scheme will be positioned within an extensively landscaped site, with their effects on the environment and local communities minimised and appropriately mitigated. |

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| | | Approximately 60% of the entire site is dedicated to green space, which serves numerous functions including mitigation, green infrastructure and good design. As part of that, the Applicant's proposals include the planting of 60 hectares of new woodland and 13.9km of new hedgerow.<br><br>The Applicant stated that as set out in the application, its approach was based on key design principles which were focused on the creation of a high-quality built and natural environment with a campus style feel.<br><br>The Applicant explained that by adopting a landscape-led approach, it had ensured that the scheme responded to its setting and managed to retain and enhance over 60% of the existing woodland on site.<br><br>The Applicant stated that alongside a careful approach to the natural environment, the focus was on delivering energy efficient buildings targeting BREEAM Outstanding and EPC A+ which would reduce carbon footprints during both construction and operation.<br><br>The Applicant stated that the vision was to create a real sense of place with an attractive environment where people wanted to work and where they could take advantage of sustainable transport links, walking and cycling and where they had access to amenities around the site. |

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| | | The Applicant explained that central to the masterplan is a vibrant Central Hub, which would restore and protect a listed building, giving it a viable new use into the future and help foster a sense of community for all employees. Uses could include a café, crèche, gym etc.<br><br>The scheme will facilitate greater public access to green spaces and the wider network of pedestrian and cycle links will be improved.<br><br>○ New footpaths/cycleways (Post hearing note: 6.2km of new shared use cycle tracks are to be provided, this does not include for footpaths/cycleways alongside vehicle carriageways)<br>○ 9.2km of new bridleways (Post hearing note: 4.4km of existing bridleways stopped up, giving a net increase of 4.7km)<br>○ Plus a s106 commitment to improve existing PROW outside the site.<br><br>The scheme will also deliver an important uplift in biodiversity with a commitment to deliver in excess of 10%.<br><br>The Applicant stated that overall, it believed the quality of landscaping and building design would create a sense of |

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| | | place appropriate for a commercial scheme of national significance.<br><br>The Applicant stated that it had invested over £25m to date and was absolutely committed to delivering this scheme immediately, should the application be consented.<br><br>The Applicant asked to display the illustrative masterplan **(Document number 2.6) (Examination library reference APP-041)** to identify where the trains will be coming in from.<br><br>The ExA asked which units will be rail connected and which will not and noted there was discussion about national and/or regional distribution units. The Applicant said that the entirety of the development is rail served. It is not proposed to build rail sidings along each unit but all occupiers make use of the rail[3].<br><br>The Applicant explained that the team had collectively authentic experience of working on SRFIs. This was the third |

[3] Post Hearing Note: The Applicant notes that there was discussion during ISH1 as to "rail connected" and "rail served". As explained in the Application and during the Hearing, the Applicant is clear that the whole of the warehousing on the site is rail served. The Applicant notes that the ExA Recommendation Report for the West Midlands Interchange SRFI DCO contains some helpful discussion in relation to the terminology which the ExA might find helpful. See paragraph 1.1.4. of the Report: TR050005-001463-West Midlands DCO Report Final.pdf where the WMI ExA adopts the following approach:

- *"Rail-connected"- a warehouse or other building either with its own dedicated rail siding or which is sufficiently close to the rail terminal to allow containers to be moved from the rail wagons into the warehouse by overhead cranes or reach stackers without the need for them to be loaded onto a HGV or Tugmaster1 vehicle;*
- *"Rail-served"- a warehouse forming part of the Strategic Rail Freight Interchange development, but which would require containers to be moved from or to the rail terminal by means of an HGV or Tugmaster vehicle.*
- *"Rail-accessible" - having the potential either for a direct rail connection (rail-connected) or to be rail-served.*

N.B. the Applicant notes that the WMI ExA did not 'define' rail-linked – the Applicant suggests that term is used interchangeably with "rail-connected".

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| | | scheme that the Oxalis team had worked on, having been involved from inception to delivery at both East Midlands Gateway and Northampton Gateway. Other members of the team were involved in those projects, and others had been involved in the SRFIs at DIRFFT and West Midlands Interchange. Within the team there was therefore a wealth of knowledge about the design, planning for, and delivery of SRFIs.<br><br>The Applicant stated that the scheme included a very large intermodal rail terminal to the north of the site, adjacent to the Chiltern Main Line, which would involve both reception and handling sidings, capable of accommodating trains of 775m long, and would contain connections to the Chiltern Main Line in both directions, north and south. It would contain extensive container storage areas, HGV parking, and associated buildings and facilities. The Applicant said that the approach on this site was very similar to West Midlands Interchange and Northampton Gateway, where there was the ability for some plots on the site to have rail going into their yards. There was a rail corridor which ran along the eastern side of the site, adjacent to the B430. The scheme includes around 600,000 sqm of warehousing with additional floor space in the form of mezzanines. It included the retention of key landscape features, in particular an existing watercourse and trees and hedgerows which ran southwards through the |

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| | | centre of the site. Buildings will be increasingly screened as the landscape matured.<br><br>There is a formation of a new access including the construction of a bypass around the village of Ardley. There is a relief road which integrates with the Heyford Link Road which connects with Heyford Park.<br><br>The main site contains a dedicated HGV parking facility.<br><br>The scale and components of the development is very similar to other SRFIs.<br><br>The ExA stated that when considering the RFI, the Applicant had mentioned the geographical features of the site. The ExA asked whether the Applicant had considered the features of the Ardley station. The Applicant said that the team had given real and significant regard to a passenger station and was aware of the objectives and aspirations of OCC, but that station was not part of this SRFI. It would be a completely different facility entirely. The Applicant said it could not argue a compelling case to compulsorily acquire it when it was not part of the development being promoted. However, the development would deliver multiple benefits which would enable and facilitate the passenger station should it come forward. The application does not prejudice the passenger station and that is confirmed in the SoCG with Network Rail |

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| | | **(Document number 8.1) (Examination library reference AS-092).**<br><br>The ExA stated that the station could have been considered as a potential means of transport for future employees, rather than the Applicant stating it was not in the way. The Applicant said sustainable travel was a valid consideration, however, there could not be any question of stalling this development to await delivery of Ardley passenger station. There was unequivocal national policy for an expanded SRFI network. The Applicant stated that it was necessary to get on and provide that network if government targets were to be met and there was no business case for the passenger station. The government had provided some funding for feasibility but that was at a very incipient stage. The Applicant would be happy to see the station come forward but if it is being asked whether that should delay the free-standing SRFI for which there was policy support, the Applicant's answer to that is no.<br><br>Oxfordshire County Council asked what topics will be raised from this point on so it can know when to ask questions. The Applicant explained that it would address:<br><br>• Commitment to delivery and market demand, the position of Mountpark in terms of delivering it, XXL floorspace and demand for rail served floorspace<br>• Rail specific technical topic dealing with W8 gauge and the suitability of the Chiltern Main Line |

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| | | • Construction programme and phasing<br><br>Oxfordshire County Council said that local plan considerations were considered in the ASA. It asked if minerals and waste allocations were considered. The Applicant responded to state that it was part of the wider consideration and formed one of many but the critical consideration was access to strategic road and rail but in short, it did look at all relevant policies and site allocations.<br><br>The ExA confirmed it had questions on minerals and waste for ISH2.<br><br>Cherwell District Council said it wanted to clarify what was meant by 'local' area and whether it included the surrounding Cherwell areas or just near areas like Heyford. The ExA noted that within the local area, it means those considered in the cumulative assessment.<br><br>Mid Cherwell NPF said that in connection with the site and components of the site, there was a potential rail linkage in future. The Applicant confirmed that was correct. Mid Cherwell NPF said that these units would not be rail served. The Applicant clarified that the entirety of the development is rail served whether or not the spur is delivered. It is rail served in the same way as East Midlands Gateway and Northampton Gateway. The Applicant later explained that there was only one rail connected unit with a spur in the |

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| | | country, at DIRFT.[4] The reasoning for this is because there is not the demand. However, the Applicant would seek to meet that demand if it was there but it has not relied upon this as a benefit to the scheme.<br><br>Mid Cherwell NPF asked where the second phase would be. The Applicant said it is seeking development consent for this NSIP only that the scheme presented is what should be considered, not any potential future development. The Applicant stated they were not seeking this as phase one of further phases; they were seeking development consent for this nationally significant infrastructure project, and that was all there was to it.<br><br>CPRE said that finding out whether the line could accommodate freight was really important. It asked whether the passenger services would be done away with. The Applicant said it would speak to that at ISH2 but the short point was that this line had already accommodated rail freight and would sit alongside and not instead of passenger services. There was agreement with Network Rail that the line could accommodate freight. Mr Kapur of GB Railfreight, the market leader of freight in the country, would come to this point. |

[4] Post Hearing Note: The Applicant understands there may be other directly connected units (which are historic and in respect of SRFI in the UK these are only at DIRFT), but the Applicant reiterates its stated position that demand for them is specifically occupier led and that is the approach the Applicant has taken.

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| | | In response to comments from Philip Norstrand regarding the location of OxSRFI and the proximity of other SRFIs to the proposed development, the Applicant said that Northampton Gateway is accessed off the West Coast Main Line and therefore utilises a different line to the proposed development. The proposal is entirely in keeping with the NPS. There is no SRFI that currently serves this area.<br><br><u>Market</u><br><br>The Applicant then addressed the market. The Applicant explained that OxSRFI was not a speculative landholding exercise. It represents one of the most significant strategic projects within Mountpark's UK business and was a flagship investment for the company and its investors.<br><br>From the outset, the Applicant has approached OxSRFI with a clear objective: to bring forward a nationally significant rail-connected logistics development that addressed both current and future deficiencies in logistics infrastructure along the M40 and also wider South East markets.<br><br>The Applicant stated that its commitment to delivery was unequivocal: significant capital and resources had already been invested over a prolonged period in site assembly, design and promotion to reach this stage. This was not a scheme being promoted in the hope that demand might emerge in the future; it is being promoted because demand |

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| | | already exists and is expected to continue to strengthen. The investment made to date, exceeding £25 million, demonstrated both confidence in the project and a clear commercial intention to implement the consent if granted.<br><br>The Applicant stated that warehousing had become critical to UK infrastructure in meeting modern consumer demands. Whilst demand for large-scale distribution space continued to grow, the availability of sites capable of delivering buildings at the scale required by modern occupiers was increasingly constrained. National availability of XXL units (units above half a million square feet) currently stood at approximately 6 months' supply against annual take-up, which was a critically low level. This was even more stark for the M40 corridor, which had a 0% vacancy of units over 300,000 sq ft. Whilst other motorways were now well provided for, particularly the M1, many operators were recognising a significant gap in their logistics network coverage along the M40. There was simply no available stock of scale (existing, consented or allocated) that modern logistics operators required.<br><br>The Applicant said it would discuss the constituent parts of the programme in more detail but following a positive consent initial works are expected to commence in 2028 (following discharge of relevant conditions) with first occupation of buildings from early 2031. |

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| | | As to whether the site would meet regional or national demand, the Applicant said that the parameters are such that it could meet the needs of both types of operators. The Applicant had seen at other schemes, such as Northampton Gateway, East Midlands Gateway, and DIRFFT, that they attracted both regional and national occupiers. The Applicant confirmed that they are already in conversation with potential occupiers for this site who could take up approximately 2.5 million sq ft of build-to-suit warehouse space. There are four occupiers that the Applicant is speaking to, at a stage where there was still the uncertainty of planning. The Applicant could not disclose for commercial sensitivities who they are, but stated that they were global occupiers who are existing users of rail and users who see rail as a key area for their expansion of their logistics networks.<br><br>The Applicant said that the confidence and suitability of the site is shared with GB Rail Freight.<br><br>The ExA asked for an explanation of the reference to 4.5 hours. The Applicant stated that typically there is a market yardstick as to what is the maximum reasonable distance from a facility, being the point at which drivers need to take a break. The Applicant said there is an explanation of this at paragraphs 17 and 18 of the Market Analysis Report **(Document number 7.1) (Examination library reference APP-311)**. |

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| | | In response to questioning from the ExA, the Applicant said there is zero vacancy of existing buildings along the M40. It does not believe that there are any sites which deliver units of scale, which are half a million square foot plus.<br><br>Alex Kirk of GB Rail Freight then spoke in support of the Applicant. GB Rail Freight was the largest rail freight operator in the UK, approximately 30% of the market. GB Rail Freight stated that there was great demand for an SRFI at this location as it was currently not a well-served area for rail freight. The southeast remained one of the most significant logistics markets in the UK, yet there were relatively few rail service locations capable of supporting the scale of growth sought by the government and the industry. The terminal was well located to serve Oxfordshire, the Thames Valley, London, and the Midlands, providing access to a substantial customer base that was currently not well served by rail freight. GB Rail Freight stated that, as a commercial operator, this was exactly the type of location they looked for when assessing opportunities to develop new rail freight services. In response to questioning from the ExA on open access, the Applicant referred to paragraph 12 of the GB Rail Freight supporting statement **(Document number 7.2B) (Examination library reference APP-313)**. The ExA questioned whether other rail freight operators would come to the same conclusion as GB Rail Freight regarding the demand for an SRFI at this location; GB Rail Freight believed |

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| | | that they would. GB Rail Freight also confirmed they sat on the board of the rail freight group, the lobby group for the rail industry, and with that hat on would also endorse the fact that there was a strong need for inland rail freight terminals across the UK.<br><br>The ExA queried whether a higher loading gauge had been considered. GB Rail Freight explained that from their perspective, W8 gauge was not a barrier to the success of OxSRFI. National policy recognised W8 as the minimum appropriate gauge requirement for an SRFI, and the Chiltern route could achieve that standard. Network Rail and the technical work submitted as part of the application had confirmed that W8 clearance was achievable with limited intervention. More importantly, the traffic markets they expected to serve could operate effectively and commercially on a W8 cleared route. They did not see W8 gauge as a factor that undermined the attractiveness or viability of the proposed terminal. GB Rail Freight explained that being W8 gauge did not confine operations to one particular size of container; larger containers could be run on different types of waggons, such as well wagons where the box sat lower down. The Applicant pointed to NPS which stated that an SRFI should ideally be located on a route with a gauge clearance of W8 or more. The Applicant said W8 is suitable and national policy expressly recognises that. The requirement to upgrade the gauge does not apply because |

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| | | national policy tells us this works. There is also strong market demand for this.<br><br>Oxfordshire County Council asked for a better rationale as to how the quantum of 600,000 sqm had been arrived at. It referred to section 26 of the Planning Act 2008 in support. Alexander Booth KC on behalf of the Applicant said that there was a substantial need for this scale. There was not a single unit in the M40 corridor that was of a greater scale than 300,000 sqft which fell very short of the XXL threshold. The Applicant stated that East Midlands Gateway was an extremely compelling argument for an equivalent floorspace. There could not sensibly be, having regard to past precedent, any doubt that if this rail terminal was built the occupation would be by occupiers who used the terminal. However, the Applicant stated that it would consider the County Council's comments and put a response in writing. The Applicant attaches at **Appendix 1** a note dealing with the Applicant's Approach to Design Including Quantum of Development.<br><br>Mid Cherwell NPF asked about users to the warehouse and data centre use. It asked if there would be a restriction in the DCO not allowing this. The Applicant said what was being said is the Applicant prepared to accept a requirement which |

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| | | would preclude the use of a logistics park for data centres? The Applicant confirmed it would take that away[5].<br><br>CPRE said that Ardley Tunnel was restricted to W8. The Applicant confirmed that was correct but W8 is expressly recognised as suitable in the NPS.<br><br>CPRE questioned the impact of the SRFI on Ardley passenger station and whether it would cause issues in regard to timing. Ian Kapur of GB Rail Freight responded stating that as part of the scheme, more signals were being put in between Banbury and Bicester, which would make it even easier to accommodate current passenger operations, future passenger operations, and the freight operations. So far as Ardley passenger station is concerned, the Applicant said it was hard to respond without knowing the genesis of the data relied upon but could refer to the Rail Report **(Document number 7.2A) (Examination library reference APP-312)** and the Statement of Common Ground with Network Rail , which indicated that what was proposed would not provide any bar to the operation or the reintroduction of an Ardley passenger station.<br><br>In response to comments from Philip Norstrand, the Applicant confirmed that four trains per day was the statutory requirement for a strategic rail freight interchange. There was |

5 Post Hearing Note: The Applicant is considering how to suitably address this in the DCO.

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| | | capacity for more in future. The freight that was going to be transported by rail or HGV was going to be transported one way or the other. If there is no SRFI, all of that freight would be transported entirely by road. In circumstances where an SRFI was consented and rail freight was an option, 1,104 HGV movements were anticipated to shift in modal terms from road to rail. That was 1,000 HGV movements which would not be on the road network, and which otherwise would be. Government policy was directing towards rail. The Applicant stated that insofar as he criticised and contested the principle of an SRFI, he was at odds with government policy and indeed legislation which applied that government policy. This development would make a significant material contribution to removing freight from roads. Further detail may be added at ISH2. The Applicant stated it was fundamentally wrong to say this was not envisaged by the NPS when there were a number of SRFIs consented following the NPS. West Midlands Interchange was materially larger at 743,000 sqm and on green belt. East Midlands Gateway at 557,000 sqm also provided for warehousing. What the Applicant was proposing was precisely what policy envisaged.<br><br><u>Construction programme and phasing</u><br><br>The Applicant referred to the phasing plans in the CEMP **(Document number 6.2C) (Examination library reference** |

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| | | **APP-189)**, which were Appendix 2 of the CEMP, comprising eight plans showing the sequence of works year by year on the main site. In year one, earthworks would commence in both the northern and southern parts of the site. The main access works would commence, and works would commence to construct the spine road through the centre of the site. Ecological mitigation works will be underway in the first year. The rail spur opportunity is related directly to earthworks and what would be required to create that corridor. That corridor would travel to the central part of the site but could not be delivered in the first or second year as earthworks in the central part of the site do not commence then.<br><br>In year two, the earthworks are complete in both the northern and southern parts of the site, and alongside those earthworks, the landscaping in those areas is in place. The ecological mitigation works will be complete by year two. Earthworks would then be undertaken in the central part of the site, and works would proceed to construct the rail terminal and begin to construct plots in the northern part of the site, ready for buildings to be constructed.<br><br>In year three, the landscape mounding along the western part of the central part of the site is completed, together with the landscaping in place. Earthworks generally continues along the central part of the site. The development of the rail |

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| | | terminal and northern plots continues. The Heyford Link Road is under construction. The Ardley Bypass would be completed.<br><br>In year four (2031), the rail terminal would be complete and the first buildings in the northern part of the site would be occupied. In terms of anticipated programme, it is the aim for the rail terminal to be complete on site and connected, but that is partly outside of the Applicant's control as it relies on Network Rail. The timing of the delivery of the connections would depend on processes with Network Rail post consent that would need to be followed, but on site works were anticipated to be complete at that point. The plots in the central part of the site would be under construction, and the earthworks and landscaping along either side of the Heyford Link Road corridor would be complete.<br><br>In year five, the Heyford Park Link Road is complete. Construction continues in the central part of the site.<br><br>In year six, earthworks commence in the southern part of the site. This relates to Thames Water diversion and the closure of the IVCF.<br><br>In year seven, the entirety of the scheme is complete other than A1.<br><br>In year eight, it is anticipated that everything is complete. |

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| | | As to the phasing of highway works, the Applicant referred to the Highway Works Overview Plan, which was Appendix 2.2 of the Environmental Statement **(Document number 6.2B) (Examination library reference APP-187).** As an overall principle, there are three substantive drivers for the highway works. The first one is providing suitable highway access from the SRFI to the SRN. The second is mitigating impacts on the highway network. The third is providing suitable and sufficient active and sustainable travel to the site. At the north east corner of the main site, the principal access would connect to the Ardley Bypass to avoid taking significant additional traffic through Ardley Village, and by providing a bypass it would also provide relief to Ardley Village.<br><br>Once the Ardley Bypass connects into the Ardley roundabout at J10, the northbound slip roads would need to be reconfigured at the same time. This would bring the new northbound merge slip road on the western side of the M40, and then the reconfigured northbound diverge slip road. Also included are works at the Baynards Green junction on the A43 to the north. All of this work is Phase One.<br><br>Works to the A43, Padbury Junction, Cherwell Junction, and provision of the second northbound exit slip road at the J10 complex were Phase Two. The second exit would enable traffic from the M40 to the A43 to avoid having to go through the Ardley and Cherwell roundabouts, effectively creating a |

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| | | step change in capacity of the overall junction and a bypass within the junction itself for strategic through traffic.<br><br>The Heyford Park Link Road is effectively the diversion of the existing Upper Heyford Drive. The first phase of this is driven by wanting to get the active travel connections and bunding/landscaping in as soon as possible. In the interim period, the secondary access (which in the long term would be for buses, pedestrians, cyclists, and emergency vehicles) would be used as a short term diversion, enabling the western section of the Heyford Park Link Road to be opened as early as possible. As part of the second phase of the highway works, the rest of the Heyford Park Link Road would be constructed, Upper Heyford Drive would be stopped up and closed, and the junction removed from the B430.<br><br>The MSSR (Middleton Stoney Relief Road) is part of Phase Two and associated with that, providing relief within Middleton Stoney, there would also be pedestrian improvements at the crossing within Middleton Stoney. The Middleton Road Bridge crossing over the M40 is part of the first phase of highway works because that was wanting to get as much of the active travel provision as early as possible, being important to reconnect some of the bridleways in the local area. There is a theme with the bridleways in terms of severance due to the historic severance caused by the M40 |

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| | | and the airfield that the Applicant was doing a lot to address through the various parts of the scheme.<br><br>The A4421/B4030 junction is part of the second phase of highway works. M40 Junction 9 works are a capacity improvement for the A34 northbound into Junction 9, to improve capacity heading up onto the M40. The main reason for this is due to overall potential for rerouting, and wanting the Applicant's traffic to and from the SRFI to stay on the strategic road network rather than potentially go up the B430.Broadly speaking, the Phase 1 highway works are to be constructed over a two-year period of 2029 and 2030, and the Phase 2 highway works then a further one and a half years. The programme is found in the CEMP **(Document number 6.2) (Examination library reference APP-189)** and drawings showing the phases of highway works are found in Appendix 23 of the Transport Assessment **(Document number 6.3A.07)(Examination library reference AS-061).**<br><br>The ExA asked what approximately 2,000,000 square feet would look like. he Applicant said it would respond to this point in writing. Post Hearing Note; the delivery of the warehousing will clearly respond to the market and is e occupier led, but the Applicant would suggest based on experience of typical developments of this nature 2,000,000 sq ft could be delivered across three units. The Applicant's |

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| | | note on the Approach to Design including Quantum of Development may also be helpful (see **Appendix 1**).<br><br><u>Mitigation and surrounding development</u><br><br>There are various elements and measures within the OxSRFI proposals which can be considered the '*principal mitigation*'. In the Applicant's view these can reasonably be defined as the measures relating to:<br><br>• Highways Mitigation<br>• Landscape & Visual mitigation, including earthworks and bunding<br>• Ecology and BNG measures<br>• Construction related measures to avoid or minimise temporary likely effects.<br><br>There are clearly also other forms of mitigation proposed as part of the OxSRFI scheme, and many mitigation measures are embedded within the proposed development, reflected or incorporated via the proposed Parameters for OxSRFI or as part of the design principles established at this stage. However, the above categories and types of mitigation are considered among the principal forms. |

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| | | The detail of what is proposed under these various headings is described in the ES and secured via the proposed draft DCO.<br><br>It was agreed that mitigation in the context of requirements would be dealt with at ISH2. |
| 4. Review of actions | The ExA checked whether there were any action points. | The ExA confirmed that there were no action points, although noted that the Applicant said it would take some points away in writing. |
| 5. Any other business | | N/A |
| 6. Closings | | N/A |

## 3. Applicant's Post Hearing Submissions (ISH 2)

Table 3.1 – Submissions in response to matters raised at Issue Specific Hearing 2 (ISH 2)

| OxSRFI ISH2 | | |
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| **Agenda item** | **Matter** | **Applicant's submission** |
| 1. Welcome and arrangements for the hearing | The ExA introduced themselves and talked about the arrangements for the hearing. | N/A |
| 2. Purpose of the hearing and introductions | The ExA explained the purpose of the hearing and invited the Applicant and others who wished to speak to introduce themselves. | For the Applicant:<br><br>1. Alexander Booth KC<br>2. Laura-Beth Hutton, Eversheds Sutherland<br>3. Ben Holmes, Oxalis Planning<br>4. Stuart Dunhill, ADC Infrastructure<br>5. Simon Hilditch, BWB Consulting<br>6. Steve Harley, Oxalis Planning<br>7. Ian Kapur, GB Rail Freight<br>8. Alex Kirk, GB Rail Freight<br>9. Tim Jackson, FPCR<br>10. Ben Withers, WSP<br>11. Richard Robinson, BWB Consulting<br>12. Zoe Crampton, GC Insight<br>13. Anne Thompson, Air & Acoustic Consultants |

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| **Agenda item** | **Matter** | **Applicant's submission** |
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| 3. Environment | | |
| 3.1 Transport<br><br>The Examining Authority (ExA) will ask questions in relation to:<br><br>• Travel plan for the development and how the proposed travel arrangement would minimise traffic impact and car parking needs.<br><br>• Safeguarding and facilitating the potential future reopening of Ardley railway station, considering the anticipated travel demand generated by the proposed development.<br><br>• Proposed bus improvement measures and the extent to which these would complement, enhance and integrate with the bus service | | Travel plan for the development and how the proposed travel arrangement would minimise traffic impact and car parking needs.<br><br>The Applicant was asked to explain the framework travel plan for the development, including the measures to encourage travel by sustainable modes. The Applicant explained that the Sustainable Transport Strategy (STS) **(Document number 6.3A.01, pages 206 to 295) (Examination library reference AS-055**) sets out the package of significant connectivity improvements which will be delivered. The measures have been designed to provide high quality active travel and lower carbon options when compared to single occupancy car journeys. The STS details the modal share targets which have been agreed with OCC. The targets are based on the connectivity improvements and benchmarked against the experience and targets at other SRFI sites. The targets are agreed with OCC as ambitious but achievable and realistic. |

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| **Agenda item** | **Matter** | **Applicant's submission** |
| improvements secured through the adjacent Heyford Park Section 106 Agreement.<br><br>• Sufficiency of the proposed loading gauge to accommodate anticipated freight and operational needs.<br><br>• Suitability of the proposed construction and servicing HGV routes, including any operational or environmental constraints identified along those routes, proposed mitigation measures and how these would be secured. | | The Framework Travel Plan **(Document number 6.3B) (Examination library reference APP-203)** is also agreed with OCC. It incorporates those agreed modal share targets. It includes objectives and specific targets in relation to the main travel modes and provides an action plan for the implementation of the measures, along with monitoring and reporting requirements. The Framework Travel Plan is secured by Requirement 6 of the DCO **(Document number 3.1) (Examination library reference APP-139)**. Each occupier will need to prepare its own subsidiary Travel Plan that aligns with the objectives, targets and measures set out in the Framework Travel Plan. The subsidiary Travel Plans will be subject to review and approval by OCC as the local highway authority. The Framework Travel Plan sets a target of a 26% reduction in car trips compared to the baseline position. This equates to a daily traffic reduction of some 4,100 cars. This reduces the traffic impact of the Proposed Development and reduces the need for car parking at the development. The Applicant is proposing to commit to a maximum car parking ratio that will restrict car parking as compared to other SRFI sites. The Applicant proposes a maximum ratio of one car parking space per 200 sqm. That compares with a minimum car parking ratio of one space per 120 sqm at Northampton Gateway SRFI. |

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| | | The ratio of one space per 200 sqm represents an appropriate and proportionate balance and is sufficient to prevent overspill parking, while remaining constrained enough to support the Travel Plan objectives of reducing car use and increasing travel by sustainable modes.<br><br>The Applicant was asked to explain the travel modes which have been agreed within the Framework Travel Plan. At completion, the agreed targets are 68% car driver, 20% car share, 8% public transport and 4% walking and cycling. This is set out at paragraph 3.7 of the Framework Travel Plan **(Document number 6.3B) (Examination library reference APP-203)**. The Public Transport Strategy **(Document number 6.3A.02, pages 475 to 517) (Examination library reference AS-056**) is agreed with OCC and its aim is to focus on a bus service for the site. Bus services are flexible and can work with shift patterns, allowing employees to travel more directly from their place of residence. A key part of the Public Transport Strategy is that the bus service will link with the rail services in Bicester. The public transport mode share therefore encompasses both rail and bus.<br><br>The Applicant was asked how the 26% modal shift relates to phasing. The Applicant explained that the table at |

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| | | paragraph 3.7 of the Framework Travel Plan **(Document number 6.3B) (Examination library reference APP-203)** sets out the target modal splits for the opening year and then targets are set out every two years, as accords with the requirements of OCC's Travel Plan Guidance. The objective is to achieve the target of a 26% reduction in single occupancy car trips in year four, which is the completion year for the Proposed Development. On opening, the highway works and connectivity improvements are phased so there is a specific target for year one which is 82% car driver, 10% car share, 5% public transport, 3% walking and cycling. The Applicant explained that the Heyford Park – OxSRFI – Bicester bus service would be in place from opening of the development (from first occupation of the first unit). The walking and cycling improvements show the phasing and make sure that there is also connectivity from day one. The bus service to Banbury is expected to come in later when there is more of a critical mass in terms of size of the development. Likewise, the car share (or lift share) scheme would be in place on opening, and that usage of the scheme would be expected to increase as the number of employees |

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| | | increased as the development is built out and there are a greater number of opportunities for lift share matches.<br><br>The Applicant was asked whether it agreed that public transport by rail was missing from the transport assessment and that, if there is public travel by rail, the 68% car use will reduce. The Applicant stated that it does not accept this. The bus-based public transport strategy has been developed and agreed with OCC; passenger rail is embedded within that bus-based strategy, which would link with the existing rail stations in Bicester. Further, were Ardley passenger station to come forward, it would not materially alter transport patterns, having regard to the location of that station. The Applicant further explained that the Ardley passenger station was not a commitment and, whilst there could be some use, perhaps by employees working at units at the northern end of the site, the majority of the site is remote from the station, with the southern parts some 1.6km from the station. Journeys to the site via a reopened Ardley passenger station would therefore be multi-modal, involving, for example, a cycle link, bus or shuttle service. The frequency of the rail service is also an issue when compared to bus. With the passenger rail station, an employee would need to travel to the rail station |

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| | | and could then face a journey of 1.6km or more to the warehouse; it is a multi-modal journey dependent upon the frequency of services. In contrast, a bus service provides flexibility to respond to shift patterns and would deliver employees directly outside their place of work. There is not sufficient demand to justify the reopening of the station as part of this scheme. However, the development will provide high quality pedestrian and cycle links between the site and Station Road, which is where the likely passenger entrance and exit would be. It will also provide a bus stop at the Principal Access, a short walk from the location of the potential Ardley station site, along with a mobility hub within the northern part of the Main Site that will provide secure covered cycle parking. Should the station plans come to fruition, these measures would facilitate multi-modal journeys between the site and the potential reopened Ardley passenger station and, more generally, the significant package of connectivity improvements would improve and enhance overall pedestrian and cycle links to a reopened station from surrounding locations. That being said, given that the public transport mode share already includes bus and rail, a reopened Ardley passenger rail station would not |

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| | | represent a significant uplift in the modal share of public transport associated with OxSRFI.<br><br>In response to a question from Mid Cherwell NPF, the Applicant explained that 1.6km is the as the crow flies distance between the site of the former station and the southern most part of the site as shown on the illustrative masterplan.<br><br>Safeguarding and facilitating the potential future reopening of Ardley railway station, considering the anticipated travel demand generated by the proposed development.<br><br>The Applicant was asked to explain how the development will safeguard the potential future reopening of Ardley passenger station. The Applicant explained that the relationship with Ardley passenger station was considered directly during the preparation of the application. The Applicant has engaged with a number of parties on this matter. The feasibility of the station is being considered by OCC. The Passenger Station Note app**ended to the Planning Statement (Document number 5.4C) (Exami**nation library reference AS-050) explains how the development would not prejudice delivery and identifies a number of works forming part of the development which |

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| | | could assist the station if brought forward, for example, rail signalling elements. Other benefits relevant to the station include benefits to drainage and the closure of a level crossing. The signed Statement of **Common Ground with Network Rail (Document number 8.1) (Exami**nation library reference AS-092) also addresses this. There is also a well-advanced Statement of Common Ground with OCC on rail issues which contains points relevant to this, and the Applicant confirmed that this will be reflected in the Statement of Commonality to be submitted at Deadline 1.<br><br>The Applicant further explained that the existing access to the station has poor visibility. The Ardley Bypass will help with this. In terms of pedestrians and cyclists, wider connectivity is being provided through downgrading of the current B430, connections to the OxSRFI main site to the south and then beyond to Middleton Stoney. There is an informal route on the illustrative masterplan going east-west through the site and the Applicant has agreed with OCC for that to be a shared-use cycle-way to improve connections to Heyford Park. This will form part of the change request application. |

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| **Agenda item** | **Matter** | **Applicant's submission** |
| | | The ExA put to the Applicant that there should be shared responsibility for the reopening of the station with the other developers in the area. The Applicant said it would take this point away, however, it is seeking a DCO for a SRFI and that is the development being brought forward by consideration for examination[1]. It is not part of the scheme to bring forward a passenger station. The Applicant has a Sustainable Transport Strategy **(Document number 6.3A.01, pages 206 to 295) (Examination library reference AS-055)** and a Framework Travel Plan **(Document number 6.3B) (Examination library reference APP-203)**, drawn up in consultation and agreed with OCC.. If the Applicant were to seek to go further and say, notwithstanding it is not part of its scheme, it were to seek compulsory acquisition of land to assist with the delivery, it could not do that. It could not make a compelling case for this. It is not necessary for the development to deliver this station. With regards to the guidance in the NNNPS), the Applicant says it has complied with this, as addressed in the application: |

[1] Post Hearing Note: The Applicant has considered this point and prepared a note dealing with Passenger Rail: OxSRFI Wider Benefits. This is attached at **Appendix 2**.

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| **Agenda item** | **Matter** | **Applicant's submission** |
| | | *5.287 Consideration should also be given to whether the applicant has maximised opportunities to allow for journeys associated with the development to be undertaken via sustainable modes.*<br><br>The Applicant's position is that it has maximised the opportunities for a passenger station to integrate with commuter patterns of travel to the SRFI.<br><br>Proposed bus improvement measures and the extent to which these would complement, enhance and integrate with the bus service improvements secured through the adjacent Heyford Park Section 106 Agreement.<br><br>The Applicant was questioned on worker shift patterns. The Applicant stated that the development will involve 24/7 working. The shift patterns depend upon the operators who typically use either two or three shifts. There will also be more general 9-5 office and management staff. The Public Transport Strategy **(Document number 6.3A.02, page 475 to 517) (Examination library reference AS-056)** describes how the funding that the scheme is going to commit to has been arrived at as being sufficient to build upon the existing funding at the adjacent Heyford Park. A key part is |

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| | | extending bus services to cover the early morning and late shift times and provide a more frequent service on Sundays, therefore providing a 30 minute frequent bus service 7 days per week.<br><br>The Applicant was asked how a worker would get to the site at 2am. The Applicant explained that a worker could cycle or car share, and that there is good evidence at other SRFIs that car sharing is taken up. Section 5 of the Sustainable **Transport Strategy (Document number 6.3A.01, pages 206 to 295) (Examination library** reference AS-055) considers benchmarks and provides a comparison of modal share at other SRFIs and Heyford Park, showing that car sharing is a good option. There is also the option of bus services from either Bicester or Banbury, which the Applicant is funding. Post Hearing Note: Notwithstanding the above, the Applicant notes that typical shift times for a three-shift operation are 0600 to 1400, 1400 to 2200 and 2200 to 0600 hours, and for a two-shift operation are 0700 to 1900 and 1900 to 0700 hours, as de**scribed at paragraph 2.12 of the Framework Travel Plan (Docume**nt number 6.3B) (Examination library reference APP-203). Hence a 2am shift change would be atypical and unlikely. |

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| **Agenda item** | **Matter** | **Applicant's submission** |
| | | The Applicant was asked to provide an overview of the bus improvement measures. These are described in the Public Transport Strategy **(Document number 6.3A.02, pages 475 to 517) (Examination library reference AS-056)**, which is agreed with OCC. The Applicant stated that the bus measures are intended to complement and enhance the Heyford Park services. To ensure that they cover shift working at the site, the strategy is to provide funding which would extend the core Heyford Park services to cover the early morning and evenings and provide a more frequent service on Sundays, diverting two services into the site to provide a bus service between Heyford Park, OxSRFI and Bicester. The generally opposing directional movements associated with Heyford Park and OxSRFI bus-based passenger trips will benefit the service, as service revenues will be maximised. The proposed Banbury bus service would be a new service not connected with the Heyford Park Section 106 funding, providing peak hour and shift change bus services between the Main Site and Banbury. This would route via Heyford Park and other villages, such as Deddington, thereby also enhancing bus service options for residents and workers at those locations. |

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| | | The cost revenue model that has been agreed with OCC covers the cost of providing the services without taking into account revenue, thereby ensuring that OCC will have sufficient funds to implement the services. The proposed Middleton Stoney Relief Road (MSRR) will also have a positive impact on bus journey times and bus service reliability. The existing crossroads are a point of congestion, which the MSRR addresses by providing an alternative route and thereby reducing congestion at the crossroads.<br><br>In addition, the Applicant will be providing new bus stops outside of the Ardley Energy from Waste Facility and within Middleton Stoney.<br><br>The ExA asked the Applicant to explain any implications of OCC's position that, whilst the Heyford Park Section 106 funding is sufficient for a 15-minute service for Heyford Park, the Applicant should only assume that a 30-minute service will be in place at the time of opening of OxSRFI. The Applicant explained that the Heyford Park Section 106 funding is back-loaded, with the greatest contributions coming later in the build-out of the Heyford Park scheme. Hence, it was agreed with OCC that the proposed Bicester |

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| | | bus service should assume that only a 30-minute frequency service is in place. This was taken forward into the Public Transport Strategy, and the cost revenue model agreed with OCC is on that basis.<br><br>In response to comments from Oxfordshire County Council, it noted the positive confirmation that as regards sustainable transport, all matters are agreed save for parking. A central nub of the Applicant's point is that where certain developments can be directed towards sustainable locations, the Applicant is constrained by its need to be located near to the SRN and rail links. With regards to the potential reopening of a passenger rail station at Ardley, it is the Applicant's understanding that OCC has taken the first steps of a feasibility study and there is no promoter. It is the Applicant's understanding that there is nothing further which the Applicant can do in relation to the station.<br><br>As to the length of the bus service funding, in response to a question raised by CPRE, the Applicant pointed out that money is being paid to OCC to deliver appropriate bus services and that this provides a degree of flexibility, but that the agreed cost revenue model is based on a 10 year funding period. |

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| | | <u>Loading gauge</u><br><br>The Applicant was asked what works need to be undertaken to the line to ensure it can carry the necessary weight. This was answered by Ian Kapur of GB Railfreight, who stated that limited works are required to make the line suitable for freight, with some minor works required to Ardley Tunnel. GB Railfreight confirmed that the line can already accommodate freight traffic and has been used for such purposes.<br><br>The Applicant asked GB Railfreight to speak to the capacity on the Chiltern Main Line alongside passenger trains. GB Railfreight explained that the line's capacity, between Banbury and London, is split into three sections. Over the last five years, there have been 20 to 30 freight paths per day on the central section. The northern section has not experienced this level, with between two and six trains. GB Railfreight confirmed that there is sufficient capacity for freight operations and that freight and passenger services can operate alongside each other on the line.<br><br>In response to comments from Philip Norstrand, the Applicant stated that Mr Norstrand does not claim any |

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| | | significant experience or qualification in rail freight. The evidence is provided by Network Rail in the form of a Statement of Common Ground **(Document number 8.1) (Examination library reference AS-092)** and by GB Railfreight, the market leader in the operation of rail freight. Mr Norstrand's contention that the proposal is deficient because it is W8 rather than W10 gauge appears to be a dispute with fundamental policy. Other SRFIs are W10, but they are on different lines. The NNNPS unequivocally states that W8 gauge is required as a minimum, and that is what the Applicant is providing. Government policy is seeking the expansion of SRFIs. As to whether the development will prevent the future electrification of the line, the Applicant will respond in writing.<br><br>The Applicant referred to the Rail Report **(Document number 7.2A) (Examination library reference APP-312)** and GB Railfreight appendix to its supporting statement **(Document number 7.2B) (Examination library reference APP-313)**.<br><br>Paragraph 7.14 of the Rail Report states that the Applicant has undertaken studies on gauging. The Applicant was asked why W8 gauge had been adopted rather than W9. The Applicant confirmed that it would address this fully in |

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| | | writing, but that this is perhaps more a matter for Network Rail, in that the line had previously been of a certain gauge but, if it is not used, it will not be maintained to that higher gauge. Network Rail was then invited to respond to this point.<br><br>The Applicant was asked if it would agree to participate in future if the opportunity came Applicant notes that Gregory March of Network Rail explained that to focus on increasing the gauge is to slightly miss the benefits of a lower gauge. There are 2/3 of the rail network which can accommodate W8 gauge. In terms of W10 gauge, insofar as the Applicant would be involved in increasing the gauge, it would participate in discussions but it would not be the owner of the Chiltern Main Line and therefore it is a matter for Network Rail.<br><br><u>HGVs</u><br><br>The Applicant was asked if roads could withstand use by HGVs. The Applicant was also asked if pre-commencement condition surveys had been carried out and whether measures are required to render the roads safe for all road users, including HGVs. |

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| | | The Applicant explained that in relation to operational HGVs, there is no impediment to weight or other restrictions on local highway and the SRN for the routes set out within the HGV routeing strategy **(Document 6.3A.02, pages 518 to 531) (Examination library reference AS-056)**.<br><br>As to condition surveys, the Applicant explained that the Ardley Bypass is a new road to be provided. For the SRN the Applicant pointed to the condition surveys required pursuant to the protective provisions for the benefit of National Highways.<br><br>The Applicant explained that HGVs will not be permitted to travel south down the B430. This is dealt with by the physical measures at the roundabout to prevent right turns onto the B430, as well as ANPR.<br><br>The Applicant was asked whether there would be any contractual measures, for example, penalties if drivers did not adhere to the HGV routeing. The Applicant explained that the HGV Routeing Strategy relates to operational HGVs and does provide for a fine to be paid in the event of breach. |

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| | | The Applicant responded regarding construction traffic HGVs, and referred to the Construction Traffic Management Plan **(Document number 6.3A.10, pages 84 to 99) (Examination library reference AS-064)**. Post-completion of the Ardley Bypass, traffic will use this. Before opening, it will be the B430 through Ardley. The CTMP requires the contractor to manage and enforce those construction routes, it could include monitoring. In addition, as set out in OCC relevant representation, a further analysis has been prepared of HGV construction traffic through Ardley. This has been reviewed and agreed by OCC and will be submitted with the change application. As result of that assessment a temporary 20mph speed limit will be imposed along the B430 through Ardley during the construction phase prior to the opening of Ardley Bypass.<br><br>The Applicant was asked whether, if any contractors are found to be using routes outside the approved routes, provision for this would be included in the contract. The Applicant explained that the routes are secured by a DCO Requirement and could therefore be enforced under the Planning Act 2008. |

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| | | Electrification<br><br>The Applicant confirmed that it would not need to come back on this point as it is already dealt with in the documents. |
| 3.2 Landscape and visual (including lighting effects)<br><br>The ExA will ask questions in relation to:<br><br>• Applicant's approach to landscape and visual impact assessment (LVIA), the design process, and proposed mitigation<br><br>• photomontages and visualisations<br><br>• residual effects | | Introductions<br><br>1. Tim Jackson of FPCR<br><br>Applicant's approach to landscape and visual impact assessment (LVIA), the design process, and proposed mitigation<br><br>The Applicant explained that it followed GLVIA III which is industry standard. The Applicant said that guidelines make it clear that what is a significant effect is a matter of professional judgment. The Applicant's approach, adopted over many years, including on consented SRFI DCO schemes including East Midlands Gateway, Northampton Gateway, DIRFT, and the West Midlands Interchange, is that a significant effect is one which is moderate/ major or major. It clearly sets out all effects in the assessment but in terms of where it pitches the level of significance, it is a matter of judgment. The Applicant noted that other |

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| | | practitioners may adopt different approaches, with some treating moderate adverse effects as significant and others only treating major effects as significant. Notwithstanding this the Applicant advised that the LVIA did also identify moderate effects and thus these were also identified should the ExA or others consider these to be significant.<br><br>In response to comments from OCC, the Applicant referred to paragraphs 7.2.29 to 7.2.30 of ES Chapter 7 **(Document number 6.7) (Examination library reference APP-175)**. The approach has been adopted over many years and has not previously been the subject of debate at earlier SRFI DCO examinations. The information is presented for the ExA in the Chapter if needed.<br><br>The Applicant stated that, in relation to the overall landscape context of the site, the NNNPS refers to a general landscape hierarchy under the Landscape and Visual Impacts and Decision-making sections at paragraphs 5.170 to 5.177. No part of the site lies within a nationally designated landscape. There is no intervisibility with, and no suggestion that the site has any bearing on, the nearest nationally designated landscape in the Cotswolds, 11km away. There were formerly areas of high landscape value designated in the district. In 2024, a local |

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| | | landscape designation study was prepared for Cherwell District Council which recommended that a number of landscapes across Cherwell would qualify for local landscape designation, but the site itself is some distance from the nearest such designation, which is the Cherwell Valley to the west of the airfield.<br><br>As to the Oxfordshire Estate Farmlands NCA in which the site sits, it is characterised as a well-wooded landscape, including woodland belts. It refers to some areas being away from major transport corridors and urban areas, but in respect of some of the key characteristics, the enclosure provided by features such as woodland is important and relevant.<br><br>The Applicant was asked if a site specific character assessment was carried out. The Applicant said it had carried out detailed field work but for individual development projects, it uses detailed photographic records and marked up plans. Not all of this fieldwork will be in the application documents.<br><br>The Applicant was asked how the LVIA influenced the development. The Applicant explained that it initially carried out a site visit in 2018 and considered whether the |

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| | | landscape could accommodate an SRFI. The Applicant carried out baseline assessment work and sought to gauge the visibility of a development and the nature of the visual receptors. In terms of looking at siting and scale, various iterations have been progressed in the development process. The Applicant said it was looking to ensure how it could maximise retention of landscape features wherever possible but at the same time, draw upon new landscaped areas and features. In terms of what helped inform the options, as you move south down towards Middleton Stoney, there are woodland blocks and an undulating land form which limited views to the south. The Applicant considered that if it retained the woodland areas, it would limit views and if it could build in new ones, that would also help to restrict views. The site was more constrained to the north by the rail line, to the east by the B430 and the landfill site, and to the west by the airfield.<br><br>The Applicant further explained that heights are constrained by the parameters and heights were informed by the results of the Applicant's LVIA work. These are different in different locations and have changed, for example, lower heights on the western part of the site. The AOD heights vary across each development zone. The Applicant explained that the |

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| | | adjacent airfield changes in level quite markedly, with a 15m rise from the site boundary at the end of the runway (approximately 123m AOD) to the highest point of the airfield (138m AOD). The heights of the gantry cranes sit below the highest point of the runway (133m AOD). Both the eastern and western sides of the developed parts of the site are lowered, with the site effectively forming a valley with the Ashgrove Brook running down the centre from north to south.<br><br>The Applicant was asked about the approach to the extent of the development in LVIA terms. The Applicant advised on where the extent could be limited and the implications of moving development areas or changing building heights. Quite often, this does not bring about a marked change in the effects or benefits, and any change can be incremental, so there is a professional judgement to make.<br><br>The Applicant took the ExA to the Design Approach Document **(Document numbers 5.5A, 5.5B and 5.5C) (Examination library references APP-166, APP-167 and AS-051)** and the section on scheme evolution (section 3). There were two principal reasons for the form of the southern part of the site: the highways solution and the relationship between the MSRR and the Heyford Park Link |

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| | | Road, and LVIA issues. The approach to this has been agreed with the Councils.<br><br>The Applicant explained that it could provide a note which would signpost the ExA and OCC as regards building heights and impacts[2]. In response to OCC's statement that it is not clear what would be visible, an extensive series of photomontages has been provided from viewpoints agreed with OCC. The Applicant noted that the NNNPS states that the SoS should consider whether the project has been designed carefully, which the Applicant states it has. The Applicant has explained its approach, which it says does minimise harm to the landscape. The Applicant added that this is a significant development and not all harm can be removed in landscape terms, especially acknowledging the locations in which such developments must be sited. In terms of landscape impacts, there is a tiered approach (nationally designated landscapes, sites near to nationally designated landscapes and local designations). The site is not near any of these. The Applicant added that, of all the consented SRFIs, this application provides the greatest proportion of greenspace (approximately 60%). The buildings are up to approximately 24.5m high, compared to |

2 The Applicant's Approach to Design including Quantum of Development at **Appendix 1** addresses this point.

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| | | West Midlands Interchange, where buildings were up to 30m high in the Green Belt.<br><br>The Applicant stated that the majority falls within farmland and which is enclosed by trees with a preponderance of woodland. The Applicant referred to ES Figure 7.5 **(Document number 6.7) (Examination library reference APP-175)**. In terms of the levels and information on the levels, there some in the Construction Environmental Management Plan **(Document number 6.2C) (Examination library reference APP-189)** and the illustrative landscape cross sections in ES Appendix 7.7 **(Document number 6.7G) (Examination library reference APP-252).**<br><br>The NNNPS requires the Applicant to strike the appropriate balance and maximise the economic benefits whilst minimising the harm. The Applicant has tried to explain this through the application documents. It is a case of striking a balance and the Applicant's position is that the harms are appropriately mitigated.<br><br><u>Mitigation</u><br><br>The Applicant explained that the majority of mitigation is embedded. To the western side there is a green corridor |

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| | | down to the boundary with the airfield to provide for visual screening of the lower parts of the development, for example, car parks, service yards. This is also the case on the eastern side down the boundary with the B430. There will be mitigation mounding and planting. On the northern side there is also some mounding. The rail terminal will sit at approximately 111m AOD, up to 13.5m below existing ground levels. The rail terminal area will be substantially visually screened. There is also a broad landscape swathe along the Heyford Park Link Road of up to approximately 100 metres wide, combining mounding, a considerable amount of planting and other habitats, which will provide an attractive landscape route for the Heyford Park Link Road. The Applicant explained that mitigation is not just mounding but a combination of measures aligned with the levels of the buildings, the heights of the buildings, and what was wanted in terms of biodiversity net gain and other habitats.<br><br>The Applicant was asked how the mounds have been assessed as a new feature. The Applicant said mitigation mounding could be a challenge and it was a case of balancing various factors. It wanted to assimilate them in the landscape as much as it can. In comparative terms, the |

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| | | size and scale of the mounds are less than on some other SRFIs.<br><br>The Applicant referred to Requirement 11 of the DCO **(Document number 3.1) (Examination library reference APP-139)**, which secures the landscaping. The Applicant explained that the phasing in Requirement 4 provides that no component can commence until details of that component have been submitted and approved. Landscaping is one component.<br><br>The Applicant was asked how the reference to soft landscaping included the bunds. The Applicant pointed out that the Requirement requires the details to be in accordance with the parameters plan, which details the bunds, and the HMMP. The Applicant also referred to Requirement 9, which expressly refers to the bunds.<br><br>The Applicant was asked that if there is mitigation critical planting, whether that should be on the parameters plan and given that it is an illustrative scheme, how it can be understood what may come forward. The Applicant referred to the parameters plan which shows the green infrastructure and the bunding. This means that these areas will not change. The Applicant explained that requirements 11 and |

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| | | 12 (which deal with landscaping and ecological mitigation) secured the detail of the landscaping and planting.<br><br>In response to a question from CPRE, the Applicant confirmed the intention for an earthworks balance on site with no imported or exported materials on site.<br><br><u>Photomontages and visualisations</u><br><br>The ExA confirmed that this would be moved to written questions.<br><br>Philip Norstrand requested additional montages. It was confirmed that as regards the photomontages and viewpoints before the ExA and the new ones, these are all agreed with the Councils. The Applicant stated that there are no viewpoints taken from the bridleway crossing the site as the route will be diverted to the edge of the site. The ExA stated that they would look at the bridleway as part of the site visit.<br><br><u>Residual effects</u><br><br>The Applicant explained that planting can take some time to establish and over a fifteen year period, it was assuming a need for some replacement principally within the first five years. The monitoring will look at whether plants are |

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| | | established and replace those that are dead or dying. The Applicant explained that this was fifteen years from planting and not timed from the building. In terms of the photomontage work and residual effects, these have been based upon 15 years post planting. The Applicant explained that ground conditions must be right, soils must be right, and the right plants must be used and well maintained afterwards. The Applicant would not assume a 100% success rate but would expect the initial five years to include replacement planting.<br><br>The Applicant was asked about the Junction 10 works and Ardley Bypass works and the residual effects. The Applicant explained that there would be woodland planting and hedgerows and mounding in places. It has tried to knit together some of the existing and proposed woodland. The Applicant explained that minor to moderate or moderate adverse landscape effects were expected for these works. The junction works and road links have been looked at closely in terms of landscape treatments, with broad landscape corridors and mitigation mounding. With the Ardley bypass, there is mitigation mounding on the Ardley side which will be effective in screening views from the nearest properties and will also screen views beyond to the |

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| | | M40. For the Middleton Stoney relief road, mitigation mounding and woodland planting has been designed to knit the road corridor into the existing landscape fabric, connecting existing woodland along the Gagle Brook with new woodland planting.<br><br>The Applicant was questioned on how replacement planting is secured. The Applicant explained that the habitat management and monitoring plan will deal with replacement planting and referred to Requirement 12 **(Document number 3.1) (Examination library reference APP-139**), which states:<br><br>*4) The ongoing management and maintenance of the green infrastructure (as described in the habitat management and monitoring plan) following its completion must be agreed in writing with the local planning authority prior to the occupation of any warehouse, such management and monitoring must be in accordance with the principles set out in the habitat management and monitoring plan and must be carried out as approved.* |
| 3.5 Groundwater | | PFAS chemicals |

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| The ExA will ask questions about:<br><br>• PFAS chemicals<br><br>• remediation of known contamination<br><br>• groundwater monitoring<br><br>• pollution prevention measures<br><br>• assessment of impacts | | The Applicant responded to points raised by Gallos Brook Community Group. Issues associated with the chemical PFAS, which is known to be present on the adjacent former Upper Heyford Airfield and in surrounding watercourses, was raised in a number of relevant representations. PFAS represent an emerging contaminant issue that is receiving increasing regulatory and industry attention. As to existing data obtained by the EA and Gallos Brook Community Group, that relates to offsite water courses and other sampling locations, PFAS has been recorded at significantly elevated concentrations, but they are off site, to the west. The Applicant explained that there is a consensus that the source is the former airbase, which historically used firefighting foams.<br><br>Sampling of surface water and groundwater has been undertaken at the OxSRFI site, and PFAS have been detected in the surface watercourses but at lower concentrations than at Gallos Brook. Sampling has recorded a maximum total PFAS concentration of 0.39 micrograms (a microgram being one millionth of a gram). The highest concentration is approximately 100 times lower than that at Gallos Brook. The Applicant explained that it has data it can submit which confirms this. In the |

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| | | groundwater, PFAS were recorded at trace levels or, in some cases, below the laboratory detection limits.<br><br>The mitigation is the same as would be undertaken for other forms of contamination. The mitigation measures in the CEMP **(Document number 6.2C ES Appendix 2.3) (Examination library reference APP-189)** would require contractors, in accordance with Requirement 28, to undertake investigation, assessment, remediation and verification[3].<br><br>The Applicant was asked if levels would be exacerbated when the development is carried out. The Applicant explained that it is very different to asbestos and is more of an environmental risk and not an airborne risk. The anticipation is that PFAS is not generated by the Applicant so any works are not anticipated to increase any risk or difficulty because the levels are so low so there is very little to disturb. The Applicant stressed that it takes this point seriously and has done some preliminary analysis in response to dialogue with the Councils and local community concerns. Its approach has not been disputed by either of the Councils. The Applicant confirmed it would be updating |

3 Post Hearing Note: The Applicant has updated Requirement 28 to ensure that the EA is involved in the approval of such measures (see Document 3.1 (v2) submitted at Deadline 1).

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| | | its ES Chapter with the change application to be submitted in due course, to reflect the further work undertaken by the Applicant in relation to PFAS.<br><br>The Applicant explained that extensive ground investigations had been done over the site, such as boreholes and trial pits. It understands the depth of the aquifer and the environmental setting from a geological and hydrogeological viewpoint and has a comprehensive evidence base regarding ground conditions overall.<br><br>The mitigation for this now known contamination is essentially the same as would be undertaken for other forms of contamination. The submitted application already makes provision for remediation of any contamination encountered on site, which would rely on a range of standard assessment, risk assessment, management and remediation or mitigation methods to either treat or remove contaminated material. With appropriate and standard contamination mitigation measures in place (secured via the CEMP and the DCO Requirements), the presence of PFAS on site has no material implications for the Proposed Development in terms of construction or operation, nor for environmental or human 'receptors' on site. |

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| | | The Applicant confirmed that it intends to provide an updated ES Chapter 11 (Ground Conditions) **(Document number 6.11) (Examination library reference APP-179)** and an updated CEMP **(Document number 6.2C ES Appendix 2.3) (Examination library reference APP-189)** as part of the change application at Deadline 2. |
| 3.6 Flood Risk<br><br>The ExA will ask questions in relation to how the Applicant has satisfied the Environment Agency's concerns regarding:<br><br>• Flood risk activity permit<br><br>• the proposed culvert freeboard height<br><br>• model representation for the Gagle and Ashgrove Brooks | | The ExA confirmed that it would deal with flood risk via written questions and moved on to socio-economics. |

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| • representation of the A43 culvert within the Padbury Brook hydraulic model<br><br>• review of conceptual site model in relation to controlled waters receptor<br><br>• updates to the Outline Construction Environmental Management Plan (CEMP) **(Document number 6.2C) (Examination library reference APP-189)** as proposed in EA34, EA41, EA42 and EA43 of Document 9.1B **(Document number 9.1B) (Examination library reference PDA-009)** | | |
| 3.3 Socioeconomics (including health)<br><br>The ExA will ask questions in relation to: | | The Applicant was asked about ES Chapter 12 (Socio-Economics) **(Document number 6.12) (Examination library reference APP-180)** and paragraph 12.9. The Applicant was asked how the development will generate |

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| • Job creation across a range of skill levels and the mechanisms for securing these employment opportunities.<br><br>• How the proposed development would support the growth and competitiveness of existing businesses in the local area.<br><br>• Safeguarding existing recreational facilities while ensuring accessibility and inclusion for mobility-impaired users.<br><br>• Identification of sensitive residential receptors on Middleton Stoney Road likely to be affected by night-time noise, the proposed mitigation measures, and how these would be secured. | | employment opportunities across a broad range of skill levels.<br><br>The Applicant referred to ES Chapter 12, which considers the employment impacts at the operational stage and estimates approximately 9,600 direct jobs in logistics and distribution. The logistics sector is fundamental to meeting the everyday needs of businesses and communities. It has a reputation for supporting lower-skilled jobs but in fact supports a much broader range, with one in four jobs at higher skill levels. OxSRFI would support a wide range of occupations and skill levels, including logistics and warehousing roles, drivers, office-based positions, managerial and professional occupations, and technology, data and automation-related roles. The Applicant explained that, together with indirect and induced employment impacts, the development is expected to support approximately 27,500 gross direct full-time employment jobs across the region.<br><br>Local employment and training opportunities will be secured through employment schemes submitted under Requirement 31 of **the DCO (Document number 3.1) (Examination library reference APP-139)**.<br><br>How the proposed development would support the growth and competitiveness of existing businesses in the local area |

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| | | ES Chapter 12 **(Document number 6.12) (Examination library reference APP-180)** has considered the effects of OxSRFI on indirect and induced jobs that could be supported across other businesses through supply chain expenditure and employee spending within the wider economy. OxSRFI is expected to support approximately 3,600 indirect and induced jobs within the sub-regional economy (paragraph 12.5.21). These employment effects would extend across a range of business sectors, including transport and logistics, business and professional services, and retail. Local employment opportunities generated as a result of indirect and induced impacts will be secured through employment schemes submitted under Requirement 31 of the DCO.<br><br>The Applicant pointed out that the NNNPS points towards the drivers of need for SRFIs. See paragraph 3.81 onwards.<br><br>The Applicant was asked how local people and trades people will benefit. The Applicant explained that DCO Requirement 31 will help to secure some of these benefits, both direct and supply chain. This will be discussed with Cherwell District Council. The Applicant referenced engagement that has taken place to date with the Oxfordshire Enterprise, the Oxford Growth Commission and OxCam Growth Corridor groups and a willingness to |

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| | | continue engaging with these organisations to establish links with local businesses. The Applicant also explained they are aware of OCC's Employment and Skills Technical Advice Note (which provides guidance on preparing Employment Schemes) and will have regard to it whilst discussing DCO Requirement 31.<br><br>The Applicant was asked if Requirement 31 provided for local people. The Applicant explained that it provided for an employment scheme to be submitted to and approved by Cherwell District Council, therefore whatever is sought to be secured by the local planning authority can be secured as it must be approved by them. The Applicant explained that there were opportunities to support local growth and the Applicant can consider how it can enhance this.<br><br>The Applicant pointed out that 'employment scheme' is defined in the DCO and includes a preference for the procurement of local products and services. It takes a very similar approach to Northampton Gateway.<br><br><u>Safeguarding existing recreational facilities while ensuring accessibility and inclusion for mobility-impaired users.</u><br><br>The Applicant was asked how it will safeguard and enhance recreation and active travel facilities whilst ensuring they remain inclusive and suitable for mobility impaired users. |

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| | | As to existing recreation facilities, the Applicant explained that the existing bridleways through the main site are not particularly accessible, a point noted by the ExA given they struggled to gain access for a USI. Routes 109/28 and 109/29 have poor connections to Upper Heyford Drive, the western end of 109/29 is severed by the former airfield and the northern end of 109/30 requires users to vault the double rail safety barrier into the high speed B430 which has no footways (but the Applicant notes that able-bodied pedestrians are able to walk around the end of the barrier since the grass has been cut). Bridleway 109/26 requires users to cross the Chiltern Main Line level crossing. Replacement bridleways and active travel provision is being made around the site, and these new routes will be designed to be accessible and inclusive for all users with suitable gradients and increased heights of parapets over existing bridges. The perimeter bridleway around the whole of the western boundary of the main site will connect along the historical Aves ditch route which was severed by the airfield. New bridges are proposed over the railway sidings, and existing bridges will have approach gradients designed to appropriate standards for mobility and inclusivity. The Applicant referred to the plan in the TA showing the active |

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| | | travel links **(Document number 6.3A.01, page 200) (Examination library reference AS-055)**.<br><br>In response to comments from Philip Norstrand, the Applicant confirmed that it is not said that the purpose of the development is to rescue the status of various bridleways and public footpaths. The original question related to what the development will do. If there are disputes as to fact, that is not a matter which the Applicant can get into the detail of.<br><br>The Applicant was asked to explain which social enterprises would be secured through the development. Social enterprises comprise non-profit organisations. The Applicant explained that the parameters of what can be included in an employment scheme are not restricted to procurement from local suppliers. Requirement 31 includes a reference to an apprenticeship scheme. Anything of this nature would need to be secured through Requirement 31. The Applicant explained that, where there are voluntary organisations in the local area of which the local planning authority is aware, there is no reason why the local planning authority could not liaise with the Applicant to promote their involvement.<br><br>Mid Cherwell NPF raised that there is a reference to construction in the definition of 'employment scheme' but this is under the subparagraph stating 'other measures |

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| | | where appropriate (including but not limited to).' The Applicant confirmed that it would be willing to discuss this Requirement with the Councils and Mid Cherwell NF. The Applicant explained that Requirement 31(1) is concerned with the construction phase and requires an employment scheme to be submitted and approved in relation to that phase, while Requirement 31(2) is not concerned with construction but with the occupation of a warehouse, and whenever there is occupation or a change in occupation, there needs to be submission and approval of a further employment scheme.<br><br>As to whether the Applicant would be willing to give opportunities to volunteers, the Applicant confirmed it would be willing to add volunteering into the definition of 'employment scheme'. Post Hearing Note: The Applicant has made a suggested addition to the definition but notes that discussion is yet to be had with the Councils on the detail of this drafting.<br><br>In response to comments from CPRE, the Applicant reiterated that SRFIs by their nature are restricted as to where they may be located. As to workforce, the short point is that essentially in terms of net additional full-time equivalent positions it is approximately 7,000 full time jobs. The Applicant pointed out that it is an objective of government policy to grow developments like this. There is |

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| | | significant residential growth planned for the area. There is a significant amount of out commuting in the area i.e. people travelling out of the area for work. The development will address the need for employment due to the residential growth and the travelling outside of the area for work. Planned and proposed housing growth in Cherwell DC and levels of out-commuting are quantified in Chapter 12 **(Document number 6.12) (Examination library reference APP-180 )**<br><br>The Applicant pointed out that there is a planning inquiry in relation to two appeals for logistics. The Applicant said that there is such a huge deficiency of supply that there is a need for all developments. There will be a phased provision of jobs. It is possible that the other developments will come first as their infrastructure requirements are of a smaller scale. However, employment will be taken up on a phased basis over a number of years, and the Applicant does not have concerns about being able to source employees.<br><br>The Applicant pointed out that 'local' for the purposes of ES Chapter 12 (Socio-Economics) is defined as the Cherwell District area and not just the vicinity of the site. The sub-regional area, devised on the basis of travel to work patterns, incorporates Oxfordshire, South Northamptonshire, Aylesbury Vale and Stratford-upon-Avon, and that is the area across which the Applicant would |

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| | | expect some of the induced and indirect impacts, such as employee spending and supply chain benefits, to be distributed. The Applicant also clarified that ES Chapter 12 estimates construction jobs at 797 jobs per annum, which are not all on-site jobs but include jobs across the supply chain.<br><br>In response to questions from the ExA on training opportunities, the Applicant referred to Requirement 31 and the definition of 'employment scheme' which addresses this.<br><br><u>Identification of sensitive residential receptors on Middleton Stoney Road likely to be affected by night-time noise, the proposed mitigation measures, and how these would be secured.</u><br><br>The Applicant was asked to identify the sensitive receptors along Middleton Stoney Road and to explain the mitigation measures to address those effects and how they would be secured.<br><br>The Applicant explained that the affected properties are those within 36m of the eastbound carriageway and will be identified in a plan to be appended to the Section 106 Agreement. A plan could also be added to ES Appendix |

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| | | 5.12 (Noise **and Vibration) (Document number 6.5L) (Examinati**on library reference APP-232), as this does not currently include a plan showing the properties. The proposed mitigation scheme is a noise insulation fund, which would be secured via the Section 106 Agreement.<br><br>The ExA raised the RR of Cherwell District Council in relation to the noise insulation fund. The Applicant explained that what is proposed is that the Applicant makes a financial contribution and the owners of affected properties can draw down on that from the local authority to fund the works. The Council does not have to do anything in relation to the works. There is no monitoring required. The Applicant confirmed this was their initial drafting, their offer and suggestion to the local authority. The Applicant said it was very happy to discuss the Section 106 agreement with the Council but it has not had any comments on the drafting, other than what was raised in the RR. The Applicant explained that the intention is very much that there is no burden on the authority, and it is for the homeowners to use the funds as appropriate. The Applicant said that it will take this point away but asked the Council to engage on the detail of the drafting. Post Hearing Note: the Applicant has had an initial meeting with the |

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| | | Council to discuss the s106 drafting and whilst the Applicant awaits further and detailed comments, some initial suggested revised drafting has been proposed and is included in the updated draft s106 Agreement included with the Applicant's Deadline 1 submissions (Document 3.4).<br><br>In response to comments from CPRE on the use of electric HGVs, the Applicant explained that it had to assess all non-electric vehicles as it must assess the worst-case scenario. The Applicant did deal with this in its response to the RR. However, there is no demand from occupiers for electric or hydrogen HGV charge points. As to how this would be secured, the Applicant said it would take this away but it referred to its Energy Strategy **(Document number 6.15D) (Examination library reference APP-304)** and noted that these are the sorts of measures that would come through that. |
| 3.4 Minerals and waste<br><br>The ExA will ask questions about: | | The Applicant, in response to comments from Biffa Waste, stated that firstly, as regards right and site assembly, what is proposed by the Applicant is to allow the current lease which Biffa holds to expire. It is not a question of exercising compulsory acquisition powers. As to the capacity this |

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| • the loss of the existing waste facility within the site<br><br>• sterilisation of mineral resources | | facility provides, the Applicant states that there is surplus in the waste plan area. This can be contrasted with the SRFI for which there is a compelling need identified in the NNNPS. The Application said it does not doubt that there is current employment at the waste facility and it has had regard to that in its assessment.<br><br>In response to questions surrounding odour and the odour assessment undertaken, The Applicant stated that it would take this away and respond in writing. Post Hearing Note; The Applicant would direct the ExA to the Planning Statement Appendix 4 Odour Report **(Document number 5.4D) (Examination library reference APP-165).** |
| 4. Draft DCO | | |

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| 4.1 **Article 2 – Interpretation**<br>The ExA will ask questions on the definition of:<br>• Commence<br><br>4.2 **Article 4 – Parameters of authorised development**<br>The ExA will ask questions about:<br><br>• the purpose of this article<br>• relationship with the Environmental Statement<br>• part 4(d)<br><br>4.3 **Requirement 5 – Rail**<br>The ExA will ask questions about:<br><br>• delivery of the SRFI<br>• relationship with other articles and requirements<br><br>4.4 **Requirement 13 – Earthworks**<br>The ExA will ask questions about:<br><br>• explanation of the Applicant's approach | | The ExA confirmed that in the interests of time, questions on the DCO would be put in writing. |

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| • submissions from Oxfordshire County Council in relation to 13(3)<br><br>4.5 **Schedule 14 – Protective Provisions**<br>The ExA will seek an update from the Applicant on the progress of agreeing Protective Provisions. | | |

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| **Agenda item** | **Matter** | **Applicant's submission** |
| 5. Review of actions | The ExA checked whether there were any action points. | |
| 6. Any other business | | N/A |
| 7. Closings | | N/A |

## 4. Applicant's Post Hearing Submissions (CAH 1)

Table 4.1 – Submissions in response to matters raised at Compulsory Acquisition Hearing 1 (CAH 1)

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| **Agenda item** | **Matter** | **Applicant's submission** |
| 1. Welcome and arrangements for the hearing | The ExA introduced themselves and talked about the arrangements for the hearing. | N/A |
| 2. Purpose of the hearing and introductions | The ExA talked through the purpose of the hearing and asked the Applicant and others who wished to speak to introduce themselves. | For the Applicant:<br>1. Alexander Booth KC<br>2. Laura-Beth Hutton, Eversheds Sutherland<br>3. Kate Radford, Eversheds Sutherland<br>4. Simon Hilditch, BWB Consulting<br>5. Steve Harley, Oxalis Planning<br>6. Rory O'Reilly, Mountpark<br>7. Harriet Moloney, Mountpark<br>8. Tom Kilmister, Mountpark<br>9. Nick Rushton, Ardent |

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| **Agenda item** | **Matter** | **Applicant's submission** |
| 3. The applicant's strategic case | The ExA explained the legal tests to be satisfied for CA. The ExA wanted to discuss compulsory acquisition and temporary possession, including whether there is a compelling case in the public interest for compulsory acquisition. | Applicant's strategic case<br><br>The Applicant was asked to make its strategic case regarding the application as originally submitted. The Applicant explained that the key statutory provisions are s122 and s123 of the Planning Act 2008. S122(1) identifies a number of criteria that must be satisfied for compulsory acquisition powers to be authorised. (2) provides three separate criteria one of which must be satisfied in respect of each plot, either required for NSI, required to facilitate or is incidental to that or is replacement land. Finally, an Applicant must have a compelling case in the public interest. There are no powers sought for replacement land.<br><br>The Applicant's position is that there is a compelling case and the land and rights are set out in the Book of Reference **(Document number 4.3) (Examination library reference APP-145)** and as shown on the Land Plans **(Document series 2.1) (Examination library reference APP-007)**. The compelling case is set out in the Statement of Reasons **(Document number 4.1) (Examination library reference APP-143)**. That is grounded in the NNNPS. That document identifies a compelling need for the development in respect of which consent is sought. Need is demonstrated at paragraphs 3.8 and following of the Statement of Reasons. Need is also addressed in the Planning Statement **(Document number 5.4) (Examination library reference APP-161)** at paragraph 5.6 and following. Those two documents speak to the significant benefits which will be realised by this scheme. In particular, the economic benefits in terms of employment, both direct and in terms of construction and ongoing operational activities, and also indirect employment, and the economic benefits associated with that. They also speak to the environmental benefits such as |

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| **Agenda item** | **Matter** | **Applicant's submission** |
| | | carbon saving and air quality benefits in taking freight from road to rail. This is put in simple terms but this is the basis for the compelling case. Also relevant are market needs, that is to say, market need for both rail freight capacity and logistics capacity, in particular XXL units (that is, units of 500,000 square feet or higher). The Applicant referred to the Market Analysis **(Document number 7.1) (Examination library reference APP-311)** and the GB Railfreight supporting statement **(Document number 7.2B) (Examination library reference APP-313).**<br><br>The Applicant referred to DCHLG Guidance, first published in 2013. Paragraph 8 requires that an application for compulsory acquisition powers demonstrates that the proposed interference shows a legitimate purpose and that it is necessary and proportionate. The legitimate purpose is the scheme with the support of national policy. The purpose for which each plot is required is set out in Appendix 1 in the Statement of Reasons **(Document number 4.1) (Examination library reference APP-143)**<br><br>Paragraph 9 of the guidance also requires that an applicant demonstrate that there is a reasonable prospect of requisite funds for acquisition becoming available. The Applicant noted the threshold is reasonable prospect, not an absolute requirement. The Applicant explained that it needs to be able to demonstrate a reasonable prospect of funding and the Applicant says the position is absolutely copper-bottomed and robust and referred to the Funding Statement **(Document number 4.2) (Examination library reference APP-144)** which sets out the resources available to the Applicant |

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| | | which is an SPV, through its parent structure and ultimately the owner of USAA. There is no question as to the ability to fund the delivery of this development.<br><br>Moving to paragraph 25 of the guidance which is concerned with the requirement that applicants should seek to acquire land by negotiation wherever practicable. The Applicant's position is set out in the Land and Rights Negotiation Tracker **(Document number 4.4) (Examination library reference PDA-003)**. Almost 70% of the land and interests have been brought under the Applicant's control, meaning either direct control by way of options or heads of terms have been agreed. Sustained and genuine efforts have been made and are still being made to acquire the remaining interests. The Applicant's strategy is to seek and engage with landowners. This is a development brought forward by the private sector. This is promoted by a commercial entity and not a public body. As such, the Applicant has sought to do deals with interested parties to minimise the need for compulsory acquisition. This is set out in paragraphs 8.1 and 8.2 of the Statement of Reasons.. The Applicant stated that that is not just rhetoric on the part of an applicant; the efforts made represent the gold standard of what can be expected by an Applicant in this position. This is borne out by the extremely limited objections to the compulsory acquisition. The Applicant referred to the almost empty room, noting that Upper Heyford GP was present online.<br><br>The Applicant referred to the eight parties who have objected. Countryside Properties can be removed as there is no need to compulsory acquire rights in their plot (as explained in the Preliminary Meeting in respect of the proposed change application to be submitted). Secondly, Merrick Jones is an LLP of which the shareholding is held by members of the Power family. Heads of terms have been agreed and a legal |

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| | | agreement is in circulation and this will also be dealt with in the change application. Of the remaining bodies, National Highways are present but the Applicant's position is that there are constructive and positive discussions ongoing with them. As to Network Rail, they are not present today in person and yesterday they spoke positively. The Applicant is also having constructive discussions with Oxfordshire County Council.<br><br>As to Biffa, compulsory purchase powers are sought but it is the publicly stated intention of the Applicant not to rely upon these but to rely on the landlord and tenant position and allow the lease to expire as it would in 2030.<br><br>There is an objection from Smith & Sons which relates to a very small area of land that is being sought for acquisition, and that relates to the access to the quarry.<br><br>Aside from these, there is Dorchester Living (Upper Heyford GP).<br><br>The Applicant stated that the number of objections being so low is illustrative of the very proactive stance that has been taken by the Applicant in seeking land assembly and seeking to minimise the need for compulsory acquisition.<br><br><u>Change application</u><br><br>The Applicant was asked to give an update on the change application. The Applicant referred to its letter submitted in response to Procedural Deadline A **(Examination library reference PDA-001)**. The Applicant explained the broad nature of the changes at the Preliminary Meeting but taking the proposed changes in reverse order: |

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| | | - The Applicant is taking a plot[1] out of the Order, thereby reducing the extent of land to be compulsorily acquired. The relevant access to the manhole is in fact in the public highway and not within private land as previously thought, therefore the Applicant does not need to acquire interests in the plot owned by Countryside Properties;<br><br>- there are changes proposed to Work No. 39. The Applicant is proposing to remove land from the Order. It is not necessary for it to undertake highway works outside of the existing highway boundary anymore, therefore it does not need this land. The County Council had kept these works under review and as other development has not proceeded as thought, the works can now be carried out within the limits of the publicly adopted highway, without needing to connect in to potential future works;<br><br>- as to the first proposed change, the Applicant turned to the plan at **Appendix 2** of the letter. The two areas shaded green are currently within the Order Land and the Applicant is seeking to remove them, so it no longer seeks powers of compulsory acquisition. The Applicant has been negotiating with the landowner for some time and their agent previously indicated that the preferred position was as set out in the Order. The landowner family then severed contact with that agent and moved to a new agent who said the position had been misrepresented. The Applicant sought to work constructively with the family |

[1] Post Hearing Note: the relevant plot being 9/34 as shown on Sheet 9 of the Land Plans (Document 2.1I/AS-003).

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| | | and with the agent to find a revised position. It has now agreed a revised position with the owners in terms of detailed heads of terms, and as per the legal agreement which is now in circulation and which the Applicant fully anticipates being signed, albeit there is no signed legal agreement yet. The Applicant anticipates taking control of the land shaded red which is required for ecological mitigation works and to provide breeding ground for birds. The Applicant confirmed that its ecologist was present should the ExA want to ask questions. The Applicant confirmed that the new land was still appropriate for the proposed mitigation and that has been confirmed with Natural England. The Applicant stated that whilst the land originally identified was the most suitable, the new land, whilst not as optimal, is still appropriate and sufficient for the mitigation purpose. The Applicant cannot make the change to the Order yet until the agreement has been signed and explained that it will have a lease over the land but it needs powers of compulsory acquisition to clean the title so that the land can be used as needed.<br><br>The Applicant's position is that one change application is made so it avoids multiple iterations of documents. The Applicant confirmed it will try everything to have this ready for Deadline 2 but it could not promise, albeit it would make every effort it could to make this happen. The Applicant said whilst detailed heads of terms are agreed and a legal agreement is in circulation which reflects those terms, the conclusion of the legal agreement is not a matter entirely within the control of the Applicant, hence why it has some hesitation. However, the Applicant explained that it had spoken with |

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| | | the landowner this morning and this was very encouraging, everything was progressing positively.<br><br>Addendum to the ES<br><br>The Applicant was asked about the proposed addendum to the Environmental Statement and when it would be submitted. The Applicant said this would be part of the change application at Deadline 2.<br><br>Additional persons<br><br>The Applicant was asked whether it was satisfied that there were no additional persons outside of the Order limits who may be affected by the development. The Applicant explained that there are Category three interests in the Book of Reference **(Document number 4.3) (Examination library reference APP-145)** and they are the only ones anticipated having potential to make a claim. This is explained in Section 10 of the Statement of Reasons **(Document number 4.1) (Examination library reference APP-143)**.<br><br>Design of the project<br><br>The Applicant was asked how the design of the project minimises compulsory acquisition. The Applicant stated that the proof of the pudding in terms of minimising the need for compulsory acquisition is demonstrated by the dearth of participants at the compulsory acquisition hearing and the very small number of objectors. The Applicant has absolutely designed the development with a view to minimising the need for compulsory acquisition powers. The Applicant pointed to the Power family |

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| | | (Meyrick Jones LLP) and how were it not for the change application, it would be continuing to seek powers of compulsory acquisition against the will of the landowner. What it has done instead, is to accommodate the wishes of the landowner, avoid compulsory acquisition of that party's interest and instead conclude a lease with the landowner on a voluntary basis, with all that is being sought being to sweep up third-party interests over the land. The Applicant stated that this has been characteristic in its approach to scheme design throughout and it stands by that proposition in relation to each and every one of the plots in the book of reference.<br><br>The ExA invited comments on the Applicant's strategic case.<br><br>In response to comments from Upper Heyford GP, the Applicant pointed out that in terms of Requirement 5, the Applicant stated it would not go into detail of the drafting of this but it does allow some occupation of warehousing in terms of the rail being constructed and brought into use. The Applicant explained that this was not unique and is the position in all other SRFIs. The Applicant referred to precedent: DIRFT (150,000 plus square metres capable of occupation prior to the rail terminal coming online), East Midlands Gateway (260,000 square metres), and Northampton Gateway as amended (232,000 square metres). The Applicant explained that Secretaries of State have repeatedly recognised the commercial realities that it is appropriate to allow an SRFI promoter to bring forward some warehousing space in advance of rail terminals coming online. The Applicant said the suggestion that this is a 'Trojan horse' with no genuine intent to deliver rail is not a serious and sensible contribution to the debate. The Applicant explained that the reality is that when one builds a SRFI, such is the demand for rail freight capacity, that the rail potentiality is swiftly taken up such |

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| | | that at EMG each and every one of the occupants uses the rail facility. The Applicant stated it does not anticipate prejudicing the delivery of Heyford Park and will in fact benefit the site through its highway mitigation works. The Applicant stated that it is imperative that the ExA grapples with the reality which is that the extent of compulsory acquisition powers sought in respect of Upper Heyford's holdings is extremely small. The plots are small in number and small in extent. Were there not other concerns that Upper Heyford had, it is apparent that it would be a relatively simple matter to agree a land agreement. To be clear, the Applicant stated it will not frustrate Upper Heyford's aspirations or proposals for its site. |
| 4. Alternatives and design flexibility | | The Applicant was asked about works to the A43 / B4100 Baynard's Green junction. In terms of the need for compulsory acquisition powers, the Applicant pointed out that in relation to the highway works for Junction 10, the Highways Design Approach Document **(Document number 5.5C) (Examination library reference APP-168)** covers the alternatives considered for the scheme of which there were 28 options. With regards to the specifics of compulsory purchase at the A43 / B4100 Baynard's Green Junction, there is an either/or scenario with highway works. This is Work Nos. 16 and 17 and 16A. The reason for the development is the subject of the ongoing planning inquiry for the developments which propose works at the junction. If either or both of those schemes are consented, the OxSRFI development needs flexibility to account for their highway works. The Applicant explained that if development is consented following the inquiry, some works will be carried out by those developers and it impacts what is needed or not needed by OxSRFI. The Applicant pointed to Article 26 which deals with the compulsory acquisition and Requirement 8(4). |

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| 5. The compulsory acquisition and related provisions as presented within the draft Development Consent Order (dDCO) and the Land Plans | | In relation to the Article for minerals the Applicant explained that it would like to understand the County Council's concern but that the article is based on precedent.<br><br>The Applicant was pointed to comments from the Environment Agency and in response confirmed that the Order limits are correct.<br><br>The Applicant was asked to confirm which Articles engage compulsory acquisition and temporary possession. The Applicant confirmed that Part 5 of the Order deals with compulsory acquisition, and specifically articles 26, 27, 28 29, 30 and 31 convey compulsory acquisition powers as well as articles 35 and 36 which relate to temporary possession.<br><br>The Applicant was asked to explain the need for powers generally. The Applicant explained the approach and use of colours on the Land Plans **(Document number 2.1) (Examination library reference APP-007)** with land shown in pink relating to full powers of acquisition (articles 26 and 29), land shown in blue relating to article 29, land shown in green relating to articles 29, 30 and 31, and land shown in yellow relating to articles 35 and 36[2].<br><br>The Applicant was asked how the DCO will operate in the context of other projects. The Applicant agreed with the ExA that this had been covered already but was asked to confirm which projects were included in its cumulative impact assessment. The Applicant pointed to the Transport Assessment **(Document number 6.3A) (Examination library reference APP-192 to APP-202)** work which is inherently |

[2] Post Hearing Note: as explained in the Introduction to the Book of Reference (Document 4.3/APP-145).

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| | | cumulative in its nature. The Applicant talked through the approach it had taken in relation to other developments and which was agreed with the local authorities. This includes how the Dorchester Living plans for 9,000 homes and Puy du Fou should be considered.<br><br>The Applicant referred to Article 26 which includes alternatives drafting for the Baynards Green roundabout. That Articles refers to Requirement 8(4) also deals with this. This also deals with highway works being undertaken by Dorchester Living at Camp Road/Chilgrove Drive junction. This is not yet dealt with in Article 26, however and the Applicant confirmed it was considering this[3].<br><br>In response to a request from the ExA to explain the thinking behind Schedule 12 in relation to compensation, the Applicant explained that the compensation provisions in the DCO are based on precedent and save for specific reference to the OxSRFI DCO, does not contain novel drafting. The Applicant explained that the inclusion of the Schedule is required as a result of the DCO applying to the DCO the compulsory acquisition legislation in respect of compensation.<br><br>In relation to the Neighbourhood Planning Act 2017, the Applicant explained that this was disapplied on the basis that it is not known when it will come into force and there could be confusion about which process applies. The Applicant confirmed it would |

[3] Post Hearing Note: the Applicant continues to consider whether any specific drafting requirement is necessary in article 26 to deal with these works and will update the draft DCO should this be considered appropriate.

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| | | continue to consider whether this drafting remains necessary throughout the Examination.<br><br>The Applicant was asked whether it considered the Protective Provisions to be in a satisfactory form. The Applicant explained that it has continued to proactively engage with statutory bodies. The Applicant pointed to guidance published by MHCLG in July 2026 which was used to inform the approach to Protective Provisions. The Applicant confirmed that they have used the statutory undertaker templates but that these have been adapted to be project specific; an approach which has been used for other DCOs. The Applicant stated that good progress was being made in relation to Protective Provisions and that substantial changes in regards to progress will be seen at Deadline 1. The 'sticking point' remains to complete the land agreements, however statutory undertakers have now been willing to engage on these.<br><br>The ExA referred to Network Rail's relevant representation and asked the Applicant if they were able to comment on when Network Rail would remove their objection. In response to this the Applicant referred to the signed Statement of Common Ground with Network Rail **(Document Number 8.1) (Examination Library Reference AS-092)** and stated that there was still more work to be done to finalise the necessary land agreements, and that the ability to enter into the agreements was currently going through internal clearance with Network Rail.<br><br>The Applicant was asked whether Articles 35 and 36 of the DCO provided clarity for Landowners regarding preliminary works, construction and maintenance, and whether there was a Stakeholder Communication plan to keep parties updated of these works. |

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| **Agenda item** | **Matter** | **Applicant's submission** |
| | | The Applicant stated that Articles 35 and 36 are heavily based in precedent and that they have liaised with National Highways in relation to these. Nonetheless, the Applicant recognised that there may still be further amendments. The Applicant pointed to Requirement 32 of the DCO which requires the Applicant to establish a Community Liaison Group and confirmed it would liaise with authorities to discuss whether any other parties that may need to be included. |
| 6. Statutory conditions and general principles | | The Applicant confirmed its position is that it meets the tests for compulsory acquisition in the Planning Act 2008. The Applicant stated that the purposes to which each plot is put is directly involved in the delivery of nationally significant infrastructure or ancillary or related purposes.<br><br>The Applicant was asked whether consideration had been given to alternatives to compulsory acquisition and temporary possession. The Applicant confirmed it had. The Applicant also confirmed that its rights were necessary and proportionate.<br><br>As to the test in s123 and whether there is a compelling case in the public interest, the Applicant confirmed its case was that there is. It pointed to the Statement of Reasons **(Document number 4.1) (Examination library reference APP-143[)** and the assessment of need in the Planning Statement **(Document number 5.4) (Examination library reference APP-161)** at paragraph 5.6 and the Market Analysis Report **(Document number 7.1) (Examination library reference APP-311)**, as well as the GB Railfreight supporting statement **(Document number 7.2B) (Examination library reference APP-313)**. The Applicant stated that insofar as there is interference with land and property rights that is proportionate and reasonable. |

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| **Agenda item** | **Matter** | **Applicant's submission** |
| 7. Review of the land and rights negotiation tracker | | The Applicant was asked about the possibility of reaching an agreement with Viridor. The Applicant explained that agreements are in circulation but not yet concluded.<br><br>The Applicant clarified the extent of land under the Applicant's control. It explained that 54% of the land is subject to completed option agreements and the remaining 16% is subject to agreed heads of terms. It stated it considered it very unlikely that all of the remaining 30% will all be brought into the control of the Applicant. It does expect some remaining land or interest where it cannot reach agreements. This may be because there is entrenched opposition to the scheme or where the land agent will not engage with the Applicant. The Applicant confirmed it will continue to engage in respect of all outstanding interests, but it has to be realistic as to the prospects of successfully concluding agreements in respect of all interest by the end of examination.<br><br>The Applicant was asked to identify the most difficult interest to secure out of the remaining interests to be acquired. The Applicant pointed to the red/amber/green rating in the Land and Rights Negotiation Tracker **(Document number 4.4) (Examination library reference PDA-003)**. The Applicant stated that it is conscious that the Examination period lasts for six months and this does give time for concluding agreements. It will keep the ExA appraised of progress throughout the remainder of the course of Examination. |

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<tr><th colspan="3">OxSRFI ISH2</th></tr>
<tr><th>Agenda item</th><th>Matter</th><th>Applicant's submission</th></tr>
<tr><td></td><td></td><td>The Applicant referred to its recently updated Land and Rights Negotiation Tracker (PDA-003). and confirmed there were further updates which it wanted to point out as at the morning of CAH1 as follows:<br><br>
<table>
<tr><th>Plot Number On Land Plans</th><th>Landowner</th><th>Update since Deadline A</th></tr>
<tr><td>2/14 (freehold)</td><td>Adams</td><td>One point remaining on the draft agreement which the Applicant believes is now agreed and is awaiting confirmation, following which engrossments can be circulated for signature.</td></tr>
<tr><td>[Change Application – part of plot 2/4 and a new plots 2/4b and 10/8]</td><td>Meyrick Jones</td><td>Heads of Terms agreed and signed.<br><br>Draft legal agreement in circulation with solicitors.</td></tr>
<tr><td>6/17, 6/18, 7/21, 7/22, 8/1, 8/2 and</td><td>Henry David Teare</td><td>Terms agreed 24 September 2026<br><br>Awaiting confirmation that solicitors are instructed.</td></tr>
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| | | 8/17 (freehold)<br><br>8/3 (rights) | | |
| | | 4/5, 4/5a, 4/6, 4/18, 6/10, 6/11 (freehold) | Upper Heyford GP Limited and Upper Heyford Nominee Limited (Dorchester Living) | The Applicant received a response from Dorchester and their land agent on 16 September and on 18 September the Applicant suggested dates for a meeting, there has been no response on that meeting request but following an exchange yesterday the Applicant understands from Dorchester's agent that they remain willing to engage but are prioritising their traffic modelling review and masterplan for their own scheme. |
| | | 7/32a (freehold)<br><br>7/32b (temporary possession)<br><br>7/32c (rights) | Cherwell District Council | The Council has now provided a contact for discussions to take place. |

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| | | 6/4 (freehold)<br><br>6/4a (temporary possession)<br><br>6/4b and 6/4c (rights)<br><br>6/3 (temporary possession) | Brown Trust/ Jane Brown and Peter John Brown and Rebecca Mary Haynes | There appears to be some confusion in respect of the title position, which is unregistered land.<br><br>The Applicant's Land referencing, due diligence and engagement had suggested ownership as per the Book of Reference **(Document number 4.3) (Examination library reference APP-145)**, but discussions with the owners now contradict this. The Applicant will need to pursue the position with the owners to ensure evidence of title is provided and will update the Book of Reference as appropriate, continuing to seek agreement. |
| 8. Funding | | The Applicant was referred to the Funding Statement **(Document number 4.2) (Examination library reference APP-144)**. The ExA said it would deal with this by written questions but was asked to confirm whether there are any significant changes to the Applicant's position since submission. The Applicant confirmed there was not and that the Applicant was extremely well resourced. | | |
| 9. Statutory undertakers | | The Applicant explained that it is in discussions with statutory undertakers concerning the use of their land but has not concluded any agreements yet, bar an agreement with Thames Water for plot 5/11 which is non-operational land. | | |

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| | | The Applicant was asked whether it is satisfied with the definition of 'statutory undertaker' in Article 2 in light of s127 and s138 of the Planning Act 2008. The Applicant confirmed it was content and noted that the drafting is well precedented but that it would be happy to consider changes if the ExA was suggesting they are needed. The Applicant notes the ExA did not suggest so. |
| 10. Crown land | | The Applicant confirmed that there was no Crown land within the development. |
| 11. Public open space | | The Applicant confirmed that there was no public open space within the development. |
| 12. Human rights and the PSED | | The Applicant was asked to explain how the requirements of Article 1 of the First Protocol are satisfied for the purposes of this project. The Applicant said it recognises that private property rights are protected by human rights legislation. However, the rights are not absolute and can be subject to compulsory acquisition where the interference is proportionate and justified. Article 6 and the right to a fair hearing is also relevant. The Applicant has considered the rights which are the subject of interference and has identified those interests and those have been weighed in the context of considering the public benefits in the scheme. The Applicant's case is that the interference with the rights is justified and proportionate.<br><br>As to Article 8, the Applicant noted that this was concerned with the right to family life and the curtilage of private dwellings. The Applicant said that the land and rights sought are arable farmland, giving rise to less chance of interfering with Article 8. There are two residential properties: 1 and 2 Ashgrove Cottages. The Applicant has |

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| | | an option in respect of the properties which are currently occupied by lessees. The option provides for the surrender on the basis of vacant possession. The Applicant pointed out that there is no objection raised by either one of the occupants. The Applicant noted that there are rights in the DCO as a backstop but it does not anticipate exercising compulsory acquisition powers in relation to any residential property.<br><br>The Applicant was asked to explain the degree of importance to the land to be acquired. The Applicant stated that the land is mainly farmland which is largely being acquired on a voluntary basis. There is no significant quantum of land such that it gives rise to any wider considerations. There is land of superior quality to that which is going to be utilised for the scheme.<br><br>The Applicant said it can state emphatically that the correct balance has been taken in relation to the interference with rights. It states that its application demonstrates conclusively and as demonstrated by the very few objections, that the interference with ECHR rights is appropriate.<br><br>As to the PSED, the Applicant was asked to speak to the Equalities Impact Assessment (Document 7.4/AS-086). The Applicant stated that the type of development is not one that would significantly engage the PSED. |
| 13. Submissions from Affected Persons on the | | There were no submissions on this point. |

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| applicant's strategic case | | |
| 14. Any other business | | N/A |
| 15. Closings | | N/A |