Joint Local Impact Report of
Cherwell District Council
and
Oxfordshire County Council

Oxfordshire Strategic Rail Freight Interchange (TR050008)

October 2026

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Executive Summary

For ease of reference, the Councils have submitted a separate document to accompany this Local Impact Report submission which will provide a summary of each subject area.

This Local Impact Report (LIR) is a joint submission by Cherwell District Council (CDC) and Oxfordshire County Council (OCC).

The LIR has assessed the impacts of the proposed development that have been identified within the applicant's Environmental Statement, within the context of local knowledge and understanding of the area, and with reference to relevant local and national policies.

The provision of Rail Freight Interchanges and facilities which encourage intermodal transport of freight are supported by both local and national policy. However, the Councils remain concerned that there are significant environmental impacts which have not been sufficiently addressed by the applicant's ES and the proposed mitigation.

The Oxfordshire Strategic Rail Freight Interchange will result in numerous impacts which can be summarised as follows:

Topic Area	**Potential Impacts**
Transport and Access	Highways: **Positive** Rail: **Neutral**
Air Quality and Odour	**Neutral**
Noise and Vibration	**Negative**
Ecology and Arboriculture	Ecology: **Negative** Arboriculture: **Negative**
Landscape and Visual	**Negative**
Lighting	**Neutral**
Water Environment (including flood risk and drainage)	Surface Water Drainage: **Neutral** Highways Drainage Design: **Neutral**
Cultural Heritage and Archaeology	Archaeology: **Neutral**

	Built Heritage: **Neutral**
Ground Conditions	Minerals: **Negative** Palaeontology: **Negative** Ground Conditions: **Neutral**
Socio—Economic Impacts	Economics: **Neutral** Health: **Positive**
Waste	**Negative**
Agricultural Land	**Negative**
Climate Change	**Neutral**
Cumulative Effects	**Negative**

1 Introduction

1.1.1 Oxfordshire Strategic Rail Freight Interchange (OxSRFI) comprises approximately 461ha of land that is located within the administrative areas of Cherwell District Council (CDC) and Oxfordshire County Council (OCC) (collectively 'the Councils' or 'The Host Authorities)).

1.1.2 The Examining Authority (ExA) has invited CDC and OCC as 'Host Authorities' to submit a Local Impact Report (LIR). This report comprises the joint LIR of CDC and OCC. The 'Host Authorities' will be collectively referred to in this report as the Host Authorities (HA) or 'the Councils'

1.1.3 The HA have had regard to the purpose of LIRs as set out in S60(3) of the Planning Act 2008 (as amended). In line with Section 60(6) of the Planning Act 2008, the Councils have had regard to the relevant guidance produced by the SoS. In preparing this LIR the Councils have had regard to 'Nationally Significant Infrastructure Projects: Advice for Local Authorities' (updated July 2026) and 'Planning Act 2008: Guidance on the pre-examination stage of an application' which both provides guidance on the content of a Local Impact Report.

1.1.4 S60(3) of the Act describes the LIR as: 'a report in writing giving details of the likely impact of the proposed development on the authority's area (or any part of that area)'.

1.1.5 The LIR is a means by which the impacts and their significance are presented with the ExA undertaking a balancing exercise, in consideration of such impacts. The LIR provides a broad overview of the issues (positive, negative and neutral) that might arise from the proposed development.

The LIR is intended as a factual document and does not attempt to conclude on the acceptability of the proposals. However, it does seek to identify where there is compliance (or alternatively non-compliance) with national and local plan policy, and to distinguish between matters that are of most potential impact and those that are either temporary or less significant in the longer term.

2 Proposed Development

2.1.1 The applicant describes the proposed development in detail in Chapter 2 of the submitted Environmental Statement **[APP-170].** To avoid repetition the HA will not independently describe the development here.

3 The Site

3.1.1 The total land area of the site is approximately 461ha and it comprises 30 agricultural fields which are separated by rows of low clipped mature hedgerows. Within the site there are also areas of established woodland, and mature individual trees (found in the mature hedgerows). The fields are used for growing of crops and grazing for livestock.

3.1.2 Gently undulated agricultural fields, separated by low clipped mature hedgerows, with the occasional wooded area and individual mature trees is a characteristic of the local and wider area along with a number of roads and the occasional village, providing an urban element to this open countryside.

3.1.3 The site sits outside the North Ploughley and Cherwell Valley Local Landscape Designations (set out in in the Cherwell Local Landscape Designation Assessment 2024, as part of the evidence for Cherwell District Council's emerging local plan), but straddles the following character zones set out in the Oxfordshire Wildlife & Landscape Study (County Level) and Cherwell Landscape Character Assessment (District Level)

- Wooded Estatelands' Landscape Type
- Farmland Plateau' Landscape Type
- 'Oxfordshire Estate Farmlands' Landscape Character Area
- 'Upper Heyford Plateau' Landscape Character Area

3.1.4 Ashgrove Farmstead (Ashgrove Farm), which includes farm buildings and farm- house is also within the site. The on-site threshing barn is Grade II Listed. To the south of Ashgrove Farm is a deciduous woodland which is designated as a priority habitat. It should also be noted that there is another area of deciduous woodland to the south of Camp Road.

3.1.5 The" In Vessel Compositing Facility" (operated by Biffa) is also within the site. There is also an underground reservoir in the south-eastern part of the site which will remain in place.

3.1.6 The main part of the site is located between the former RAF Upper Heyford to the west and the B430 to the east. To the north of the site is the existing Chiltern Railway Line which runs between London and Birmingham. The villages of Ardley and Fewcott are located to the north of the railway line along with Junction 10 of the M40. The market town of Bicester is located approximately 5 miles east of the application site. To the south of the site is the village of Middleton Stoney.

3.1.7 The site is mostly used for the growing of crops. In addition, there is the aforementioned water reservoir located to the west of the B430 and the Ardley IVC Composting Facility, which is adjacent to the reservoir as discussed above.

3.1.8 The main site (i.e. the parcels which are proposed to be used for the freight terminal and associated warehousing) sits within a 'bowl' in the landscape with levels sloping down from all directions to a point roughly in the centre of the main site.

Constraints

On site

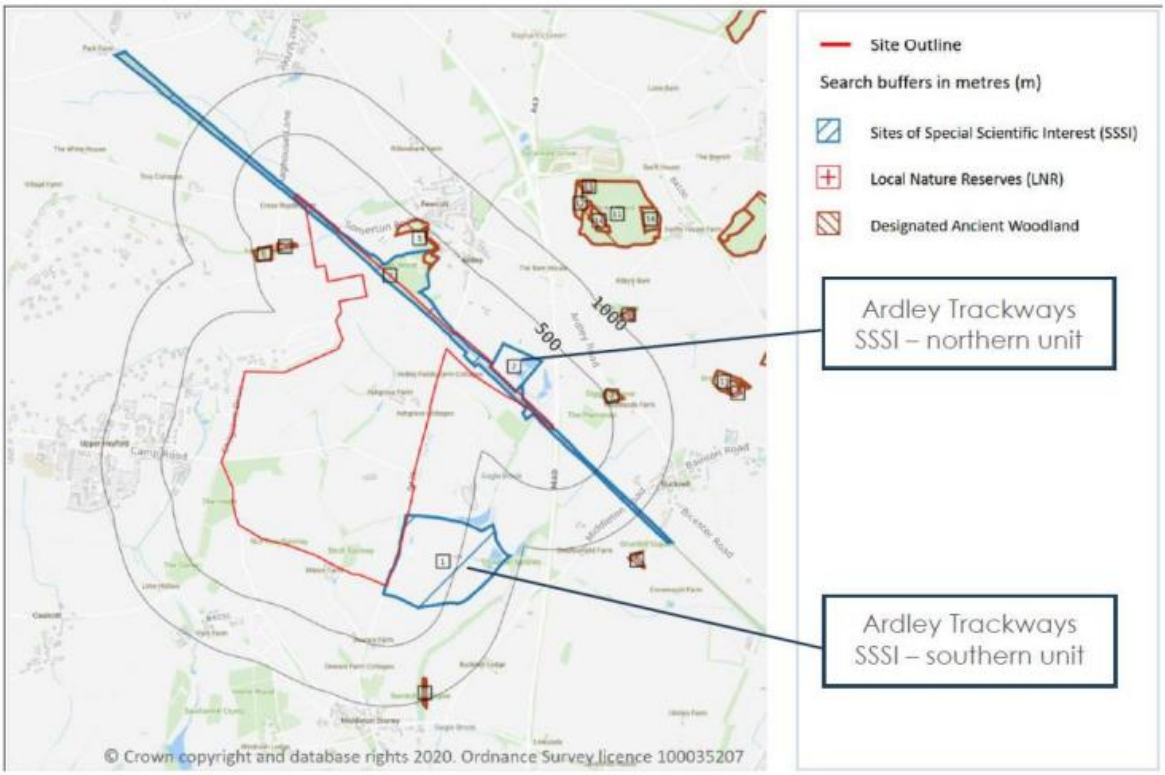
- Two public rights of way (PROW.109/30/10 and PROW 109/29/20) cross the site, connecting Ardley with Upper Heyford.
- The Cherwell Local Plan Proposals Map designates the site as being within a Conservation Target Area.
- The site lies within a Mineral Safeguarding Area for Crushed Rock as identified and safeguarded within the Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (2017) under Policy M8.
- Ashgrove Threshing Barn – a Grade II listed building
- There are also NERC Act S41 Habitat's on site.
- The site is within the Ardley and Upper Heyford Conservation Target Area.
- The Application Site is covered by the Oxfordshire Biodiversity Action Plan and the Oxfordshire Local Nature Recovery Strategy.
- The agricultural land grades of the site are set out in the table below (nb: table taken from the "Soil Resources and Agricultural Land" **[APP-182]**):

Grade/subgrade	*Area (ha)*	*% of the land*
Subgrade 3a	38.2	9
Subgrade 3b	282.4	63
Estimate of 3a and 3b (BNG land) soils retained	106.8	24
Other (incl non agricultural)	19.3	4
Total	446.7	100

- The Ashgrove Brook flows through the application site. This Brook is identified by the Environment Agency as being at risk of surface water flooding. The remaining parts of the site fall within flood risk zone 1.
- In Vessel Compositing Facility
- Disused underground reservoir on the southeastern part of the site
- Central pond with Great Crested Newts

In the vicinity

- To the north of the site, and running parallel with the Chiltern Railway Line, is the Ardley Cutting Site of Special Scientific Interest.
- To the east of the site, on the opposite side of the B430, is the Ardley Trackways Site of Special Scientific Interest. This SSSI is split into northern and southern parcels on Ardley Dewars Farm Quarry and contains the UK's largest dinosaur trackway comprising 166m year old dinosaur footprints. Figures 1 below shows the areas of SSSI (**[APP-179]**).



- The western boundary of the site is adjacent to RAF Upper Heyford Conservation Area, and a Local Wildlife Site which is within the former airfield. Also within the former airfield are two Scheduled Monuments in the form of the northern and southern bomb stores.
- To the south west of the site lies the Grade I registered park and garden of Middleton Park and Middleton Park House, a Grade I Listed building and Middleton Park Service Wing & Lodges (Grade II)
- Also, to the south west is the Grade II Listed Lime Kiln.
- Immediately to the south of the site is All Saints Church, Middleton Stoney, a Grade II* Church, Middleton Stoney House (Grade II), Middleton Park Icehouse (Grade II) and The Cottage (Grade II)
- To the north of the site, in the village of Ardley, lies the Church of St.Mary, a Grade II* building, and Manor Farmhouse & attached farm building, a Grade II listed building.
- Also to the north of the site are two Grade II buildings in Fewcott, which is the neighbouring village to Ardley
- St.Olave's Church, a Grade II* building is located in Fritwell, to the north west of the site, along with 15 Grade II listed buildings and Grade II Listed headstones (in St.Olave's Church Yard)
- Ardley, Fewcott, Fritwell and Middleton Stoney each have Conservation Areas.
- To the east of the site across the B430, are two waste management sites and a mineral extraction site. The first of these, the most northerly, is Ardley Fields, a household waste recycling centre operated by Valencia Waste Management on behalf of Oxford County Council.
- The second waste management site is the new Ardley Energy Recovery Facility (ERF), operated by Virador also on behalf of the County Council. This site deals with commercial waste.
- The third site is Dewars Farm Quarry operated by Smiths of Bletchington.
- The site straddles two landscape character zones identified in the Oxfordshire Wildlife & Landscape Study: "Woodland Estate" and "Farmland Plateau"
- The application site also straddles two landscape character areas in Cherwell District Council's Landscape Character Assessment (2024)

3.1.9 The characteristics of the aforementioned landscape character areas, which cover this site, are defined as being:

County Level

- Woodland Estatelands
- Rolling topography with localised steep slopes.
- Large blocks of ancient woodland and mixed plantations of variable sizes.
- Large parklands and mansion houses.
- A regularly shaped field pattern dominated by arable fields.
- Small villages with strong vernacular character.

Farmland Plateau

- Level or gently rolling open ridges dissected by narrow valleys and broader vales.
- Large, regular arable fields enclosed by low thorn hedges and limestone walls.
- Rectilinear plantations and shelterbelts.
- Sparsely settled landscape with a few nucleated settlements.
- Long, straight roads running along the ridge summits.

Local/District Level

Upper Heyford plateau

- Open, exposed limestone plateau lying below the Ironstone Hills
- Gently rolling hills ascend from the southeast towards the plateau in the northwest.
- Widespread intensive arable farmland with smaller grazing fields in proximity to settlements.
- Rural character away from residential and commercial development at Heyford Park.

Oxfordshire Estate Farmlands

- Gently undulating landform with shallow valleys created by the numerous watercourses which vein the landscape.
- A well-wooded landscape with large areas of arable cultivation.
- Extensive remains of eighteenth-century parklands and estate farmland spanning Oxfordshire and into Northamptonshire.
- Long views are available across the open fields where there are substantial breaks in tree cover.

3.1.10 The proposed development is of a substantial scale and is comprised of various elements that will have an impact on the site and surrounding area. The impacts of the proposed development and the proposed mitigations are considered in detail in Section 8.

4 Relevant Planning History

4.1 Site Specific Relevant Planning History

4.1.1 Prior to the Stage 2 consultation on the SRFI proposals, a Stage 1 (non-statutory) consultation on the proposals took place in the Spring/Summer 2022. The stage 1 consultation included four public exhibitions and two webinar sessions all held in May 2022, with one additional exhibition held in June 2022

4.1.2 Based on the Consultation Report Covering the Stage 2 Consultation prepared by Oxalis **[AS-046]** the following key themes and topics were raised during the consultation:

Stage 2 Joint Response from Oxfordshire County Council and Cherwell District Council

- Traffic impacts and transport issues (including the proposed Highways Works and sustainable travel opportunities);
- Loss of countryside / industrialisation of area;
- Greenfield / farmland development;
- Need for the proposed SRFI;
- Location of the Proposed Development;
- Impact on wildlife/ecology;
- Noise and light impact;
- Landscape and visual;
- Local and environmental potential impacts (including heritage);
- Alternative sites;

4.1.3 There are a series of applications for planning permission and listed building consent associated with Ashgrove Farm within OxSRFI's proposed main site. The most recent of these are 16/01618/LB and 16/01617/F which granted permission for the 3 no. farm buildings into 5 no. dwellings.

4.1.4 The former airfield at Heyford Park has been subject to a series of previous consents, most notably 18/00825/HYBRID which granted permission for (among other things):

- Outline planning permission for up to 1,175 new dwellings (Class C3); 60 close care dwellings (Class C2/C3); 929 m2 of retail (Class A1); 670 m2 comprising a new medical centre (Class D1); 35,175 m2 of new employment buildings, (comprising up to 6,330 m2 Class B1a, 13,635 m2 B1b/c, 9,250 m2 Class B2, and 5,960 m2 B8); 2.4 ha site for a new school (Class D1); 925 m2 of community use buildings (Class D2); and 515 m2 of indoor sports, if provided on-site (Class D2)

4.1.5 More recently an application was submitted to Cherwell District Council (25/02190/HYBRID) for permission to secure:

- Demolition of 222 existing buildings and structures, up to 9,000 new dwellings (Class C3) comprised of: Outline planning permission for up to 8,848 dwellings (Class C3)
- Change of Use of Buildings 320, 345, 350,172 for up to 152 dwellings (Class C3)
- Outline planning permission for up to: 4,610 sq.m of new light industrial buildings (Class B2)
- 2,600 sq.m of new warehouse buildings (Class B8)
- 5,500 sq.m of new hotel buildings (Class C1)
- 40,650 sq.m of new commercial, business and service buildings (Class E), comprising of retail, restaurant/cafe, indoor sport/recreation and fitness, medical/health services, creche/nursery, and office/research & development.
- Learning buildings (Class F1), comprising of four primary schools (1 x 2FE and 3 x 3FE), 1 secondary school (1 x 9FE) and a Centre for Peace Studies (1,100 sq.m.).
- 1,770 sq.m of local community uses (Class F2), comprising of community centre and library buildings.
- 1,000 sq.m of Public House/restaurant (sui generis)
- 7,500 sq.m for datacentre buildings (sui generis)
- Renewable energy generation with associated infrastructure, including 3 wind turbines, solar supplv and battery energy storage systems

4.1.6 At the time of drafting this response, planning application 25/02190/HYBRID had yet to be determined.

4.1.7 Outline consent (13/01811/OUT) and reserved matters (16/00627/REM) planning permission were granted on the 31 March 2016 and 31 August 2016, respectively, for:

- Erection of 60 dwellings and public open space with associated works

4.1.8 Planning application15/01357/F was granted permission on the 14 September 2023 for:

- Erection of 89 dwellings, creation of new access arrangement from Camp Road, creation of open space, hard and soft landscaping and associated ancillary works and infrastructure

4.1.9 Full planning permission was given for application 16/00263/F on the 8 May 2017 for:

- Demolition of Buildings 485 and 488 and the erection of 43 dwellings with associated parking, infrastructure, landscaping and public open space

4.1.10 Planning application 16/02446/F was granted planning permission on the 7 April 2020 for:

- Erection of 296 residential dwellings (Use Class C3) comprising a mix of open market and affordable housing, together with associated works including provision of new and amended vehicular and pedestrian accesses, public open space, landscaping, utilities and infrastructure, and demolition of existing built structures and site clearance works

4.1.11 Planning application 19/00446/F was granted permission on the 24 December 2019 for:

- Erection of up to 57 residential units (Use Class C3) comprising a mix of open market and affordable housing, together with associated works including provision of vehicular and pedestrian accesses, public open space, landscaping, infrastructure and site clearance.

4.1.12 Outline consent was granted for planning application 21/03523/OUT on the 14 September 2023 for:

- Outline planning application for the erection of up to 31 dwellings, public open space, landscaping, associated parking, vehicular access and ancillary works (all matters reserved except means of access)

4.1.13 Planning application 21/04289/OUT was granted permission on the 5 March 2024 following an appeal. In short, outline consent was granted for:

- Outline planning application for the erection of up to 230 dwellings, creation of new vehicular access from Camp Road and all associated works with all matters reserved apart from Access

4.1.14 Planning application 25/03343/OUT has been submitted to Cherwell District Council. It is currently under consideration and seeks outline consent for:

- Outline planning application for up to 475 dwellings (including an element of extra care dwellings, Use Class C2), vehicular accesses from Camp Road, pedestrian and cycle access routes, public open space, equipped children's play areas, surface water drainage, foul water pumping station, electrical sub-stations, landscaping, biodiversity net gain habitat, associated ground works and land for community use - All Matters Reserved except for Access

4.1.15 Planning application 22/01340/OUT sought outline planning permission for:

- (all matters reserved except means of access (not internal roads) from (B4100) for the erection of buildings comprising logistics (use class B8) and ancillary offices (use class e(g)(i)) floorspace; energy centre, hgv parking, construction of new site access from the B4100; creation of internal roads and access routes; hard and soft landscaping; the construction of parking and servicing areas; substations and other associated infrastructure.

4.1.16 This application was refused on the 21 January 2026 for the following two reasons:

- The proposed development, by reason of the exceptional height, scale, massing and expansive roof profile of the buildings, would introduce large and visually dominant structures that are wholly out of keeping with the established rural character of this part of the North Oxfordshire landscape. The site lies within open countryside characterised by traditional, undeveloped rural views and an attractive landscape setting, and the introduction of buildings of this magnitude would result in substantial and harmful alteration to its appearance, character and visual qualities. The development would therefore cause significant and detrimental landscape and visual harm, would fail to integrate with its rural surroundings, and would not protect or reinforce the intrinsic character of the countryside. As such, the proposal conflicts with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011–2031, saved Policies C8 and C28 of the Cherwell Local Plan 1996, and Government guidance contained within the National Planning Policy Framework. The Local Planning Authority consider that such harmful environmental impact would substantially and demonstrably outweigh the benefits associated with the proposal.
- In the absence of a satisfactory unilateral undertaking or any other form of Section 106 planning obligation legal agreement, the Local Planning Authority is not satisfied that the proposed development would provide appropriate transport infrastructure and landscape and ecological mitigation required as a direct result of the development, and which would be necessary to make the impacts of the development acceptable in planning terms. As such, the proposal is contrary to Policy INF1 of the Cherwell Local Plan 2011-2031, Cherwell District Council's Developer Contributions SPD 2018 and Government guidance within the National Planning Policy Framework.

4.1.17 The applicants (Tritax Big Box) have appealed this decision, and it will form part of a co-joined public inquiry with Albion Land, which opened on the 17 September 2026. Cherwell District Council has confirmed to the Planning Inspectorate that it will not be submitting additional evidence in support for the reasons for refusal.

4.1.18 Planning application 21/03267/OUT sought outline planning permission for:

- (all matters reserved except for access) for the erection of buildings comprising logistics (Use Class B8) and ancillary Office (Use Class E(g)(i)) floorspace and associated infrastructure; construction of new site access from the B4100; creation of internal roads and access routes; and hard and soft landscaping

4.1.19 This application was refused on the 21 January 2026 for the following reasons:

1. The proposed development, due to its scale, massing and bulky form, would appear as a prominent and visually intrusive feature within this open countryside location, eroding the rural character of the landscape and blocking established views across the central Cherwell area and towards Stoke Wood. The scheme represents sporadic and incongruous development remote from any settlement and fails to demonstrate compatibility with, or integration into, its rural surroundings. As such, the proposal would result in unjustified encroachment into open countryside and cause unacceptable landscape harm, contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011–2031, saved Policies C8 and C28 of the Cherwell Local Plan 1996, and Government guidance in the National Planning Policy Framework. The Local Planning Authority considers that this harm would significantly and demonstrably outweigh the benefits of the proposal.

2. The site lies adjacent to ecological corridors used by bats, birds and small mammals moving between the surrounding countryside and Stoke Wood, an ecologically significant and Woodland Trust–managed site. The extensive built form, associated lighting and activity would disrupt these established flight paths and wildlife movements, and the proposal does not adequately demonstrate that such impacts would be avoided or mitigated. The hedgerows surrounding the site also represent important biodiversity features that would be adversely affected. The development therefore fails to protect and enhance the natural environment and biodiversity as such the proposal fails to accord with policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework. The Local Planning Authority consider that such harmful ecological impact would substantially and demonstrably outweigh the benefits associated with the proposal.

3. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 planning obligation legal agreement, the Local Planning Authority is not satisfied that the proposed development would provide appropriate transport infrastructure and landscape and ecological mitigation required as a direct result of the development, and which would be necessary to make the impacts of the development acceptable in planning terms. As such, the proposal is contrary to Policy INF1 of the Cherwell Local Plan 2011-2031, Cherwell District Council's Developer Contributions SPD 2018 and Government guidance within the National Planning Policy Framework.

4.1.20 Planning application 21/03268/OUT sought outline planning permission for:

- (all matters reserved except for access) for the erection of buildings comprising logistics (Use Class B8) and ancillary Office (Use Class E(g)(i)) floorspace; construction of new site access from the B4100; creation of internal roads and access routes; hard and soft landscaping including noise attenuation measures; and other associated infrastructure

4.1.21 This application was refused on the 21 January 2026 for the following reasons:

> **1.** The proposed development would result in the unjustified urbanisation of a currently open and rural site, introducing built form of significant scale, bulk and massing that would appear visually intrusive within the wider landscape. The proposal would fail to respect or reinforce the established rural character, appearance, and intrinsic qualities of the locality. Its scale, siting and form would give rise to a harmful visual impact, resulting in a prominent and enduring intrusion that would cause severe and irrevocable harm to the landscape. For these reasons, the proposal is contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011–2031, saved Policies C8 and C28 of the Cherwell Local Plan 1996, and the principles of good design and landscape protection set out within the National Planning Policy Framework. The Local Planning Authority considers that the extent of landscape harm arising from the development would significantly and demonstrably outweigh any benefits associated with the proposal.
>
> **2.** In the absence of a satisfactory unilateral undertaking or any other form of Section 106 planning obligation legal agreement, the Local Planning Authority is not satisfied that the proposed development would provide appropriate transport infrastructure and landscape and ecological mitigation required as a direct result of the development, and which would be necessary to make the impacts of the development acceptable in planning terms. As such, the proposal is contrary to Policy INF1 of the Cherwell Local Plan 2011-2031, Cherwell District Council's Developer Contributions SPD 2018 and Government guidance within the National Planning Policy Framework.

4.1.22 The applicants (Albion Land) have formally submitted an appeal for both of their outline applications (21/03267/OUT 'East' & 21/03268/OUT 'West'). As set out in paragraph 4.1.17 of this report, these appeals will form part of a co-joined public inquiry alongside Tritax Big Box's planning application 22/01340/OUT. The co-joined Public Inquiry opened on the 17 September 2026.

4.1.23 Planning application 22/03266/F sought full planning permission for:

- Site clearance, construction of new site access from the B4100, permanent and temporary internal roads, an internal roundabout and a foul drainage station, diversion of an existing overhead power cable and public right of way, and soft landscaping

4.1.24 This application was refused on the 21 January 2026 for the following reason:

- The proposed access and internal road would require the removal of part of the established roadside hedgerow, resulting in unacceptable visual harm and an erosion of the rural landscape character, as well as unnecessary ecological harm through the loss of habitat and green-corridor connectivity. As there is no approved development that the access would serve, this harm would occur without any corresponding planning benefit, and is therefore unjustified. The proposal is contrary to Policies ESD10 and ESD13 of the Cherwell Local Plan 2011–2031 and national guidance within the National Planning Policy Framework.

4.1.25 Planning application 25/02232/OUT seeks outline consent for the following:

- Outline application with all matters reserved for tourism development Including outdoor and indoor theatres, restaurants, hotels, conference facilities, offices, warehousing and storage, security control centre, medical centre, animal facilities (including stables, aviary, animal sheds), laundry facility and workshops, and supporting infrastructure including waste management centre, wastewater treatment facility, energy centre and sub-stations, photovoltaic (pv) solar panels, water storage tanks and pumps, lakes and water management systems, structural landscaping, internal footpaths, internal vehicular routes, active travel routes, parking and access (outline masterplan).

4.1.26 The application is still being determined and, at the time of writing this response, a further EIA re-consultation period is anticipated.

4.1.27 The cumulative impact of these developments, if not adequately mitigated, would be significant, particularly in relation to the local highways network, the landscape, ecology and potential for noise.

4.1.28 Whilst applications 21/03267/OUT, 21/03268/OUT and 22/01340/OUT have been refused, they are subject to appeal and, in the event of approval, these largescale logistics parks will have an impact on the receiving environment. The following substantial highway improvement works are proposed to the Baynard Green's Roundabout and will be secured through a s106 agreement:

- The full signalisation of the roundabout junction of the A43 and B4100;
- Widening on the approaches and circulatory carriageway; and
- the introduction of active mode infrastructure to ensure pedestrians and cyclists are able to navigate the junction.

4.1.29 The individual and cumulative impacts of applications 25/02190/HYBRID (Heyford Masterplan), 25/03343/OUT and 25/02232/OUT (Puy du Fou) on the receiving environment are still to be established, as they are live applications with a great number of objections and holding objections from technical consultees including National Highways, Oxfordshire County Council, CDC Ecology, and, in some cases, CDC Landscape and CDC Conservation.

4.1.30 For context, the Heyford Masterplan application is a hybrid (but largely outline) application for up to 9,000 new dwellings on RAF Heyford and the edge of Heyford. It was validated on 5 September 2025.

4.1.31 The Puy du Fou application is an outline application (with all matters reserved) for a large adventure park, near junction 10 of the M40. It was validated in August 2025.

4.1.32 Both applications are for EIA development on unallocated land and are supported by Environmental Statements. At the time of drafting this response, both applications remain under consideration

5 Legislation and National Policy Context

This section outlines the legislative and planning policy context of the proposed development

The legislative basis for the proposed development is set out in the Planning Act 2008, which defines the process under which consent for NSIPs are determined, and secondary legislation made under that Act.

In accordance with Section 104(2) of the Planning Act 2008, the Secretary of State is required to have regard to any relevant national policy statements (NPS), amongst other matters, when deciding whether or not to grant a development consent.

5.1 National Networks National Policy Statement (NNNPS)

5.1.1 The relevant NPS to the proposed development is the National Network National Policy Statement which was last updated in 2024. This National Policy Statement covers all three of the NSIPs proposed as part of this development and is referred to in this submission as either the ‘NNNPS’ or simply ‘the NPS’

5.1.2 The NPS outlines the overarching general principles, processes and impacts to be taken into consideration for all types of NSIP relating to the national road and rail networks including bespoke sections on Strategic Rail Freight Interchanges. Parts 1 to 4 set out introductory themes, the Government’s general policy on the demand and need for new transport infrastructure, the need for new NSIPs and assessment principles.

5.1.3 Paragraph (1.4) states that under section 104 of the Planning Act 2008, the Secretary of State must decide an application for a relevant NSIP in accordance with the NPS unless he/she is satisfied that do so would:

- Lead to the UK being in breach of its international obligations
- Be unlawful
- Lead to the Secretary of State being in breach of any duty imposed by or under any legislation

- Result in adverse impacts of the development outweighing its benefits
- Be contrary to legislation about how the decisions are to be taken

5.1.4 Paragraph 1.5 states that the thresholds of nationally significant road, rail and strategic rail freight infrastructure projects are defined in sections 22, 25 and 26 of part 3 of the Planning Act 2008.

5.1.5 Paragraph 3.97 of the NPS states that SRFI developments will need to be sensitive to, respond to, and contribute to their environmental context. For developments such as SRFIs, it is likely that there will be local impacts in terms of land use and increased road and rail movements. It is important for the environmental impacts to be taken into account when planning a development, by avoiding harm wherever possible, where adverse impacts are unavoidable adequately mitigating or as a last resort, compensating as well as delivering environmental enhancements.

5.1.6 Paragraphs 3.98-3.103 outline the basis of need for SRFI and the positive benefits that intermodal interchanges that allow transition of freight from road to rail will have on emissions, air quality and congestion on the Strategic Road Network.

5.1.7 Paragraphs 4.80-4.89 outlines the criteria for SRFI and are discussed further in Section 6 below.

5.1.8 Paragraph 4.27 of the NPS outlines that good design should be an integral consideration from the outset of a proposal and that this should not be limited to aesthetics. The NPS draws attention to the NIC's four design principles: Climate, People, Places, and Value.

5.1.9 Paragraph 4.28 goes further and outlines that good design should include the application of the mitigation hierarchy: Avoid, Mitigate or as a last resort Compensate for the identified problems and existing adverse impacts.

5.1.10 Paragraph 4.29 states that the Secretary of State needs to be satisfied that national networks infrastructure projects are sustainable, having regard to appropriate industry good design guidance, and that the applicant has considered, as far as possible, both functionality (including fitness for purpose and sustainability) and aesthetics (including the scheme's contribution to the quality of the area in which it would be located).

5.1.11 Paragraphs 5.160-5.179 outline the approach applicant should take towards assessing landscape and visual impacts and mitigation against these impacts to minimise harm.

5.1.12 Paragraph 5.43-5.69 outlines the principles for assessing ecological impacts and the expectations on applicants to mitigate harm and provide Biodiversity Net Gain.

5.1.13 Paragraphs 5.204-5.226 outline how harm to heritage assets should be assessed and mitigated for. It also outlines what weight should be given to harm different types of heritage asset depending on their significance and the level of harm.

5.1.14 Paragraphs 5.227-5.242 outline how applicants and the SoS should assess noise and vibration impacts both at construction and operational stages of development.

5.1.15 Paragraph 5.243 - 2.251 outlines potential socio-economic impacts

5.1.16 Paragraph 2.52 - 5.268 outlines potential water quality and resources impact

5.1.17 Paragraphs 5.269-5.291 outlines how applicants should approach transport impacts resultant from a National Networks NSIP, how these impacts should be assessed and how mitigation should be applied.

5.1.18 Paragraphs 5.191 and 5.196 discuss the important role of NSIPs have in safeguarding minerals resources and outlines that the Secretary of State should ensure that the applicant has put forward appropriate mitigation measures to safeguard mineral resources.

5.1.19 Finally paragraphs 4.33-4.44 of the NPS outlines how National Network NSIPs should approach Climate impacts including carbon neutrality, assessing Greenhouse Gas emissions and ensuring that schemes are sufficiently climate resilient.

5.2 National Planning Policy Framework (NPPF)

5.2.1 The NPPF (August 2026) is a material consideration for determining planning applications under the Town and Country Planning Act 1990 (TCPA 1990). It was published on the 17 August 2026. Not only does it replace the previous version (December 2024), but it is also structured differently as well: the policies are now split into plan-making and decision-making policies.

5.2.2 The NPPF does not contain any specific policies for NSIPs and paragraph 13 makes clear that applications for NSIPs are to be determined in accordance with the decision-making framework in the Planning Act 2008 (as amended) and relevant national policy statements for major infrastructure, as well as any other matters that are relevant (which may include the NPPF).

5.2.3 Policy DM4 (Emerging Development Plan Proposals) of the NPPF (2026) relate to prematurity of applications being determined. Part 1 of this policy states:

> " When preparing and considering development proposals, relevant policies in emerging development plans may be given weight according to:
>
> a. The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b. The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c. The degree of compliance of the relevant policies in the emerging plan with the policies for plan-making in this Framework (the closer the policies in the emerging plan to the policies in this Framework, the greater the weight that may be given to them)."

5.2.4 Part 2 of policy DM4 goes on to explain that Development proposals should not be refused on the grounds of being premature, other than in the limited circumstances where both:

"a. The development proposal is so substantial, or its cumulative effect alongside other development proposals would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

b. The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area. An emerging plan is unlikely to be in an advanced stage if a draft spatial development strategy, local plan, minerals and waste plan or supplementary plan has yet to be submitted for examination; or, in the case of a neighbourhood plan, the local planning authority publicity period on the draft plan has not ended. 3. Where planning permission is refused on grounds of prematurity, the reason for the refusal should indicate clearly how granting permission for the development proposal would prejudice the outcome of the plan-making process."

5.2.5 Policy S3 retains the longstanding principle that planning applications which accord with the development plan should be approved without delay. However, the subsequent policies, S4 and S5, separates out where the presumption in favour of sustainable development applies, between development proposed within settlements and development located outside settlement boundaries (as defined in the national glossary definition of ’Settlement’ in the NPPF (August 2026).

5.2.6 Policy S5 applies to development outside settlement boundaries. This policy sets out a range of development types that are considered acceptable in principle, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.

5.2.7 Part J (criterion i and ii) go on to state:

> “j. Development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test27), and where the development would:
>
> i. Be physically well-related to an existing settlement (unless the nature of the development would make this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure; or
>
> ii. Comprise major development for freight and logistics purposes which accords with policy E3.”

5.2.8 Policy CC2 relates to mitigation of climate change and finding means of transitioning to net zero, including, but not limited to, ensuring that sustainable patterns of movement are prioritised, opportunities are taken to improve walking, wheeling, cycling and public transport, infrastructure is provided to support the transition to zero-emission vehicles, good access to facilities are provided in order to limit the need to travel and using design approaches which conserve energy and other resources in accordance with policy

5.2.9 Policy CC3 makes clear that developments should take into account the current and potential impacts of climate change over the lifetime of the scheme, and in order to minimise vulnerability to these impacts should, where relevant to the proposal, meet a set of criteria which includes locating development where flooding is a minimal risk and using sustainable drainage techniques:

5.2.10 Policy E2 is split into two parts. Part 1 states that to support business growth, substantial weight should be given to:

> a. The economic benefits of proposals for commercial development which allow businesses to invest, expand and/or adapt; especially where this would support the economic vision and strategy for the area, the implementation of the Industrial Strategy, support improvements in freight and logistics and/or reflect proposals for Industrial Strategy Zones and AI Growth Zones; and
>
> b. Benefits for domestic food production, animal welfare and/or the environment which can be demonstrated through proposals for development for farm and agricultural modernisation.

5.2.11 Part 2 explains that here a development proposal is required to demonstrate whether an unmet need exists (including under policy S5) consideration should be given to whether:

> a. Market signals indicate an undersupply of specific types of business land or premises, taking into account the anticipated catchment area for the type of development proposed, the changing needs of different sectors and the availability of suitable existing land and buildings; or

b. The specific locational requirements of the proposal are met by existing allocations in the development plan. This includes, but is not limited to, situations where:

i. Existing businesses plan to expand or improve their premises, or clusters or networks of businesses need to grow (such as clusters of knowledge and data driven, creative or high technology industries and associated facilities and infrastructure); or

ii. The availability of infrastructure (such as electricity network infrastructure to provide adequate grid connections, or water and wastewater capacity) makes certain locations particularly important, including opportunities to co-locate largescale generators and users of power (such as data centres); or

iii. Proposals would meet a local, regional or national need for the provision of new, expanded or upgraded facilities that would result in more efficient, reliable or sustainable handling of goods (whether for their receipt, storage, processing, interchange or distribution).

5.2.12 Policy E3 relates to freight and logistics. It states that to support the effective and efficient movement of goods, development proposals for freight and logistics uses and associated infrastructure should:

a. Have good access to transport networks (including via sustainable transport modes where possible) appropriate to the type of development;

b. Be sited and designed to limit environmental impacts (such as through the colocation or intensification of facilities to limit vehicle movements, provision of electric vehicle charging infrastructure and sensitive building design and landscaping). The impact on local residents or other neighbouring uses should be acceptable, taking into account proposed mitigation, especially where night-time operations will be required; and c. Provide sufficient and secure parking for lorries or other vehicles to cater for the anticipated use, in accordance with policy TR4(1)(e)

5.2.13 Policy DP3 is a criteria-based policy which states that development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets. This should not preclude innovation or change where appropriate, especially where an increased scale or density of development is justified in accordance with policies L2 and L3.

5.2.14 The policy goes on to state that to create well-designed places, development proposals should also reflect relevant aspects of the following principles, as appropriate to the nature of the development and its location

5.2.15 Policy DP4 emphasises the importance of achieving good design, stating that Design quality should be considered throughout the evolution, assessment and delivery of development proposals, including through any pre-application engagement; as outlined in Part 2 of the Design and Placemaking planning practice guidance.

5.2.16 The intention of policy TR3 is to guide development into sustainable locations, where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure, development proposals should reflect the following principles, taking into account the vision for the site, the type of development and its location:

5.2.17 TR4 is street design, access and parking focussed. It makes clear that to contribute to creating well-designed places, transport considerations should be integral to the design of development.

5.2.18 Policy T6 requires development proposals that are likely to generate significant amounts of movement to be supported by transport statements and a travel plan

5.2.19 Policy HC3 Policy HC3 makes the following requirements:

> "1. Proposals for housing, employment or other development which would give rise to significant numbers of additional people living in, working in or visiting an area should:
>
> a. Be informed by an understanding of the need for any associated improvements to community facilities and public service infrastructure, whether on or off-site; and
>
> b. Provide for new or improved community facilities and public service infrastructure which are necessary for the development to be acceptable in planning terms, whether by direct provision or a contribution to off-site improvements (which may be through Community Infrastructure Levy payments, where applicable).
>
> 2. Where the development plan does not set locally-specific standards for recreational land and facilities, all development proposals should use relevant national standards and best practice to identify improvements in the quantity and quality of provision which should be provided or contributed towards, as appropriate to the nature of the development and taking into account existing levels of provision in the area.

5.2.20 Policy DP3 establishes the key principles for well-designed places by stating that developments should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets. This should not preclude innovation or change where appropriate, especially where an increased scale or density of development is justified in accordance with policies L2 and L3.

5.2.21 To create well-designed places, development proposals should also reflect relevant aspects of the following principles, as appropriate to the nature of the development and its location.

5.2.22 Policy F4 requires developments inside Flood Zones 2, 3a and 3b, as defined in Annex F, table 1, to provide a site-specific flood risk assessment and, where appropriate, appropriate mitigation.

5.2.23 Policy N2 (Improving the natural environment) is a long and comprehensive policy which makes the following requests of developments:

"To contribute positively to the natural environment, and support nature's recovery, development proposals should:

a. Consider the environmental qualities of land proposed for development, including habitats, landscape character and the natural beauty of the countryside, and identify opportunities for those qualities to be conserved or enhanced (including through requirements for biodiversity net gain where these apply);

b. Take into account the quality of agricultural land (including that classified as best and most versatile agricultural land, and its grade), and if significant development of agricultural land is necessary, use areas of poorer quality land where possible;

c. Take suitable opportunities to connect to and strengthen ecological networks that extend beyond the site, drawing on the measures proposed by Local Nature Recovery Strategies, National Forest Strategies and Community Forest Plans, where present, and other relevant assessments;

d. Conserve and enhance existing natural features of visual, historic or nature conservation value (such as established trees and hedgerows) where possible; and use appropriate landscaping to help create a well-designed place and integrate the development into its surroundings

e. Use green infrastructure provided as part of the scheme and nature-based solutions to secure multiple benefits: such as for biodiversity; surface water and pollution management (including maintaining flow rates and water quality); climate change mitigation and adaptation, and recreation;

f. Minimise any adverse impacts on biodiversity and include features which support priority or threatened species such as swifts, bats and hedgehogs. Development proposals should incorporate integrated nest boxes (commonly known as swift bricks) into their construction unless there are compelling technical reasons which prevent their use, or would make them ineffective; and

g. Ensure that green infrastructure and other features to support nature are located and designed to minimise risk of future failure, and that appropriate measures are in place for any necessary long-term management.”

5.2.24 The second part of this policy states:

"If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then the development should be refused."

5.2.25 Policy N3 (Trees in new development) states:

"a. Make new streets tree-lined (unless there are strong reasons why this would be inappropriate in specific streets), and incorporate trees in other suitable locations, such as in parks and through the provision of community orchards;

b. Ensure that the selection of species and their placement is compatible with highways and other infrastructure requirements and the needs of different users of public spaces; and will be effective in helping to adapt to the effects of climate change and delivering other environmental benefits. Suitable arboricultural advice should be sought, and proposals discussed with highways and trees officers where necessary, so that the right trees are planted in the right places; and

c. Make provision for the long-term maintenance of both existing and newly-planted trees which form part of the development."

5.2.26 Policy N6 applies to development on land inside or outside a designated area, if it would have an impact on the identified biodiversity or geodiversity value of the area concerned. The intention of the policy is to ensure that new developments support the conservation of important habitats, species and sites of geodiversity value.

5.2.27 Policy HE4 identifies Heritage assets as being an irreplaceable resource which should be conserved in a manner appropriate to their significance. To achieve this, the policy sets out a number of criteria which, development proposals that would affect the significance of heritage assets, including any contribution made by their setting, should adhear to.

5.2.28 Policy HE5 states that development proposals affecting heritage assets should be accompanied by an assessment of the significance of the assets affected (including any contribution made by their setting) and of the potential effect of the proposal on their significance.

5.2.29 The policy is clear that the level of detail should be proportionate to the assets’ importance and no more than is necessary to understand the potential effect of the proposal on their significance. The relevant historic environment record should be referred to in making this assessment, and appropriate expertise employed where necessary.

5.2.30 Policy HE6 advises that when considering the potential effect of a development proposal on the significance of a designated heritage asset, substantial weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This, the policy states, is irrespective of whether any potential effect amounts to a positive effect, harm, substantial harm, or total loss of its significance.

5.2.31 This policy then makes the following stipulations:

> "2. Development proposals which would have a positive effect on a designated heritage asset should be supported.
>
> 3. Any harm to a designated heritage asset will be a matter of considerable importance and weight, which should be dealt with in accordance with paragraphs 4 to 6 of this policy.
>
> 4. Where a development proposal would harm the significance of a designated heritage asset the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal. Important public benefits can include securing the long-term reuse of a vacant or underused listed building, and enabling energy efficiency and low carbon heating measures to be employed.
>
> 5. Where a development proposal would cause substantial harm to, or the total loss of, the significance of a designated heritage asset, consent should be refused unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm or loss, or if all of the following apply:
>
> a. The nature of the heritage asset would otherwise prevent all reasonable uses of the site;
>
> b. No suitable use for the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
>
> c. Conservation by grant-funding or some form of not for profit, charitable or public ownership is not possible; and
>
> d. The harm or loss is outweighed by the benefit of bringing the asset back into use.
>
> 6. Within this context, development which would cause substantial harm to, or the total loss of, the significance of grade II listed buildings, or grade II registered parks or gardens, should be exceptional; while development which would cause substantial harm to, or the total loss of, assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."

5.2.32 Policy HE7 is firm that development proposals which would have a positive effect on a non-designated heritage asset should be supported; and, where a development proposal would harm the significance of a non-designated heritage asset, this should be weighed against the benefits of the proposal and a balanced judgement made, having regard to the scale of any harm or loss and the significance of the non-designated heritage asset.

5.2.33 This policy goes on to add that if a development proposal would cause substantial harm to, or the total loss of, the significance of a non-designated heritage asset, it should only be supported where the harm or loss is outweighed by the benefits of the proposal, having regard to the scale of the harm or loss and the significance of the non-designated heritage asset.

5.2.34 Policy HE9 is clear that development proposals within or affecting the significance of conservation areas should:

a. Retain and conserve buildings and other features which make a positive contribution to the character or appearance of the conservation area where possible; and

b. Consider the area's special architectural or historic interest (as identified as part of the designation of the conservation area) in the design of development.

5.2.35 The policy goes on to explain that not all elements of a conservation area will necessarily contribute to its significance. Where a development proposal would result in the loss of a building or other element which contributes to the character or appearance of a conservation area that is desirable to conserve, the assessment of impact should take into account the relative significance of the element affected and its contribution to the significance of the conservation area as a whole, and the effects of this considered in accordance with policies HE5 and HE6.

5.2.36 Policy HE9 concludes by stating that proposals which conserve those elements of a conservation area that make a positive contribution to the area (or which better reveal its significance) should be supported.

5.2.37 Policy HE10 seeks to protect heritage assets by ensuring that where a development proposal would result in the loss of the whole or part of a heritage asset (whether designated or not):

a. The development should not be approved without all reasonable steps being taken to ensure that the new development will proceed after the loss has occurred, including through the use of planning conditions and planning obligations to secure the development against the loss of the asset; and

b. The applicant should record and advance understanding of the significance of the asset to be lost in a manner proportionate to its importance and the potential impact upon it; and should make this evidence (and any archive generated) publicly accessible by depositing it in the relevant Historic Environment Record, and any archives with a local museum or other public depository. The ability to record evidence of our past should not be a decisive factor in deciding whether such loss should be approved.

5.2.38 Policy HE10 also addresses Archaeological implications. Part 2 of this policy states that heritage assets with archaeological interest should be preserved in situ where feasible. Where an asset cannot be preserved or managed on-site, appropriate provision should be made for the investigation, understanding, recording, dissemination and archiving of that asset, which should be undertaken by suitably-qualified individuals or organisations.

5.2.39 The final part (3) of this policy concludes by stating that for development proposals to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), they should retain the feature in situ where possible (and, where appropriate, be supported by an explanation of their historic and social context).

- Section 3: DM4 (Emerging Development Plan Proposals)
- Section 4: Achieving Sustainable Development: NDMP: S3; S5
- Section 5: Meeting the challenge of climate change: NDMP CC2; CC3
- Section 7: Building a strong, effective economy: NDMP E2; E3
- Section 14: Achieving well designed places: NDMP DP3; DP4
- Section 15: Promoting sustainable transport: NDMP TR3; TR4; TR6
- Section 16: Promoting healthy communities: NDMP HC3
- Section 17: Pollution, public protection and security: NDMP P3
- Section 18: Managing flood risk and coastal change: NDMP F4
- Section 19: Conserving and enhancing the natural environment: NDMP N2; N3; N6
- Section 20: Conserving and enhancing the historic environment NDMP HE4; HE5; HE6; HE7; HE9; HE10

5.3 National Planning Policy for Waste (NPPW)

5.3.1 Much like the NPPF, the NPPW (published in 2014) is a material consideration for the SoS when determining applications for development consent.

5.3.2 Section 5, paragraph 7 of the NPPW, states that local authorities should ensure that the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities

5.4 National Planning Policy Guidance (NPPG)

5.4.1 National Planning Practice Guidance (PPG) sits alongside the National Planning Policy Framework and is a material consideration in the determination of applications for Development Consent.

5.4.2 The following PPG's are considered relevant

- Air Quality
- Appropriate Assessment
- Biodiversity Net Gain
- Climate Change
- Design: Process and tools
- Environmental Impact Assessment
- Flood Risk and Coastal Change
- Healthy and Safe Communities
- Historic Environment
- Light Pollution
- Minerals
- Natural Environment
- Noise
- Transport Evidence Bases in Plan Making and Decision Taking
- Water Supply, Waste Water and Water Quality

6 Local Policy Context

When determining an application for development consent, by section 104(2)(d), the Secretary of State must have regard to any other matters the Secretary of State thinks are both important and relevant matters and this could include local planning policy

Equally Section 104(2)(b) of the Planning Act outlines that the SoS must have regard to any Local Impact Report submitted by a host authority. Local Impact Reports are expected to assess compliance with Local Policy and factor this into the assessment of Local Impacts. In this way Local Policy is a material consideration for the SoS in determining and application for Development Consent.

As such, Oxfordshire's Development Plan, and the local planning policies within it, present a significant material consideration, particularly where they are consistent with the NPS.

The Development Plan for Oxfordshire is the adopted District Local Plans, the Minerals and Waste Local Plan and Neighbourhood Plans. For the area covered by the SRFI these are the Cherwell Local Plan and the Oxfordshire Minerals and Waste Local Plan.

Also forming part of the development plan is the Mid Cherwell Neighbourhood Plan (adopted 2019). The site lies to the eastern side of the plan area. The site is also adjacent to the Heyford Park Neighbourhood Plan area (designated June 2024). This second area is wholly surrounded by the Mid Cherwell Neighbourhood Plan area and the application site immediately abuts the eastern and northern boundaries of the Heyford Park Neighbourhood Plan area. To date, there is no adopted or emerging plan for the Heyford Park Neighbourhood Plan area.

The policies within these Plans provide a clear framework by which the Councils wish to see new development come forward within their areas, which should be weighed in the overall planning balance

Details of the Development Plan for each Council within the area of the SFRI, as well as the relevant policies from each Development Plan as they relate to the OxSRFI proposal are set out below

6.1 Cherwell District Council (CDC)

6.1.1 For Cherwell District the Development Plan comprises the Adopted Cherwell Local Plan 2011-2031 (Part 1) (CLP), 'Saved' policies of the Adopted Cherwell Local Plan 1996 and the Adopted Cherwell Local Plan 2011-2031 (Part 1) Partial Review - Oxford's Unmet Housing Need, alongside the Oxfordshire Minerals and Waste Local Plan (2017).

6.1.2 The policies contained in the draft Cherwell Local Plan 2019-2040 (Regulation 19) which was submitted for examination on the 31st July 2025. Whilst it does not form part of the development plan against which applications should be assessed against, it is a material consideration in the determination of the application. The amount of weight that can be attributed to the draft policies is dependent on the number of objections.

6.1.3 Regulation 10A reviews of the Cherwell Local Plan 2011-2031 Part 1 took place in 2020 and 2023. In 2020, the Council undertook a 5 Year Review of the Local Plan and concluded that the majority of the policies were generally consistent with government policy and/or local circumstances. It did not indicate that the Local Plan policies needed updating. The Review was presented to and approved by the Council's Executive on 4 January 2021.

6.1.4 Two material changes in circumstance since that approval prompted the 2023 Local Plan Review:

- Termination of the Oxfordshire Joint Local Plan work programme; and
- New evidence in the form of the Housing and Employment Needs Assessment (HENA) 2022

6.1.5 The Regulation 10A Review of Local Plan Policies (February 2023) showed that nearly all policies were generally consistent with government policy and/or local circumstances. It did not indicate that the policies needed updating at this time, with the exception of Policy BSC1 District-Wide Housing Distribution.

6.1.6 The Adopted Cherwell Local Plan 2011-2031 (Part 1) Partial Review – Oxford's Unmet Housing Need was formally adopted as part of the statutory Development Plan in September 2020. The Partial Review provides the strategic planning framework and sets out strategic site allocations to provide Cherwell District's share of the unmet housing needs of Oxford to 2031.

6.1.7 The site falls within the Mid Cherwell Neighbourhood Plan which was adopted in May 2019 and therefore forms part of the Development Plan. The Mid Cherwell Neighbourhood Plan is in the process of being updated. A Modified Mid Cherwell Neighbourhood Plan (2024 to 2042) has been submitted to Cherwell District Council under Regulation 15 of the Neighbourhood Planning Regulations 2012. The consultation period for comments was extended to the 24 March 2026. As it has not been adopted, only moderate weight can be attributed to the policies contained within it.

Cherwell Local Plan 2011-2031 Part 1 (CLP) including saved policies from the Cherwell Local Plan 1996 (CLP 1996 Saved)

Relevant Policies
Adopted Cherwell Local Plan 2011-2031 (Part 1) (CLP)
PSD1 – Presumption in Favour of Sustainable Development
SLE1 – Employment Development
SLE4 - Improved Transport Connections
ESD1 - Mitigating and Adapting to Climate Change
ESD2 – Energy Hierarchy and Allowable Solutions

ESD3 – Sustainable Construction

ESD5 – Renewable Energy

ESD6 – Sustainable Flood Risk Management

ESD7 – Sustainable Drainage Systems

ESD8 – Water Resources

ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment

ESD11 – Conservation Target Areas

ESD12 – Cotswold Area of Outstanding Natural Beauty

ESD13 – Local Landscape Protection and Enhancement

EDS14 – Oxford Green Belt

ESD15 – The Character of the Built and Historic Environment

ESD17 – Green Infrastructure

INF1 – Infrastructure

'Saved' policies of the Adopted Cherwell Local Plan 1996

C8 – Sporadic development in the open countryside

C15 – Prevention of Coalescence of Settlements

C25 – Development affecting the site or setting of a scheduled ancient monument

C28 – Layout, design and external appearance of new development

C33 – Protection of Important Gaps of Undeveloped Land

EMP4 – Employment generating development in rural areas

TR1 – Transport

TR10 – Heavy Good Vehicles

Other Material Considerations

Developer Contributions SPD (Feb, 2018)
Conservation of Habitats and Species Regulations 2017
Mid Cherwell Neighbourhood Plan (2019)

RAF Upper Heyford Conservation Area Appraisal (2006)

Partial Review (CLP review), adopted in 2020

Relevant policies

None

Emerging Cherwell Local Plan

6.1.8 The Cherwell Local Plan Review 2020-2042, which is intended to replace the adopted Cherwell Local Plan 2015 and 'saved' policies in the Cherwell Local Plan (1996), was submitted for examination, in July 2025.

6.1.9 The three initial hearing sessions took place between the 17th – 20th February 2026. On the 24 March 2026, the Planning Inspectors wrote to the Council, advising that, "*We are now in the process of carefully considering the totality of the evidence before us on these matters and intend to set out our thoughts in a further post hearings letter."* (paragraph 3).

6.1.10 However, this further post hearings letter was not sent to the Council and, instead, on 7 July 2026, the Inspectorate wrote to the Council to inform officers and members that a new Inspector had been appointed to look into the Plan submission.

6.1.11 A letter from the new Inspector received by the Council on the 25 August 2026 confirmed that the examination can proceed to the next stage and that the Plan satisfies the relevant transitional arrangements. The next round of Examination in Public Hearings are scheduled to commence in December 2026.

6.1.12 Presently, the emerging Plan (and its policies) is considered to carry limited weight. For this reason, it would not be reasonable to make the case that this application is "premature", at the point of writing this report.

Relevant Policies

CSD 1 - Mitigating and Adapting to Climate Change;

CSD 3 - Achieving Net Zero Carbon Development, Non-residential

CSD 5 - Embodied Carbon;

CSD6 - Renewable Energy;

CSD7 - Sustainable Flood Risk Management;

CSD8 - Sustainable Drainage Systems (SuDS);

CSD9 - Water Resources and wastewater infrastructure;

CSD11 - Protection and Enhancement of Biodiversity;

CSD12 - Biodiversity Net Gain;

CSD13 - Conservation Target Areas;

CSD14 - Natural Capital and Ecosystem Services;

CSD15 - Green and Blue Infrastructure;

CSD16 - Air Quality;

CSD17 - Pollution and Noise;

CSD18 - Light Pollution;

CSD19 - Soils, Contaminated Land and Stability;

CSD21 - Waste Collection and Recycling;

CSD22 - Sustainable Transport and Connectivity Improvements;

CSD23 – Assessing Transport Impact/Decide and Provide;

LEC5 – Community Employment Plans;

LEC6 - Supporting a Thriving and Resilient Farming Sector;

LEC7 - Best and Most Versatile Agricultural Land;

LEC9 - Tourism;

COM10 – Protection and Enhancement of the Landscape;

COM12 – The Oxford Green Belt;

COM13 – Settlement Gaps;

COM14 – Achieving Well Designed Places;

COM15 – Active Travel – Walking and Cycling;

COM16 – Public Rights of Way;

COM18 – Creating Healthy Communities;

COM20 – Providing Supporting Infrastructure and Services;

COM24 – Open Space, Sport and Recreation;

COM25 – Local Green Space;

COM26 – Historic Environment;

COM27 – Conservation Areas;

COM28 – Listed Buildings;

COM29 – Registered Parks and Gardens and Historic Battlefields;

KID1 – Kidlington Area Strategy;

KID2 - London Oxford Airport;

KID3 – Delivery of Transport Schemes within the Kidlington Area;

KID H1 – South-East of Woodstock

6.2 Oxfordshire County Council (OCC)

The Oxfordshire Minerals and Waste Local Plan Part 1 – Core Strategy

6.2.1 The Oxfordshire Minerals and Waste Local Plan Part 1 – Core Strategy adopted September 2017 sets out the vision, objectives, spatial planning strategy and policies for meeting development requirements for the supply of minerals and the management of waste in Oxfordshire over the period to 2031

6.2.2 Policy M8 of the Minerals and Waste Local Plan safeguards mineral resources within the county. Development that would prevent or hinder minerals extraction within Minerals Safeguarding Areas is not permitted unless the site is allocated within a Local or Neighbourhood Plan, the need for the development outweighs the economic and sustainability considerations relating to the minerals resource or if the mineral will be extracted prior to the development taking place.

6.2.3 Policy W1 of the Minerals and Waste Local Plan outlines that provision will be made for waste management facilities to provide capacity that allows Oxfordshire to be net self-sufficient in the management of its principal waste streams – municipal solid waste (or local authority collected waste), commercial and industrial waste, and construction, demolition and excavation waste – over the period to 2031.

6.2.4 The policy then provides volumes of waste capacity which must be provided for certain milestones within the plan period.

6.2.5 Policy W11 of the Minerals and Waste Local Plan safeguards Waste Management Sites within the County. Development which will prejudice the use of safeguarded waste management sites is not permitted unless the site is allocated within a Local or Neighbourhood Plan, equivalent waste management capacity can be appropriately and sustainably provided elsewhere or it can be demonstrated that the site is no longer required for waste management.

Relevant Policies

Policy M3 - Principal Locations for Working Aggregate Minerals

Policy M5 - Working of Aggregate Minerals

Policy M8 - Safeguarding Mineral Resources

Policy W1- Oxfordshire Waste to be Managed

Policy W8- Safeguarding Waste Management Sites

Local Transport and Connectivity Plan (2022)

6.2.6 The Oxfordshire Local Transport and Connectivity Plan 2022 (LTCP) is OCC's statutory Local Transport Plan, required under the Transport Act 2000

6.2.7 The Plan focusses on prioritising sustainable transport solutions and provides ambitious goals and targets including:

- Reducing 1 in 4 current car trips by 2030
- Delivering a net zero transport network by 2040
- Have zero, or as close as possible, road facilities or life changing injuries by 2050

Relevant Policies
Policy 1 – Transport User Hierarchy
Policy 2 – Cycle and walking networks
Policy 3 – Local Cycling and Walking Infrastructure Plans
Policy 4 – Strategic Active Travel Network
Policy 5 – Public Rights of Way
Policy 6 – Greenways
Policy 9 – Health Impact Assessment
Policy 15 – Vison Zero
Policy 21- Rail Strategy
Policy 29- Zero Emission Vehicles
Policy 30- Green Infrastructure
Policy 31 – Network Management
Policy 33 – Parking Management
Policy 40 – Connected and Autonomous Vehicles.
Policy 47 – Freight and Logistics Strategy
Policy 48 – Long Distance Movement
Policy 49- Local Movement
Policy 50 – Last Mile Movement
Policy 52- Movement and Place Strategies.

<u>Oxfordshire County Council Electric Vehicle Infrastructure Strategy (March 2021)</u>

6.2.8 The Oxfordshire Electric Vehicle Infrastructure Strategy was adopted in March 2021. It sets out the policies and plans to realise OCC's vision for EV Charging across Oxfordshire. The following policies are considered relevant.

Relevant Policies
Policy EVI11.
Policy EVI 13.
Policy EVI 16

Oxfordshire County Council Freight and Logistics Strategy (July 2022)

6.2.9 The Oxfordshire County Council Freight and Logistics Strategy is a supporting strategy to the Oxfordshire County Council Local Transport and Connectivity Plan. It addresses some of the challenges associated with the movement of goods in Oxfordshire and sets out the actions required to deliver appropriate, efficient, clean and safe movement. It builds on the high-level freight policies contained in the Local Transport Connectivity Plan. The following actions contained within the strategy are considered relevant.

Relevant Policies
Action 1. Promote Rail Freight
Action 2. Work with stakeholders to increase rail network capacity
Action 6. Work and lobby a range of stakeholders at the regional and national level to encourage the shift of long distance freight from road to rail.
Action 9. Promotion of Oxfordshire HGV Route Map.
Action 17. Promote the creation of rest stops and lorry park facilities.
Action 18. Support of the freight industry's electric vehicle charging requirements.
Action 19. Monitor alternative HGV fuel requirements and options
Action 20. Strategically locate refuelling infrastructure.
Action 25. Support the provision of freight interchanges.
Action 30. Promote cycle freight across Oxfordshire.

OxRail 2040: Plan for Rail December 2025

6.2.10 Oxfordshire County Council adopted a plan for the future of rail in Oxfordshire in December 2025. The plan supports the over-arching aims and ambitions of the Oxfordshire Local Transport and Connectivity Plan and focusses on improving rail services and connectivity for both passenger and freight use within the county and beyond.

6.2.11 Page 38 of the document refers to freight terminals and facilities expansion. It notes that the county supports the rail freight industry in shifting freight from road to rail and supports collaboration with the rail industry to identify locations for new or expanded freight terminals within the county.

6.2.12 Page 38 also notes that the County will continue to work with the relevant stakeholders on the implication of the proposed OxSRFI and outlines that the County still needs to clarity on how the facility could serve major freight hubs like freight in the south.

6.2.13 Finally, page 38 states that careful consideration needs to be given to how the site will be served by rail freight without unduly impacting capacity on the route from Bicester to Banbury, wider rail services or the aspiration to develop a new station at Ardley.

6.2.14 Page 66-67 of OxRail outlines the County's ambitions for new stations on the rail network within Oxfordshire. One of these stations is at Ardley, within the vicinity of the proposed OxSRFI. The strategy outlines that a station at Ardley would serve both planned and unplanned growth within the area and help support the existing rural communities.

6.2.15 The strategy outlines that careful consideration needs to be given to the interaction between Ardley Station and the OxSRFI.

7 The Principal of Development

Summary

- The Councils' policies support the principal of rail freight interchanges and the transition of freight from road to rail.
- The Councils consider that the minimum requirements for a Strategic Rail Freight Interchange in both the National Networks National Policy Statement and Section 26 of the Planning Act 2008 have been met.
- The Councils do not oppose the need for warehousing to serve an SRFI. However, the Councils do not consider that the applicant has provided sufficient justification for the quantum of warehousing proposed.
- The Councils do not consider that adequate evidence has been provided to demonstrate agreement between the applicant and Network Rail on the timeframe for the proposed rail network connections in line with paragraph 4.88 of the NNNPS.

	Policy	Compliant?

Cherwell	CLP 2015 SLE1 – Employment Development Saved Local Plan 1996 Policies C8 - Sporadic development in the open countryside Emerging Local Plan Policies NB – see note below	Conflict Identified: As the requirement for the size of the units to support the operation of the SRFI has not been fully demonstrated, the proposal is not compliant with Policy SLE1 or C8
Oxfordshire County Council	Oxfordshire County Council Freight and Logistics Strategy (July 2022) Local Transport and Connectivity Plan (2022) OxRail 2040: Plan for Rail (2025)	No conflict identified

Note: The following policies in the emerging CDC LP (Dates) are of relevance to this proposal but as they have not yet been subject to examination, the council is not putting these forward as key policies for consideration:

- Policy SP 1: Settlement Hierarchy
- Policy CSD 24: Freight
- Policy LEC 1: Meeting Business and Employment Needs
- Policy LEC 3: New employment development on Unallocated sites

Policy Detail

7.1.1 The principle of a Strategic Rail Freight Interchange needs to be considered against the context of National Policy. Section 3 of the National Policy Statement for National Networks which looks at the need for the development of the national networks, outlines the need for Strategic Rail Freight Interchanges to accommodate a modal shift for freight from road to rail. Paragraph 3.99 makes clear the Government's goal of a 75% growth in rail freight by 2050.

7.1.2 Paragraph 3.101 specifically outlines that there will need to be a network of 'appropriately located' SRFI around the country to make the 75% growth in rail freight feasible.

7.1.3 Paragraph 3.103 states that it is important that SRFIs are located near the markets they will serve – major urban centres, or groups of centres – and are linked to key supply chain routes. Given the locational requirements and the need for effective connections for both rail and road, the number of locations suitable for SRFIs will be limited, which will restrict the scope for developers to identify viable alternative site.

7.1.4 Paragraph 3.105 specifically outlines the challenge of delivering rail freight interchanges serving London and the South East.

7.1.5 Paragraph 3.106 outlines that consideration should be given to ensure the location of existing SRFI is taken into account when planning an SRFI, but recognises there is likely to be clusters of SRFI in the heartland of the nation.

7.1.6 In Section 4 which looks at general policies and considerations, paragraph 4.9 states that applications for road and rail projects should be supported by a local transport model to provide sufficiently accurate detail of the impacts of a project. An assessment of the benefits and costs of schemes under a range of scenarios should reflect future uncertainty, in addition to the core case.

7.1.7 Paragraph 4.10 of the NPS outlines that the viability of an SRFI should take account of relevant government strategies. It also outlines that the radial proximity of an SRFI to another SRFI is a consideration as SRFIs should not abstract traffic from existing SRFI.

7.1.8 Paragraph 4.12 states that a key part of the environmental assessment is the consideration of cumulative effects. The applicant should provide information on how the effects of the proposal would combine and interact with the effects of other development where relevant. Applicants are required to consider the impact of other existing or committed developments within an appropriate geographical area and assess the additional impact of their own development.

7.1.9 Paragraph 4.20 outlines that applicants must adequately assess alternatives to the proposed development in line with policies within the NPS as well as the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and the Habitats Regulation and Water Environment (Water Framework Directive)(England and Wales) Regulations 2017.

7.1.10 Paragraph 4.27 states that applicants should include design as an integral consideration from the outset of a proposal. Applying good design to national network projects should not be limited to general aesthetics. High quality and inclusive design extends beyond aesthetic considerations. The four design principles contained within the National Infrastructure Commission as outlined in paragraph 4.27 dealing with climate, people, places and values should be adhered to.

7.1.11 Paragraph 4.71 picks up on the impact that road and rail infrastructure including SRFIs can have to health, well-being and the quality of life of the population. New or enhanced infrastructure can have direct impacts due to a range of environmental impacts including traffic, noise and light pollution. It also states that they may have indirect health impacts for example affecting access to key public services, local transport, opportunities for walking, cycling and wheeling or the use of open space for recreation and physical activity.

7.1.12 Paragraph 4.80 of the NPS outlines that SRFI should be planned in a form which accommodates both rail and non-rail activities including appropriate provision for HGV drivers.

7.1.13 Paragraph 4.81 states that SRFI should be appropriately located relative to the markets they serve focusing on urban centres and key supply routes. Given these requirements countryside locations may be required for SRFI.

7.1.14 Paragraph 4.82 acknowledges that adequate links to the rail and road networks are essential. Paragraph 4.82 goes onto outline that as a minimum SRFI should ideally be located on a route with a gauge clearance of W8 or more, or capable of enhancement to a suitable gauge.

7.1.15 Paragraph 4.83 states that given that SRFI tend to operate 24 hour days and involve large structures they may not be considered suitable adjacent to residential areas or environmentally sensitive areas such as national parks or National Landscapes.

7.1.16 Paragraph 4.84 notes that SFRIs can provide many benefits to the local economy and because of the many on site functions such operations are relatively labour intensive which can create many new job opportunities. The existence of an available and economic local workforce will therefore be an important consideration for the applicant.

7.1.17 Paragraph 4.85 outlines that in decision making the SoS should be satisfied that the rail facilities will come forward in a timely manner.

7.1.18 Paragraph 4.88 outlines that the SoS may allow warehousing to be brought into use in advance of rail facilities becoming operational by use of a Requirement but must be certain that rail facilities will come forward in a timely manner. Applicants should provide confirmation from Network Rail of the timescales proposed for connection to the freight network.

7.1.19 Finally, paragraph 4.89 outlines that SRFI as a minimum should be able to handle four trains per day, ideally with the capability to increase the number of trains handled. They should also ideally be able to handle a 775 metre train.

NPPF (2026)

7.1.20 When it comes to the principle of this type of proposal, in this type of location, Policy S5 is one of the key policies in the newly adopted NPPF because it applies to development outside settlement boundaries (and this site is not within the built-up area, and nor it is allocated).

7.1.21 The inclusion of wording '*not limited'* in this policy ensures that evidenced unmet need is not limited to housing developments and can apply to logistics too.

7.1.22 Moreover, Part J Criteria I and Criteria II, of policy S5, list the type of development which would be permissible under Part J. This list includes logistics development. This policy is reinforced by Policy E2 (Meeting the needs for business land and premises), a positive policy that requires substantial weight to be given to supporting improvements in freight and logistics.

7.1.23 Policy E3 is in place to ensure that freight and logistics developments are allowed on the proviso that they have good access to transport networks, limit environmental impacts, do not unduly impact on neighbouring uses and deliver sufficient (& secure) levels of parking for lorries and other vehicles.

Cherwell Local Plan

7.1.24 Looking at the Cherwell Local Plan, (Cherwell Local Plan 2011-2031 Part 1 (CLP 2015)) Policy PSD1 reiterates the aim of both the NPS and NPPF to secure sustainable development.

7.1.25 Policy SLE1 seeks to deliver the Plan's strategy to locate strategic employment proposals at Banbury, Bicester and Kidlington. The adopted Local Plan allocated approximately 175 hectares of employment land at Banbury and Bicester, the majority of which has already been developed.

7.1.26 The application is largely inconsistent with, and would be a departure from, the Local Plan strategy in this regard. However, there are criteria against which other development proposals brought forward can be assessed as to their appropriateness. The Plan has an urban focus, and justification is needed for new sites in the rural areas.

7.1.27 Paragraph B.44 states that to ensure employment development is located in sustainable locations, to avoid problems such as traffic on rural roads and commuting, employment development in the rural areas will be limited.

7.1.28 As the site is located in the rural area outside of the three main towns, the third part of Policy SLE1 applies. This extract from the policy reads as follows:

"Unless exceptional circumstances are demonstrated, employment development in the rural areas should be located within or on the edge of those villages in Category A (see Policy Villages 1)

New employment proposals within rural areas on non-allocated sites will be supported if they meet the following criteria:

- They will be outside of the Green Belt, unless very special circumstances can be demonstrated.
- Sufficient justification is provided to demonstrate why the development should be located in the rural area on a non-allocated site

- They will be designed to very high standards using sustainable construction, and be of an appropriate scale and respect the character of villages and the surroundings.
- They will be small scale unless it can be demonstrated that there will be no significant adverse impacts on the character of a village or surrounding environment.
- The proposal and any associated employment activities can be carried out without undue detriment to residential amenity, the highway network, village character and its setting, the appearance and character of the landscape and the environment generally including on any designated buildings or features (or on any non-designated buildings or features of local importance).
- The proposal will not give rise to excessive or inappropriate traffic and will wherever possible contribute to the general aim of reducing the need to travel by private car.
- There are no suitable available plots or premises within existing nearby employment sites in the rural areas."

7.1.29 Moving on to the Cherwell Local Plan 1996 Saved Policies (CLP 1996), Saved policy C8 seeks to resist development "if its attractive, open, rural character is to be maintained". It explains that this policy "will apply to all new development proposals beyond the built-up limits of settlements including areas in the vicinity of motorway or major road developments but will be reasonably applied to accommodate the needs of agriculture. There is increasing pressure for development in the open countryside particularly in the vicinity of motorway junctions. The Council will resist such pressures and will where practicable direct development to suitable sites at Banbury or Bicester."

7.1.30 It is noteworthy that this policy is now 30 years old and written in a very different economic and national planning policy landscape. Accordingly, the Councils afford policy C8 limited weight.

7.1.31 The Cherwell Local Plan Review 2042 Proposed Submission (CLPR 2042) brings forward the following draft policies relevant to the principal of NSRFI development: LEC 1 and LEC3.

7.1.32 Draft Policy LEC 1 (which has received a number of letters, some supporting and some objecting to the policy) is concerned with the level of employment need for the Cherwell district over the plan period and how this will be delivered. The policy refers to the committed employment sites and new allocations, which together with other commitments and completions, it is anticipated, would provide sufficient delivery of employment land to 2042. However, this policy has not yet been through the rigour of an Examination in Public.

7.1.33 Draft Policy LEC3 is directly relevant to this proposal as it is concerned with employment development on unallocated land. The emerging plan's spatial strategy directs development to Banbury, Bicester and to a lesser extent in the Kidlington area. As this proposal would lie outside these immediate areas within the open countryside it is considered that it may materially undermine this strategy in principle, due to the lack of clarity on the requirement for the scale of the logistics units needed to serve the requirements of the rail operation that are linked to.

Local Transport and Connectivity Plan

7.1.34 Policy 48 of the Oxfordshire Local Transport and Connectivity Plan (LTCP) (the County's statutory Local Transport Plan) encourages a modal shift within the County to move freight from road to rail. Policy 47 of the LTCP requires the Council to produce a Freight and Logistics Strategy. Action 1 of the Freight and Logistics Strategy is to encourage mode shift of freight from road to rail whilst Action 2 emphasises the need to increase freight capacity whilst not prejudicing passenger services.

Commentary

7.1.35 Section 26 of the Planning Act defines a Strategic Rail Freight Interchange and provides several criteria that must be met to meet this definition:

- The SRFI must be at least 60 hectares in area (s.26(3)(b))
- Must be able to handle consignments of goods from more than one consignor and to more than one consignee (s.26(4)(a))
- Must be able to handle at least 4 goods trains per day (s.26(4)(b))
- Must be part of the rail network in England (s.26(5))
- The rail freight interchange must include warehouses to which goods can be delivered from the railway network either directly or by means of another form of transport (s.26(6))
- Must not be part of a military establishment. (s.26(7))

7.1.36 The NNNPS outlines a serious of criteria that must be met for a proposed Rail Freight Interchange to meet the policy test to be considered a Strategic Rail Freight Interchange (and therefore address the need established in Part 3 of the NPS). Principally these are:

- Being sited appropriately to the markets that they serve including major urban centres, groups of centres and key supply chain routes (Paragraph 4.81)
- Suitable links to the Strategic Road Network and Rail Freight Network (Paragraphs 4.81-4.82)
- A minimum of W8 gauge clearance (Paragraph 4.82)
- The ability to handle at least 4 trains per day (4.89)

- The capability of handling 775m long trains with minimal shunting and ideally a line connection in both directions (4.89).

7.1.37 The NNNPS also contains several references to warehousing associated with SRFI:

- SRFIs reduce the cost to users of moving freight by rail, by streamlining the process and enabling warehouse facilities to be incorporated into the end destination. (Paragraph 3.83)
- SRFIs should include rail accessible and rail connected buildings from the outset (Paragraph 4.87)
- Applicants may need to deliver warehousing ahead of the delivery of the rail terminal. The SoS should be content that the rail connection will be provided in a timely manner, and evidence should be provided of agreement with Network Rail over the planned timeframe for the delivery of rail connections (Paragraph 4.88).

Adequacy of the Submitted Evidence

Location

7.1.38 The proposed SRFI would be located adjacent to the Chiltern Main Line. Whilst the Chiltern Main Line is currently only cleared to W7 gauge, it does form part of the Strategic Freight Network and is currently used for freight associated with HS2 construction. Consideration of gauging is outlined below.

7.1.39 The OxSRFI site is also sited approximately 4 miles south of the Aynho junction which connects the Chiltern Main Line to the Cherwell Valley Line, which is a major N-S freight artery cleared to W10 gauge.

7.1.40 Given this it is considered that the proposed location of the SRFI meets the criteria of being located on the Strategic Freight Network

7.1.41 In terms of the Strategic Road Network, the site is located approximately 0.6 miles from Junction 10 of the M40. Whilst the site is not directly adjacent to the M40, the Councils are content that with the Ardley Bypass proposed by the applicant there is a viable link to the Strategic Road Network. The proposed development is therefore adequately connected to the Strategic Road Network.

7.1.42 The final location criteria in the NPS is for SRFI to be appropriately sited for the markets that they serve. The proposed SRFI would be able to serve urban centres at Bicester, Banbury, Oxford and Northampton via relatively short journeys on the Strategic Road Network.

7.1.43 It is noted in paragraph 8.3 of the applicant's market report **[APP-311]** that the site could also serve Birmingham and London within a 90 minute drive time from the site. In the case of Birmingham there are more appropriate SRFI to serve this location such as East Midlands Gateway, Northampton Gateway of DIRFT. Freight journeys to these SRFI would require shorter HGV journeys into Birmingham than would be required from the proposed OxSRFI. Given this, journeys from the proposed OxSRFI to Birmingham would not accord with the aim of the NNNPS to take freight off the road and onto rail.

7.1.44 It is acknowledged that there is a dearth of SRFI serving London and the southeast which is identified in paragraph 3.104 of the NNNPS. Whilst the Councils do not believe that a 90 minute drive to London addresses the goal of the NNNPS to transition freight from road to rail it is acknowledged that, other than Radlett, this SRFI would be placed within the SRFI network in a position to serve London.

7.1.45 The Planning Act 2008 includes another criteria that SRFI not be located within a military establishment. The proposed location is not within a military establishment.

7.1.46 Given the above the Councils consider that the proposed SRFI would meet the locational requirements set out with the NNNPS and the PA 2008.

Gauge Clearance

7.1.47 Both the applicant's Rail Report **[APP-312]** and the SoCG between the applicant and Network Rail **[AS-092]** indicate that subject to the gauge clearance works in Ardley Tunnel (Works No. 38 **[APP-139]**), then access to the OxSRFI will be cleared to W8 gauge in line with the minimum requirement of the NNNPS.

7.1.48 Oxfordshire County Council has commissioned SLC Projects, a reputable rail consultant, to review the applicant's submission documents in relation to rail. Their report is appended to OCC's Relevant Representation **[RR-109].** This report did not identify any evidence to indicate that W8 gauge clearance is not achievable (subject to the Ardley Tunnel works).

7.1.49 Whilst the Councils have previously requested clarification from the applicant as to why a greater loading gauge (such as W10/W12) was not considered (particularly in the 4-mile stretch between the OxSRFI and the Cherwell Valley Line, which is cleared for W10 gauge), the Councils are content that the proposed OxSRFI meets the minimum gauge clearance required by paragraph 4.82 of the NNNPS.

4 Trains Per Day

7.1.50 Paragraphs 6.4.12-13 of the Applicant's Rail Report **[APP-312]** outline that a pathing study that was undertaken in combination with Network Rail, the Applicant and Great British Rail Freight. This assessment is based on both the 2019, 2020 and 2025 Timetables. The Pathing Study is contained at Appendix C of **[APP-312]**.

7.1.51 SLC Rail have reviewed this study on behalf of OCC (**[RR-109]**) and concluded that the Pathing Study is 'a competent piece of work undertaken using appropriate software tools, and which demonstrates that the NNNPS test of being able to provide "at least four trains per day" has been met.'

7.1.52 Given this the Councils are content that the proposed SRFI is capable of meeting the policy requirement of being served by 4 trains per day in accordance with s.26(4)(b) of the Planning Act 2008 and Paragraph 4.89 of the NNNPS.

7.1.53 Being as paths have been identified to Crewe, Wembley Yard and Eastleigh the Councils are also content that the proposed OxSRFI would be capable of handling consignments of goods from more than one consignor and to more than one consignee in line with s.26(4)(a) of the Planning Act 2008.

Train Length and Main Line Access

7.1.54 The Illustrative Rail Terminal Plan **[AS-021]** indicates that the site is capable of containing at least 3 rail sidings which are 775m in length in the first phase and up to 5 siding in phase 2. This is corroborated by Network Rail in the submitted SoCG **[AS-092]**.

7.1.55 Given this the Councils are content that the proposed SRFI are capable of handling multiple trains up to 775m long in line with paragraph 4.89 of the NNNPS.

7.1.56 The proposed sidings would connect to the Chiltern Main Line at both the southern and northern end of the proposed site. The applicant also proposes crossovers on both connections. The result of this is that proposed SRFI would be able to connect to the Chiltern Main Line in both directions in line with paragraph 4.89 of the NNNPS. This is confirmed by SLC Projects' review of the submitted application documents **[RR-109]**

Quantum of Warehousing

7.1.57 The Councils note that neither the Planning Act 2008, nor the NNNPS provide a minimum amount of warehousing floor space required to serve an SRFI.

7.1.58 The applicant justifies the scale of the proposed warehousing in the Market Analysis Report **[APP-311]**.

7.1.59 Paragraph 7.14 of **[APP-331]** identifies a growing demand at a national level for 'XXL logistics buildings'. Paragraph 7.17 identifies an increasing demand for Regional Distribution Centres (RDC) and National Distributions Centres (NDC). Paragraph 7.19 outlines that 92% of the UK population can be reached via a 4.5 hour drive from the site and that the current lack of NDC and RDC scale logistics within the area is due primarily to land availability rather than a lack of demand. Paragraph 7.31 further emphasises this point and outlines that at the time of writing there were no XXL units immediately available or under construction on the London-Birmingham corridor.

7.1.60 Paragraph 7.43 once again emphasises the strategic positioning of the proposed development as it is able to connect to London and the Midlands. This paragraph outlines that the scale of the warehousing that is proposed means that the site will likely serve as a National Distribution Centre. The applicant's argument for the need for the scale of this warehousing is therefore that it will address a national need for NDC scale warehousing.

7.1.61 However, the market report does not make the link as to why NDC scale warehousing is required to serve a SRFI. Paragraph 3.83 of the NNNPS outlines that a goal of an expanded SRFI network is to reduce trip mileage of freight movements on both the national and local road networks, which incentivises the modal shift of freight from road to rail. Paragraph 3.103 of the NPS also outlines the need for SRFI to be sited near to the markets that they serve. It therefore does not follow that the scale of the warehousing facilities should be justified on the assumption that they allow for road based transport of freight to up to 92% of the UK population as this would seem contrary to the needs case for SRFI outlined within the NNNPS.

7.1.62 The applicant has therefore failed to provide adequate explanation as to why NDC quantum warehousing is required to serve a SRFI. Indeed, it is noted that at the most recently consented SRFI, Northampton Gateway, the rail terminal was completed and brought into use by freight trains in June 2025 which is prior to the occupation of any warehousing on the site (https://slp-northampton.com/community/whats-happening/ and **[APP-311]** Paragraph 6.13). It is therefore clear that an SRFI can operate without any warehousing.

7.1.63 The Councils do though acknowledge that the Planning Act states that an SRFI should include warehousing and so the Councils do not contend that OxSRFI should not include any warehousing at all. However, the Councils do not believe that sufficient justification has been provided for the quantum of warehousing proposed for this site.

7.1.64 The applicant has detailed in the ES Chapter 2 **[APP-170],** that one of the factors used to determine the likely scale of land needed for the SRFI was by comparison to previously consented SRFI. It stands to reason that the applicant would therefore justify the quantum of the proposed warehousing by comparing it to previously consented SRFI.

7.1.65 The amount of warehousing proposed by the applicant (c.603,000sqrm) is higher than the amount of floorspace for the two most recently consented SRFI, Northampton Gateway (c.557,000sqrm) and East Midlands Gateway (c.557,000sqrm). Whilst examples from other SRFI are useful comparison tools, they do not provide justification for why an SRFI in this particular location would need logistics space of the proposed scale.

7.1.66 Noting the requirements of the third part of Cherwell Local Plan policy SLE1, it is considered that insufficient information has currently been provided to show that the proposed development is not in conflict with a number of the bullet points listed as part of the policy.

7.1.67 Of particular note is point two which requires sufficient justification to be provided to justify the proposal, point three which requires the scheme to be designed to a very high standard and be of an appropriate scale and respect the character of villages and the surroundings and point three which necessitates the development to be undertaken without undue detriment to the appearance and character of the landscape and the environment generally including on any designated buildings or features.

7.1.68 The applicant has also failed to link the quantum of the proposed warehousing to anticipated levels of freight coming from the rail terminal. The Market Analysis Report **[APP-311]**, does not provide any link between the proposed 603,000sqrm of warehousing floor space (not including mezzanine space) and the level of freight anticipated to pass through the rail freight terminal. S.26(6) of the Planning Act 2008 states that '*rail freight interchange must include warehouses to which goods can be delivered* ***from the railway network***'. Given this the legislation provides a clear indication that the level of warehousing should be linked to the ability to deliver goods from the rail network, not based on a general need for logistics within the location (which is the main argument presented **[APP-311])**.

Timing of the Rail Connection

7.1.69 Paragraph 4.88 of the NNNPS states:

> *'However, the Secretary of State recognises that applicants may need to deliver warehousing ahead of the final delivery and commissioning of connections to the rail network coming forward. In these circumstances the Secretary of State will want to ensure that operational rail connections are brought forward in a timely manner, which may include using requirements that secure operational rail connections after a specified period and/or before a development threshold is reached.* ***The applicant should provide evidence of discussions and demonstrate agreement with Network Rail regarding the planned timeframe for the delivery and commissioning of rail network connections'***. (the Councils' emphasis)

7.1.70 The evidence provided by the applicant of agreement with Network Rail is within the signed SoCG with Network Rail at **[AS-087]** which states at paragraph 7.5:

- *'…The timeframe will also be influenced by areas outside of the direct control, such as the rail industry Network Change consultation process, or negotiations with external stakeholders.* ***On this basis, it is agreed that delivery and commissioning of the rail network connections could not be achieved in any less than three years from Determination****.*' (the Councils' emphasis)

7.1.71 Further commentary on rail matters has been provided by Network Rail in **[PDA-011]** however there is no further clarity on the issue of the timing of the rail network connections.

7.1.72 The Councils contend that the NR position in the SoCG **[AS-087]** does not demonstrate agreement regarding the planned timeframe for the delivery and commissioning of rail network connections in line with paragraph 4.88 of the NNNPS. Instead, the SoCG only provides agreement on the timeframe when connection is not possible.

7.1.73 The Network Rail position does not agree that the rail connections can be achieved in line with the construction phasing outlined within Appendix 1 of the CEMP **[APP-182].** Instead, the NR position is that it is not possible to deliver the connection within three years from determination. This leaves the potential connection date open ended with no certainty that the connection could be achieved within the proposed construction timeline, or even with the next 10 years or more.

7.1.74 Whilst it is acknowledged that Requirement 5 of the dDCO **[APP-139]** limits the amount of warehousing that can be occupied in advance of the rail connection, there is still a risk that significant parts of the development become operational without the benefit of the rail connection as NR have provided no certainty of when a rail connection is achievable. This would result in the development failing to address the national need for SRFIs outlined within section 3 of the NNNPS.

7.1.75 It is noted that NR have indicated that they do not believe that they can provide certainty of a connection date as certain elements are outside of their control. However, paragraph 4.88 of the NNNPS was newly added to the NPS when it was updated in 2024. Amendments to NPS are subject to consultation and Network Rail would have been consulted. As such, if it is not possible for NR to comply with the requirements of paragraph 4.88 of the NNNPS then this should have been raised with the SoS at the time of consultation.

7.1.76 As it stands, in making the NNNPS, the SoS considered that knowledge of the timeframe for connection of SRFI to the rail network was vital when determining whether warehousing should be occupied in advance of the rail connections to prevent scenarios where warehousing is occupied in the long term without the benefit of the rail connection. It is not for NR as part of their response to this application to contend the drafting of the NPS (which is in effect what their response in **[AS-087]** does).

7.1.77 Whilst it is the wording of the Statement of Common Ground which the Councils consider fails to comply with paragraph 4.88 of the NNNPS, and that ultimately this wording has come from NR, the Councils recognise that paragraph 4.88 puts the onus on the applicant to demonstrate to the SoS agreement regarding the timeframe for delivery of the rail connection.

7.1.78 The Councils therefore consider that the applicant needs to demonstrate agreement with Network Rail on the planned timeframe for the delivery of the rail network connection and that this timeframe aligns with the delivery programme outlined within Appendix 1 of the CEMP. Without this the Council do not consider that the application accords with paragraph 4.88 of the NNNPS.

Conclusions on the Principle of Development

7.1.79 The Councils consider that the infrastructure associated with the proposed rail terminal and locational requirements complies with the minimum requirements for an SRFI set within the Planning Act 2008 and the NNNPS.

7.1.80 However, when considered against Cherwell Local Plan Policy SLE1, nor the requirements of the Planning Act 2008, the Councils do not consider that sufficient evidence has been provided to justify the quantum of warehousing proposed or that no significant adverse impacts on the surrounding environment will arise.

7.1.81 Equally the Councils do not consider that adequate evidence has been provided to demonstrate agreement between the applicant and Network Rail on the timeframe for the proposed rail network connections in line with paragraph 4.88 of the NNNPS.

8 Environmental Impacts

Chapter 8 and sub-chapters consider the environmental impacts of the proposed development.

Each chapter identifies the relevant policies within development plans and other local policy, the key issues raised by the proposed development, the extent to which the applicant addresses them and thus the degree to which the councils consider the proposal to comply with local policy and where applicable the NPS. Each chapter is based on a chapter within the Environmental Statement and will also provide comments on any relevant supporting documentation.

Where applicable, additional mitigation or amendments to the scheme deemed necessary to reduce its local impacts are suggested.

In assessing the local impacts of the proposals, the Councils have drawn on the expertise of both relevant qualified officers of their councils e.g. environmental health, ecology, landscape, minerals and waste alongside that of external professional consultants to ensure that a suitably qualified response, based on local knowledge and expertise, is provided on each of the issues. Each environmental impact is considered below.

8.1 Transport

Summary

- Both Councils have engaged regularly with the applicant since 2021 to discuss the potential transport impacts of the proposed development via the Transport Working Group (TWG).
- Via the TWG OCC as Highway Authority agreed assessment methodologies, modelling and mitigation in advance of submission.
- As a result of this close engagement very few highways issues remain outstanding and only very minor issues remain. The remaining highways issues relate more to legal drafting of the DCO rather than as potential environmental impacts and so are considered in Chapter 9.
- The Council remains concerned that the applicant has indicated that the proposal will not be able to accord with OCC's adopted parking standards.
- OCC's OxRail 2040: A Plan for Rail includes an ambition to deliver a new railways station at Ardley to serve the nearby villages and the potential for future growth at Heyford Park. OCC has engaged with the applicant on this issue and the applicant has agreed to include passive provision for the station within their overall designs.
- OCC request further information outlining that viable and meaningful rail connectivity is possible between the proposed facility and Southampton to in order to reduce the pressure of freight traffic on the A34

Mitigation/Improvements

- OCC request further information on rail connectivity from Southampton to SRFI in order to demonstrate that the facility could reduce the pressure of road freight on the A34.
- The Council requires the applicant to demonstrate that once the development is completed and the full travel plan provisions are in place, the applicant will be able to comply with OCC's parking standards.
- The Councils request an update to the outline CTMP to ensure the pro-commencement surveys are undertaken for all construction routes identified in the CTMP.

	Policy	Compliant?
CDC	CLP (2015) Policy SLE4 (Improved Transport Connections)	In respect of the work to junction 10 of the M40 and the mitigation for the new development, no conflicts with the policy are identified.
OCC	Bicester Area Transport Strategy	

	<u>Local Transport and Connectivity Plan (2022):</u> Policy 1 – Transport User Hierarchy Policy 2 – Cycle and walking networks Policy 3 – Local Cycling and Walking Infrastructure Plans Policy 4 – Strategic Active Travel Network Policy 5 – Public Rights of Way Policy 6 – Greenways Policy 15 – Vison Zero Policy 21- Rail Strategy Policy 29- Zero Emission Vehicles Policy 30- Green Infrastructure Policy 31 – Network Management Policy 33 – Parking Management Policy 40 – Connected and Autonomous Vehicles. Policy 47 – Freight and Logistics Strategy Policy 48 – Long Distance Movement Policy 49- Local Movement Policy 50 – Last Mile Movement Policy 52- Movement and Place Strategies <u>Oxfordshire County Council Freight and Logistics Strategy (July 2022):</u> Action 1. Promote Rail Freight Action 2. Work with stakeholders to increase rail network capacity Action 6. Work and lobby a range of stakeholders at the regional and national level to encourage the shift of long distance freight from road to rail. Action 9. Promotion of Oxfordshire HGV Route Map. Action 17. Promote the creation of rest stops and lorry park facilities. Action 18. Support of the freight industry's electric vehicle charging requirements. Action 19. Monitor alternative HGV fuel requirements and options Action 20. Strategically locate refuelling infrastructure. Action 25. Support the provision of freight interchanges. Action 30. Promote cycle freight across Oxfordshire.	Conflict identified with LTCP Policy 33 Parking Management- The applicant has indicated a parking ratio of 1:200. This does not comply with OCC's parking standards which require 1:300 for storage and logistics sites.

	OxRAIL 2040: Plan For Rail	

Policy Detail

8.1.1 Paragraph 4.82 of the NPS outlines that adequate road and rail links are essential to SRFI developments.

8.1.2 Paragraph 5.271 states that applicants should consult with Local Authorities and Transport Authorities and that applicants should have appropriate regard to Local Plans and Local Transport Plans, Local Cycling and Walking Infrastructure Plans and Public Rights of Way Improvement Plans.

8.1.3 Paragraph 5.273 outlines that applicants should seek to offer an integrated transport outcome, significantly considering opportunities to support other sustainable transport modes, as well as improving local connectivity and accessibility in developing infrastructure. The needs of pedestrian and other vulnerable road users should be considered, where appropriate, in line with the principles of the road user hierarchy.

8.1.4 For SRFI paragraph 5.276 states the applicant's assessment should include an assessment of the transport impacts on other networks as part of the application, based on discussions with the Local Highway Authority and Local Planning Authority.

8.1.5 5.728 outlines that applicant should also prepare a travel plan outlining management measures to mitigate transport impacts. This plan will understand the needs of people walking, wheeling or cycling. Audits should be undertaken and opportunities should be explored to improve the environment for all users including providing appropriate facilities. The development should also facilitate modal shift by enhancing modal interchanges. Proposals should reduce the need for parking and should make provision for alternative fuels.

8.1.6 Paragraph 5.781 states that mitigation should be proportional, reasonable and focussed on facilitating journeys by active travel, public transport, shared transport and cleaner fuels.

8.1.7 Paragraph 5.783 outlines that the applicant should provide evidence that the development improves the operation of the network and assists with capacity issues.

8.1.8 When it comes to decision-making in relation to SRFI paragraph 5.290 states that where a development negatively impacts on surrounding transport infrastructure including connecting transport networks, the Secretary of State should ensure that the applicant has taken reasonable steps to mitigate these impacts. Where the proposed mitigation measures are insufficient to reduce the impact on the transport infrastructure to acceptable levels, the Secretary of State should expect applicants to accept requirements and/or obligations to fund infrastructure or mitigate adverse impacts on transport networks.

8.1.9 Policy SLE4 (Improved Transport Connections) of the Cherwell Local Plan states New development in the District will be required to provide financial and/or in-kind contributions to mitigate the transport impacts of development. All development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement will be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.

8.1.10 Improving connectivity between key employment and residential sites and the strategic transport system is one of the policies in the existing Bicester area transport strategy – BIC1. There has been extensive work on assessing the impact and options for mitigating the proposed development's impact at Junction 10 of the M40. This is the right approach to safeguard the villages and local Bicester roads from vehicles travelling longer distances. This is summed up in the Preliminary Environmental Information Report, Appendix 3.25 in paragraph 4.1 with vehicles reassigning to higher category roads.

8.1.11 The policy emphasis within the Oxfordshire Local Transport & Connectivity Plan is on sustainable transport. Although a development of this nature will inevitably produce a high number of motorised vehicles, it is imperative that as many trips as possible are by active travel or public transport.

Commentary

Highways

8.1.12 At a strategic level the development in operation would transfer freight mileage from road to rail. However, the freight terminal would concentrate HGV traffic locally, drawing HGV traffic off the M40 at J10 and into the terminal for containers to be loaded onto trains, and vice versa. The associated warehousing would also generate a substantial volume of HGV trips.

8.1.13 HGV trips have the potential to cause significant environmental impact on the local road network, as well as contributing to congestion. However, the site is located close to J10 of the M40 meaning that the HGV trips would affect a relatively small amount of the local road network. The route between the site and J10 is along a B-road (B430) and passes through Ardley village, but the proposals include a bypass for Ardley as part of the Phase 1 highway works (to be completed prior to first occupation), with the B430 being stopped up immediately north of the site access, and traffic routing directly from the site to J10 without passing through any settlement.

8.1.14 An HGV Routing Strategy (TA Appendix 6) **[APP-193]** would ensure that local rural routes including villages are protected from HGV movements associated with the development. This includes physical measures forcing HGVs to turn left out of the site access onto the Ardley Bypass, ANPR cameras on the nearby road network to prevent abuse e.g. by doing a U turn at Ardley Roundabout, and a requirement for the developer to monitor and take action against non-compliance and provide reporting to OCC via a Sustainable Transport Working Group. The DCO would also bring into force a 7.5 tonne environmental weight restriction zone around nearby villages as a complementary measure.

8.1.15 The site would also generate a significant volume of car and light vehicle traffic, associated with a large employment site. This would be more dispersed, and while there would be some increase in traffic on most nearby roads, the highway works proposed to increase capacity at the major junctions would reduce the potential for displacement of traffic onto unsuitable rural roads.

8.1.16 The introduction of the Middleton Stoney Relief Road as Phase 2 mitigation, would reduce the impact on Middleton Stoney village, which lies on a direct route between the site and Bicester, which is likely to be a major source of employees. The relief road, together with S106 funding, would also facilitate a reliable and attractive bus service between the site and Bicester, avoiding congestion at Middleton Stoney. The Phase 1 and Phase 2 highway works are shown on the Highway Works Overview drawings in the Transport Assessment (TA) **[APP-192]**.

8.1.17 The location adjacent to Heyford Park offers good potential for residents there to walk or cycle to work at the site and provides opportunities for bus services that would link both developments to Bicester, improving their prospects of long-term viability. The Public Transport Strategy, set out in TA Appendix 5 **[APP-193]** is supported by OCC.

8.1.18 The site is located within a realistic commuting cycling distance from the centre of Bicester, over a reasonably flat route. This, along with the proposed active travel improvements, offers good opportunity for active travel between the site and Bicester. The public rights of way network locally would be impacted by the development and its associated highway works, but the proposals overall significantly improve connectivity for NMUs through the creation of new and improved PRoWs, as set out in the Footway, Cycleway PRoW Strategy Overview Plan, Phases 1 and 2 within the TA **[APP-192]**.

8.1.19 The impact of the traffic at peak times on the capacity of both the local and strategic road networks has been assessed in a detailed TA, which has been scoped and developed in close consultation with the Transport Working Group comprising OCC, CDC and NH over several years. The TA also examines the accessibility of the site by sustainable transport modes and includes a number of supporting documents as appendices, as set out in Table 3.1 of the ES Chapter 3. Transport (Revision E) **[APP-171]**, including a Sustainable Transport Strategy, a Public Transport Strategy, a Framework Travel Plan and an HGV Routing Strategy.

8.1.20 The traffic modelling that forms the basis of the transport assessment, has been used to predict the daily traffic flows on the surrounding network. These have in turn informed the ES Transport Chapter **[APP-171]**, which considers the transport related environmental impacts of traffic.

Rail

8.1.21 The proposed SRFI is sited on the southern side of the Chiltern Main Line on the opposite side of the railway line to the former Ardley Station. The former Ardley Station closed in 1963.

8.1.22 The Chiltern Main Line is an important passenger line that connects Birmingham Moor Street to London Marylebone. The Chiltern Main Line is also part of the freight network including providing a route for freight related to the construction of HS2.

Adequacy of the ES/ proposed mitigation

Highways

8.1.23 The Transport Assessment (TA) is appended **[APP-192 to APP-202]** to the ES transport chapter and clearly sets out how the peak-hour trip generation, distribution and assignment of traffic has been predicted and its impact on highway capacity assessed. The peak hour traffic flows were converted to daily flows for the purposes of assessing the environmental impacts of the traffic. As the TA is the basis for the flows used in the ES chapter, the commentary below begins with the TA.

8.1.24 All stages of the TA were agreed in close consultation with the Transport Working Group (TWG), comprising OCC, NH and CDC, before moving on to the next stage. The TWG was coordinated by the applicant. West Northamptonshire Council were invited but did not generally participate. OCC as Highway Authority has considered the TA and supporting appendices and is satisfied that this assessment is robust and that the mitigation is sufficient to mitigate the traffic capacity impacts of the development and to provide opportunities for sustainable travel in line with policy.

8.1.25 Chapter 4 and Appendix 1 (Sustainable Transport Strategy) of the TA **[APP-192]** describes the active travel embedded mitigation and its evolution. There has been considerable discussion of the cycle route between the site and Bicester. The proposed route is considered acceptable and includes new infrastructure to create off-carriageway cycle facilities, as well as improvements including speed limit changes to the minor roads through Bucknell to make them suitable for on-carriageway cycling. Where mitigation is required on highway but outside of the Order Limits on Bicester Road (between Bucknell and Bicester), a scheme has been proposed and a S106 contribution is being negotiated to allow OCC to deliver works to make this link safer and more attractive for cycling.

8.1.26 Chapter 8 of the TA **[APP-192]** describes the evolution of the package of embedded highway works and how it was developed in consultation with the TWG.

8.1.27 The methodology for calculating the trip generation of the development is set out in TN3 Trip Generation (Appendix 7 of the TA) **[APP-193]**. This sets out the full development scenario, which assumes that the rail freight terminal is operating at full capacity of 12 trains per day. The opening year scenario is based on a Phase 1 floor area of 185,806 sqm plus 61,967 sqm of mezzanine, and 4 trains per day at the rail terminal, which is the minimum level of service for the site to be considered an NSIP.

8.1.28 In each phase, with- and without-travel plan scenarios of external vehicle trip generation were considered. The without-travel plan scenario (the core scenario used in the transport assessment) assumes a 92% single occupancy vehicle modal share, and the traffic generation profiles across the day are set out in table 8 of TN3 **[APP-193]**.

8.1.29 Given the nature and location of the development, reducing the car modal share will be challenging, but it is considered that the travel plan targets in the agreed Framework Travel Plan (ES Appendix 3.2) and as set out in Table 6.3 of the TA, which would reduce the car modal share down to 68% by year 5, are ambitious but realistic and achievable in the context of the sustainable travel mitigation that would be provided by the development.

8.1.30 The methodology for predicting the distribution of the development trips, which in turn generates the origin-destination matrices for traffic modelling, is set out in TN4 HGV Trip Distribution (TA Appendix 11) **[APP-194]**, and TA Appendix 10 Light Vehicle Distribution **[APP-194]**. For HGVs this is based on a bespoke methodology discussed at length and agreed with OCC and NH taking into account the likely origin and destination of HGVs that would transfer containers onto rail at the freight terminal, and the proposed HGV Routing Strategy which would be secured by the DCO. For cars and light vehicles, trip matrices were generated by a gravity model (OCC's Bicester Transport Model) which takes into account current and future employment development and population centres.

8.1.31 The transport modelling methodology was agreed and is set out in TN2, TA Appendix 12 **[APP-194]**. Modelling scenarios were agreed as set out in the Summary of Agreed Transport Modelling Scenarios, TA Appendix 13 **[APP-194].** The core scenarios used to test the impact of the development and its embedded mitigation are the reference cases RC2A (opening year, 2031), and RC3A (completion year, 2034), with the corresponding 'Do Something' scenarios DS2A and DS3A.

8.1.32 The 'A' denotes the inclusion of the Albion Land development at Baynards Green, which at the time had a resolution to grant planning permission, although it has subsequently been refused and appealed, with the Public Inquiry scheduled to start in September 2026. Uncertainty logs for transport modelling were checked by OCC and CDC and found to include all appropriate committed development in the reference cases.

8.1.33 As agreed with the TWG, the TA used the Bicester Transport Model, a SATURN gravity model owned by OCC and managed by TetraTech. Local validation was carried out on the model in 2021 to confirm its fitness for purpose. Model runs were commissioned by the applicant from TetraTech following scoping agreed with OCC. The results are set out in TA Appendix 27 Stage 2 Transport Modelling, **[APP-200]** which presents the completion year results diagrammatically and in tabular form.

8.1.34 New junctions and existing junctions where there was forecast to be a significant impact were then selected for further detailed testing, as set out in TA Appendix 27 Figure 15 **[APP-200]**. The TA then presents the results of testing using detailed junction testing software, in Chapter 11 for the completion year (2034), and Chapter 12 for the opening year (2031). This has been reviewed by OCC and the conclusions are accepted. M40 J10 including Baynards Green were tested using NH's VISSIM microsimulation model, which has been subject to detailed review by NH. Overall the scheme of improvements at M40 J10 would deliver improvement in performance compared with the reference case, without detriment to the immediate local highway network. They would have wider benefits of reducing traffic reassignment to local unsuitable routes.

8.1.35 The detailed transport modelling of junctions has included 'with-travel plan' scenarios, but in all cases, this results in a small change in performance at each junction and would not alter OCC's position that the mitigation is required to make the development acceptable.

8.1.36 The modelling has demonstrated that the phasing of the highway mitigation is acceptable, with Phase 2 mitigation becoming necessary once the occupation of the development exceeds the Phase 1 floor area. The delivery of the mitigation packages will be secured by requirements in the DCO, including the trigger for each phase.

8.1.37 It was found that the introduction of the Middleton Stoney Relief Road would need to be accompanied by capacity improvements at the roundabout junction of the A4095 and B4030. Detailed modelling of the B4030 corridor is presented in Appendix 44 of the TA **[APP-202]**. A scheme of improvement for this junction is proposed, as part of the Phase 2 works. It includes improved pedestrian and cycle facilities.

8.1.38 In relation to the A4095/B4030 junction, as part of the S106 agreement, OCC is seeking an option to receive a financial contribution in lieu of the works because other developments in the area may give rise to the need for a different or larger scheme. The contribution would be pooled with other funding to enable OCC to deliver a scheme. The sum has not yet been agreed. However, the default position is that the applicant would deliver the proposed scheme.

8.1.39 Reducing constraints at M40 M10 and Baynards Green, is shown in the traffic modelling to allow the A43 to accommodate additional, previously supressed traffic demand, potentially leading to operational capacity issues at the next junction to the north on the A43, the Barleymow Roundabout (A43/A421 junction), although the reassignment impacts may not materialise. A 'monitor and manage' arrangement is being negotiated with National Highways. Note that this junction sits outside Oxfordshire, in West Northamptonshire. OCC considers that it would be more appropriate for this to be secured as a requirement in the DCO, rather than in a S106 agreement with OCC. Through conversation with the applicant it is understood that this DCO obligation will be included in a revised version of the DCO to be submitted.

8.1.40 Personal Injury Collision Data was also considered as part of the TA – this is reported in Chapter 2 and Appendix 2 **[APP-192]**. OCC is satisfied with the conclusions, as set out below (Annex 1). All the proposed highway works have been subject to an interim Road Safety Audit Stage 1. This is reported in Chapter 4 of the TA and presented at Appendix 36 **[APP-201]** and OCC considers there are no outstanding issues other than minor ones which can be addressed at detailed design stage.

8.1.41 The proposals have also been subject to a WCHAR (Walking, Cycling and Horse-Riding Assessment and Review), which is reported in TA Appendices 4 and 5 **[APP-195-196]**. Following detailed engagement through the TWG, OCC is satisfied with the review, and that suitable opportunities for improving connectivity have been identified and incorporated into the proposals. The WCHAR and associated design amendments have resulted in improvements to the PRoW network within and adjoining the Order Limits.

8.1.42 A further S106 financial contribution is sought to complement the proposed on-site measures and address the wider impacts of the proposed development on the surrounding PRoW network, particularly in relation to network connectivity an equestrian provision. The principle of this contribution has been agreed with the applicant and negotiation is ongoing on this contribution as part of the wider S106 negotiations.

8.1.43 A number of small changes to mitigation have been agreed in principle with the applicant since the submission of the DCO, and will be the subject of a change request accompanying updated documents and plans that will be submitted by the applicant, explaining the reason for the changes. These include: an additional traffic calming feature on Ardley Road south of Ardley, relocation of speed limit changes on Ardley Road and Somerton Road, 20mph speed limit on B430 at Ardley, and changes to the order limits north of the B4030/A4095 junction at Bicester.

8.1.44 Environmental Assessment Transport Chapter 3 **[APP-171]** describes the assessment methodology, and current and future baseline conditions at the Application Site and its surroundings. It assesses the likely significant environmental effects during construction and operation, proposes additional mitigation where necessary, and considers any likely residual impacts following mitigation.

8.1.45 OCC is satisfied with the competency and qualifications of the authors at ADC Infrastructure, who have significant experience on similar schemes. The ES transport chapter follows established guidance: Environmental Assessment of Traffic and Movement, July 2023, Institute of Environmental Management and Assessment (IEMA), and Design Manual for Roads and Bridges (DMRB) LA104 'Environmental Assessment and Monitoring', and DMRB LA112 'Population and Human Health'. The IEMA guidance is used normally to assess the impact of developments, but the DMRB guidance is primarily used to assess major road infrastructure. This scheme contains embedded highway works so the assessment methodology is tailored to use both.

8.1.46 In accordance with the IEMA Guidelines, the ES Transport Chapter considers the following environmental effects: Severance of Communities, Road Vehicle and Passenger Delay, Non-motorised User Delay, Non-motorised User Amenity, Fear and Intimidation on and by Road Users, Road Users and Pedestrian Safety, and Hazardous/Large Loads.

8.1.47 Road Vehicle and Passenger Delay, and Road User and Pedestrian Safety, are assessed in the TA, which focuses on the peak hours, being the worst case. The ES Transport Chapter assesses all the impacts but relies on the TA for the Road Vehicle and Passenger Delay. The assessment is carried out taking into account the thresholds of traffic increases and commentary on the thresholds set out in the IEMA Guidance.

8.1.48 The Applicant envisages that any transport of hazardous substances through the development would be unusual and would be controlled under separate legislation.

8.1.49 The development's construction traffic forecast is set out per construction year in Table 3.21. The routing of construction traffic would be directly to the M40, governed by the Construction Traffic Management Plan (TA Appendix 38) **[APP-201]**. Development construction flows are compared against 2024 baseline traffic taken from the BTM, and this shows that the B430 through Ardley village would experience significant increases in HGV traffic as a result of the development, in advance of the construction of the Ardley bypass. At its peak, in year 3 of construction, this would result in 46% more HGVs than in the 2024 baseline.

8.1.50 OCC does not agree with the assessment of the sensitivity of this link due to the fact that, although there are two signalised crossings of the B430 at Ardley, it does not take into account the narrow footways, which would exacerbate the fear and intimidation caused by the HGVs. Following discussion with the applicants, it has been agreed that the DCO will be amended as part of a future change request to create a 20mph speed limit through Ardley, which, when taking into account the temporary nature of the impact, is considered to provide adequate mitigation.

8.1.51 The CTMP **[APP-201]** Appendix 38 does not currently include a commitment to undertake highway condition surveys. OCC therefore requests that pre-commencement condition surveys are undertaken on local roads forming part of the construction HGV routes. This will provide a record of the existing highway condition and allow any damage caused by construction traffic to be identified and, where necessary, repaired by the Applicant. This should be secured through an update to the CTMP **[APP-201].**

8.1.52 In operation, the modal shift of freight from road to rail is assessed as being a permanent beneficial impact of moderate significance. At the minimum operation of 4 trains per day, this would lead to a mode shift of 368 HGV movements per day, while at maximum operation of 12 trains per day, the shift would be 1,104 movements per day. This benefit would be distributed on the SRN, which is categorised as a 'high value' receptor due to its national importance, according to the DMRB assessment guidelines.

8.1.53 The environmental impact of increases in traffic on road links is assessed taking into account the difference between reference and with-development scenarios in the 2031 opening year, and 2034 completion year. The 2031 opening year with-development scenario includes development construction traffic that would be on the network at that time.

8.1.54 The full assessment of potential effects is presented in Appendix 3.8 of the ES Transport chapter **[APP-171]** for 2034 completion year, and Appendix 3.9 for 2031. This presents a detailed review, with reference to the guidance, of all the environmental impacts on all the road links where a significant increase in traffic is predicted.

8.1.55 Due to the increase in traffic across the area, there are some ‘slight permanent adverse’ impacts, but in accordance with the guidance, these are deemed not to be significant. In many cases, the embedded mitigation results in slight beneficial impacts.

8.1.56 Whilst there is inevitably a degree of subjectivity in the interpretation of the guidance, OCC finds no reason to disagree with the assessment, other than the classification of links 24 and 25 in Ardley, mentioned above, which would experience very significant increases in construction traffic. This has resulted in a reduction in the proposed speed limit, to reduce the fear and intimidation impact, as mentioned above, which is welcomed. OCC anticipate an amended DCO to be submitted reflecting this speed limit change.

8.1.57 The assessment, carried out in line with guidance, results in the significant residual effects during the operational phase as being almost all beneficial in varying degrees. The only permanent residual adverse impact identified is on NMU amenity at link 66 (New Row, Bucknell), where the report concludes that the absolute traffic flows would remain very low and the reassignment of traffic leading to the potential impact is unlikely to happen in practice. A slight temporary adverse effect (opening year only) is predicted on Middleton Road, Bucknell, in terms of severance and NMU amenity. This would be mitigated by the phase 2 highway works.

8.1.58 The proposed highway works at J10 are assessed as having a permanent beneficial impact of very large significance, due to the fact that they would deliver substantial operational improvements and reductions to average vehicle delay, compared with the future baseline, at what is classed in the DMRB guidance as a high value receptor (the SRN).

8.1.59 The Ardley Bypass would remove all B430 through traffic from the village of Ardley, and this is assessed as having permanent beneficial effects of moderate significance on Severance, NMU Amenity, and Fear and Intimidation. Further benefits are attributed to the bypass removing the need for drivers to cross the Ardley Station Bridge on the B430, which has a degree of risk associated with its substandard width.

8.1.60 Elsewhere, the introduction of the Phase 2 highway mitigation, in particular the Heyford Park Link Road and Middleton Stoney Relief Road, would lead to a significant reduction in traffic flows through Middleton Stoney village, which is assessed as a permanent beneficial effect of large significance for driver delay, and a permanent beneficial effect of moderate significance with regard to severance, NMU delay and NMU amenity.

8.1.61 OCC’s Relevant Representation **[RR-109]** identified that future car parking provision should accord with the County Council’s Parking Standards for New Developments. The Applicant has subsequently submitted a Car Parking Technical Note to the Council seeking to establish a parking ratio of 1 space per 200 sqm of floorspace. At the time of drafting the LIR this topic was still under discussion with the applicant.

8.1.62 OCC's Parking Standards identify a maximum provision of 1 space per 300 sqm for B8 development. This represents an upper limit rather than a prescribed level of provision, and a robust site-specific assessment is required to establish the appropriate parking provision for the development. The Applicant's proposed ratio of 1:200 exceeds this maximum and has not currently been agreed by OCC.

8.1.63 OCC considers that the appropriate level of parking provision also needs to be considered alongside the sustainable travel assumptions underpinning the Transport Assessment and Framework Travel Plan. The transport case relies upon a reduction in car-based travel and single occupancy vehicle use over the build-out of the development. There is therefore a need to ensure that the level of permanent parking provision is consistent with the mode share and travel behaviour assumptions relied upon in the assessment and does not inadvertently undermine the sustainable travel strategy by providing substantially more parking than the anticipated long-term demand.

8.1.64 OCC has identified a potential monitor-and-manage approach, linked to Travel Plan monitoring and observed parking demand, as a possible means of providing appropriate flexibility while ensuring that the long-term level of parking provision remains aligned with the agreed sustainable travel strategy. At the time of preparing this Local Impact Report, this approach has not been agreed with the Applicant, and the appropriate level and management of car parking therefore remains an outstanding matter. OCC cannot support development which does not accord with the Council's LTCP policies or accord with the adopted parking standards.

Rail

8.1.65 In relation to the proposed passenger station at Ardley, the applicant provided the Passenger Rail Station Note **[APP-164]** to demonstrate that the OxSRFI proposal would not prejudice the delivery of a passenger station at Ardley in its former location. This concludes that there is no obstacle to constructing a passenger station on the historic location based on the likely scope of the station facility. The note also concludes that the OxSRFI scheme will deliver a number of potential benefits in relation to the passenger station in terms of highways and accessibility.

8.1.66 To deliver one of the aims of the adopted rail plan (which is to explore the feasibility of a passenger station at Ardley), OCC commissioned a pre-feasibility report completed in August 2026. This report aims to identify whether there is sufficient evidence to continue developing the proposal and understand the principal constraints and issues, including its interface with the proposed OxSRFI. This is in addition to the report the council have commissioned reviewing the proposed OxSRFI which was completed in June 2026 **[REP-109]**. This report included a review of the Passenger Rail Station Note **[APP-164]** provided by the Applicant.

8.1.67 In terms of station location, the OCC-commissioned reports found that the SRFI proposals may have the potential to narrow the alternatives assessment. The physical and environmental constraints in the area could limit the ability to develop a coherent station masterplan, particularly where station access, car parking, bus interchange, inclusive access and active travel routes need to extend beyond the immediate platform footprint.

8.1.68 The reports found that the historic location of the former Ardley station is the most credible starting point for further assessment. The historic site provides a number of advantages, including reduced geotechnical interventions compared with alternative locations, given the proximity of alternative locations to the Ardley Cutting and Quarry SSSI railway cutting.

8.1.69 Additionally, the proposed signalling alterations for the OxSRFI do not appear likely to materially constrain the delivery of a future Ardley station at its historic site. The signalling proposals are not directly at the former station site, and wider signalling alterations are in locations already subject to existing constraints which are unlikely to represent preferred or viable station locations irrespective of OxSRFI.

8.1.70 However, the OxSRFI scheme also materially constrains the ability to explore alternative station locations to the north and south of the former station site. It is also noted that the northern OxSRFI connection infrastructure, including associated turnouts and signalling works, could further complicate delivery of the alternative station option identified in the vicinity of Somerton Road.

8.1.71 In terms of station connectivity, through dialogue with OCC the Applicant has identified walking and cycling links through the OxSRFI site, supporting access to a future station. It is understood that changes will be made to Access and Rights of Way Plans and parameters plan via a change request as agreed with OCC, improving the walking and cycling connection through the site.

8.1.72 The OxSRFI proposal includes highways improvements that do not fundamentally serve the station site itself but may potentially provide connections that would benefit a future passenger station at Ardley. OCC and the Applicant and have committed to continuing the dialogue on this connectivity as OCC's designs mature.

8.1.73 In relation to freight, OCC has an aspiration to move freight from road to rail as described in OxRail 2040. Significant road freight passes through the county, via the A34 and M40, making its way between the South coast ports and distribution networks in the West Midlands, North West and Scotland. Being a rail freight interchange, this proposal may help achieve this aspiration.

8.1.74 The Applicant has identified in its Pathing Study Report **[APP-312]** at least four trains per day demonstrating compliance to the NNNPS minimum requirement. However, the report only partially demonstrated availability of paths to deep sea container ports described by GB Railfreight in their supporting statement **[APP-313]** as the primary inbound market for OxSRFI.

8.1.75 The pathing study includes a path over the Chiltern Main Line using the southern connection to/from Eastleigh (which is a few miles from two intermodal rail freight terminals in Southampton Docks). However, OCC believes that further explanation could be beneficial to demonstrate connectivity to the principal deep-sea port markets, with a particular focus on Southampton as reducing road freight from Southampton would relieve pressure on the A34.

Conclusions on Transport and Access

Highways

8.1.76 OCC as Highway Authority is satisfied with assessment of transport impacts contained in the ES Transport Chapter and its appendices, and with the proposed mitigation package, subject to the small changes that will be the subject of a change report from the applicant (mentioned above), and the agreement of satisfactory financial contributions for a scheme of cycle improvements on Bicester Road (between Bucknell and Bicester), and towards improvements to the junction of the A4095/B4030 in the event that OCC call for a contribution instead of the proposed highway works at that junction.

8.1.77 The mitigation package includes significant junction improvements on the SRN that will reduce congestion and delay and thereby help to reduce traffic reassignment away from the major routes onto less suitable routes. It includes measures to protect villages and rural routes from the impacts of HGV traffic. It provides relief for the impact of through traffic on Middleton Stoney village, which will also improve bus journey times between Bicester and the site as well as Heyford Park. The mitigation package also provides for significantly improved pedestrian and cycle connectivity, including providing a safe active travel route across the M40 at Ardley between Ardley Village and Cherwell Valley Services and the public rights of way network beyond, correcting severance introduced by the construction of the M40.

8.1.78 OCC as Highway Authority considers that, when taking into account the specific transport environmental impacts set out in national guidance (Severance of Communities, Road Vehicle and Passenger Delay, Non-motorised User Delay, Non-motorised User Amenity, Fear and Intimidation on and by Road Users, Road Users and Pedestrian Safety, and Hazardous/Large Loads), the overall residual environmental impact (following mitigation) would be **positive.**

Rail

8.1.79 OCC confirms that a potential new Ardley Station is currently an early pre-feasibility proposition. OCC early pre-feasibility work has identified that a new station is feasible, and that there is a credible basis to continue development. The work undertaken to date has focused on strategic rail, operational, infrastructure and interface issues. It did not constitute a full Ardley Station business case, demand forecast, farebox assessment, operating cost assessment, or concept design. These matters will need to be developed at the next stage if OCC chooses to progress the station proposition.

8.1.80 OCC does not expect the applicant to promote, fund or deliver a new passenger Station at Ardley, and the identity of any future station promoter has not yet been determined. OCC confirm that they are satisfied that the OxSRFI as proposed will avoid unnecessary prejudice to a credible future station opportunity.

8.1.81 OCC has been keen to explore interface issues to ensure that the OxSRFI can be brought forward in a way which, wherever possible, can be integrated with and would assist the delivery of, a future passenger station at Ardley.

8.1.82 OCC supports the applicant's approach to active travel and recognise the potential benefits for a future potential passenger station at Ardley. OCC is keen to ensure that the proposed public bridleway/greenway route through the main site has inclusive/public access, suitable gradients, is permanent and fully maintained.

8.1.83 OCC proposes to continue engaging with the OxSRFI applicant as its proposals and masterplan develop, to coordinate the interface between the two proposals and ensure that the opportunity for a future Ardley Station is not prejudiced. In particular, the intention is to ensure that the developing OxSRFI masterplan and access arrangements retain the ability to provide suitable future access to a station at the historic Ardley location, should subsequent work identify this as the preferred station site

8.1.84 In terms of freight, OCC accepts that precise origins / destinations cannot be fixed at DCO stage and is not seeking binding commitments or a new port-specific pathing exercise. OCC nevertheless highlights the local-policy interest in rail freight connectivity from the south, particularly Southampton. The applicant is requested to consider whether this can be addressed through a concise explanatory narrative or cross-reference to the existing evidence.

8.1.85 OCC a s the Local Transport Authority, with its aspiration to increase rail access to passengers and freight, considers that on balance, the impact of the scheme and the proposed mitigations would be **neutral.**

8.2 Air Quality and Odour

Summary

- There is a potential for impacts from increased vehicle movements, dust from construction works and odour from disturbing Ardley Landfill site and the closure of the Ardley in Vessel Composting Facility (IVCF)

- The EHO Officer at Cherwell District Council is satisfied the proposed mitigation is sufficient to prevent significant air quality or odour impacts

Mitigation/Improvements

- None

	Policy	Compliant?
CDC	CLP (2015) Policy ESD10 (Protection and Enhancement of Biodiversity and the Natural Environment), CLP (2015) Policy BSC8 (Securing Health and Wellbeing) Air Quality Action Plan 2024	Subject to details regarding landfill and construction activity, no conflict with policies identified.
OCC	N/A	

Policy Detail

8.2.1 Paragraph 4.71 of the NPS outlines that National Network NSIPs have the potential to impact human health including through impacts to air quality.

8.2.2 Paragraph 5.7 outlines that the operational and construction impacts of National Network NSIPs can result in a worsening of local air quality.

8.2.3 Paragraph 5.10 outlines that the impacts on air quality can extend well beyond an individual scheme.

8.2.4 Paragraph 5.12 places a duty on applicants to assess the significance of impacts to air quality whilst paragraph 5.13 lists what this assessment should describe, including:

- existing air quality emissions and concentrations
- forecasts of emissions and concentrations at the time of opening, assuming that the scheme is not built (the future baseline) and taking account of the impact of the scheme
- any significant air quality effects, their mitigation and any residual effects, distinguishing between the construction and operation stages and taking account of the impact of any road traffic generated by the project
- the predicted emissions, concentration change and absolute concentrations of the proposed project after mitigation methods have been applied
- any potential impacts on nearby designated habitats from air pollutants
- the proximity and nature of nearby receptors which could be impacted, including those more sensitive to poor air quality

8.2.5 Paragraph 5.17 states mitigation measures may affect the project design, layout, construction, operation and/or may consist of measures to improve air quality beyond the immediate locality of the scheme. Measures could include, but are not limited to, changes to the route or design of the new scheme, changes to the proximity of vehicles to local receptors in the existing route, physical means including barriers to better disperse emissions, and/or speed control.

8.2.6 Paragraph 5.18 goes on to say that where a project is located within, or in close proximity to, an Air Quality Management Area or Clean Air Zone, applicants should engage with the relevant local authority to ensure the project is compatible with the Local Air Quality Action Plan.

8.2.7 Paragraphs 5.19 and 5.20 outline that applicants should take all reasonable mitigation action with regards to relevant statutory air quality limits and that applicants should take all reasonable steps to reduce emissions of PM2.5 and its precursor pollutants in the construction and operational stage of the development by following available Defra guidance.

8.2.8 Paragraph 5.25 states that the Secretary of State should give air quality considerations substantial weight where, after taking into account mitigation, a project would lead to a significant air quality impact in relation to meeting environmental assessment requirements; or where they lead to a deterioration in air quality in a zone/agglomeration.

8.2.9 Cherwell Local Plan Policy BSC8 states that planning decisions can have an effect on air quality which can impact health and well-being. In addition to this, Policy ESD10 requires that air quality assessments will be requirement for development proposals that would be likely to have a significantly adverse impact on biodiversity by generating an increase in air pollution.

8.2.10 As per the statutory requirements of Cherwell District Council under the Local Air Quality Management Framework, CDC produced an Air Quality Action Plan in 2024, which acknowledges that air pollution is associated with several adverse health impacts. CDC is committed to reducing the exposure of people within Cherwell to poor air quality, in order to improve health. The AQAP outlines a series of actions that Council will take in order to achieve this, including policy guidance and development control, promoting low emission transport, promoting travel alternatives to private vehicle use, transport planning and infrastructure and public information.

Commentary

8.2.11 The scheme has potential to affect Air Quality in the locality and wider area due to increased vehicle movements, dust from the construction phase, odour from the disturbed Ardley Landfill and a cumulative impact alongside other developments in the area.

8.2.12 Whilst the Ardley in Vessel Composting Facility (IVCF) operated by Biffa is not due to be relocated as part of the scheme, there is a potential for this to cause adverse impacts when it is de-commissioned.

Adequacy of the draft ES/ proposed mitigation

8.2.13 The methodology and baseline conditions for the construction and operational phase Air Quality Assessments were agreed and accepted.

8.2.14 With regards to the Construction Phase Dust Impacts, Appendix 4.3 Air Quality Construction Phase Dust Risk Assessment) **[APP-215]** adequately follows national guidance to evaluate the risk from dust to sensitive receptors. The mitigation as laid down in table 4.22 of the ES **[APP-172]** are also acceptable and are included in the CEMP.

8.2.15 Also, part of the construction phase will be the moving or reprofiling of waste of landfill at Ardley Landfill cells A&B. The proposed mitigation for this work is acceptable with waste to be capped at the end of the working day to minimise emissions release overnight and will be carried out in a phased approach to reduce impacts. The waste not being moved off site will also help to reduce impacts.

8.2.16 Road transport operational impacts will be mitigated by the proposed link roads to the north and south. This will reduce the impact on the local communities and will also have a positive impact form the current baseline with the B430 traffic being reduced in local communities.

8.2.17 A damage costs calculation has been carried out in line with DEFRA Guidance, and the proposed mitigation exceeds the damage cost that has been calculated, including enhanced bus provision contributions and other active travel enhancements

Conclusions on Air Quality and Odour

8.2.18 Air Quality and Odour has been considered, and mitigation is stated to reduce the impacts of the development on the local environment

8.2.19 The main mitigation for the scheme is the inclusion of the link roads and bypass of Ardley Village. It is considered that this aspect of the scheme will reduce the impacts of the vehicles currently travelling through Middleton Stoney and Ardley. Overall, the scheme, through its mitigation measures, would have a **neutral** impact on local air quality.

8.3 Noise and Vibration

Summary

- There are potential impacts of the scheme in both the construction and operational phase.
- The background noise in the area is dominated by the M40 with a constant noise level heard during the day and night.

- Increased noise could come from extra road traffic for both construction (especially prior to the proposed Ardley bypass opening) and operational use. Overnight significant impacts have been found on Middleton Stoney Road in Bicester.
- Overnight significant impacts have been found on Middleton Stoney Road in Bicester which are proposed to be mitigated by way of a S106 but the Councils question the effectiveness of this to address identified impacts.
- Increased noise could also come from the additional rail movements once the site is operational along with the operation of the site, especially during the night on residential receptors.
- There are low levels of vibration currently from trains which could increase with the extra freight services.

Mitigation/Improvements

- A noise insulation scheme has been proposed for the affected properties in Bicester by way of a section 106 agreement to provide enhanced glazing and acoustic ventilation. The adequacy of the proposed mitigation mechanism and the wording of the S106 agreement is still in discussion with the applicant.

	Policy	Compliant?
CDC	CLP (2015) Policy BSC8 (Securing Health and Well-being) CLP (2015) Policy ESD10. Protection and enhancement of biodiversity and the natural environment.	Subject to agreement on mitigation S106 and construction details to be agreed in the CEMP, no conflict with policy identified.
OCC	N/A	

Policy Detail

8.3.1 Paragraph 5.227 of the NPS states that excessive noise can have wide-ranging impacts on the quality of human life and health (such as annoyance or sleep disturbance), use and enjoyment of areas of value (such as quiet places) and areas with high landscape quality.

8.3.2 Paragraph 5.229 lists factors that will determine the likely noise impact which include:

- construction noise and the inherent operational noise from the proposed development and its characteristics

- the proximity of the proposed development to noise sensitive premises (including residential properties, schools and hospitals) and noise sensitive areas (including certain parks and open spaces)
- the proximity of the proposed development to quiet places and other areas that are particularly valued for their tranquillity, acoustic environment or landscape quality such as National Parks, the Broads, National Landscapes or World Heritage Sites
- the proximity of the proposed development to designated sites where noise may have an adverse impact on the special features of interest, protected species or other wildlife

8.3.3 Cherwell Local Plan Policy BSC 8 notes that planning decisions can have an effect on noise to sensitive receptors, which can impact health and well-being for local communities. Guidance from CDC also states that any industrial or commercial development must not cause an increase in background noise levels at the nearest noise sensitive property, or at the boundary of the property.

8.3.4 Policy ED10 states an air quality assessment is required for development proposals that would likely have a significant adverse impact on biodiversity by generating an increase in air pollution.

Commentary

8.3.5 The overall noise climate at the site and in the local area is dominated by a low-level drone from the M40 that can be heard both at night and during the daytime.

8.3.6 Vibration is currently low from the existing use of the Chiltern Mainline.

8.3.7 Sensitive receptors will be the villages of Ardley, Middleton Stoney and parts of Bicester. In addition, the proposed residential development(s) at the former RAF base Upper Heyford have the potential to be sensitive receptors.

Adequacy of the draft ES and proposed mitigation

8.3.8 The methodology, sensitive receptors and monitoring locations were agreed prior to the noise monitoring being carried out between the consultants and CDC in both 2021 and 2025.

8.3.9 The baseline background noise for the area is dominated by traffic noise from the M40 characterised a low-level drone.

8.3.10 Baseline vibration measurements were taken at properties nearest to the Chiltern Mainline.

8.3.11 Mitigation measures are embedded in the project with the use of bunding and acoustic fencing, use of low noise plant and best practice during the construction phase and the CEMP.

8.3.12 There is one small area of housing in Bicester that will still have an adverse impact from the projected increase in vehicle movements and a mitigation scheme has been proposed whereby money is provided to the property owners to improve the acoustic performance of the windows and associated ventilation. It is proposed that this will be addressed through the use of a s106 agreement however, there are concerns with how this will be managed

8.3.13 As currently drafted, the agreement seeks to provide a financial sum, as yet to be agreed, which could be drawn down by occupiers the 46 properties for Noise Insulation Measures.

8.3.14 In theory, this arrangement appears simple to operate but in practice it is not clear how the total size of any mitigation fund will be calculated and whether the sums available to each property will be sufficient to undertake works necessary to ameliorate the increased harm to residential amenity brought about by the proposed development.

8.3.15 The agreement as currently drafted also places a burden on the Local Planning Authority in paragraph 1.1 of Part 2 of Schedule 3 to evidence to the Owners that funds have been distributed in compliance with the provisions in the agreement.

8.3.16 As the monies are to be used for Noise Insulation Measures as defined in Schedule 1, it is therefore incumbent on the Local Planning Authority to ensure any monies given to eligible properties has indeed been used for improving the acoustic performance of windows or providing alternative means of ventilation to affected rooms.

8.3.17 The work entailed in checking whether monies have been correctly spent and, if not, pursuing remedial action to either secure completion of the promised Noise Insulation Measures or repayment of funds incorrectly claimed could be time consuming with regard to site visits and possibly enforcement action.

8.3.18 The Councils would therefore wish to see the agreement include sufficient provision to cover administration and monitoring costs.

8.3.19 Given the unusual nature of this obligation, the Councils would also wish to see engagement by the applicants through a community liaison group to help support affected residents understand what the scheme fully entails and how it will be implemented.

8.3.20 In addition, the 36 day timescales set out in paragraph 4 of Schedule 1 of the agreement for eligible occupiers to make a claim for funds is considered to be too short especially if homeowners need to confirm the amount of improvements they need to install to mitigate excess noise and secure quotes for the work to ensure the Noise Insulation Offer will be sufficient to cover all the costs.

8.3.21 It is the Council's view that a time scale of three calendar months from receipt of the original offer letter to be sent via a tracked delivery with a follow up letter three weeks after the initial letter, would give people a more reasonable opportunity to make a claim for works which could realistically be undertaken.

8.3.22 Finally, the Councils would wish to have clarification as to what point any Noise Mitigation works would have to be sufficiently completed to offset the additional noise generated by the development to reduce any new harm from a level considered to be serious in nature

Conclusions on Noise and Vibration

8.3.23 Noise and vibration have been considered in line with national guidance, British Standards and taking into account cumulative impacts from road traffic, rail increase and operational impacts from the site.

8.3.24 Construction impacts will be managed through the use of the CEMP and best practice on site and standard construction working hours.

8.3.25 The use of bunding and acoustic fencing is the main mitigation on site along with improvements in traffic noise to Ardley and Middleton Stoney with the proposed relief roads.

8.3.26 A scheme to improve the acoustic performance of some affected properties has been proposed under the s106 agreement. The Councils though have questions as to how this will operate in practice and whether the fund will be sufficient to address the impacts arising at each property from the proposed development.

8.3.27 Overall, at present the scheme will have a **negative** impact on the local noise climate as it is a change from the current baseline.

8.4 Ecology including Arboriculture

Summary

- Further information is required to fully establish the significance of any ecological and arboricultural harm
- The proposal will result in the loss of irreplaceable habitat and wholly exceptional circumstances have not been demonstrated to allow for this loss.
- Adequate compensation is required.
- The Applicants have advised that, as part of an updated Arboricultural Assessment, that they will provide an updated Tree Survey Plan which includes a 15x stem diameter buffer zone (in line with the NPPF definition for Veteran trees) for the two trees of 20.55m (T150) and 18.1m (T152). The Councils would welcome this but reserve our position regarding its appropriateness subject to future scrutiny.
- The Councils recommend that there are at least 30m buffer zones around Kennel Copse and Burntclose Copse ancient woodlands.

- The BNG assessment needs to be updated to reflect the loss of irreplaceable habitat.
- The opinion of the project hydrologist is required to establish what the potential hydrological impact might be on the Burnt Close Copse, an area of ancient woodland.

Mitigation/Improvement

- The plans need to be amended to include at least 30m buffer zones around Kennel Copse and Burntclose Copse
- An assessment of indirect impacts on Ancient woodland should be carried out.
- Where irreplaceable habitat is to be lost or deteriorated full compensation schemes should be submitted.
- Additional survey information is required in respect of Otter habitat.
- A standalone strategy for mitigation of the impacts to the SSSI is required.
- Mitigation for the breakup of the functional woodland corridor is required.
- Further information on bat mitigation measures is required including hop-overs and lighting.
- Further information on bird habitats is required
- Updates to BNG calculations and the HMMP are requested.

	Policy	Compliant?
CDC	CLP (2015) ESD10: Protection and Enhancement of Biodiversity and the Natural Environment. CLP (2015) ESD11: Conservation Target Areas CLP (2015) ESD 13: Local landscape Protection and Enhancement.	Conflict identified with: ESD10: Currently it is considered that the development presents a risk of unacceptable harm impacting on biodiversity and the natural environment. ESD11: The proposed development does not currently secure clear targeted biodiversity

		enhancement in the Conservation Target Area. ESD13: Due to the potential impact on ancient and veteran trees, the proposed development would have a detrimental impact on the requirements of this policy.
OCC	N/A	

Policy Detail

8.4.1 Paragraph 5.43 of the National Policy Statement recognises the need to protect and enhance biodiversity and geological conservation interests. Paragraph 5.46 goes onto state that the applicant should consider how the potential direct and indirect impacts on ecosystems including the impacts on habitats and protected species. Paragraph 5.47 requires the applicant to show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation.

8.4.2 The NPS set out a number of mitigation measures for biodiversity and arboriculture. Paragraph 5.48 requires the applicant to demonstrate that developments are designed to avoid the risk of harm, for example by minimising the footprint of the development and or retaining the sites important habitat features. Paragraph 5.49 states that if avoidance or reduction of harm is not possible, applicants should include appropriate mitigation measures, in line with the mitigation hierarchy, as an integral part of the proposed development, including identifying where and how these will be secured in the long term.

8.4.3 Paragraph 5.61 of the National Policy Statement states that where a proposed development on land within or outside a Site of Special Scientific Interest is likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments), development consent should not normally be granted. An exception should only be made where the benefits of the development proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest. The Secretary of State should ensure that the applicant's proposals to mitigate the harmful aspects of the development and, where possible, to ensure the conservation and enhancement of the site's biodiversity or geological interest, are acceptable.

8.4.4 Policy ESD 10 of the Cherwell Local Plan seeks to protect and enhance biodiversity and the natural environment though application of the following principles:

- In considering proposals for development, a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources
- The protection of trees will be encouraged, with an aim to increase the number of trees in the District
- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then development will not be permitted
- Development which would result in damage to or loss of a site of international value will be subject to the Habitats Regulations Assessment process and will not be permitted unless it can be demonstrated that there will be no likely significant effects on the international site or that effects can be mitigated
- Development which would result in damage to or loss of a site of biodiversity or geological value of national importance will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site and the wider national network of SSSIs, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity
- Development which would result in damage to or loss of a site of biodiversity or geological value of regional or local importance including habitats of species of principal importance for biodiversity will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity
- Development proposals will be expected to incorporate features to encourage biodiversity and retain and where possible enhance existing features of nature conservation value within the site. Existing ecological networks should be identified and maintained to avoid habitat fragmentation, and ecological corridors should form an essential component of green infrastructure provision in association with new development to ensure habitat connectivity
- Relevant habitat and species surveys and associated reports will be required to accompany planning applications which may affect a site, habitat or species of known or potential ecological value

8.4.5 Policy ESD 11: Conservation Target Areas seeks to ensure that where development is proposed within or adjacent to a Conservation Target Area, biodiversity surveys and a report will be required to identify specific constraints and opportunities for biodiversity enhancement. Development which would prevent the aims of a Conservation Target Area being achieved will not be permitted.

8.4.6 Policy ESD13 of the Cherwell Local Plan states that opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows.

8.4.7 The Cherwell Local Plan Proposals map shows the application site to include land within the Ardley Cutting and Quarry Site of Special Scientific Interest (SSSI) which is identified as being of National Level Importance. The Ardley Trackways SSSI is partially within the application site on its south-eastern boundary. The entire application site is within the SSSI Impact Risk Zones.

8.4.8 The Upper Heyford Airfield Local Wildlife Site lies adjacent to western site boundary. The Ardley Fields Quarry Local Wildlife Site is located within the northern section of Ardley Trackways SSSI and comprises a restored quarry containing geological features of national importance.

8.4.9 Ardley Fields Ponds West Local Wildlife Site and Ardley Fields Pond East are located to the east of the application site on the opposite side of the B430

8.4.10 Stoke Wood Local Wildlife which comprises woodland including elements of Ancient Woodland is located to the north-east of the application site.

8.4.11 Trow Pool Local Wildlife Site is located approximately 900m east of the application site.

8.4.12 There are two areas of Priority Habitat – Deciduous Woodland and Lowland Meadows within the application site, as well as Priority Hedgerows.

8.4.13 The entirety of the application site is within the Ardley and Upper Heyford Conservation Target Area.

Commentary

<u>Ecology</u>

8.4.14 The site includes designations of National importance namely, the Ardley Cutting and Quarry SSSI and it also lies between multiple off-site areas of ecological sensitivity including Local Wildlife Sites, District Wildlife Sites and Ancient woodland.

8.4.15 To the West is the Upper Heyford Local Wildlife Site with significant ornithological interest and priority habitats of calcareous grassland.

8.4.16 The Ardley and Upper Heyford Conservation Target Area which covers the entirety of the site contains 50% of the calcareous grassland in the District. It's aims include restoring calcareous grassland, restoring and managing hedgerows and managing grassland to support ground nesting birds.

8.4.17 The main site is characterised by arable habitats with some areas of grassland with a calcareous influence, plantation woodland and 58 hedgerows which qualify as Priority habitat. Two watercourses are within the site and relief road work area – Padbury brook and Gagle brook.

8.4.18 Potential impacts include direct loss of habitats and subsequent impacts on species including those within the SSSI and Priority habitats and indirect impacts on both on and off-site habitats and species from air and water quality changes, noise, vibration, lighting and habitat fragmentation.

8.4.19 Whilst information has been submitted by the applicants in respect of a number of areas of concern, most notably the role of the P-CEMPS, impacts to the SSSI and ancient woodland, bats, harm from lighting and BNG calculations, requirements for additional information exist.

8.4.20 It is noted in the applicant's response to the Relevant Representations submitted by the two Councils **[PDA-009]** that additional material on a range of ecological matters is to be submitted and whilst the submission of additional information is welcomed, the Councils wish to reserve their judgement on the suitability of this material to address the concerns raised until such time that an assessment can be undertaken of the submissions.

Arboriculture

8.4.21 With respect to the arboricultural impacts of the development, the Councils require updated information in respect of the survey measurements of stem diameters to better inform root protection areas, further consideration as to the potential impacts on Ancient and Veteran trees and an expanded buffer zone for Kennel Copse and Burntclose Copse to 30m.

Adequacy of the draft ES and proposed mitigation

Ecology

8.4.22 The submission documents supporting the draft ES relating to ecology as set out in Chapter 6 "Ecology including Arboriculture" **[APP-174]** and the supporting appendices of the ES **[APP-234 to APP-245])** are, as acknowledged in the Relevant Representations from Cherwell District Council, more detailed than what was submitted in the stage two consultation stage.

8.4.23 These documents now include clarifications, updated bat surveys, a draft Construction Environmental Management Plan (CEMP), the Biodiversity Net Gain (BNG) metric and a draft Habitat Management and Monitoring Plan (HMMP), which all aid assessment, but, at this stage, are incomplete.

8.4.24 The Council's ecologist has reviewed the latest submissions and has requested further information on the following:

Draft CEMP

8.4.25 The draft CEMP **[APP-189]** states that a detailed phase CEMPs (P-CEMP) will be produced. These must be secured, and submitted for assessment through an appropriate trigger, either through planning conditions or via a planning obligation

8.4.26 Plans of the areas that have been surveyed for Otters and clarification of whether it includes survey for natal holts is required. The indication in the applicants' responses to CDC's relevant representations indicated further work is to follow on this point and this is welcomed. However, it is premature to comment if this additional work is acceptable and a review from the Council's ecologist, is required.

Impacts on the SSSI

8.4.27 Presently, there is no standalone strategy for mitigation of the impacts to the SSSI. This information is essential for assessment of its adequacy. Whilst there are some details in the draft HMMP with proposals for the North West Ecological Mitigation area, a standalone scheme which clearly shows the ratio of compensation to loss and the timings of provision, as well as details on all species-specific mitigation and enhancement required, will be necessary for a comprehensive assessment.

Ancient Woodland

8.4.28 Whilst there is some consideration of indirect effects on air pollution on ancient woodland, other recognised indirect effects have not been fully considered. These include breaking up or destroying working connections between woodlands, changing the landscape character of the area, increasing disturbance to wildlife, for example, noise from additional people and traffic. The severing of the functional woodland corridor and mature hedgerow connections to the ancient woodland of Burntclose Copse are examples which are not discussed in this context, as they should be, since these are important material considerations.

Bats

8.4.29 At least nine species of bat have been identified using the site, including barbastelle (Annex II species) and four other Priority species. Additional bat population surveys for bats (Barbastelle) have been carried out to best practice. However, the majority of the existing habitat corridors will be fragmented or removed from the main site. It is vital that mitigation measures are put in place to compensate for this loss.

8.4.30 The relief road planned to cross the Gagle brook corridor will fragment an identified corridor for bats, as will the loss of woodland next to Burntclose Copse. A tunnel is suggested as mitigation for the brook corridor, and this is acceptable however mitigation for fragmented corridors in other parts of the site is less clear.

8.4.31 It is noted that ‘Hop overs’, for bats close to new roads, are no longer proposed based on a recent study suggesting hop overs increase collisions for barbastelle bats. Further information on this study and the efficacy of alternative mitigation measures is required as hop overs are a recognised form of mitigation for bats.

Lighting

8.4.32 The lighting strategy **[APP-256]** does not focus on the identified bat flightpaths and foraging areas for bats, although it does aim to take into account ILP/BCT guidance on bats more generally. There are no lux diagrams outside the immediate area of the new buildings. It is not clear if this is because there will be no other lighting or if this is an omission.

8.4.33 The lighting strategy should demonstrate how impacts on nocturnal wildlife will be specifically avoided considering the locations where the most sensitive receptors are found (e.g. bat flightpaths, woodland and watercourses). Full lux diagrams are required at a detailed stage with a commitment to avoid an increase in baseline lighting levels for those areas known to be of importance to bats.

8.4.34 The commitment from the applicants as expressed in their response to the CDC’s relevant representations that full isolux contour diagrams will be produced at the detailed design stage (in accordance with draft DCO Requirement 16) and that the lighting strategy will be undertaken in accordance with relevant industry guidance (ILP, 2026) and best practice is welcomed.

8.4.35 Information from the applicants that the detailed lighting strategy will specifically be designed to avoid any increase in baseline lighting levels across habitats that support bat flightpaths and foraging behaviour or are considered suitable to do so is also welcomed.

Birds

8.4.36 Additional land has been set aside for mitigation for farmland birds. However, some of the mitigation is temporary with 50 skylark plots only provided for two years whilst the areas are being stripped of nutrients through cropping. Fifty skylark plots is generally taken to be equivalent to mitigation for 25 territories, however, a peak count of 198 skylarks was reported using the site. The adequacy of the mitigation in the short and long term as currently set out is questioned.

8.4.37 The information from the applicants in their response to CDC’s Relevant Representations **[PDA-009]** that the farmland bird strategy will be updated to clarify the long-term enhancements that will be provided in terms of suitable nesting opportunities for ground-nesting birds and a year-round forage resource is welcomed. This additional work will need to be reviewed by the Council’s ecologist.

Biodiversity Net Gain (BNG)

8.4.38 The BNG metric **[APP-243]** and the BNG assessment **[AS-072 and AS-073]** do not match up with the assessment giving an 11% net gain for each habitat type and the BNG metric showing a higher gain for hedgerows. It must be emphasised that these figures are close to the minimum level of 10% and highly reliant on the creation of complex habitats that appear to be difficult to achieve. The separated metric calculations (Separating out the SSSI area) show a loss in hedgerow units overall within the SSSI and the mitigation area. This loss must be justified, given the reliance of many invertebrate species on these habitats.

8.4.39 The BNG metric also needs to be updated to take account of irreplaceable habitats (veteran trees) identified on site by the arboricultural review by FLAC (see later in this chapter, for further details). Currently the metric incorrectly states there are no irreplaceable habitats on site.

8.4.40 Where there will be any identified losses or impacts (including indirect impacts such as fragmentation) to irreplaceable habitats either on site or within the zone of influence of the works, a compensation scheme should be submitted.

8.4.41 The HMMP (more of which in the section below) must include direct reference to future management of any retained veteran or notable trees on site.

Habitat Management and Monitoring Plan (HMMP)

8.4.42 The HMMP **[AS-075]** sets out the ambition of habitat creation and management to be achieved to meet a biodiversity net gain. There are proposals to create 10Ha of lowland meadow (priority habitat) and 20Ha of lowland calcareous grassland. But it is not clear if the creation will be delayed because of the need to alter current soil nutrient conditions. A delay is not accounted for within the metric.

8.4.43 The update from the applicants in their response to CDC's relevant representations indicates that the HMMP will be updated to separate out the strategy for mitigation for impacts to the SSSI from the remainder of the proposals and that additional post-submission soil analysis has been undertaken by the Applicant across the northwesternmost field compartments. This additional work will need to be reviewed in detail by the Council's ecologist in due course to assess its suitability to deliver the requisite mitigation.

<u>Arboriculture</u>

8.4.44 During the Relevant Representatives stage, Forbes Laird Arboricultural Consultancy (FLAC), on behalf of CDC, firstly, identified a number of shortcomings in the applicants' arboricultural evidence (provided in Chapter 6 of their Environmental Statement); and, secondly, FLAC also set out a series of recommendations advising how the applicants could address the identified shortcomings.

8.4.45 In response to FLAC's recommendations, the applicants submitted a Technical Note, dated 14 July 2026, which was prepared by FPCR. Officers and FLAC have reviewed this Technical Note and are concerned that not all of the advice set out in FLAC's recommendations has been adhered to; and, therefore, some key shortcomings identified with the evidence, remain.

8.4.46 Firstly, *Recommendation 1* advised that:

> "The tree survey should be updated to reflect either accurately measured stem diameters or close estimates (5% tolerance either way). Resulting root protection areas should be plotted against the proposals and impacts assessed, including with regards to BNG implications. The resulting information will require further evaluation by the host authority."

8.4.47 FPCR, in paragraphs 2.1 and 2.7 of their Technical Note, responded by making the case that there are no policy or guidance requirements to undertake this work:

8.4.48 For completeness, the Council has set out FPCR's response to *Recommendation 1* in full:

> "2.1 As stated in Paragraph 1.6 of Appendix 6.8: Arboricultural Assessment, dated February 2026 (Revision K) "A tree survey and assessment of existing trees was carried out by FPCR Environment and Design in November 2020 and June 2021 with updated surveys undertaken in April 2025, in accordance with guidance contained within British Standard 5837:2012 'Trees in Relation to Design, Demolition and Construction - Recommendations' (hereafter referred to as BS5837)."
>
> 2.2 BS5837 does not provide any timeframe after which tree survey information should not be considered acceptable or should be updated and there is no guidance suggesting tree survey data expires although it is generally accepted that data should be updated after two years.
>
> 2.3 An updated tree survey was carried out in 2025, but this survey focused on the condition of trees, and where stem diameters and crown spread were observed to be broadly consistent with the information collected in 2020 and 2021, trees were not remeasured. Within a timeframe of five years trees are unlikely to increase in stem diameter or crown spread to a point that would significantly increase tree constraints.

2.4 However, the period between the surveys would account for the slight variation in the stem diameters (a median difference of 50mm/5cm) of measured trees as noted within the FLAC response, which was considered as being acceptable and within ‘professional variance’. The FLAC response goes on to highlight potential differences in estimated stem diameters and suggests a mean difference of 151mm between the FLAC data (which was not included within the ‘Review of Arboricultural Information’ produced by FLAC) and the FPCR data included in Appendix 6.8: Arboricultural Assessment, which was considered by FLAC as ‘wholly outside the range of acceptable professional difference’.

2.5 FPCR challenge this finding as firstly there is no guidance or literature which states what would be considered as within ‘professional variance’. While FLAC can accept that stem diameters should be measured there are instances where it is either not possible or it is unsafe to measure stems and, in these instances, tree diameters are estimated from the nearest possible vantage point.

This is a widely accepted and commonly applied methodology and FLAC remain of the view that the survey undertaken by FPCR was robust.

2.6 The FLAC response goes on to state that this represents “a material failing” in the methodology and surveys undertaken and ‘the impact assessment cannot be relied upon’. Again FPCR challenge this statement and FLAC are of the view that the information presented is considered to be a fair representation of the rooting areas of trees on site based upon stem diameter, and allows for an assessment of likely impacts as a result of the development proposals which are considered reasonable and proportionate.

2.7 The increases in stem diameter as suggested within the FLAC response would have minimal effect on the Root Protection Area (RPA) calculated in accordance with BS5837 (an increase of 60cm for the measured trees and up to 1.8m where stem diameter was estimated). A review of the Tree and Hedgerow Retention and Removal Plan (Ref: 8308 T13-T22, Revision K) clearly demonstrate that these minimal increases in RPA would have no influence on the tree and hedgerow removals presented on this plan and discussed within the Arboricultural Assessment, dated February 2026 (Revision K), and the suggestion that plans need to be updated to understand potential tree constraints is unfounded".

8.4.49 Whilst it is accepted that there is no guidance or policy which requires the applicants to collect and provide the requested data, the Councils remain of the view that it is good practice to provide evidence that is as robust, clear and up to date as possible, noting that the collection of this data is not an especially onerous exercise.

8.4.50 In FLAC's response to the applicants' Stage 2 Arboricultural evidence, they had commented that '*T213 is also believed to require removal, as the proposed level changes nearby make its retention doubtful'.* Paragraph 2.8 of FPCR's Technical Note, fully addresses this matter, commenting that, "*the proposed level changes close to this tree were properly assessed and based on the fact that the proposals will actually move the existing carriageway further from this roadside tree and much of the level increase identified on the plan will be accommodated within the footprint of the existing carriageway, it was considered that the tree could withstand the minor increase in ground levels proposed within the existing verge and the tree was correctly identified as to be retained.*

8.4.51 The Councils accept this point and agree that T213 can be retained.

8.4.52 Secondly, *Recommendation 2* stated:

> "The four trees meeting the definition for veteran tree at NPPF Annex 2 should have their 15x stem diameter buffer zones plotted against the proposals and impacts assessed (Revision K includes the required buffer zone for tree T170)."

8.4.53 Paragraph 2.9 of FPCR's Technical Note makes clear that veteran tree interest had been assessed using RAVEN-2, a method developed specifically for field testing of trees against the operative definition within the NPPF. The NPPF definition identifies the highest quality veteran trees of any definition used in the planning system in England: exceptional value.

8.4.54 For this reason, the Councils consider it to be a suitable means of examining arboricultural impact of the proposals on the highest quality cohorts of habitat trees (cohorts being pluralised to cover veteran trees that are ancient, as well as those which are not).

8.4.55 In relation to T93, FLAC's own assessment (using RAVEN-2) recorded three primary features: extensive decay, hollowing, and retrenchment; and two secondary features: major storm damage and dry habitat space. Based on this assessment, FLAC remain of the view that this tree meets the NPPF criteria and, accordingly, it is a tree of exceptional value.

8.4.56 The proposed removal of this tree, obviates the need for the plotting of its buffer zone on layout or tree survey plans.

8.4.57 Whilst it is noted that FPCR, in their Technical Note, disagreed with FLAC that T150 and T152 meet the definition of veteran tree within the NPPF, this is a moot point because the trees are being retained, in any event.

8.4.58 Paragraph 2.22 of FLACs Technical Note states that the applicants, as part of an updated Arboricultural Assessment, will provide an updated Tree Survey Plan that includes a 15x stem diameter buffer zone (in line with the NPPF definition for Veteran trees) for the two trees of 20.55m (T150) and 18.1m (T152). The Council would welcome this additional information.

8.4.59 Thirdly, *Recommendation 3* states:

> "Tree 93 has been identified for removal to facilitate development, and accordingly (per NPPF paragraph 193c), the applicant must demonstrate a wholly exceptional reason to justify the loss of irreplaceable habitat and provide a suitable compensation strategy."

8.4.60 FPCR, in paragraph 2.23 of their Technical Note, place great emphasis on paragraph 5.63 of the NPS (which, for context, is set out in full, below):

> "The Secretary of State should not grant development consent for any development that would result in the loss or deterioration of irreplaceable habitats including ancient woodland and ancient and veteran trees unless there are wholly exceptional reasons (for example, where the public benefit would clearly outweigh the loss or deterioration of habitat) and a suitable compensation strategy exists."

8.4.61 The Councils acceptance that this paragraph has the most material relevance to the determination of this aspect of the proposed development notwithstanding, it is considered that the tests which the removal of T93 (and other relevant trees – see below) must pass are immaterially different to those referred to in TN01.

8.4.62 It is noted that FPCR, in paragraph 2.25, make the case that this DCO application is for a nationally significant infrastructure project, and *"as such, the loss of this veteran tree can be justified as 'wholly exceptional reasons' exist and subject to providing a suitable compensation strategy."*

8.4.63 This is circular reasoning: if all NSIP schemes necessarily comprised a wholly exceptional reason, in and of themselves, for the loss of irreplaceable habitat, then there would be no purpose in the wording of NPS 5.63 instructing the Secretary of State to refuse development consent for loss of such habitats unless the wholly exceptional reason test would be passed.

8.4.64 Clearly, the interpretation being advanced that this test is passed by the mere fact of the proposals being NSIP is incorrect.

8.4.65 Moreover, the applicants, due to the absence of sufficient socio-economic evidence and requirement for need, have not demonstrated the need for this NSIP at a national, regional or local level. Therefore, the applicants' case that 'wholly exceptional circumstances exist' is not proven.

8.4.66 Along with socio economic need, it remains with the Applicant to demonstrate that wholly exceptional reasons exist to justify the loss of all veteran trees identified for removal.

8.4.67 For the avoidance of doubt, the requirement to identify a wholly exceptional reason as justification for loss of veteran trees would extend to any of the 28 BNG veterans that also meet the NPS definition.

8.4.68 Fourthly, *Recommendation 4* comprised:

"In addition, all four NPPF veteran trees meet the criteria for veteran tree status under the BGR Regulations 2024 (“regulatory veteran trees”). This should be acknowledged in the BNG Assessment. Whilst bespoke compensation under the BNG regime is required for the loss of tree 93, it is considered that this requirement would be satisfied by the suitable compensation strategy required under NPPF paragraph 193c."

8.4.69 FCPA, in para 2.26 confirmed that the applicants are willing to deliver a mitigation strategy that would “deliver extensive new tree and woodland planting on the site (over 56ha) providing a significant uplift in tree coverage and significant enhancement to the onsite tree resource. This new tree and woodland planting would be considered as suitable compensation for the loss of this tree in the medium and long-term. The principle of this mitigation strategy is welcomed and supported by the Council. However, the precise details will need to be set out and agreed and appropriately secured.

8.4.70 The fifth recommendation, *Recommendation 5*, was:

"The loss of many potential regulatory veteran trees requires further assessment and, as applicable, bespoke compensation under the BNG regime."

8.4.71 FPCR, in paragraph 2.27, fairly raises the question of the NPS definition of veteran tree and how this relates to the NPPF and Biodiversity Net Gain (BNG) definitions. The Council agrees that the NPPF definition is a higher (the highest) but disagree that the BNG definition is a higher bar than the NPS definition (which FPCR state in paragraph 2.10 of their response). FLAC, on behalf of the Council, advise that in their professional experience they have not seen this suggestion advanced previously and, accordingly, reject that this point is “widely accepted”.

8.4.72 The NPS definition only references “significant decay features”, giving as examples branch death and hollowing. The BNG definition requires compliance with one or more characteristics, including “significant decay features”, giving as examples deadwood, hollowing or advanced decay in the trunk or major limbs.

8.4.73 Whilst the BNG definition includes additional criteria that can be complied with, it states in terms that a tree can qualify as a veteran purely based on the presence of significant decay features. It follows that, in respect of the significant-decay criterion, the NPS definition is functionally identical to the BGR definition (albeit BGR veterans can additionally qualify under alternative criteria).

8.4.74 In light of this, any BNG veteran tree that qualified as such, based on the presence of significant decay, is also an NPS veteran tree. It cannot be otherwise.

8.4.75 The Councils reject FPCR's assertion (see paragraph 2.29 of their response) that FLAC's explicitly desk-based review of trees for checking on site "greatly exaggerated" the potential BGR veteran interest: FLAC, we are advised, were being inclusive in order to avoid any such trees being missed. It is noted that FPCR identified 28 out of 76 trees for removal as BNG veterans, a 37% confirmation rate. However, crucially, FPCR does not identify which these 28 trees are: this information should be provided to all them to be scrutinised.

8.4.76 Once the Councils (and FLAC) are in receipt of the list of 28 BNG veterans, FLAC will be able to identify which of these trees qualified as such, based on the presence of significant decay features, thereby qualifying as NPS veterans. Clearly, any such trees fall to be assessed within the policy test at NPS 5.63.

8.4.77 It follows that the extent of loss of NPS veteran trees cannot be established from the submitted material. Until FPCR identifies which of the 28 BNG veterans qualified by reason of significant decay features, the full extent of irreplaceable habitat loss, engaging NPS paragraph 5.63, remains unknown.

8.4.78 FLAC note FPCR's assertion (2.30) that:

> "12 of the 28 recorded BNG veterans (43%) are dead trees or trees in significant decline (11 ash and one English oak) which qualified as BNG veterans due to the presence of large pieces of deadwood. These 12 trees have greatly reduced life expectancies and while meaning the BNG definition of veteran trees are not significant material constraints.

8.4.79 This statement significantly misunderstands the BNG definition, which FPCR quotes in full (see paragraph 2.27 of their response document). This definition states:

> "Veteran and ancient trees which have died are still recognised as such because they retain significant biodiversity value for many decades."

8.4.80 Accordingly, all 28 BNG veteran losses comprise losses of irreplaceable habitat. FPCR's reliance upon the reduced life expectancy of 12 of those trees does not diminish their status under the BGR definition, which expressly recognises the continuing significant biodiversity value of dead veteran trees. For this reason, the 12 trees for which FPCR proposes (2.30) downgraded treatment do indeed fall to be considered as significant material constraints.

8.4.81 Irrespective of whether the proposed 56ha of woodland planning would compensate for the loss of these trees, the Applicant needs to revisit its BNG Assessment to correct it for the said loss, both generally and specifically, because it denied any such irreplaceable habitat was present **[APP-242].**

8.4.82 The sixth recommendation, *Recommendation 6*, sets out the following advice:

"The clear failure of the FPCR arboricultural and ecological material to identify trees meeting the definition for veteran trees in the BGR Regulations, particularly in light of the proposed removal of many potential such veteran trees, requires the withdrawal of Chapter 6 of the Environmental Statement, pending what may become a substantial revision. This revision should capture all of the recommendations set out above."

8.4.83 It is accepted that the scheme is not subject to mandatory BNG. Accordingly, FLAC withdraw their concern over the potential for a statutory non-compliance with NPS, paragraph 5.63.

8.4.84 However, the Applicant submitted a BNG assessment, which it is agreed to be inaccurate. Consequently, it would not be suitable for this assessment to go forward to the next stage of the DCO process with known errata. Therefore, the Councils welcome the applicant's' commitment to amend ES material to address this deficiency.

8.4.85 The Council consider that the amendment should provide specific details of the compensation for the loss of NPPF veteran T93, as well as the BNG veteran trees.

8.4.86 The seventh recommendation, *Recommendation 7*, by FLAC was as follows:

"In relation to Kennel Copse and Burntclose Copse, FLAC recommends an expansion of the buffer zone from the proposed minimum of 15m, to a precautionary 30m. In both cases, detailed design would need to ensure continuity of the existing hydrological regimes."

8.4.87 The Councils recommendation for 30m buffer zones to Kennel Copse and Burntclose Copse is explicitly stated to be precautionary, due to a current lack of detailed information.

8.4.88 Starting with the former, notwithstanding the FPCR assertion (at paragraph 2.34 of their response letter) that Kennel Copse would be situated in an area of green space with no impacts upon it, this does not address the concern regarding the exact nature of works within the green hatched area on FLAC's Figure 1. If, as stated, no works are intended within this area, in proximity to Kennel Copse, the plan should be amended to reflect that. It would be a very straightforward process to do that.

8.4.89 Equally, the referenced plan should state explicitly what works are intended within 30m of Kennel Copse, so that the need for a buffer zone of this depth (as recommended for now precautionarily), can be evaluated further. If this information remains unknown, then that justifies, in and of itself, the Councils recommendation for a 30m buffer zone.

8.4.90 The very fact that the Applicant's advisor is resisting a 30m buffer raises a concern regarding the assertion that the land adjacent to Kennel Copse would not be subject to any impact: if this is so, there should be no difficulty in showing the recommended buffer zone.

8.4.91 In relation to Burntclose Copse, the Council welcome the acceptance (as per paragraph 2.35 of FPCR's response note) of a potential hydrological impact assessment on this area of ancient woodland. Whilst the Council note the comment regarding the opinion of the project hydrologist, it is imperative that the Councils are able to receive and scrutinise this information.

8.4.92 The Council notes that the road would be sited 39m from this ancient woodland, and that drainage features are proposed between the proposed 15m buffer zone and the road. The Council would need to understand, and be comfortable with, the nature of these drainage features, and the arrangements to maintain continuity of the existing sylvio-hydrological regime, in order to remove its concerns as a live issue.

Conclusions on Ecology (Including Arboriculture)

8.4.93 Whilst the applicants have undertaken extensive work on assessing the impacts of the proposed development on the local environment both in an ecological and arboricultural sense, further information on compensation for impacts on the SSSI, Ancient woodland and Veteran trees is required as well as clarity over the extent of impacts and loss. Updates on bats, in particular potential harm from lighting, and BNG calculations are also necessary.

8.4.94 It is noted in the applicant's response to the relevant representations submitted by the two Councils that additional material on a range of ecological matters is proposed and whilst the submission of additional information is welcomed, the Councils wish to reserve their judgement on the suitability of this material to address the concerns raised until such time that an assessment can be undertaken of the submissions.

8.4.95 The Councils will review any further submissions provided by the applicant, but until such time that they are received the Councils conclude a **Negative** impact on Arboriculture and a **Negative** impact on Ecology.

8.5 Landscape and Visual Impact Assessment

Summary

- The proposed development would result in a negative local landscape and visual impact. Its substantial scale, mass and industrial character, together with extensive earthworks, infrastructure, operational activity and lighting, would permanently replace a large area of rural agricultural landscape.
- The ES identifies significant effects for a range of landscape and visual receptors. However, broad receptor groupings and summary conclusions do not always make clear where the greatest local effects would occur or which characteristics of the development cause them. Council fieldwork indicates particular concern in the B4030 and Middleton Park direction, where the proposed buildings may compete with or rise above the apparent scale of existing woodland.

- ISH2 did not establish how the sensitivity of the open and exposed plateau landscape had resulted in measurable changes to the scale, height, extent or disposition of the built development. The applicant's focus on the limited overlap with the 2024 Upper Heyford Plateau LCA does not address the wider county-level Farmland Plateau evidence or the influence of the development on the openness, skyline and setting of the adjoining plateau landscape.
- The reported reduction of several significant effects to non-significant effects at Year 15 relies materially on future bunds, woodland and structural planting. The current framework does not yet demonstrate with sufficient certainty the location, minimum quantum, timing and landscape performance of all mitigation-critical planting. The extended and phased construction programme also creates uncertainty about the duration of significant effects, when the relevant bunds and planting would be completed, and the date from which Year 15 would be measured for each receptor. Receptors may experience completed and operational development while later phases remain under construction and associated planting is immature. ISH2 did not establish how the adverse landscape effects of the strategic mounds had been distinguished from their screening benefit, or the planting density and measurable performance criteria supporting the assumed Year 15 effects.
- A receptor-linked mitigation schedule, construction and landscape phasing programme, representative parameter-envelope visual evidence, and measurable establishment and monitoring requirements are therefore needed. Until these matters are satisfactorily defined and secured, the Councils cannot place full reliance on the reported Year 15 reductions, and significant effects dependent on unquantified, immature or delayed planting should be treated as unresolved.

Mitigation/Improvements

- The Councils require further information on design evolution demonstrating application of the mitigation hierarchy, including consideration of building height, scale, massing and disposition before reliance on bunding and planting. A concise schedule should identify where significant and locally important effects occur, what causes them and the mitigation relied upon.
- Mitigation-critical landform and planting should be identified, quantified, phased and secured through the DCO and associated control documents. This should include minimum planting areas, widths, densities and plant numbers; bund-specific soils, drainage, erosion control and irrigation; early delivery before relevant buildings are occupied; fixed-point summer and winter monitoring; and enforceable remedial measures.

- Representative visual evidence should show the maximum parameter envelope, completion and Year 15 scenarios. Detailed rail-terminal and lighting information should define the reasonable worst case, including landform, sidings, cranes, container handling and storage, operational activity, lighting and night-time effects.
- The applicant should provide an auditable design-evolution schedule showing the landscape and visual constraints identified, options tested, comparative effects and resulting changes to building height, footprint, extent, disposition and levels. The adverse effects and screening benefits of strategic mounds should be assessed separately and supported by accessible plans, sections and visual evidence.

	Policy	Compliant?
CDC	CLP (2015) ESD13. Local Landscape Protection and Enhancement. MCNP Policy PD4: Protection of Important Views and Visas	Not presently demonstrated to comply, due to substantial visual intrusion and permanent effects on local landscape character, land cover and topography, together with uncertainty over the effectiveness and timing of mitigation. MCNP Policy PD4: With regard to the impact on the views from Trow Pools water tower and Middleton Park, no adverse impact is anticipated.
OCC	N/A	

Policy Detail

8.5.1 Paragraph 5.161 of the NPS requires the applicant to carry out a landscape and visual impact assessment in accordance with the third edition Guidelines for Landscape and Visual Impact Assessment (GLVIA 3) published by the Landscape Institute.

8.5.2 Paragraph 5.164 states that the project should be designed, and the scale minimised, to avoid or where unavoidable, mitigate the visual and landscape effects, during construction and operation, so far as possible while maintaining the operational requirements of the scheme. Paragraph 1.164 makes clear that in exceptional circumstances a reduction in operational requirements might be warranted.

8.5.3 Paragraph 5.165 states that projects need to be designed carefully, taking account of the potential impact on the landscape.

8.5.4 Paragraph 5.166 states that adverse landscape and visual effects may be minimised through appropriate siting of infrastructure, design and topographical interventions including the creation of bunds or lowering of ground levels. It also refers to landscaping and screening measures that soften the built form.

8.5.5 Paragraph 5.169 covers decision making. It states that the project needs to have regard to the siting, orientation, height, operational and other relevant constraints. The aim should be to avoid or minimise harm to the landscape, where adverse impacts are unavoidable providing reasonable mitigation and deliver landscape enhancement measures where possible and appropriate.

8.5.6 Although paragraph 5.166 identifies bunds and lowering of ground levels as potential measures for minimising adverse landscape and visual effects, the NNNPS does not treat such measures solely as beneficial or exempt them from assessment. Paragraphs 5.161 and 5.162 require the assessment of the landscape and visual effects of the project during construction and operation, including its visibility, conspicuousness and effects on views, visual amenity, dark skies and tranquillity. Paragraphs 5.169 and 5.177 require consideration of the nature of the likely effects, the character of the local landscape and whether harm has been avoided or minimised. The landscape and visual effects arising from permanent mitigation landforms must therefore be assessed alongside their screening benefits.

8.5.7 Locally designated landscapes are covered in paragraph 5.175. It states that where a local development plan in England has policies based on landscape character assessment and has identified landscapes of local value they should be given particular consideration. The NPS makes clear that such areas should not be used in and of themselves as reasons to refuse consent as this may unduly restrict the development.

8.5.8 Policy ESD13 states that opportunities will be sought to secure the enhancement of the character and appearance of the landscape through restoration, management or enhancement of existing landscapes, features or habitats and where appropriate create new ones.

8.5.9 Policy ESD13 goes on to state that proposals will not be permitted if they would:

- Cause undue visual intrusion into the open countryside
- Cause undue harm to important natural landscape features and topography
- Be inconsistent with local character
- Impact on areas judged to have a high level of tranquillity

8.5.10 Policy PD4 of the Mid Cherwell Neighbourhood Plan (2019) seeks to protect important vistas both within and looking into the neighbourhood plan area. The Plan identifies important views and vistas and policy PD4 outlines that proposals which cause significant harm to views will only be acceptable where the benefits of the proposal clearly outweigh the harm. Appendix C of the Heritage and Character Assessment attached to the made plan identifies important views and vistas alongside a requirement to consider the impact on views from all church towers within the neighbourhood plan area. Of relevance to this application is the view northwards from the Trow Pool Water Tower to the south of the main site, adjacent to the M40.

Commentary

8.5.11 The Main Site occupies a broad area of predominantly agricultural land between the former RAF Upper Heyford and the B430. Its gently undulating arable fields, clipped hedgerows with hedgerow trees, mature trees and woodland blocks form part of the Upper Heyford Plateau and Oxfordshire Estate Farmlands local landscape character areas. Existing waste, energy, mineral and transport infrastructure influences parts of the locality, particularly to the east and north-east of the Main Site. The local context to the remaining points of the compass is varied and exhibits a strong rural and wooded character, particularly to the southwest of the Site.

8.5.12 The proposed development would replace a substantial area of rural land cover with development platforms, warehouses, a rail terminal, estate roads, yards, lighting, bridges, engineered cut and fill, perimeter bunds and associated activity. The maximum warehouse height is 25 metres and the proposed floorspace and horizontal extent would establish a new industrial land-use and built scale. The likely local effect arises from the combination of industrial scale, bulk, and massing together with engineered landform, land-cover change, vegetation loss, movement and lighting, rather than from the visibility of buildings alone. The landscape assessment should identify the approximate geographical extent and transition of significant and other locally important effects and should not move directly from site-level change to conclusions for large character units in a way that underreports strong local effects.

8.5.13 The proposed development would also directly affect hedgerows, trees and woodland that contribute to the structure, enclosure, scale and wooded character of the local landscape. The landscape effect cannot be understood solely by comparing the quantity of vegetation removed with the quantity proposed. Newly planted woodland and hedgerows would not replace the maturity, scale, continuity or landscape function of existing vegetation at construction or completion. The assessment should therefore identify the location and landscape function of vegetation losses, the local receptors affected, and the period before replacement planting could provide an equivalent or effective landscape function.

8.5.14 Council fieldwork indicates particular concern in the southern and south-western sector, including publicly accessible locations on the B4030 west of Manor Farm and around the Middleton Park area. In these views existing woodland blocks provide an important scale reference. Council fieldwork indicates that high magnitude change may extend to locations approximately one kilometer from the nearest proposed warehouse in this direction, subject to verification through parameter-based visualisations and more granular visibility evidence. VP27 provides evidence in this general direction, but clarification is required regarding its accessibility, representative purpose and whether its location and field of view capture the maximum publicly accessible effect.

8.5.15 A second concern relates to broad landscape and visual receptor groupings. Grouping is not objectionable in principle, but an overall conclusion for a settlement, route group or large landscape area can obscure materially greater effects at specific locations. The LVIA should identify variation within groups, the locations of maximum effects and any localised high magnitude or significant effects, including effects that remain locally important even where the applicant assigns a non-significant overall conclusion.

8.5.16 Visual receptor VJ, users of the B4030 northwest of Middleton Stoney, provides a useful worked example of a receptor for which mitigation mounding and planting are relied upon in reducing and managing visual effects over time. The applicant reports a significant construction effect, reducing to a non-significant effect at completion and a lower non-significant effect at Year 15. The assessment should distinguish the immediate contribution made by completed mounding from the additional benefit attributed to maturing planting. The same southern and south-western mitigation may also influence residential receptors at Middleton Stoney, Manor Farm and Manor Farm Cottages, eastern Middleton Stoney and nearby recreational routes.

8.5.17 The duration of effects requires careful treatment because the project is to be phased. Construction is expected generally to progress from north to south, while detailed timings remain to be confirmed. Receptors may experience a hybrid construction and operational landscape in which occupied development is visible while later phases remain under construction, bunds are incomplete and planting is immature. Significant effects may consequently continue, recur or increase through successive phases rather than occurring at one scheme-wide construction or completion date. Construction effects would arise from vegetation clearance, soil stripping, extensive cut and fill, temporary stockpiles, haul routes, compounds, cranes, machinery and temporary lighting, as well as the progressive erection of buildings and infrastructure.

8.5.18 The rail terminal and sidings would be a substantial and distinctive component of the Proposed Development. Local effects would arise from the combination of changes to landform, the railway spur and sidings, trains and locomotives, gantry cranes, container storage and handling, mobile plant, fencing, operational vehicles, lighting and activity during extended operating hours. These elements could affect landscape character, views, tranquility and dark skies, including the experience of users of the proposed footpath link between Ardley and Upper Heyford and receptors north of the Main Site.

8.5.19 The submitted information does not presently provide a sufficiently clear understanding of the terminal's scale, finished levels, operational equipment, container-storage arrangements or relationship with surrounding landform. Particular uncertainty arises where bunds and planting are relied upon to screen lower-level activity while cranes, lighting and other infrastructure may remain visible above them.

8.5.20 The cumulative assessment should explain where the Proposed Development would be experienced in combination with existing, consented and reasonably foreseeable development, including changes at Heyford Park and other relevant infrastructure and development. It should distinguish simultaneous, successive and sequential effects and identify whether the combined changes would further urbanise the rural landscape, alter settlement setting, reduce tranquility or extend the geographical area over which large-scale development is influential. A list of schemes without a receptor-based assessment of combined effects would not be sufficient.

Adequacy of the ES and proposed mitigation

8.5.21 This assessment reflects the application and supplementary information reviewed by the Councils as of 13th October 2026. The applicant has indicated that further visualisations, night-time material, ZTV information, rail-terminal sections and a methodological note will be submitted. The Councils will review that evidence when available. Unless and until it satisfactorily addresses the matters identified below, the concerns and conclusions in this LIR remain applicable.

Landscape and Visual Impact Assessment (LVIA)

8.5.22 The LVIA provides a substantial evidence base, including its methodology and assessment criteria, landscape and visual effects tables, Zones of Theoretical Visibility, viewpoint mapping, outline planting schedule, illustrative cross-sections, photographs and visualisations **[APP-175] [APP-246] [APP-247] [APP-248] [APP-249] [APP-250] [APP-251] [APP-252] [APP-253] [APP-254] [APP-255].** However, the authorities have the following concerns with regard to the LVIA:

Transparency and audit trail

8.5.23 The discussion at ISH2 reinforced the Councils' concern that the LVIA does not always provide a sufficiently transparent audit trail from the physical changes proposed to the reported residual conclusions. A number of questions raised by the Examining Authority were not answered directly or with sufficient site-specific detail to close the Councils' concerns. Responses referred to technical drawings, later detailed design, professional experience or examples from other SRFIs without consistently explaining how the evidence led to the published judgement for this Site.

8.5.24 The existence of technical information does not by itself provide an accessible landscape assessment. The ES should explain what the proposed physical changes mean for landscape character and views, how adverse and beneficial effects have been distinguished and balanced, and how the mitigation outcomes relied upon are secured.

8.5.25 This concern is particularly evident in relation to:

- the influence of plateau landscape guidance on building scale and development extent;
- the assessment of strategic mounds as adverse landscape changes as well as mitigation;
- the planting density and performance assumptions underlying Year 15 effects;
- the absence of a clear examples of viewpoint testing resulting in measurable design change; and
- the absence of an accessible fieldwork record demonstrating how local landscape variation informed the assessment.

Zones of Theoretical Visibility (ZTV)

8.5.26 The submitted ZTVs do not provide sufficient detail to understand the scale and geographical extent of local effects. They do not distinguish between visibility of a small upper portion of one building and visibility of substantial parts of several development zones or the maximum parameter envelope. ZTVs and viewpoint material should provide equivalent confidence in all materially affected directions. Local detailed ZTV extracts and parameter-envelope photowires are needed for the B4030 and Middleton Park sector, Ardley and Fewcott, Baynards Green, and north-western and north-eastern approaches. These should show the maximum parameters against the existing baseline and the Year 15 mitigation scenario.

Significance of effects

8.5.27 The methodology in the LVIA sets the significance level at above moderate, i.e. only major or major/moderate effects are considered to be significant. The Councils do not consider that the blanket treatment of all moderate effects as non-significant provides sufficient receptor-specific justification. LITGN 2024-01 states that Moderate effects may or may not be significant depending on the circumstances and reasoning given. The Councils therefore consider that the applicant should explain, for each material Moderate effect, why it is considered significant or non-significant.

8.5.28 The issue of the significant threshold was also raised by the ExA at the examination ISH2. The applicant justified their approach by referring to their experience, and the acceptance of this approach as part of other SRFI schemes.

8.5.29 GLVIA3 requires the approach and methodology to be proportionate to the particular circumstances of a development (GLVIA3, para.1.20), which is influenced by the site's context, and the size and potential impact of the development. Unlike other SRFI sites, the application site does not directly adjoin the motorway but is approximately 900m from the M40 and separated from it by agricultural land, the village of Ardley, and the restored landfill and ERF.

8.5.30 Whilst the landscape is not pristine it is rural and comprises many of the landscape characteristics outlined in the county and district landscape character assessments. The site also directly adjoins the Upper Heyford Cold War airfield, which is also a conservation area, and directly affects SSSI Ardley Cutting at the northern end of the site. These elements together with changes in the landform and the perceptual qualities in parts of the site and the adjacent areas increase the sensitivity of the site and its context.

8.5.31 The use of a methodology that has been used for other SRFI in a different context might therefore not automatically be appropriate. Concerns about the methodology and assessment were raised by the councils and their consultants (LUC) in at Statutory Consultation and in the councils' Relevant Representations **[RR-024]** and **[RR-109].**

8.5.32 It should also be noted that LITGN 2024-01 is a relatively recent guidance note that has been developed especially to provide clarification on issues that have caused disagreements and debates between landscape professionals. As such is represents the most recent guidance on this issue, and methodologies that have been used prior to this date might therefore not reflect the guidance.

8.5.33 It should also be noted that other NSIPs in Oxfordshire are using methodologies that reflect guidance LITGN 2024-01, when setting significance levels, such as the White Horse Reservoir (WHR) which will be submitting in November 2026.

8.5.34 The setting of significance threshold is relevant as it determines the number and location of receptors that are likely to experience significant effects during different stages of the project. This helps to understand the scale of the impact, where mitigation is needed and what mitigation measures might be most appropriate for different receptors.

8.5.35 The LVIA **[APP-175]** summarises in para. 7.8.14 Likely significant landscape and visual effects. Residual effects, i.e. effects remaining by Y15, are assessed to occur only for receptors within the site for both landscape and visual effects. This seems unrealistic considering the large size and resulting change to the local landscape character and views.

8.5.36 The visual effects table in appendix 7.3 **[APP-248]** identifies 51 visual receptor groups. Out of these the LVIA identifies significant effects for 30 receptor groups during construction, for nine groups at Y1 and for only one by Y15. The drop in significance levels between the construction phase and year 1 is difficult to understand considering the size of the development and the unvegetated nature of the bunding, which are not characteristic elements in this landscape.

8.5.37 The LVIA identifies 21 moderate visual effects at year 1 and nine at Y15, some of which could potentially be significant in line with LITGN-2024-01.

8.5.38 The phasing assumptions are central to significance. The ES description of development and alternatives, framework CEMP and transport material provide relevant construction context **[APP-170] [APP-189] [APP-201].** The landscape assessment should nevertheless define, for each receptor, the event from which Year 15 is measured. Relevant alternatives include first commencement, formation of the bund, planting of the parcel, occupation of the visible building, completion of the phase or completion of the whole scheme. The defensible landscape measure is the actual age of the planting from installation. If a building can be occupied before its mitigation is established, the significant completion effect may persist for the construction period plus a further establishment period.

8.5.39 The LVIA uses broad landscape and visual receptor groupings. Whilst groupings are not objectionable in principle, an overall conclusion for a settlement, route group or large landscape area can obscure materially greater effects at specific locations. The assessment of individual viewpoints in addition to the receptor grouping was requested at the PEIR stage but was not provided in the submitted documents. The LVIA does not identify variation within groups, the locations of maximum effects and any localised high magnitude or significant effects, including effects that remain locally important even where the applicant assigns a non-significant overall conclusion.

8.5.40 App 7.3 Visual effects **[APP-248]** shows that not all receptor groups to be represented by viewpoints (e.g. receptor group RG), whilst others are represented by several viewpoints with different outlooks (e.g. receptor group VA, representing users of the B430).

8.5.41 GLVIA3 does not require every photo viewpoint to be treated as a separate visual receptor. Representative viewpoints may legitimately inform the assessment of settlements, routes and other receptor groups. However, where individual viewpoints or route sections demonstrate materially different outlooks, proximity, elevation, visibility or magnitude, that variation should be reported and the maximum effect identified. The Councils' concern is therefore not the use of receptor groupings, but the absence of sufficient viewpoint-level reasoning to demonstrate how the overall group conclusion was reached.

8.5.42 The Landscape Institute's clarification advises that geographical extent should not be applied in a way that understates effects on extensive receptors and emphasises the need to explain where the most important effects occur and why. A supplementary viewpoint assessment would therefore assist in demonstrating whether any localised high magnitude or significant effect is concealed within a lower receptor-group conclusion.

8.5.43 The methodology **[APP-246]** provides general criteria for judging visual sensitivity, magnitude and effects. However, the application of those criteria is not sufficiently transparent where a receptor group is represented by several viewpoints with different distances, orientations, degrees of screening and relationships to the Proposed Development. The assessment should identify which viewpoint or route section represents the maximum magnitude and explain how scale, composition, distance, angle of view, geographical extent, duration and the fixed or transient nature of the experience informed the judgement.

8.5.44 To assist the Examining Authority during the accompanied site inspection, the Councils recommend that the applicant provide a concise Supplementary Viewpoint and Receptor Audit Schedule. This would not replace the receptor-based LVIA or require every viewpoint to be treated as a separate receptor. Its purpose would be to identify the function of each viewpoint, the receptor groups represented, the relevant directions of view, the nature of the baseline and predicted change, the maximum magnitude demonstrated and the relationship between the viewpoint evidence and the overall receptor conclusion.

8.5.45 Visual receptor VJ, users of the B4030 northwest of Middleton Stoney, provides a useful worked example of a receptor for which mitigation mounding and planting are relied upon in reducing and managing visual effects over time. The applicant reports a significant construction effect, reducing to a non-significant effect at completion and a lower non-significant effect at Year 15. The assessment should distinguish the immediate contribution made by completed mounding from the additional benefit attributed to maturing planting. The same southern and south-western mitigation may also influence residential receptors at Middleton Stoney, Manor Farm and Manor Farm Cottages, eastern Middleton Stoney and nearby recreational routes.

8.5.46 App.7.2 Landscape effects **[APP-247]** identifies only one significant effect at site level at Y15. The Landscape Effects Table separates the Main Site, Junction 10 and Ardley Bypass, and Junction 9, but it is not sufficiently clear how the Middleton Stoney Relief Road has been assessed as a landscape receptor or how its effects have been combined with the wider authorised development. The MSRR is Work No. 23 and is not part of the Main Site. Its landscape effects should therefore be traceable separately.

8.5.47 The duration of effects requires careful treatment because the project is to be phased. Construction is expected generally to progress from north to south, while detailed timings remain to be confirmed. Receptors may experience a hybrid construction and operational landscape in which occupied development is visible while later phases remain under construction, bunds are incomplete and planting is immature. Significant effects may consequently continue, recur or increase through successive phases rather than occurring at one scheme-wide construction or completion date.

8.5.48 The summary reporting does not consistently state where within broad receptors the maximum effect occurs or explain why an effect is significant by reference to the particular characteristics of the development. A concise 'where and why' schedule is needed for every significant landscape and visual effect.

Viewpoints/visualisations

8.5.49 The visual baseline includes a substantial number of photo viewpoints, but it does not consistently provide an auditable account of the purpose and coverage of each viewpoint. In particular, it is not always clear which receptor group or groups a viewpoint represents, whether the viewpoint is representative, specific or illustrative, why its precise location and direction of view were selected, which development components are intended to be tested, or whether it captures the maximum likely effect experienced by the receptor.

8.5.50 A photographic location alone does not establish an adequate visual baseline. The assessment should describe the nature and composition of the baseline view, its degree of openness or screening, the principal direction of influence, whether the experience is fixed or sequential, the development components likely to be visible and the relationship between the viewpoint evidence and the receptor-level assessment.

8.5.51 At ISH2, the applicant stated that the photo viewpoints had been agreed with the Councils. The submitted ES does not contain a sufficiently clear consultation record to verify precisely which viewpoint locations were agreed, by whom, against which scheme iteration, or whether any agreement extended beyond the general geographical locations to the directions of view, receptor coverage, photographic fields of view, seasons or forms of visualisation.

8.5.52 In the absence of that record, the Councils do not accept that the applicant's statement establishes agreement to the adequacy of the final viewpoint and visualisation package. If the applicant continues to rely on prior agreement, it should provide the relevant plans, correspondence or meeting record and identify how subsequent consultation comments were addressed.

8.5.53 Any consultation undertaken in February 2022 preceded the final DCO application and cannot, by itself, establish the adequacy of the visual evidence for the final scheme. The assessment evidence and design evolved thereafter, including the final development parameters, earthworks, highway works, vegetation removal, rail-terminal proposals, landscape mitigation and the publication of the 2024 Cherwell Landscape Character Assessment. The adequacy of the viewpoint package must therefore be tested against the development now sought and the current evidence base.

8.5.54 A viewpoint location is only one element of an adequate assessment. The receptor represented, direction and angle of view, field of view, season, fixed or sequential nature of the experience, scheme components included and form of visualisation are also material. Agreement to a location would not necessarily establish agreement that the submitted orientation captures all material effects, or that visualisation of the Illustrative Masterplan adequately represents the reasonable worst case permitted by the Parameters Plan.

8.5.55 GLVIA3 does not require every photo viewpoint to be assessed as a separate visual receptor. Nevertheless, where viewpoints associated with a grouped receptor demonstrate materially different outlooks, proximity, elevation, screening or magnitude, the variation and maximum effect should be identified. The Councils recommend a Supplementary Viewpoint and Receptor Audit Schedule to assist the Examining Authority during the accompanied site inspection. For each viewpoint, this should identify its purpose, accessibility, receptor groups, viewing direction, baseline character, visible development components, magnitude at each assessment stage, mitigation relied upon and relationship to the overall receptor conclusion.

8.5.56 Photomontages for 11 viewpoints have been submitted. The photomontages predominantly focus on the visibility of the warehousing of the main site and do not provide visuals in relation to other areas of the scheme that are subject to significant change, e.g. the highway works (new roundabouts, junctions and bypasses), the railway sidings and the main entrance into the site. This is an omission and visualisations (photomontages or wireframe images) have been requested as part of Relevant Representation **[RR-109]**.

8.5.57 A visualisation should be provided from north of the Main Site to demonstrate the railway spur, changes in landform, terminal infrastructure, lighting and operation of the sidings. A suitable location may be VP9 or the proposed footpath link near VP1 (preferred).

8.5.58 A further visualisation should show the rail terminal and sidings from the south-east, either from VP5 or from the proposed entrance roundabout, depending on which provides the more representative and informative view.

8.5.59 A view of the entrance of the site from the newly created entrance roundabout (or VP5) is required. The signalised roundabout where the Ardley bypass intersects the B430 is the principal access into the site (near VP 5) offering direct uninterrupted views into the site and along the B430 looking South. Both directions of view should be covered, as this will assist in understanding impact of the proposed mitigation bunding and planting in combination with the warehousing.

8.5.60 Visualisations of the highway works where greatest effects are expected are required, e.g. views towards J10 / Ardley bypass for receptor groups RC or FC. Similarly, a visualisation of the Middleton Stoney bypass and new roundabout should be considered to demonstrate change and impacts on receptor groups RN, FK, VK (e.g. from VP30).

8.5.61 The Councils note that the LVIA assesses landscape and visual impacts based on the Parameter Plan but that the Illustrative Masterplan has been adopted for the purposes of visualisations. As such the visualisations might not provide an accurate representation of the impact of the scheme since it is the Parameter Plan and not the Illustrative Masterplan that will be secured by the DCO. Given the uncertainty around the detailed design, visualisations should demonstrate the reasonable worst-case development permitted by the Parameter Plan.

Rail terminal and sidings

8.5.62 The assessment of the rail terminal does not clearly define the reasonable worst-case operational scenario. Further information is required on the horizontal and vertical extent of the railway spur, sidings and operational areas; existing and proposed levels; cranes and handling equipment; container-storage locations and maximum stacking heights; trains and locomotives; fencing, gantries, signage, lighting and the frequency and timing of operational activity.

8.5.63 Additional cross-sections should show the maximum parameter envelope, existing and proposed levels, railway infrastructure, cranes, containers, rolling stock, bunds, planting and public rights of way within the wider landscape context. Transverse sections through the terminal should be supported by a longitudinal section along the railway spur.

Masterplan and Cross-sections

8.5.64 The applicant's illustrative masterplan and cross-sections assist understanding but do not provide sufficient detail in themselves to secure the quantity, location or performance of landscape mitigation **[APP-041] [APP-252]**. The relevant controls must be traceable to the Parameters Plan, draft Development Consent Order, obligations and control documents **[APP-040] [AS-008] [APP-139] [APP-142]**. Measures relied upon to avoid or reduce significant effects should be identified as mitigation-critical, protected from dilution through subsequent detailed design or value engineering, and secured through the DCO and certified control documents.

Habitat Management & Monitoring Plan (HMMP)

8.5.65 At ISH2, the Examining Authority asked how certain the applicant could be that proposed planting would achieve the approximate height and screening effect assumed at Year 15, having regard to species, soils, exposure and planting density. The applicant acknowledged that successful mitigation would depend on soil preparation, species selection, maintenance and replacement, but did not identify the planting density assumed by the LVIA, the minimum width or quantum of the woodland belts relied upon, the success rate modelled or measurable criteria for the height, density and continuity necessary to achieve the reported residual effects.

8.5.66 The applicant’s reliance on professional experience and the assertion that there was no reason to expect planting not to establish do not provide sufficient certainty where the residual conclusions depend materially upon that planting. The LVIA should identify the precise planting parcels relied upon, the receptors served, planting density, approximate plant numbers, minimum belt width, species and stock sizes, anticipated growth, required lower-level foliage density and maximum acceptable gaps.

8.5.67 The HMMP contains useful ecological prescriptions, including woodland types, indicative stem densities, establishment, replacement and monitoring **[APP-245] [AS-075]**. However, it is more explicit about habitat condition than the visual performance of woodland relied upon by the LVIA. Habitat condition is not a substitute for evidence that a screen assumed by the LVIA will function at the relevant viewpoint. Monitoring should test the landscape conclusion as well as ecological condition.

<u>Design / Mitigation</u>

8.5.68 A key concern in landscape and visual terms is that the DCO seeks approval for the Parameter Plan and that the design and layout of the buildings and the landscape treatment are not fixed. This ‘outline’ nature of the development creates uncertainty about the appearance of the development and its impact on landscape character and views. Although the Parameter Plan controls matters including maximum floorspace, unit numbers, finished floor levels and maximum heights, it retains substantial flexibility regarding the footprint, length, breadth, massing and disposition of individual buildings and their relationship with landscape mitigation.

8.5.69 The Parameter Plan **[AS-008]** only indicates the bunding but not the planting on the bunds despite this being relied on in the LVIA. It also includes fewer green infrastructure links between the buildings compared to the Illustrative Masterplan **[AS-009]**.

8.5.70 The applicant explained at ISH2 that the planting is adequately secured through a combination of the Parameter Plan **[AS-008]**, the Design Approach Document (DAD) **[APP-166]**, the HMMP **[AS-075]** and through requirements in the DCO **[APP-139]**, however, the councils are concerned that not all relevant details relating to the soft landscaping and phasing are adequately secured by these to date.

8.5.71 Requirement 9 (Detailed Design Approval) refers to the parameter plan and the principles set out in the design code included in section 7 of the Main Site DAD **[APP-166]**. Section 7 of the DAD sets out a Design Code for buildings, plot infrastructure design and landscape design. The principles of the design code are welcomed in general terms, however, some of the language is non-committal. The document tries to provide design guidance whilst at the same time allowing flexibility within the scheme to meet the needs of future occupiers. This has resulted in a design approach document that is not specific enough to provide confidence that successful implementation of soft landscaping in line with the intentions of the document can be achieved at detailed design stage.

8.5.72 Likewise, Requirement 9(2) of the dDCO **[APP-139]** does not secure the consent of the LPA in terms of the design of soft landscaping, which is integral to their landscape mitigation.

8.5.73 Requirement 11 (provision of landscaping) requires the submission and approval of a landscaping scheme for each component of the scheme and states that it needs to be in accordance with the parameter plan, the HMMP and the landscape principles outlined in the Main site DAD. However, the parameter plan does not show the landscaping of the bunds, the DAD does not set out specific requirements, and the HMMP is primarily about the delivery and monitoring of BNG. Whilst the HMMP outlines parcels within the site where planting will be delivered it, this is done broadly and does not include detailed locations of planting.

8.5.74 The DCO requirements (9 and 11) **[APP-139]** relating to soft landscaping also appear to only refer to the DAD for the main site **[APP-166]** but not to the other DADs such as the highway design approach DAD [**APP-168].** It should be noted that figures 4.5 – 4.9 in the highways DAD do not display and could therefore not be reviewed. It is requested that this is corrected. The councils reserve judgement on this document until such time it can be reviewed in its entirety.

8.5.75 The councils have raised concerns about the scale and massing of the warehousing and the adequacy of the mitigation throughout the pre-examination process. Although the Main Site DAD **[APP-166]** includes further design narrative, it remains insufficiently clear how the LVIA and local landscape-character evidence informed the scale, massing, disposition and finished levels of the development.

Landscape character guidance and design response

8.5.76 The Main Site extends across or adjoins landscapes assessed within the Upper Heyford Plateau and Oxfordshire Estate Farmlands local landscape character areas and the county-level Farmland Plateau and Wooded Estatelands landscape types. The plateau landscape is characterised by elevated and exposed landform, broad skies, long-distance views and open rural character. The relevant landscape guidance identifies the exposed plateau as particularly sensitive to visually intrusive development and large buildings and seeks to conserve its open and remote character. It also advises that planting on exposed ridge tops should be limited and that new woodland should be located within dips and folds in the landform where possible.

8.5.77 At ISH2, the Examining Authority asked how these landscape characteristics and guidelines had influenced the design. The applicant referred to the proportion of the Site falling within different character areas, retention of woodland, lowering of development platforms and the use of bunding and planting. However, the applicant did not clearly demonstrate how the mitigation hierarchy had been applied to avoid or reduce effects on the plateau landscape through the scale, height, extent, siting or disposition of the built development before reliance was placed on landform and planting mitigation.

8.5.78 The applicant also characterised the plateau landscape as being confined principally to the extreme northern part of the Site, apparently by reference to the mapped Upper Heyford Plateau LCA in the 2024 Cherwell Landscape Character Assessment. However, the county-level Oxfordshire Wildlife and Landscape Study, which formed part of the landscape evidence available when the applicant undertook its initial fieldwork in 2018, identifies a substantially more extensive Farmland Plateau landscape type extending northeast of Upper Heyford and Fritwell. That landscape type is characterised by elevated and exposed landform, broad skies, long-distance views, open ridges, large arable fields and sparse settlement.

8.5.79 The county-level landscape type and district-level character areas operate at different scales and should be read together. The limited extent of the Main Site falling within the 2024 Upper Heyford Plateau LCA does not establish that plateau characteristics or susceptibility are confined to the same boundary. Nor does it address the influence of the Proposed Development on the openness, skyline, broad views and landscape setting of the adjoining plateau.

8.5.80 The applicant stated that initial fieldwork in 2018 had led to the professional opinion that the Site had “capacity” to accommodate the type of development proposed. However, no contemporaneous field record, defined assessment criteria, capacity assessment or comparative views testing was identified to explain how the wider Farmland Plateau evidence was considered or how that initial conclusion informed the final development parameters.

8.5.81 Current Landscape Institute clarification confirms that an assessment of landscape “capacity” is not required as part of project-level LVIA. Capacity and sensitivity studies are generally strategic planning tools and may provide useful background information, but they do not substitute for the project-specific assessment of landscape susceptibility and effects required by GLVIA3. The applicant’s initial opinion regarding capacity therefore does not, by itself, demonstrate that the landscape can accommodate the final scale and parameters of the Proposed Development without undue adverse effects.

8.5.82 The relevant issue is not confined to whether warehouses are physically located within the mapped Upper Heyford Plateau LCA. It also concerns the influence of development of this scale on the openness, skyline, broad views and setting of the adjoining elevated landscape. The applicant should demonstrate how the sensitivity of the plateau informed the maximum development sought and how the proposed woodland strategy is compatible with the guidance to maintain openness on exposed plateau land.

8.5.83 The applicant should provide a plan overlaying the Main Site, development zones, maximum building parameters, earthworks and strategic planting against both the OWLS Farmland Plateau landscape type and the 2024 district-level LCAs. The assessment should explain how the two evidence bases were reconciled, where plateau characteristics are present on the ground, and how those characteristics influenced receptor susceptibility, design evolution, magnitude and mitigation.

Landscape-led design evolution

8.5.84 The applicant states that landscape and visual considerations influenced the development from an early stage and refers to a series of masterplan iterations. However, the submitted material does not provide a sufficiently clear and auditable account of landscape-led design evolution. It does not identify specific landscape or visual findings, the alternative design options tested in response, the comparative effects of those options or the measurable design changes subsequently made.

8.5.85 At ISH2, the applicant referred generally to the retention of woodland, changes to the southern extent, varying AOD limits, lowered development platforms and alterations to building arrangement. However, no clear example was provided demonstrating how assessment from an identified sensitive view or landscape receptor resulted in a defined reduction in building height, footprint, development extent or quantum. Nor was a comparative views-testing exercise identified showing the environmental benefit secured by the selected design.

8.5.86 The Councils also asked whether a site-specific landscape character assessment and supporting field-survey record sheets had been prepared. The applicant confirmed that fieldwork had been undertaken using photographs and marked-up plans, but an aligned set of landscape-character field records was not available for review. This limits the ability of the Councils and Examining Authority to verify the local variations in character, topography, openness, tranquillity, visibility and receptor experience that informed the assessment conclusions.

8.5.87 A design-evolution schedule should therefore identify the principal landscape and visual constraints, the development options tested, the viewpoints or receptors used in that testing, the comparative effects, the selected response and the reasons for rejecting alternatives. This should include options involving reduced building height, footprint, extent or development quantum, rather than being limited to alternative arrangements within a broadly similar development envelope.

8.5.88 At ISH2, the applicant also referred to experience from other consented SRFIs when discussing significance methodology, mounding, landscape controls and planting establishment. Professional experience and precedent schemes may assist judgement, but they do not replace site-specific assessment. The applicant did not demonstrate that the cited schemes occupy comparable landscape types or share the elevated, open and exposed characteristics of the Farmland Plateau and Upper Heyford Plateau. Any reliance on precedent schemes should identify the relevant landscape character, topography, exposure, soils, development parameters and mitigation arrangements and explain why the comparison is transferable to this Site

Landscape and visual effects of strategic mounding

8.5.89 The strategic mounds are not solely mitigation. They would be extensive new engineered landforms that would alter the existing topography, interrupt open views across the agricultural landscape, reduce the perceived depth of the landscape and create new enclosure. Their adverse effects should therefore be assessed separately from the screening benefit they may provide.

8.5.90 The NNNPS (para 5.166) supports topographical intervention as one possible means of minimising landscape and visual effects, but it does not remove the need to assess the effects caused by that intervention. The strategic mounds are permanent components of the Proposed Development. Their effects on local landform, landscape character, openness, depth of view, visual enclosure and the experience of roads and public rights of way should therefore be assessed directly, as well as the screening benefit that they may provide.

8.5.91 At ISH2, the Examining Authority asked how the mounds themselves had been assessed as new landscape features, including their gradients and effects on openness and depth of view. The applicant referred to the isopachyte drawing, the intended softening of external profiles, and later detailed design and planting. While the isopachyte drawing assists technical understanding of cut and fill, it does not provide an accessible explanation of the resulting landscape and visual effects.

8.5.92 The councils request that information on levels and level changes relating to buildings, bunding, rail spur, rail sidings, roads, bridges and PRoWs is assimilated in one place and provided in an easily accessible format to assist the Examining authority and interested parties to fully understand the scheme and its impact.

8.5.93 The LVIA should provide a clear audit trail for the strategic mounds, including their maximum heights, lengths, widths, gradients, crest forms and geographical extent. For each materially affected receptor, it should distinguish:

- the adverse effect caused by alteration of the existing landform;
- the adverse effect caused by loss of openness and depth of view;
- the screening benefit provided by the mound at completion;
- the additional benefit attributed to maturing planting; and
- the residual effect after those adverse and beneficial elements have been balanced.

8.5.94 This is particularly important because the Landscape Effects Table identifies a continuing Major Adverse effect on local landform at Year 15. The applicant should explain how that permanent adverse effect has been carried through into the overall landscape-character and residual-effect conclusions.

8.5.95 Bund planting needs to be supported by a coordinated earthworks, soils, drainage and landscape design. The detailed scheme will need to specify final contours, gradients, crest widths and aspects; a continuous uncompacted rooting profile; soil source and testing; handling and placement; drainage; erosion control; planting access; species zonation; density; stock sizes; irrigation; weed control; protection and replacement. Upper slopes may be exposed and drought-prone, compacted layers may create perched water, and bund toes may collect water. A generic statement that plants will be watered when soils are dry does not establish measurable triggers, volumes, frequency, access or records.

8.5.96 The LVIA assumes that woodland and structural planting would achieve sufficient height and density to provide effective filtering and screening by Year 15. Detailed proposals should demonstrate how species selection, structural diversity, soils, drainage, establishment and management respond to projected drought, heat, waterlogging, storms, pests and disease. Climate resilience should be demonstrated for each mitigation-critical planting area, particularly on exposed engineered bunds, rather than inferred solely from the use of native or locally occurring species.

8.5.97 The development seeks to enhance the existing public rights of way network (PRoW), which is welcomed. The Illustrative Masterplan [**APP-250]** shows this to include a new PRoW link via a new bridge over the proposed rail link to the CML (nr viewpoint 1), which continues around the northern perimeter of the main site between the rail freight interchange, warehousing and the airfield. This is the diverted PRoW (visual receptor FL) which will be lost due to the development. The current PRoW offers characteristic open views across the surrounding landscape. The area will be subject to substantial changes in level and associated bunding intended to restrict views into the Site. Further information and cross-sections are required to understand the interface between the route and development when it crosses the railway lines and when it runs along the southern boundary of the airfield. This information should include its elevation, degree of enclosure, views of buildings and rail operations, lighting, movement and the resulting recreational experience. The assessment should address views of buildings, bunds, trains, cranes, containers, mobile handling equipment and other rail-terminal infrastructure together with operational noise, movement and lighting.

8.5.98 Concurrent planting is not necessarily advance mitigation. Mitigation-critical bunds and planting should be delivered at the earliest practicable stage and tied to commencement, erection and occupation triggers. The applicant should also demonstrate acceptable interim landscape conditions if later phases are delayed or do not proceed, including stable and suitably graded earthworks, erosion control, temporary seeding, treatment of compounds and boundaries, drainage, early structural planting and long-term management.

8.5.99 A receptor-linked landscape mitigation schedule is required. It should identify the receptor and reported effects, the specific bund or planting parcel relied upon, minimum area and width, density and approximate plant numbers, species and stock sizes, soil and drainage requirements, planting date, target performance, monitoring viewpoint and remedial triggers. A corresponding construction and landscape phasing schedule should identify vegetation removal, earthworks, temporary soil stores, bund formation, planting, built development, occupation, temporary treatment and the start date for the relevant Year 15 assessment. The applicant should also quantify and secure the total minimum area of woodland, structural tree belts and scrub planting assumed by the LVIA, separately from general green infrastructure, grassland, drainage features and other habitat areas. The schedule should also identify the Year 15 height, density and continuity assumptions applied by the LVIA and the evidential basis for those assumptions.

Impacts of lighting

8.5.100 A lighting assessment and lighting strategy have been provided, but these are technical documents and difficult for non-experts to understand. They also provide limited information on how lighting will affect the local landscape character and views.

8.5.101 There are three main areas to consider with regard to lighting – the rail terminal & sidings, the main buildings in the site, and lighting associated with the new highway infrastructure.

8.5.102 Lighting is covered in the lighting assessment in chapter 8 **[APP-176]** and to a lesser extent in the LVIA (chapter 7) **[APP-175]**.

8.5.103 The night-time assessment in the LVIA considers the level of night-time effects on the landscape to be significant at a local level, and night-time effects on views to vary from *negligible* to *moderate adverse*. It also notes that the most notable night-time visual effects are likely to arise in relation to the rail terminal lighting, however, detail and nature of this lighting impact is not further explained. The impact of this could be significant especially considering the 24/7 operation. Further information on the lighting of the terminal, sidings and gantries is required. This should include lighting diagrams that show the worst-case scenario.

8.5.104 The lighting information whilst useful does not include night-time visualisations or light spill diagrams (Lux diagrams) for all the elements of the scheme (main site and highways work) making it difficult to understand the impact the lighting of the scheme as a whole has on receptors and this rural landscape. It is also not clear to what degree the assessment takes into account other light sources such as emergency lighting (e.g. fire exits), signage (e.g. company names on buildings), light spill from glassed offices and headlights from vehicles.

8.5.105 The councils consider the ES not to provide sufficient detail on the impact of lighting in landscape and visual terms. The assessment should consider the combined landscape and visual effect of all sources of lighting including fixed terminal lighting, crane-mounted lighting, illuminated operational areas, moving trains and vehicles, street lighting, reflected light and sky glow individually and together. It should also explain whether screening relies on bunds or planting, and whether these measures would remain effective where gantries, cranes and lighting infrastructure extend above the proposed landform.

8.5.106 A night-time assessment for landscape and visual receptors (during construction and operation) in line with the Scoping Opinion should be provided. This should include light spill diagrams, night-time baseline photographs and visualisations to help inform the night-time assessment.

8.5.107 The applicant has indicated that further information will be submitted including night-time photography. This is welcomed and will have to be reviewed once this information becomes available.

Conclusion on Landscape and Visual Impacts

8.5.108 The proposed development would have a **negative** local landscape and visual impact. Its scale, mass, bulk and height, industrial character, engineered landform, land-cover change, infrastructure, operational activity and lighting would result in substantial adverse change to the local landscape and to views from a range of nearby residential, recreational and transport receptors. The rail terminal and sidings would contribute materially through associated landform change, railway infrastructure, cranes, container handling and storage, operational movement and extensive night-time activity.

8.5.109 The ES identifies significant landscape and visual effects, but it does not consistently explain where the maximum local effects occur, the particular development characteristics that cause them, or the full duration of those effects through the phased construction programme. Broad receptor groupings may conceal localised high magnitudes or significant effects, particularly within the Main Site and immediate context and in the B4030 and Middleton Park direction, where Council fieldwork indicates substantial change may extend to locations approximately one kilometre from the nearest proposed building.

8.5.110 The reported reduction of several significant effects to non-significant effects at Year 15 relies materially on future woodland, structural planting and bunds. These measures are essential mitigation. The present framework does not yet identify and secure every mitigation-critical parcel with sufficient certainty as to quantity, timing, soils, drainage, establishment, visual performance and monitoring. There may also be no single scheme-wide Year 15 because habitat creation and construction are phased. It has not yet been demonstrated that woodland proposed on engineered bunds would establish and mature sufficiently to deliver the screening and landscape integration assumed at Year 15.

8.5.111 The matters explored at ISH2 reinforced the Councils' concerns regarding assessment transparency and mitigation certainty. The applicant did not clearly demonstrate how the guidance for the open and exposed plateau landscape had influenced the maximum scale, height, extent or disposition of development. The adverse effects of strategic mounding on landform, openness, depth of view and visual enclosure were not clearly distinguished from the screening benefit attributed to those mounds.

8.5.112 The applicant also did not identify the planting density, minimum woodland quantum or measurable landscape-performance criteria supporting the assumed Year 15 effects. Although general examples of masterplan iteration and experience from other SRFIs were cited, no clear example was provided of site-specific views testing or landscape assessment resulting in a measurable reduction in built development, and the relevance of those precedent schemes to this landscape context was not demonstrated.

8.5.113 Consequently, the Councils are not presently satisfied that the applicant has demonstrated compliance with the NNNPS requirement to consider the nature of the likely landscape effects and to show that harm has first been avoided or minimised before reliance is placed on mitigation. The applicant also did not reconcile its assertion that plateau landscape is confined principally to the northern part of the Site with the more extensive Farmland Plateau landscape type identified in the county evidence available when the initial capacity judgement was formed.

8.5.114 The applicant's statement that viewpoint locations had previously been agreed does not resolve these concerns because the ES does not provide an auditable record of the scope of that agreement, and agreement to a location would not establish the adequacy of the selected direction, visualisation type or coverage of the final DCO scheme.

8.5.115 Until a where-and-why schedule of effects, a receptor-linked mitigation schedule, a construction and landscape phasing schedule, representative parameter-envelope visual evidence and enforceable landscape-performance criteria are provided, the Councils cannot place full reliance on the reported Year 15 reductions. Significant effects dependent on unquantified or delayed planting should be treated as unresolved rather than assumed to become non-significant.

8.5.116 The principal measures required are early delivery of mitigation-critical landform and planting; protection against later construction; acceptable interim treatment if build-out is delayed; measurable establishment and watering requirements; fixed-point summer and winter monitoring; and remedial triggers tied to the visual outcomes assumed in the LVIA. Subject to satisfactory amendment and control, these measures could improve certainty and reduce residual harm, but they would not remove the fundamental permanent change from rural agricultural landscape to a major industrial and infrastructure complex.

8.6 Lighting

Summary

- There will be a change from the current baseline due to the proposals during the constriction and operational phase. It is not considered that this will cause a statutory nuisance under the Environmental Protection Act 1990

Mitigation/Improvements

- None

	Policy	Compliant?
CDC	CLP (2015) ESD15 The Character of the Built and Historic Environment Mid Cherwell Neighbourhood Plan (2017): PD6 Control of Light Pollution	It is considered that subject to appropriate controls in the Order, no conflicts with the policies are identified.
OCC	N/A	

Policy Detail

8.6.1 Paragraph 5.117 of the NPS outlines that artificial light pollution is a likely impact associated with National Network NSIPs. Paragraph 5.118 goes on to say that it is important that this impact is considered by the applicant as well the ExA and the SoS

8.6.2 Paragraph 5.119 states that some impact on amenity for local communities is likely to be unavoidable. Impacts should be kept to a minimum and should be at a level that is acceptable

8.6.3 Paragraph 5.120 outlines that the applicant should assess the potential impact of artificial light on amenity. Paragraph 5.121 states that in particular the assessment should describe:

- the type and quantity of emissions
- aspects of the development which may give rise to emissions during
- construction, operation and decommissioning
- premises, locations or species that may be affected by the emission
- effects of the emission on identified premises or locations
- measures to be employed in preventing or mitigating the emissions

8.6.4 Paragraph 5.122 outlines that applicants are advised to consult the local relevant environmental health team.

8.6.5 Paragraph 5.123 outlines that impacts from light emissions should be sufficiently mitigated. The SoS should consider whether to require the applicant to abide by a scheme of management and mitigation concerning artificial light from the development to reduce any loss to amenity which might arise during the construction and operation of the development. This should be detailed within a Statement Relating to Statutory Nuisance.

8.6.6 Paragraph 5.124 states that The Secretary of State should be satisfied that all reasonable steps have been taken, and will be taken, to minimise any detrimental impact on amenity from artificial light. This includes the impact of light pollution from artificial light on local amenity, landscapes and protected species and habitats, using directed light when necessary.

8.6.7 Policy ESD15 of the Cherwell Local Plan outlines that development should Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation

8.6.8 Policy PD6 of the Mid Cherwell Neighbourhood Plan states that the design of external and street lighting in all new development should minimise the risk of light spillage beyond the development site boundary. Proposals should ensure that the installation of all external lighting satisfies the following criteria:

- elevations of buildings, particularly roofs, should be designed to limit light spill
- proposals should not have a detrimental effect on the amenity of surrounding occupiers
- proposals should not have a significant adverse impact on the character of a village and its setting or of the wider countryside
- proposals should not be detrimental to an area of nature conservation interest
- particular care should be taken to avoid light pollution where the development is in a remote rural location, or where it might adversely affect the setting of the Oxford Canal

Commentary

8.6.9 The site is currently agricultural land is classed as E2 (Rural) under Institute of Lighting Professionals (ILP) guidance.

8.6.10 A range of mitigation has been proposed/embedded into the construction and operational phases which can be found at Table 8.10 of **[APP-176]**

Adequacy of the draft ES and proposed mitigation

8.6.11 The lighting strategy methodology and classification of the Environmental Zone was agreed by CDC Environmental Protection Team.

8.6.12 The wide range of mitigation will help to reduce the impact on the local community of light pollution.

Conclusions on Lighting

8.6.13 With regards to the impact of the lighting at the construction and operational phase the proposal will not cause a Statutory Nuisance under the Environmental Protection Act 1990.

8.6.14 Whilst there will be a change from the current baseline it has been assessed that there will be no significant impacts from lighting during the operational phase on the local population.

8.6.15 Given this the Councils conclude a **neutral** impact associated with lighting.

8.6.16 It should be noted that this conclusion relates only to amenity impacts associated with lighting. Potentially negative impacts associated with the effect of lighting on ecological assets and the landscape are considered in chapters 8.4 and 8.5 respectively.

8.7 Water Environment

Summary

- The LLFA is content that on the basis of the information provided there is a viable scheme to ensure the main site can be drained adequately (subject to revisions being made to the Sustainable Drainage Strategy **[AS-077]** which have been agreed by OCC). OCC wishes to ensure that the correct details are submitted at detailed design stage.
- OCC does not consider that sufficient detail has been submitted to demonstrate how water will be attenuated during construction.
- In its capacity as Highway Authority OCC in its Relevant Representation has raised concerns around the Sustainable Drainage Strategy for Highway Works **[AS-078]**. However, following positive dialogue with the applicant, and subject to revisions being made to this document, the Council is content that sufficient detail has been provided at this stage to ensure there is no negative impact on surface water flooding on the highway.

Mitigation/Improvements

- OCC consider that additional details are required to demonstrate how water will be attenuated during construction
- Amendments to both **[AS-077]** and **[AS-078]** have been agreed with the LLFA and HA. The Council expects the applicant to update these documents in line with the position agreed with the authority.

	Policy	Compliant?

CDC	CLP (2015) Policy ESD 6: Sustainable Flood Risk Management CLP (2015) Policy ESD 7: Sustainable Drainage Systems (SuDS) CLP (2015) Policy ESD 8: Water Resources	Subject to the submission of appropriate additional information, no conflict with policy is identified.
OCC	N/A	

Policy Detail

8.7.1 Paragraph 5.135 of the NPS states that: Surface water flood issues need to be understood and then account of these issues can be taken, for example, flow routes should be clearly identified and managed

8.7.2 Paragraph 5.136 states proposals should prioritise the use of Sustainable Drainage Systems unless there is clear evidence that this would be inappropriate. A drainage strategy should also be produced and submitted as part of the Flood Risk Assessment. Paragraph 5.137 goes on to define what the NPS considers to be Sustainable Drainage Systems.

8.7.3 Paragraph 5.139 states site layout and surface water drainage systems should cope with events that exceed the design capacity of the system, so that excess water can be safely stored on or conveyed from the site without adverse impacts

8.7.4 Paragraph 5.140 states that the surface water drainage arrangements for any project should be such that the volumes and peak flow rates of surface water leaving the site are no greater than the rates prior to the proposed project unless specific off-site arrangements are made and result in the same net effect.

8.7.5 Finally, paragraph 5.142 states if there are no viable Sustainable Drainage Systems options available, it may be necessary to provide surface water storage and infiltration to limit and reduce both the peak rate of discharge from the site and the total volume discharged from the site. There may be circumstances where it is appropriate for infiltration attenuation storage to be provided outside the project site, if necessary, through the use of a planning obligation.

Commentary

Surface Water Drainage

8.7.6 The applicant as part of the Environment Statement **[APP-177]** has produced a Flood Risk Assessment (FRA) **[APP-264]**.

8.7.7 In its role as the Lead Local Flood Authority (LLFA), Oxfordshire County Council (OCC) provides comments on the surface water drainage and SuDS elements of major planning applications. The LLFA do not assess or comment on modelling of existing flood risk through the normal planning process, as this is a matter for the determining authority. However, OCC does have a regulatory role in relation to works within the channel of ordinary watercourses, and our comments are therefore limited to matters concerning surface water drainage and the regulation of ordinary watercourses.

8.7.8 The Council notes the inclusion of fluvial flooding related to main river flooding including Flood zones associated with those areas but defer to the Environment Agency as the statutory body in relation to these matters. It is understood that the Environment Agency has approved modelling for the baseline scenario and OCC defers to the Environment Agency in relation to these matters.

8.7.9 As the Lead Local Flood Authority, Oxfordshire County Council have a specific statutory consultee role in relation to developments that have surface water drainage. OCC has recently updated their Local Standards & Guidance for Major Development with Surface Water Drainage (June 2026). These standards are based on Defra's updated National standards for sustainable drainage systems (SuDS) (July 2025).

8.7.10 Whilst OCC is the LLFA, drainage engineers at CDC have also contributed to this chapter of the LIR.

Highways Drainage

8.7.11 In their role as Highway Authority, OCC's Highways Drainage team also has a role in ensuring the drainage designs for highways are to an adoptable standard. This is to ensure that the highways drainage is designed to a suitable standard to prevent standing water on the highway which may result in a risk to the safety of highways users and to ensure the designs minimise the maintenance burden on the public purse in the event of adoption of the highway.

Adequacy of the draft ES and proposed mitigation

Surface water drainage

8.7.12 The applicant contends that the impact of the proposed development on flood risk is negligible. OCC's Relevant Representation **[RR-109]** provides detailed commentary and in accordance with that response there are potential impacts that The Council would expect to be addressed:

- Any relevant existing downstream flood risk not considered as part of any Section 19 flood investigations as indicated in our OCC RR **[RR-109]** paragraph 173. This is to ensure that this existing flood risk is considered fully as part of any assessment.

- Conclusion in relation to the maintenance of the inverted siphon and the eventual owners of this asset as indicated in OCC RR **[RR-109]** paragraph 176. Where an asset of this nature is not maintained it has the potential to increase flood risk by becoming blocked or damaged during higher flows.
- Assessment on the downstream flood risk from the surface water drainage proposals that include a potential for an increase in runoff from the site, as detailed in paragraphs 180 and 181 of OCC RR **[RR-109]**. This could increase flood risk where the ability to attenuate them is not provided for within the site proposals. This requirement is in accordance with the National Networks National Policy Statement (paragraphs 5.140 and 5.145) and Cherwell District Council Local Plan Policy ESD 6: Sustainable Flood risk management.
- More detailed information on who will own the surface water drainage assets and the maintenance schedule for these assets. This provides for appropriate consideration of the maintenance requirements before works to assets are undertaken. Clarity is sought as to the individual which the applicant intends to adopt and maintain this asset once constructed. It should be noted that the LLFA has no duty to inspect or enforce on ordinary watercourses. Under current legislation it falls to the riparian owners of watercourses to understand their responsibilities and maintain watercourse channels and assets which fall within their land ownership (LDA, 1991). OCC as the LLFA only have permissive powers to undertake enforcement on ordinary watercourses.

8.7.13 In relation to the CEMP **[APP-189]** 6.2C ES Appendix 2.3 Construction Environmental Management Plan the applicant indicates that in Para 19.2 that a surface water management plan will be produced that aims to 'prevent an increase in runoff to the receiving watercourse, sewer or drainage system' the Council would suggest that this should 'not' increase flood risk to any downstream areas. The applicant has stated that runoff will be attenuated during the construction stage however there are no further detail on how measures will be able to achieve this at this point in the application.

8.7.14 Of particular concern to the Councils is the sequencing of development across the site and how development parcels will be integrated into supporting drainage infrastructure as the site is built out over seven years.

8.7.15 It is noted for example from the CEMP **[APP-189]** that in year one, the land to the north where the rail terminal is to be located and the first phase of buildings along with the attenuation ponds to the south will be constructed. However, in the following years, the land between these two parcels is to excavated and levels significantly changed. This therefore creates uncertainty about the sustainability of the connection between north and south development parcels and what interim arrangements during construction will be used whether gravity or pump driven.

8.7.16 To address this, the Councils would wish to see detailed construction drainage plans to be agreed in advance of construction by way of an updated CEMP or a pre-construction P-CEMP.

8.7.17 Under Para 19.3 any management plan should also include for monitoring of water quantity as well as quality downstream of any temporary lagoons. Information on how this will be undertaken should be part of any management of the site and its environs.

8.7.18 In relation to the Draft DCO **[APP-139]** there are a number of matters to clarify, Under Schedule 2 Part 1 para 21. – (1) any proposals that come forward should be submitted to the Local Planning Authority with consultation with the LLFA. The LLFA do not approve drainage proposals as part of planning permissions currently. The LPA hold the planning enforcement role in terms of the construction and implementation of measures currently and the LLFA have no remit or mechanism in this part of the process. This should be reworded to include the LPA in consultation with the LLFA where required.

8.7.19 In relation to Requirement 22 to the Draft DCO **[APP-139]** the Local Planning Authority need to be the approver alongside the Environment Agency for floodplain compensation schemes.

8.7.20 The information presented by the applicant in their ES and supporting documents provides adequate evidence that the proposed development drainage is generally in accordance with national and local standards and guidance. The surface water drainage proposals that are included require further information and calculations at the detailed design to confirm their acceptability; the Councils would require the following information:

- Evidence that the hydraulic models prepared as part of the application have been approved by the Environment Agency.
- Post-development modelling outputs which include representation of the diverted ordinary watercourse.
- Calculations to demonstrate that surface water discharge rates will not increase risk off-site, including downstream along the Ashgrove Brook.
- Information on the ground conditions, such as groundwater monitoring and infiltration testing, is required to understand the infiltration potential. Consideration of groundwater levels should be included in any assessment of runoff rate, drainage design and any surface water modelling or drainage strategy.
- Details for the management and maintenance of the proposed inverted syphon within the Padbury Brook Tributary.

8.7.21 It is noted that there has been positive engagement with the applicant on the points highlighted above since the submission of **[RR-109]**.

8.7.22 In order to ensure that these details are adequately secured at detailed design stage, the detailed drainage design should be secured by updating requirement 21 with a sub-paragraph (3), to include the following requirements which are drawn from the wording of conditions outlined within OCC Local Standards & Guidance for Major Development with Surface Water Drainage:

'Surface Water Drainage – Detailed Design

The strategy should include but not be limited to:

a. An updated detailed surface water drainage strategy, or a technical summary of any changes made to the original drainage strategy.

b. A phasing plan demonstrating that the strategic drainage system serving any part of the development will be constructed and operational prior to the construction of the remainder of that development phase.

c. The results of infiltration testing undertaken in accordance with BRE 365 or similar best practice guidance at the location and depth of proposed infiltration features.

d. The results of groundwater level monitoring at depths of at least one metre below the bases of proposed infiltration features to determine the likely maximum groundwater level, usually during the winter/spring period.

e. Detailed surface water drainage plans clearly demonstrating the type, layout, dimensions and catchments of drainage features, to include direct references to the hydraulic calculations report.

f. Detailed surface water drainage hydraulic calculations demonstrating that:

- *runoff rates for the developed site will not exceed the equivalent greenfield runoff rates (or no greater than five times the greenfield runoff rate should a relaxation factor need to be applied) for all storm events up to the 1% AEP event,*
- *infiltration features drain down half their volume within 24 hours for storm events up to the 3.3% AEP event, with mitigation provided for slower half-drain times during larger events,*
- *no surcharging occurs for the 50% AEP event,*
- *no flooding occurs for storm events up to the 3.3% AEP event plus an appropriate climate change allowance for peak rainfall,*
- *any flooding occurring for the 1% AEP event plus an appropriate climate change allowance for peak rainfall is managed appropriately within the site,*

g. A plan showing that exceedance flood flow routes do not adversely affect the proposed development if the surface water drainage system fails.

h. An assessment of how the proposed SuDS features will mitigate the pollution hazard posed by the development, in accordance with the simple index approach outlined in CIRIA C753 The SuDS Manual.

i. Details for the long-term maintenance arrangements for the surface water drainage system, to include details of protection measures during construction, and maintenance schedules and plans showing liability for each part of the completed drainage system.

j. Details of accessible easements of at least three metres in width adjacent to watercourses and proposed drainage features on or abutting the site to allow access for maintenance.'

8.7.23 Oxfordshire County Council wish for further engagement with the applicant on this topic and are happy to discuss alternative drafting for Requirement 21.

Highways Drainage

8.7.24 The OCC Highways Drainage Team has engaged with the applicant on the issue of Highways Drainage since the County Council submitted their Relevant Representation **[RR-109]**.

8.7.25 The applicant has provided a response to OCC's RR at **[PDA-009]**. In this response they acknowledge that OCC has its own adoptable standards for highways drainage: '*The OCC local expectations with regard to the drainage design associated with new highways are acknowledged, with preference towards open SuDS features and securing appropriate maintenance. OCC design guide will inform future design development*.'

8.7.26 OCC's adoptable standards were listed at paragraph 192 of OCC's RR **[RR-109**]:

- OCC require a minimum reduction of 40% on the current discharge rate. If the area is subject to flood zone 2 or zone 3 contact EA. This will possibly discharge at the current rate, and may require flood compensation.
- The attenuation volume will be calculated on 100-year 40% climate change plus 300mm freeboard.
- Storm durations will be 1year, 30 year and 100 year all plus climate change all SUDs features must be calculated on this basis.
- Minimal use of pipe work should be exercised, Ditches, swales, basins, and ponds should all be checked for their potential to soakaway.
- Drainage over embankments to toe drains should be retained/reinforced as to not cause banks to slip.
- Where groundwater is present the designer is to consider lining drainage features.
- Consideration for easy to maintain and access storage ponds and any SUDs aids and interceptors including access roads and hard standings.
- Protection against BNG near drainage should be a priority. Root ingress and tree growth have a detrimental effect on drainage longevity.
- Porous surfacing asphalt materials are not to be used all surfaces are to be positively drained.

- Check dams, weirs, bunds, and berms can be used for slowing, retaining, and directing flows in and outside ditches and do not have to be made of concrete.
- CV value 1 or 0.9

8.7.27 It is noted that in Appendix 3 of **[PDA-001]**, the applicant intends to submit an updated ES Appendix 9.4 Sustainable Drainage Statement - Offsite and Highways to account for OCC's adoptable standard. This will commit the applicant to OCC's standards when discharging Requirements 7 and 21. This amended submission is welcomed by OCC and will be reviewed once it has been submitted to ensure it adequately captures OCC's comments to date.

8.7.28 In addition to the comments already provided by OCC, the Council's drainage engineer also recommends the following commitments be included in the Sustainable Drainage Statement:

- Water monitoring should be undertaken for at least a year to inform the detailed design; available water data can also be used for the local area where available from the EA or other ground investigation studies (such as Magic, DEFRA/EA, local BGS reports, LLFA records, Water Companies). Monitoring will ensure infiltration designs will take into consideration peak groundwater levels
- Infiltration rates should be greater than 1 $x10^{-6}$

Conclusion on Water Environment

Surface Water Drainage

8.7.29 Sufficient information has been provided by the applicant to determine that the proposed development site can be adequately drained. It is anticipated that the detailed design stage will result in an improved drainage strategy in terms of sustainability, which will be reviewed with reference to the National Standards for Sustainable Drainage Systems and the OCC Local Standards & Guidance for Major Development with Surface Water Drainage.

8.7.30 The impact to surface water drainage flood risk is considered to be **neutral**.

Highways Drainage

8.7.31 The Council welcomes additional engagement from the applicant in relation to Highways Drainage and welcomes the commitment from the applicant to update their Sustainable Drainage Statement **[AS-078]** to commit the highways drainage design to OCC's adoptable standard.

8.7.32 OCC will review and comment on this amended submission but, subject to this updated SDS accurately reflecting OCC's adoptable standard, the Council concludes that the proposed development will have a **neutral** impact on the drainage of the Highway.

8.8 Heritage- Built and Archaeology

Summary

- The proposal site lies in an area of relatively high archaeological interest and potential, in a landscape which has a known, rich archaeological record. The proposed development will result in the removal of archaeological receptors.
- Though mitigation excavation and recording of these features will not fully mitigate their loss, the investigations will result in public access to the results of the investigations.
- An agreed Archaeological Mitigation Strategy was submitted into the examination at Procedural Deadline A **[PDA-005]**
- In respect of built heritage, overall, the development will result in a low level of harm to the significance of heritage assets.
- Subject to boundary treatments and the relationship of the site to neighbouring ground levels, the redevelopment and restoration of the Listed Building and the wider Ashgrove Farm complex is considered to be of heritage benefit.
- Any harm to the significance of the Listed Building and to RAF Upper Heyford conservation area will result from the large-scale changes to the surrounding agricultural land and the visual impact.

Mitigation/Improvements

- In relation to the built heritage impacts, the visual impacts in respect of the conservation area can be mitigated through the sensitive landscaping and design of the acoustic fence that lies between the site and the protected area.
- The proposed works to bring the listed building and its associated structures back into active use are welcomed subject to agreement on adjoining ground levels and boundary treatments. built heritage resulting from development within the wider setting can be mitigated through the control of building heights and appearance and the provision of adequate, appropriate landscaping and planting.

	Policy	Compliant?
CDC	CLP (2015) ESD15 The Character of the Built and Historic Environment CLP (2015) C18 Development proposals affecting a listed building CLP (2015) C28 Layout, design and external appearance of new development	Subject to the submission of additional information relating to the setting of the Listed Building, details of the boundary fence to the airfield,

		and the submission of a contractor specific Method Statement for archaeological remains, no conflicts with the policy are identified.
OCC	N/A	

Policy Detail

8.8.1 Paragraph 5.206 of the NPS defines a ‘heritage asset’ and ‘significance’ in relation to heritage assets. It outlines that significance is derived from the physical form of the asset but also, its setting.

8.8.2 Paragraph 5.207 outlines that certain assets have a level of significance which justifies official designation. These assets include Scheduled Monuments, Conservation Areas and Listed Buildings.

8.8.3 Paragraph 5.208 of the NPS states that non-designated heritage assets of archaeological interest ff that are demonstrably of equivalent significance to Scheduled Monuments, should be considered subject to the policies for designated heritage assets. The absence of designation for such heritage assets does not indicate lower significance. Whilst paragraph 5.209 outlines that the SoS should also consider the impacts on other non-designated heritage assets.

8.8.4 Paragraph 5.10 outlines that applicants must undertake an assessment of any significant heritage impact and should describe its significance (including contributions from its setting) Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, the applicant should include an appropriate desk-based assessment and, where necessary, a field evaluation.

8.8.5 Paragraph 5.212, in line with the NPPF, states that a documentary record of our past is not as valuable as retaining the heritage asset and therefore the ability to record evidence of the asset should not be a factor in deciding whether consent should be given.

8.8.6 Paragraph 5.214 states that the Secretary of State may add requirements to the Development Consent Order to ensure that this is undertaken in a timely manner in accordance with a written scheme of investigation that meets the requirements of this section, and has been agreed in writing with the relevant Local Authority, Historic England or Marine Management Organisation.

8.8.7 In making a decision on the proposed development, it is noted that paragraph 5.217 outlines that the SoS should take into account the nature of the significance of a heritage asset and the value that it holds for future generations. This understanding should be used to minimise and avoid conflict between the assets conservation and any aspect of the proposal.

8.8.8 Paragraph 5.218 states that the Secretary of State should take into account the desirability of sustaining and, where appropriate, enhancing the significance of heritage assets, the contribution of their settings and the positive contribution that their conservation can make to sustainable communities – including their economic vitality. The Secretary of State should also take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials, use and landscaping (for example, screen planting).

8.8.9 Paragraph 5.219 outlines that great weigh should be given to the conservation of heritage assets and that the greater the significance of the asset the greater the weight. Substantial harm to or loss of Grade II Listed Building should be exceptional whilst substantial harm to or loss of a Grade II* or Grade I Listed Building, or a Schedule monument should be wholly exceptional

8.8.10 Policy ESD15 of the Cherwell Local Plan 2011-2031, requires new development to conserve and enhance designated and non-designated heritage assets including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated.

8.8.11 Saved Policy C18 of the Cherwell Local Plan 1996, states that in determining an application for listed building consent, the Council will have special regard to the desirability of preserving the building or its setting.

Commentary

Archaeology

8.8.12 The proposed Strategic Rail Freight Interchange covers a large area, and as such, the archaeological interest and potential within the scheme is both complex and varied. Prior to the investigations and surveys in relation to this scheme, it was known that the site lay adjacent to the prehistoric boundary of Aves Ditch, which forms the western boundary of the development area. A number of Iron Age banjo enclosures were known along the line of Aves Ditch, including within the development area. It was also known that prehistoric – Romano British settlement sites exist within the development area, and are part of a relatively dense area of small settlements on the brashy geology surrounding present day Bicester, and the Roman fort and town at Alchester, c. 7km to the southeast of the proposal site. An Anglo Saxon cemetery was recorded close to the site, though this record dates from 1865, and the exact location is unknown.

8.8.13 To explore the archaeological potential of the site, during the pre-application period, the applicant has undertaken geophysical survey, airborne survey and trial trench evaluation of the proposal site. The results of these surveys are discussed below, however, as yet, no remains have been recorded which preclude development, should the DCO be granted and archaeological mitigation included as a requirement. Archaeological remains have been identified within and outside the application site which may be affected by the development, these are listed in **[APP-178]** Table 10.5 and are mapped in **[APP-284]**.

8.8.14 There will be significant below ground impacts from this development, with the form of the proposed structures and infrastructure providing limited scope for allowing for any areas of preservation of archaeological remains *in situ*. The proposed rail freight interchange will remove all archaeological remains present within the development footprint, aside from those identified as AR12 and AR14 in **[APP-178]**, and so, this loss will require full mitigation excavation. The applicant has engaged with Oxfordshire County Archaeological Services (OCAS) from an early stage in the application process, and as a result of these discussions and the pre-application surveys, the applicant has been able to develop an archaeological mitigation strategy, which is submitted with the application **[APP-283].** An updated version **[PDA-005],** which was agreed with OCAS, was submitted at Procedural Deadline A. Table 10.1B in **[APP-178]** does not include the discissions between OCAS and RPS Tetratech in 2026 regarding the Mitigation Strategy.

Built Heritage

8.8.15 The nature of the development means that the site is extensive and as a result, the development will affect a number of designated and non-designated heritage assets

8.8.16 The development site is directly adjacent to the RAF Upper Heyford conservation area which also contains within it a number of Listed Buildings and Scheduled Monuments.

Upper Heyford Conservation Area

8.8.17 The landscape surrounding RAF Upper Heyford conservation area contributes to the character and setting of the conservation area and therefore its significance. The airfield due to its very nature is set in a flat open landscape with clear views out from the runway and across the open countryside.

8.8.18 The rail terminal and associated buildings sit outside of the conservation area but are located at the end of the runway which is a core component of the RAF Upper Heyford conservation area. The development site wraps around the conservation area to the east and south and will alter the views out from the conservation area and specifically from the runway.

8.8.19 The development includes a bund and acoustic fence between the site and RAF Upper Heyford conservation area. This will be located at the end of the runway also potentially interrupting views out from the conservation area. The acoustic fence should be designed to blend into the landscape in terms of colour, material and adjacent planting, this will soften the appearance.

8.8.20 The RAF upper Heyford also has a number of scheduled monuments and Listed Buildings located within the boundary. Overall, in the view of the Host Authorities, the development, subject to the proposed mitigation, is considered not to have a detrimental impact on the character of the conservation area and heritage structures contained within it.

Listed Building & Associated Farm Heritage Assets

8.8.21 Within the development site there is a Grade II Listed barn and other non-designated heritage assets which together form the Ashgrove Farm complex.

8.8.22 The Listed Building located within the development site is an 18th century barn associated with the Ashgrove Farm complex. Although it is in a very poor state of repair the significance of this barn is considered to lie in the fabric that remains and its character as a historic farm building. The proposed redevelopment of the barn will inevitably result in changes to its fabric and appearance.

8.8.23 However, the current poor state of repair is detrimental to the buildings character and is resulting in further decline of the fabric. The proposed redevelopment will have a positive impact in preserving the fabric that remains and restoring the appearance of the building. Therefore, this work is not considered to result in harm to the significance of the Listed Building.

8.8.24 The surrounding buildings including the farmhouse are not designated but are considered to be non-designated heritage assets that make a contribution to the character of the 19th century farmstead and therefore contribute to the setting of the Listed Building. Together as a group these buildings illustrate the history of the farm complex, their character and layout forms the historic setting of the Listed Building. The retention and reuse of these buildings is a positive impact.

8.8.25 Due to the alteration of ground levels as indicated in the Construction Environmental Management Plan **[APP-189]** and the size of the distribution sheds proposed in this development the Listed Building and farm complex could be dwarfed and dominated, ultimately being positioned in a ‘valley’ between the proposed buildings. Given the size of the proposed buildings and the close proximity to the Listed Building this will potentially result in a medium level of harm to significance as a result of development within the setting. Detailed designs for the entrance to the site including cross sections, levels and boundary treatment should be provided as adequate mitigation would reduce this harm to minimal.

Additional Built Heritage Assets

8.8.26 The applicants identify further heritage assets that will potentially be affected by the development, these are: Trow Pool Water Tower, Troy Farmhouse, Lodge Farmhouse, Middleton Park (House and Registered Park and Garden) and Ardley Conservation Area.

8.8.27 Due to the distances [SF8.1] [EH8.2] involved, it is not considered that the development will be harmful to the Trow Pool water tower as a result of development within its setting.

8.8.28 Due to the location of Troy Farmhouse, Lodge Farmhouse and Middleton Park and the proposed landscaping, although the development will alter the landscape and potentially some aspects of their setting it is not considered to be harmful to their significance.

8.8.29 The proposed development will change the wider setting of Ardley Conservation Area with regards to it position in the agricultural landscape. However, as the open agricultural land that immediately surrounds the Conservation Area will be retained, this will provide a natural buffer between the development and the conservation area. Therefore, the development is not considered to result in harm to the significance of the Conservation Area.

8.8.30 The development will inevitably alter the wider surrounding landscape and therefore potentially the wider setting of the heritage assets outlined above. However, overall, these changes to the surrounding landscape are not considered to result in heritage harm.

Adequacy of the draft ES and proposed mitigation

Archaeology

8.8.31 The submitted Environmental Statement includes a chapter on Heritage – Built and Archaeology **[APP-178]**. **[APP-178]** is based on the Archaeological Desk Based Assessment (ADBA) **[APP-276],** and draws together information from the Oxfordshire Historic Environment Record, geophysical survey **[APP-276]**, airborne survey **[APP-280]** and trenched evaluation **[APP-278]**. **[APP-178]** para. 10.2.8 is incorrect in stating the geophysical survey, airborne survey and trenched evaluation were undertaken subsequent to the preparation of the ADBA **[APP-276]**; **[APP-276]** is informed by these surveys and the date of the document is February 2026 (para. 4.4).

8.8.32 An earlier ADBA was produced to understand the archaeological potential of the site in the early stages of proposals for this development, prior to any surveys being undertaken, however, this document is not submitted with the application. **[APP-178]** concludes that the main impacts of the development on the archaeological remains would be during the construction phase (**[APP-178]** para. 10.5.4), with little impact following this, should the archaeological remains be subject to mitigation excavation; OCAS would agree with this assessment. **[APP-178]** also highlights that the effects on below ground archaeological remains with in the development area would be permanent, with a high magnitude of effect (**[APP-178]** Table 10.2, para. 10.5.6).

8.8.33 The applicant has submitted an archaeological desk-based assessment (ADBA, **[APP-276]**), which was used to inform the Heritage Chapter of the Environmental Statement **[APP-178]**. This assessment highlights the archaeological interest and potential of the development area, based on the existing Historic Environment Records of known archaeological receptors within and in the vicinity of the proposal area, aerial photographic survey **[APP-280]**, geophysical survey **[APP-277]** and trial trench evaluation **[APP-278]** appropriately. These surveys and investigations were conducted in line with the Standards and Guidance documents produced by the Chartered Institute for Archaeologists, and OCAS guidance documents.

8.8.34 A geophysical survey of the site has been undertaken in line with an agreed written scheme of investigation (WSI), and the results of this survey have been incorporated into in the ADBA **[APP-276]**. A copy of the geophysical survey report is submitted with the application **[APP-277]**. The survey recorded distinct areas of anomalies which were likely to be archaeological remains. These anomalies were identified in several distinct areas and were suggestive of later Prehistoric – Romano British activity. The activity includes settlement areas, banjo enclosures, rectangular enclosures, ring enclosures, an oval enclosure, trackways and a number of pits and gullies likely related to settlement activity.

An aerial imagery and LiDAR survey was also conducted on the site. This survey recorded cropmarks signifying probable archaeological remains, many of which concurred with the results of the geophysical survey and known cropmarks already recorded on the Oxfordshire Historic Environment Record, though some newly recorded features were also identified. The recorded remains are interpreted as field boundaries, rectangular ditched enclosures (one is detected as a residual earthwork), banjo enclosures, prehistoric settlement remains and field systems. The survey report is submitted with the application **[APP-280]**.

8.8.35 The non-intrusive surveys recorded anomalies and cropmarks suggestive of banjo enclosures, field systems, settlement remains and a range of enclosures. To more fully understand the nature, preservation and date of these features, OCAS requested a trenched evaluation be undertaken to inform the application. The trenched evaluation was carried out by Archaeology Warwickshire to an agreed WSI, and the work was monitored throughout by OCAS. The evaluation identified Iron Age and Roman settlement and agricultural activity, including banjo enclosures, cremation burials and a Roman building with stone footings. A low level of Saxon activity is also represented by a possible Sunken Featured Building. The evaluation confirmed the results of the non-intrusive surveys and provides information on the preservation and date of the archaeological features. The report for this evaluation is submitted with the application **[APP-278]**, and the results have been incorporated into **[APP-178]** and **[APP-276]**.

8.8.36 A small area of the development footprint was inaccessible during the pre-application period due to ecological constraints, and so was not included in the trial trench evaluation. This area may still include archaeological assets of high significance and must be evaluated should the DCO be granted. The Archaeological Mitigation Strategy, once the correct version is submitted, should include the details for this evaluation.

8.8.37 Based on the results of the pre-application surveys, **[APP-178]** discusses the significance of the archaeological assets which will be affected by the proposed development, taking into account the nature, date and level of survival of these archaeological assets. The assessment has rated the magnitude of impact of this development on archaeological assets as High - Low adverse, though with mitigation measures this effect will be reduced to Moderate or Minor Adverse (**[APP-178]** para. 10.5.6).

Built Heritage

8.8.38 The Environmental Statement assessment is considered to be adequate and appropriate with regards to the Grade II Listed Barn and Ashgrove Farm buildings.

8.8.39 The rebuild, restoration and reuse of the grade II Listed barn is considered to result in a positive impact and this is welcomed and supported.

8.8.40 The maintenance and restoration and reuse of the remaining Ashgrove Farm buildings will provide an improved immediate setting to the Listed Building and mitigate any harm resulting from the development in the wider setting.

8.8.41 The impact of the new buildings on the heritage assets (buildings) will be reduced by setting back the built form of the proposed development from the Ashgrove Farm complex.

8.8.42 Suggested requirements with regards to the works to the listed building are as follows:

- Clarification of the work needed through a method statement for the rebuilding works.
- The method statement should be informed by a structural engineer's report.
- Clarification and specification of any new materials to be used, this should include aspects such as insulation and rainwater goods.
- Details of final surrounding ground levels should be provided.
- Full details and specification of the hard and soft landscaping to be provided.
- Any plaster, render or mortar should be lime based and breathable to protect the historic building fabric.

8.8.43 The ES assessment is considered to be adequate and appropriate with regards to the RAF Upper Heyford conservation area. The construction of the bund at the eastern end of the runway is considered to reduce the harm. However, the visual impact of the acoustic fence is of concern. This concern relates to the size, material and colour of the fence. .

8.8.44 With regards to the other heritage assets identified, the ES is considered to be adequate. In order to mitigate against the potential impacts on Ardley conservation area and Middleton Park The parameter plans indicate lower maximum building heights on the northern part of the site than that proposed on other parts of the development site. This approach is supported.

8.8.45 Areas of planting and setback of built form from southern boundary of the site will reduce the impacts on Middleton Park.

8.8.46 Suggested requirements with regards to the wider landscape and the setting of the heritage assets are as follows:

- Clarification of the design, height and need for the acoustic fence is considered necessary.
- The approach to planting and landscaping of the entire development including the treatment of boundaries between the built form and the wider countryside and conservation areas needs to be confirmed.
- The land levels and the treatment of the edge of the development directly adjacent to Ashgrove Farm needs clarification.
- The colour of the proposed buildings and how this will appear in the landscape should be confirmed.

Conclusion on Cultural Heritage and Archaeology

Archaeology

8.8.47 The pre-application investigations have identified a number of archaeological remains within the proposal site, with a small area of evaluation still to be undertaken. As yet, none of the recorded remains have been designated as nationally significant, and so their presence does not preclude development, however, the remains will require full archaeological mitigation excavation, recording and reporting, secured through requirements in the DCO. Though this will not fully mitigate their loss, the mitigation strategy will ensure that the remains are fully investigated, recorded and the results of this work made available for public access (**[APP-178]** para. 10.6.1).

8.8.48 The applicant has submitted an Archaeological Mitigation Strategy **[PDA-005]** for the subsequent archaeological mitigation of the site; this version has been agreed with OCAS. This mitigation strategy, and the mitigation excavation areas within it, are based on the results of the preceding trenched evaluation **[APP-278]** and also includes the methodology for the remaining area of evaluation requiring investigation on the site. A contractor specific Method Statement is required to be agreed by OCAS prior to each phase of investigation outlined in the AMS.

8.8.49 The proposals will result in the removal of archaeological remains However, additional mitigation measures secured as requirements of the DCO, though not fully mitigate the loss, will result in an overall **neutral** effect on the remains.

Built Heritage

8.8.50 Subject to the reprofiling of the land around Ashgrove Farm and sensitive boundary treatments, the redevelopment of Ashgrove Farm is considered to have a positive impact [SF15.1] on the designated and non-designated heritage assets due to them being brought back into a viable use and consequently maintained into the future. This is considered to constitutes a heritage benefit.

8.8.51 The development is considered to result in a low level of harm [SF16.1] to the Listed Building and non-designated heritage assets that form the Ashgrove Farm complex because of including the listed building due to development within, and changes to, the setting.

8.8.52 The development is also considered to result in a low level of harm to RAF Upper Heyford conservation area.

8.8.53 The development is considered to have neutral impact overall on Trow Pool water tower (Listed Building), Troy Farmhouse (Listed Building), Lodge Farmhouse (Listed Building), Middleton Park (Listed Building and Registered Park and Garden) and Ardley conservation area.

8.8.54 Overall the proposed development is considered to have a **neutral** impact on built heritage.

8.9 Ground Conditions

Summary

Minerals

- Most of the Development Order Limits including the access, fall within a Mineral Safeguarding Area for crushed rock.
- Around 27 million tonnes or more of mineral could be sterilised.
- The submission has not demonstrated conformity with the NNNPS, NPPF or OMWCS (2017).

- Further information is needed on the Minerals Resource Assessment assumptions.
- Further information is needed on mineral requirements and sources for the proposal
- Further information is needed on potential aggregate freight use of the SRFI
- Further information is required on how Minerals Safeguarding and mitigation was taken into account with the development and assessment of this proposal, including during the consideration of alternative sites.

Contaminated Land

- The site is mainly arable and farming land, and the council is satisfied with the methodology and findings of the ES chapter on Contamination.
- Following recent developments around PFAS contamination on a neighbouring site a supplementary report has been provided that deals specifically with this topic.

Palaeontology

- The site is located within an area with geological deposits of know international palaeontological significance.
- The Council considers that the applicant underestimates the significance of the impact on palaeontological assets

Mitigation/Improvements

Minerals

- Either extraction of the minerals should occur prior to the Development or no development on the Safeguarded Minerals Area, unless it is established that the need for the development outweighs the economic and sustainability considerations relating to the mineral resource.

Palaeontology

- The Councils require the applicant to consult a credible palaeontological institution with regards to their assessment of significance of the impact on palaeontological assets and the adequacy of the proposed mitigation.
- The Council consider that a more detailed written scheme of investigation should be submitted into the examination. This WSI should ensure that a palaeontologist is on site at all times when fossil remains could be encountered and should ensure that appropriate excavation techniques are used.

	Policy	Compliant?
CDC	CLP (2015) Policy ESD 8: Water Resources	Subject to the consideration of

		additional information submitted in respect of contamination, it is considered that no conflict with the policy arises.
OCC	M&WLP Policy M8: Safeguarding Mineral Resources	Conflict identified- The applicant has failed to quantify the area of mineral sterilised to the satisfaction of the Minerals Authority and failed to demonstrate that the economic need of the proposed SRFI outweighs the need for the mineral sterilised

Policy Detail

8.9.1 Paragraph 5.191 of NNNPS states that applicants should safeguard any mineral resources on the proposed site as far as possible. Taking into account the policies of the Minerals Planning Authority, applicants should consider whether prior extraction of the minerals would be appropriate

8.9.2 Para 5.196 of NNNPS states that where a proposed development has an impact on a Mineral Safeguarding Area, the Secretary of State should ensure that the applicant has put forward appropriate mitigation measures to safeguard mineral resources

8.9.3 Para 222 of the NPPF states that “it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation

8.9.4 Policy M8 of the Oxfordshire Minerals and Wastes Local Plan (2017) states that mineral resources in the Mineral Safeguarding Areas shown on the Policies Map are safeguarded for possible future use. Development that would prevent or otherwise hinder the possible future working of the mineral will not be permitted unless it can be shown that:

- The site has been allocated for development in an adopted local plan or neighbourhood plan; or
- The need for the development outweighs the economic and sustainability considerations relating to the mineral resource; or
- The mineral will be extracted prior to the development taking place

8.9.5 The policy continues to say that mineral Consultation Areas, based on the Mineral Safeguarding Areas, are shown on the Policies Map. Within these areas the District Councils will consult the County Council on planning applications for non-mineral development

Commentary

Minerals

8.9.6 The site and the proposed highway work lie wholly within a Mineral Safeguarding Area (MSA) for Crushed Rock as identified and safeguarded within the Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (2017) under Policy M8. The purpose of MSAs are to protect mineral resources from sterilisation by non-mineral development, in accordance with the NPPF.

8.9.7 Based on the information provided, the scheme would sterilise at least 27 million tonnes of crushed rock. This is a significant amount of mineral resource and one which would otherwise make a significant contribution to Oxfordshire's needs, along with regional and potentially national future needs.

8.9.8 It is anticipated that the site will also require significant mineral materials for its development. The full quantities and sources of the material for the whole proposal's development are unclear at this time.

Ground Contamination

8.9.9 The site is mainly agricultural land with a farm and neighbours the former RAF Upper Heyford site. The proposed link road will run through the Ardley Landfill site. It has not been declared as Contaminated Land under Part 2 A of the Environmental Protection Act 1990.

8.9.10 There has been recent information submitted by the applicants surrounding the former RAF Upper Heyford site and the potential existence of forever chemicals that will need to be considered as part of the proposed development which has been considered by the applicant.

8.9.11 This is an ongoing area of work and the Councils will continue to engage with the applicants to ensure the requirements of Cherwell Local Plan policy ESD 8: Water Resources are met in respect of contamination control requirements.

Palaeontology

8.9.12 Ardley Trackways SSSI is split into two parcels, one to the south-east of the SRFI main site, and one to the north-east. The SSSI was designated due to the discovery of dinosaur footprints within the SSSI area, beneath what is now the Ardley Energy from Waste facility which lies close to the application site. Between 2022 and 2025 over 500 additional dinosaur footprints were found to the north of the SSSI at Dewars Farm Quarry. Based on this it is clear that this significant and irreplicable geological and palaeontological asset extends well beyond northern boundary of the southern parcel of the Ardley Trackway SSSI

8.9.13 The dinosaur 'superhighway' at Dewars Farm Quarry includes continuous trackways of sauropod footprints up to 220m long which, according to an article published by the Museum of Natural History, University of Oxford, in 2025, is the longest continuous sauropod dinosaur trackway in Europe (https://oumnh.ox.ac.uk/return-to-oxfordshires-dinosaur-highway)

8.9.14 The applications site sits outside of either of the Ardley Trackway SSSI areas.

8.9.15 The dinosaur footprints are found within the White Limestone Formation which the BGS mapping indicates extends into the application site, particularly beneath the 'main site'. The applicant's ES **[APP-179]** indicates that certain works, including the cutting for the rail terminal (works no.3) will reach the known depths of the layer within the White Limestone Formation in which the dinosaur footprints were discovered. It is therefore likely that the scheme could result in a significant effect on palaeontological assets.

Adequacy of the draft ES and proposed mitigation

Minerals

8.9.16 The vast majority of the OxSRFI Development Order Limits, including much of the highway works **[APP-038]** (2.4 Location Plans Order Limits) is within a Mineral Safeguarding Area for Crushed Rock (see also **[APP-288]** Figure 1-1), as designated by Policy M8 of the OMWCS.

8.9.17 As the site has not been allocated in a Local Plan or Neighbourhood Plan and there is no proposal to fully extract the mineral resource prior to the development taking place, the applicant has provided a Mineral Resource Assessment **[APP-288]** to support the Environmental Statement Chapter 11 Ground Conditions **[APP-179],** to enable consideration of whether the need for the development outweighs the economic and sustainability considerations relating to the mineral resources.

8.9.18 Chapter 11 of the Environmental Statement: Ground Conditions **[APP-179]** explores the likely significant environmental effects of the proposed development on the geology, soils and controlled waters beneath the site and in the local area.

8.9.19 Chapter 13 of the Environmental Statement: Materials and Waste **[APP-181]** also includes information relating to mineral need for the development which has been considered.

8.9.20 Together these explore the quantities of mineral resource within the proposed site and assess the developments impact.

Quantity of Mineral

8.9.21 The Mineral Resource Assessment **[APP-288]** estimates the sterilised mineral to be 27.44 million tonnes, based on a density of 2.8t/m3. This calculation is based on the assumption that the approximate main site area of 200ha is reduced to circa 140ha, if buffers are provided around water courses and other sensitive uses.

8.9.22 The Council would welcome seeing the evidence, calculations and assumptions to demonstrate the 2.8t/m3 presumed bulk density and the removed buffer areas for the scheme.

Crushed Rock Demand

8.9.23 Chapter 11 Ground Conditions **[APP-179]** Paragraph 11.4.68 sets out that it is unlikely that will be an economic demand for this material.

8.9.24 However, this mineral resource is safeguarded for future use against unnecessary sterilisation, as mineral resources are finite, and can only be sourced where they are found. They are not safeguarded solely for the current Plan period. It is expected that crushed rock will still be needed in the future.

8.9.25 The latest Local Aggregate Assessment for 2024 has an Annual Provision Rate (APR) of 0.964 million tonnes. When compared against this annual rate, the sterilised mineral resource is equivalent to 28 years of production.

8.9.26 To highlight the regional importance of this quantity of reserve, information provided with the South East of England Aggregates Working Party Annual Report (2024) (SEEAWP) sets out how the South East consumed 10.9 million tonnes of crushed rock in 2023, which clearly demonstrates how essential crushed rock is to ensure the delivery of the infrastructure and buildings needed.

8.9.27 The SEEAWP Report (2024) also sets out how South East has consistently been a major net importer of crushed rock. Since 2019, imports have increased to 8.8 Mt, a two-thirds increase.

8.9.28 In addition, the Collation of the Results of the 2023 Aggregate Minerals Survey for Great Britain further sets out that sales of crushed rock in England and Wales in 2023 were 92.1million tonnes, supporting growth across the country.

8.9.29 In the ES Chapter 13 – Materials and Waste **[APP-181]** the applicant themselves raise and acknowledges the importance of Minerals Resources. Paragraph 13.5.32 states

> “With the growing demand for construction products and the ever-increasing pressure to reduce the environmental impacts of depleting natural resources...”

8.9.30 Therefore, based on these reports, it is considered that crushed rock is a key resource for future growth and permanent sterilisation of 27 million tonnes within Oxfordshire could significantly impact supply for future generations.

8.9.31 Further Oxfordshire's Local Aggregate Assessment for 2024 (latest available at time of writing) reports a 3.5 year landbank, below the 10 years as required by the NPPF, therefore demonstrating that Oxfordshire does not have a large supply of existing permitted aggregate and there is a continued need.

Assessment Criteria

8.9.32 The Council question whether Table 11.6 **[AP-179]:** Effect Magnitude Criteria appropriately reflects the significance of mineral resource loss, particularly the categorisation that the loss of potential resource is to be classified as Minor.

8.9.33 As mentioned earlier, mineral resources can only be located and worked where they are found and are a finite resource. They are critical for the delivery of infrastructure, buildings, green energy and goods, and not just today and the current Plan period, but also for future plan periods. As OCC have previously highlighted crushed rock is in demand both in Oxfordshire, at a regional level and nationally.

8.9.34 OCC would suggest the following Table categories to replace those in Table 11.6 are more appropriate:

	Impacts to mineral resource
Major	Receptors containing known or likely economically viable mineral resources and/or critical to the delivery of mineral supply • A Permitted/Allocated site • Mineral Infrastructure (such as Aggregates Rail Depot/Processing Plant etc) • Minerals Safeguarding Areas that are also within an identified Strategic Resource Area (SRA) • Minerals Safeguarding Area supported by geological evidence indicating the presence of significant workable mineral resources
Moderate	Receptors containing known or likely economically viable mineral resources Land • Within a Mineral Safeguarding Area that is not identified as part of a Strategic Resource Area (SRA) • Areas supported by geological evidence indicating the presence of workable mineral resources
Minor	Receptors where mineral extraction is constrained or unlikely • Areas within Mineral Safeguarding Areas where the quality or quantity of the mineral resource is proven to be limited • Areas where existing development, infrastructure, or land uses would significantly constrain or restrict mineral working
Negligible	Minerals resources not impacted

8.9.35 Chapter 11 Ground Conditions 11.5.30 **[APP-179]** concludes that there is 'a likely minor adverse effect because of the low sensitivity of loss of mineral resource having minor magnitude of impact'.

8.9.36 The Council disagrees with this conclusion and the findings of Table 11.12 that the proposal will have a likely minor adverse effect because of the low sensitivity of loss of mineral resource having minor magnitude of impact.

8.9.37 The permanent sterilisation of at least 27 million tonnes of limestone should be considered a Major Adverse impact, due to it being High Likelihood in terms of probability and Major Magnitude when using our proposed table Magnitude Criteria as set out above.

Required Material for Development

8.9.38 Clarity is sought on the full aggregate requirements for this development, along with sources of materials, before full consideration of the impacts of this development can be given.

Build Requirements

8.9.39 Table 13.29 Materials and Waste Chapter **[APP-181]** sets out the estimated quantities of mineral material required for the construction of the Proposed Development, with approximately a total of 759,530 tonnes of concrete and 156,750 tonnes of aggregate across the buildings, roads and other infrastructure. Confirmation is sought that this table contains all the mineral materials needed to be imported for the development of the site.

8.9.40 It is also recognised within Chapter 11 Ground Conditions **[APP-179]** that minerals imports may be needed for the highways engineering. Are these required materials included in Table 13.29 Materials and Waste Chapter **[APP-181]?**

8.9.41 In relation to source of material, no source information has been provided beyond a table (Table 13.14 **[APP-181]**) which shows regional quarries within 30km radius of the site, which may close or cease extraction during the construction period.

Clarity on Cut and Fill

8.9.42 Chapter 11 Ground Conditions 11.5.12 **[APP-179]** sets out that the proposed development includes the reuse of circa 3.8M m3 of soil and rock. Chapter 11 Ground Conditions Paragraph 11.5.21**[APP-179]** also sets out that earthworks model has been designed to balance the amount of cut taken and the amount of fill required, with the intention that no additional material will be required to be imported or exported from the Main Site presenting a negligible effect on mineral resource. Clarification is sought on whether this is/ or in addition to, the cut and fill quantities as set out in Chapter 13 Materials and Waste Table 13.25 **[APP-181]?**

8.9.43 In addition, clarification is sought on the proposed cut and fill balance within Table 13.25 **[APP-181].** It is not clear whether all the surplus material will be redistributed (imported) within the Order Limits to achieve the overall surplus of 27,700m3, with no additional material being bought onto the site. Or the surplus material will be removed from the site and require management/disposal elsewhere and the imported material will originate from an external source rather than from within the site.

8.9.44 The additional information and clarity requested above regarding mineral quantities, sources, import requirement and construction assumptions are required before the impacts can be fully assessed.

Current Minerals Supply

8.9.45 OCC would disagree with Paragraph 13.4.11 **[APP-181]** that Oxfordshire has a large existing supply of sharp sand and gravel, soft sand and crushed rock. As demonstrated in the most recent Local Aggregate Assessment for 2024, Oxfordshire is below the required 7-year landbank for sharp sand and gravel at 6.8 years, and 3.5 years for crushed rock, which is significantly lower than the 10 years required.

Minor Amendment

8.9.46 The Council would disagree with Paragraph 13.4.11 **[APP-181]** that Oxfordshire has a large existing supply of sharp sand and gravel, soft sand and crushed rock. As demonstrated in the most recent Local Aggregate Assessment for 2024, Oxfordshire is below the required 7-year landbank for sharp sand and gravel at 6.8 years, and 3.5 years for crushed rock, which is significantly lower than the 10 years required.

Proposed Mitigation

8.9.47 It is proposed that as part of the embedded mitigation – construction phase **(**11.5.12 **[APP-179])** that approximately 3.8m3 of cut and fill will be required across the Main Site and claims this would eliminate the need for imported limestone across the site.

8.9.48 OCC does not agree that this is suitable mitigation for the sterilisation of a minimum of 27mt of mineral resource and does not represent a significant amount of reuse of material. Nor is suitable evidence provided that no further limestone will be needed for the project.

Aggregate Freight

8.9.49 The Council would welcome more information in relation to the potential use of the Strategic Rail Freight Interchange for aggregate freight use.

<u>Ground Contamination</u>

8.9.50 The information provided by the applicants with regards to ground contamination [**APP-179**] and associated appendices **[APP – 286 to AP292}** are robust and follow national guidance with regards to the methodology, assessment of risks and mitigation measures proposed.

8.9.51 With regards to PFAS (Forever Chemicals) that have been found in high concentrations in nearby watercourses and are likely to have originated from firefighting foams being used at RAF Upper Heyford, further testing has been carried out by BWB and a supplementary report submitted (**ref OxSRFI-BWB-HGT-XX-RP-CE-0613_SAMPTN dated July 2026**).

8.9.52 The BWB report states that some levels of PFAS were found on site but at much lower concentration than those found in the most affected waterways and the site is a receptor of PFAS rather than a source.

8.9.53 Considering the above and the end use of the site it is considered that the risk to human health for end users is negligible after standards mitigation is employed in construction of the site.

8.9.54 As per any application if unexpected contamination is found during the development, then further testing should be carried out and if required remediation and verification of that remediation provided by the developers.

Palaeontology

Assessment

8.9.55 In preparing this Local Impact Report the Councils contacted the Natural History Museum of the University of Oxford. Members from both the Natural History Museum of the University of Oxford and the University of Birmingham made up the team who have undertaken multiple rounds of excavations of the Ardley Dinosaur Trackway.

8.9.56 In order to assist the Councils in preparing the LIR and the ExA in considering the potential impact of the scheme on the dinosaur trackway, Professors Kirsty Edgar and Richard Butler from the University of Birmingham alongside Doctors Emma Nicholls and Duncan Murdock of the Museum of Natural History, University of Oxford have prepared a position statement which can be found at Annex 2 of this report.

8.9.57 In Chapter 10 of the submitted ES **[APP-179]** at paragraph 11.5.31 the applicant outlines that the application site sits outside of the SSSI. Whilst this is true, the applicant fails to acknowledge the footprints found to the north of the southern SSSI designation in both 2024, 2025 and beneath the Ardley Energy from Waste Facility.

8.9.58 At Annex 2 of this report it is shown at figure 1 that preserved tracks have been found running E-W, not just N-S. This means that the trackways are not likely to be limited to the areas of the SSSI (both to the north and south of the CML), nor the area in between. As such, whilst the site is not directly located in the Ardley Trackway SSSIs, the likelihood of the trackways extending beyond the SSSIs into the application site is high.

8.9.59 Likewise in the Ardley Trackway Technical Note **[APP-294]** the applicant states:

> '*It is important to note that the occurrence of such fossil footprints is exceptionally rare. While similar features have been identified and exposed on the adjacent site, the probability of encountering or exposing comparable features at the subject site is considered very low, though not entirely negligible*.'

8.9.60 This view is not supported by specialists at the University of Birmingham and the Natural History Museum of the University of Oxford. At Annex 2 they state that whilst on a wider scale such fossil remains are rare '*in the case of trackways in the Ardley/Dewars Farm area we are not dealing with a random search. Rather there is a proven record of discovery over three decades, demonstrating that the conditions for dinosaur footprint preservation were persistent across an area minimally 2 km long and several hundred metres wide'.*

8.9.61 Therefore, any argument of the applicant's which considers international scarcity of such remains to conclude it unlikely that they are present beneath the application site should be revisited in light of local evidence.

8.9.62 At table 11.12 of **[APP-179]** the applicant concludes that without mitigation the impact on these footprints would be moderate adverse due to a high sensitivity and a moderate impact. However, in the submitted Ardley Trackways technical note **[APP-294]** the applicant states '*the fossil footprints discovered on the adjacent quarry are very rare, hence its designation as a SSSI. While dinosaur bones and the "hard parts" of prehistoric creatures can (in the right conditions) end up preserved as fossils, the likelihood of transient features such as creature footprints in fine soils being preserved/fossilised is a much lower possibility*'.

8.9.63 The position statement at Annex 2 confirms the unique nature and international significance of the remains discovered at Dewars Farm and by extension any possible footprints preserved in the same deposits in the adjacent areas.

8.9.64 Given this the Councils questions the conclusion of a moderate impact at table 11.12 of **[APP-117]**. The position statement at Annex 2 indicates that the Ardley dinosaur trackway is the 'longest in the Northern Hemisphere and amongst the longest in the world'. Given this any potential palaeontological remains beneath the application site should be considered internationally important and therefore fall within the category of 'area of international significance' which Table 11.6 of **[APP-172]** describes a major impact. This would result in a major significant effect if the potential impact were unmitigated.

Mitigation

8.9.65 At paragraph 11.6.6 the applicant proposes additional mitigation in the form of a watching brief undertaken by a suitably qualified palaeontologist. It should be noted that where the OCC has determined minerals applications adjacent to the SSSI the mitigation secured was via a restriction on the depth of excavations to above the relevant limestone strata. It is acknowledged that, given the nature of the proposed development, this approach is not feasible in this case. The scope of the watching brief proposed by the applicant is contained within **[APP-294]** Ardley Trackways Technical Note as well as paragraph 11.6.6 of **[APP-179]**:

- '*If during the groundworks in Jurassic rock, features such as dinosaur footprints or other potentially rare artefacts are encountered, then works should cease and the archaeologist at the local authority contacted. A palaeontologist will need to examine any footprints to determine the species, age, significance and condition to inform how to proceed. Depending on the significance of any find, steps may be taken to preserve the footprints such as careful excavation, examination and removal of the fossils, or on-site preservation measures including detailed documentation including photography and 3D laser scanning*'

8.9.66 This watching brief is secured via requirement 13(3) of the Draft DCO **[APP-139]**

- 'Earthworks details in phases relevant to Zones A4, A5, B and C as shown on the parameters plan must include details confirming the scope of a watching brief by a palaeontologist in accordance with the principles set out in the Ardley trackways technical note'

8.9.67 Whilst the Councils notes that a watching brief may be an appropriate and proportionate form of mitigation, the Host Authorities question how the proposed watching brief methodology has been arrived at, and which credible palaeontological institutions have been consulted in its drafting.

8.9.68 Based on discussion with the Natural History Museum at the University of Oxford and on the positions statement at Annex 2, the Councils believe that further amendments to the way in which this mitigation is secured and the scope of the watching brief are required.

8.9.69 Firstly, a palaeontological watching brief should be secured in a similar way to the archaeological mitigation proposed by the applicant. That is to say that a written scheme of investigation (WSI) for the watching brief should be submitted into the examination and secured as a control document in the same which in which archaeological mitigation is secured via requirement 14 of **[APP-139]**. This would require an amendment to requirement 13(3) to read something similar to:

- 'Earthworks details in phases relevant to Zones A4, A5, B and C as shown on the parameters plan must be in accordance with the approved. Palaeontological Written Scheme of Investigation'

8.9.70 An additional requirement would be needed, similar to requirement 14, which provides that the authorised development will be carried out in accordance with the approved control document.

8.9.71 The current drafting of requirement 13 presents a challenge in terms of the LPA being able to discharge the requirement. Neither the LPA nor the County Council have inhouse specialists capable of assessing the suitability of the scope of a palaeontological watching brief. This runs the risk of an inadequate watching brief being approved which may result in loss of an irreplaceable asset (which would render the proposed mitigation ineffective). It is therefore vital that a full WSI is submitted into the examination for the SoS to consider when making their determination.

8.9.72 This WSI should be agreed in advance with a credible palaeontological institute and should outline exactly which elements of the works packages in Schedule 1 of **[APP-139]** a suitably qualified palaeontologist should be present. The WSI should also clearly outline the methods for excavation of the relevant limestone deposits to prevent harm to any potential palaeontological assets due to excavation methods. It should also clearly outline how the assets, if discovered, should be excavated, recorded and published.

8.9.73 It should also be noted that paragraph 11.6.6 of **[APP-179]** (ES Chapter 11) states that 'If during the groundworks in Jurassic rock, features such as dinosaur footprints or other potentially rare artefacts are encountered, then works should cease and the archaeologist at the local authority contacted. A palaeontologist will need to examine any footprints'. A WSI agreed with a credible palaeontological institution should clearly outline that the trigger for when a palaeontologist should be present on site should be any time that there is a chance of palaeontological assets being discovered, not after they have been discovered. Without this being the case the ground works contractors may inadvertently destroy palaeontological assets as they will not know how to recognise them. The WSI should also secure 'toolbox talks' to be given to all groundworks contractors which outline how to identify palaeontological assets to attempt to reduce the likelihood of assets being destroyed at times when a palaeontologist isn't present.

8.9.74 Another issue with the watching brief scope as drafted in **[APP-179]** is that it requires the archaeologist at the LPA to be contacted. Archaeology and palaeontology are very separate disciplines with palaeontology more closely related to geology than archaeology. Archaeologists at Oxfordshire County Council would therefore not be able to monitor or comment on the suitability of any mitigation for palaeontological assets.

8.9.75 At Annex 2 the specialists from the University of Birmingham and the Natural History Museum of the University of Oxford have provided suggestions as to what should be included within a Palaeontological Watching Brief. It is recommended that the applicant makes direct contact with the Universities and work collaboratively to draft a Palaeontological Written Scheme of Investigation to be submitted into the examination and ultimately secured as a control document.

Conclusion on Ground Conditions

Minerals

8.9.76 The Minerals and Waste Planning Authority remains concerned that the submitted information does not adequately demonstrate how the proposed development would comply with relevant national and local mineral policy.

8.9.77 In particular, the proposal would result in the permanent sterilisation of a substantial safeguarded crushed rock resource, with minimal prior extraction proposed and no further suitable mitigation identified.

8.9.78 The assessment of the significance of this impact is not accepted, particularly given the scale and strategic value of the resource, and the requirement to safeguard minerals for possible future use.

8.9.79 The Council would also value more detail and clarity on the amounts, types, timescales and sources of minerals to be imported to enable the development.

8.9.80 Oxfordshire County Council as Minerals Authority therefore conclude that the proposed development would result in a **negative** impact on Mineral Resources.

Ground Contamination

8.9.81 The risk of contamination is low to end users is low following the source-pathway-receptor methodology and the proposed remediation in the scheme.

8.9.82 PFAS contamination has been considered, and further testing has been carried out with a supplementary report submitted.

8.9.83 Given there is currently concern in the wider area that PFAS contamination may have spread widely in the area around the former RAF base, Cherwell District Council considers that if appropriate mitigation measures can be secured and implemented the scheme could have a positive impact on contaminated land in the local area by virtue of the fact it could remove an unknown risk.

8.9.84 However, until such time that the applicants submitted remediation information has been thoroughly assessed, it is considered that the impact is currently considered to be **neutral.**

Palaeontology

8.9.85 The Councils considers that the applicants ES **[APP-179]** underestimates the level of significance of the Ardley Trackway dinosaur footprints and therefore underestimates the significance of the effect of the development on this asset.

8.9.86 The Councils do not believe that the applicant's mitigation is sufficiently robust to prevent a significant level of residual harm.

8.9.87 The Host Authorities therefore consider the scheme to have a **negative** impact on palaeontological assets within the local area.

8.10 Socio-Economics- including Health

Summary

- Positive health opportunities identified through jobs, active travel and green infrastructure.
- Health inequalities and vulnerable groups are not assessed in sufficient detail.
- Local and cumulative impacts are underdeveloped, particularly around Heyford Park.
- The conclusion of a significant moderate beneficial effect appears overstated.
- Overall impact considered potentially positive, but with important uncertainties.
- Based on the position as set out in the National Policy Statement, the Councils accept there is a national need for strategic rail freight development
- The development has the potential to have a negative impact on local employment capacity.

Mitigation/Improvements

- Strengthen assessment of health inequalities and vulnerable groups.
- Use more localised health evidence.
- Provide a more balanced assessment of adverse and beneficial impacts.
- Further assess cumulative impacts alongside planned housing growth.
- Introduce measurable health mitigation and monitoring commitments.
- Strengthen consideration of mental wellbeing and climate resilience.
- Expanded training and apprentice support to include road and rail logistics opportunities in addition to construction roles.

- Engagement with the local community with regard to ongoing community use of the amenity land to the south of the site.

	Policy	Compliant?
CDC	CLP (2015) Policy BSC 10: Open Space, Outdoor Sport and Recreation Provision	Subject to additional information regarding the scale of the units proposed, the role of ongoing training and to ensure the proposal provides support for training, health and wellbeing, it is considered no conflicts with the policies arises.
OCC	N/A	

Policy Detail

8.10.1 Paragraph 4.71 of the NPS outlines that SRFI have the potential to effect health due to traffic, noise, vibration, air quality and emissions, light pollution, community severance, dust, odour, polluted water and pests.

8.10.2 Paragraph 4.72 states that where the proposed project has an effect on human beings, the applicant should assess these effects, identifying any potential adverse health impacts, and identify measures to avoid, mitigate or as a last resort compensate for adverse health impacts as appropriate. Enhancement opportunities should be identified by promoting local improvements for active travel and horse riders driven by the principles of good design to create safe and attractive routes to encourage health and wellbeing; this includes potential impacts on vulnerable groups within society, i.e. those groups within society which may be differentially impacted by a development compared to wider society as a whole

8.10.3 Paragraph 5.244 states that where the project is likely to have socio-economic impacts at local or regional levels, the applicant should undertake and include in their application an assessment of these impacts. 5.245 goes on to say that this assessment should include all relevant socio-economic impacts.

8.10.4 Paragraph 5.246 requires applicants to describe the existing socio-economic conditions in the areas surrounding the proposed development and should also refer to how the development's socio-economic impacts correlate with local planning policies.

8.10.5 At paragraph 5.247 the NPS specifically outlines that Strategic Rail Freight Interchange developments, applicants should outline the benefits to workforce conditions of the new development once it is operational. This should include improved facilities for drivers (including Heavy Goods Vehicles) such as parking, hygiene facilities and hospitality establishments.

8.10.6 Paragraphs 5.248 and 5.249 outline the requirements for mitigation and outline that the SoS should have regard to potential socio-economic impacts and consider any positive provisions that the applicant has made.

8.10.7 Cherwell Local Plan Policy BSC10 seeks to ensure that there is a sufficient quantity and quality of and convenient access to open and recreation space through ensuring that proposals for new development contribute to open and recreation space provision.

Commentary

Socio-Economics

Employment Provision and Labour Supply

8.10.8 The potential for the development to support 5,550 person-years of temporary employment during the construction phase and a further 7,195 Full Time Equivalent (FTE) jobs in the region on completion as set out in ES Chapter 12 Socioeconomics **[APP-180]** is welcomed.

8.10.9 Accordingly, the Council supports the principle of the proposed development as potentially forming an important component of the national infrastructure framework.

8.10.10 Cherwell traditionally experiences a tight labour market which means the region has low unemployment rates (of economically active residents aged 16 years and older) compared to national averages. Based on ONS data for April 2025 to March 2026, the rate currently sits around 2.9%, compared to the national average of 4.6%.

8.10.11 Whilst this can be interpreted as a good indicator for the region however, it does mask the challenge for business to recruit and retain labour within a competitive labour market.

8.10.12 It would therefore be essential to address at the earliest opportunity the risk of the development being constrained operationally by a shortage of employees and skills. Logistics education and training should essentially be incorporated into this development and be in place well before operations are able to begin, potentially with further education provision integrated within this development.

8.10.13 It is noted that Requirement 31 of the draft Order includes a obligation for an employment scheme to be submitted for approval by the LPA at key stages in the build out of the site. In principle, this is welcomed.

8.10.14 As drafted, the requirement for an employment scheme as defined at the start of Schedule 2 sets out a series of conditions that need to be met but these appears to be focused on construction roles (see (e)(i)) and do not include provision for ongoing training in both road based and rail based logistics field for manual and office roles.

8.10.15 The Councils wish to secure commitment that the offer of training opportunities continues not just through the temporary construction phase but ongoing post development through a programme overseen by the site operators who have the long-term commitment to the proposed development.

8.10.16 Paragraph 154 of OCC's Relevant Representation **[RR-109]** outlines a series of criteria which Enterprise Oxfordshire (working in conjunction with the Councils) would require to be within a Community Employment Plan (CEPs). These CEPs are usually secured via an appropriate condition on large scale logistics sites. The Councils request the definition of 'employment scheme' within Schedule 2 of the DCO be updated to reflect the requirements usually expected of community employment schemes within the County.

8.10.17 As highlighted in the National Policy Statement, there is a national need for improved logistics infrastructure and should this development proceed, the Councils would wish to see ongoing support to sustain a strong and capable employment force to serve this development effectively.

Social Benefits

8.10.18 Whilst most of the site is oriented towards rail and logistics use, there is a large parcel of land to the south towards Middleton Stoney which is set aside to for sustainable drainage measures including swales.

8.10.19 In line with Cherwell Local Plan Policies BSC10: Open Space, Outdoor Sport and Recreation Provision, the Councils are seeking to ensure that this proposal for new development contributes to open space and recreation provision commensurate to the need generated by the proposals thus supporting the promotion of healthy lifestyles.

8.10.20 This area of land has the potential to also include enhanced ecological provision and recreation space for people employed or visiting the logistics park.

8.10.21 Given the benefits this may offer to support employees both in the physical and mental health, the Council would wish to engage with the applicants at the detailed design stage to introduce both physical improvements on the ground and secure funding to help deliver, and importantly, maintain, measures to enhance the value of the site to people there. If possible, it would also be beneficial to expand any improvements not just for the benefit of people employed on the logistics park but also those who live nearby for example in Middleton Stoney or Ardley.

8.10.22 Were these opportunities to be captured through the DCO, the proposed development has greater potential to support the Council's aims which seek to build an inclusive and green economy and promote health and wellbeing with a focus on inequalities.

Health

8.10.23 The proposed Oxfordshire Strategic Rail Freight Interchange (OxSRFI) is located on predominantly agricultural land between the B430 and former RAF Upper Heyford, immediately south of the Chiltern Main Line and close to Junction 10 of the M40. The site lies within a largely rural environment but is adjacent to existing waste management, energy recovery and mineral extraction facilities, as well as nearby settlements including Ardley, Middleton Stoney, Bicester and the expanding community at Heyford Park. The proposal comprises a major strategic rail freight interchange with up to 603,850 sqm of warehousing, a rail terminal, extensive highway infrastructure, and associated green infrastructure and public access routes.

8.10.24 The health baseline described within the Environmental Statement and Health Impact Assessment identifies that Cherwell generally performs better than national averages across many health indicators, including life expectancy, physical activity and employment. However, significant health inequalities persist within Oxfordshire and Cherwell, with variations in health outcomes linked to deprivation, income, disability, access to services and the quality of the local environment. The evidence presented also identifies vulnerable groups including children and young people, older people, people with disabilities or long-term health conditions, low-income communities and ethnic minority groups.

8.10.25 The proposed development has the potential to influence a wide range of health determinants. Potential beneficial effects include the creation of employment and training opportunities, improved walking and cycling infrastructure, enhanced connectivity, new publicly accessible green infrastructure, biodiversity enhancements and relief roads that may reduce traffic impacts within some local communities. The scheme also seeks to promote active travel through new pedestrian and cycle links connecting nearby settlements including Heyford Park, Ardley, Middleton Stoney and Bicester.

8.10.26 Conversely, the scale of development has the potential to give rise to adverse health effects, particularly during construction and operation. These may include impacts associated with increased traffic and HGV movements, changes in air quality, noise, community severance, disruption to existing rights of way, loss of rural character and environmental change. There is also potential for health effects to extend beyond immediately adjacent communities, particularly when considered alongside substantial planned housing growth at Heyford Park and elsewhere in Cherwell. Future residents of these growth locations may experience both the benefits and disbenefits associated with the development.

8.10.27 Overall, the scheme presents a combination of potentially positive and negative influences on health and wellbeing. The extent to which positive outcomes are realised will depend on the effectiveness of mitigation measures, the uptake of active travel opportunities, equitable access to employment and green infrastructure benefits, and the management of environmental exposures such as noise and air pollution. Consideration of health inequalities, cumulative effects and impacts on vulnerable populations is therefore particularly important when evaluating the overall health implications of the proposal.

8.10.28 Since the submission of OCC's RR **[RR-109]** communication between OCC and the applicant on Health issues has continued. The comments in the section below are drafted following a written response from the applicant on OCC's RR.

Adequacy of the draft ES and proposed mitigation

Socio-Economics

8.10.29 In respect of supporting the principle of development, the ES reflects the national need for SRFI development to support the transfer of freight from road to rail thus supporting the wider aims of moving towards net zero and supporting the wider national economy. This is a position that the Councils accept.

8.10.30 Whilst referenced in the supporting documents, the Councils would wish to see greater clarity on the specific need for rail supported logistics infrastructure of the scale proposed specifically within the Cherwell area as opposed to the wider need between the M42 and M25 for general logistics provision.

8.10.31 Given the low unemployment level of 2.9% (of economically active residents aged 16 years and older) in the Cherwell area, a primary concern to the Councils is the ability of the development to attract and retain a skilled workforce.

8.10.32 It is recognised that the applicants have committed to supporting training and apprentice opportunities as set out in the requirements and this is welcomed but as currently drafted, it is unclear of the extent to which this extends into ongoing support for operational roles post construction.

8.10.33 Due to this limitation, it is considered that the proposed mitigation in the ES does not adequately address the Councils concern that when operational, the proposed development has the potential to impact negatively on the local and wider labour supply by virtue of its scale and the relatively small level of available potential employees. To address this, the Councils wish to see additional clarity in respect of ongoing commitment to supporting the training and support of existing and new staff.

8.10.34 The Councils would wish to see how a Community Employment Plan which is lead and owned by the occupiers could be implemented on the site, focused more widely than just training and apprenticeship opportunities and to provide a long-term commitment to supporting employee development.

8.10.35 By working with local stakeholders such as training providers, local schools, Jobcentre Plus and other local employment programmes, the plan can then support community employment opportunities to deliver inclusive growth via direct employment, contractors and supply chain partners for the construction phase and end-use phases.

8.10.36 Inclusive growth is a focal point within Oxfordshire's Strategic Economic Plan 2023 and a key goal is to ensure that training and employment opportunities can be accessed by all communities. Particular focus and support is championed for young people who are classed as Not in Education, Employment and Training (NEET) and those with Special Education Needs and Disabilities (SEND).

8.10.37 Enterprise Oxfordshire also prioritise collaborative working with local schools that operate within the identified deprived Oxfordshire areas as well as key employment support programmes focussed on unemployed or underemployed adult groups.

8.10.38 The land to the south of the site has potential to provide amenity provision to support the wider community.

8.10.39 To ensure this is secured, the Councils wish to see provision with the draft order to secure public access provision to help build an inclusive and green economy and promote health and wellbeing with a focus on inequalities.

Health

8.10.40 The Environmental Statement (ES) Chapter 12 and accompanying Health Impact Assessment (HIA) demonstrate a good understanding of the broad determinants of health and appropriately recognise the potential benefits associated with employment generation, improved active travel infrastructure, enhanced connectivity and substantial green infrastructure provision. The submission also reflects positive engagement with Oxfordshire's HIA Toolkit and relevant health policy objectives.

8.10.41 However, several limitations have been identified regarding the robustness of the assessment and the extent to which the conclusions are supported by evidence.

8.10.42 A principal concern is that the assessment places significant weight on anticipated health benefits arising from active travel, employment opportunities and access to green infrastructure, while providing limited evidence regarding likely uptake, behavioural change or resulting health outcomes. The assessment assumes that the proposed walking, cycling and public transport measures will be widely adopted, yet there is limited consideration of factors that may influence accessibility and use, particularly amongst groups experiencing poorer health outcomes or transport disadvantage. The conclusion that health impacts will be moderate beneficial therefore appears to rely upon assumptions that are not fully evidenced.

8.10.43 The Councils recognise the applicant's assessment that substantial carbon and transport benefits will arise from freight transfer from road to rail and notes that the climate assessment relies heavily upon this outcome.

8.10.44 The anticipated public health benefits associated with reduced vehicle mileage, improved air quality and climate mitigation are therefore dependent upon assumptions relating to freight modal shift and operational performance.

8.10.45 The Examination Authority may therefore wish to consider whether appropriate controls, monitoring and reporting arrangements are in place to demonstrate that these assumptions are realised during operation and that anticipated public health benefits are achieved in practice.

8.10.46 In relation to how the applicant has weighed the potential public health benefits of the proposal, the applicant has provided additional explanation to the Councils regarding how positive and negative health determinants were considered collectively within the HIA.

8.10.47 The supplementary climate, air quality and noise assessments provide important context for these conclusions. In particular, the climate assessment demonstrates that many of the anticipated benefits rely upon significant modal shift from road freight to rail freight, while the air quality and noise assessments indicate that most residual environmental effects are predicted to be non-significant following mitigation.

8.10.48 Notwithstanding this additional information, the methodology by which beneficial and adverse health effects are balanced remains insufficiently transparent. Greater explanation of how individual determinants and population groups were weighed in arriving at an overall beneficial conclusion would improve robustness and transparency.

8.10.49 The treatment of health inequalities is a particular weakness. Whilst the HIA identifies vulnerable groups, it does not systematically assess how impacts may differ across population groups or geographic areas. Oxfordshire evidence demonstrates significant variations in health outcomes associated with deprivation, disability, age and access to services, yet the assessment largely considers impacts at district and county level. This risks masking localised health inequalities and does not adequately address who may benefit from the scheme, who may experience adverse impacts, and whether benefits are likely to reach those with the greatest health need. Please use https://data.oxfordshire.gov.uk/ to access JSNA and other health data at a more localised level.

8.10.50 In discussions with the applicant, it has been pointed out that vulnerable groups were considered within the baseline and HIA narrative and references the Equalities Impact Assessment as supporting evidence.

8.10.51 However, the assessment would be strengthened by a more explicit explanation of how benefits and disbenefits may be distributed across different population groups. Although the overall health conclusion is positive, it remains unclear whether the groups experiencing adverse effects during construction and operation are the same groups expected to benefit from employment, improved connectivity and economic growth.

8.10.52 The Councils therefore maintains its view that a clearer assessment of differential impacts on vulnerable and disadvantaged populations would improve confidence in the conclusions reached.

8.10.53 In relation to climate resilience and health, the climate assessment identifies future risks associated with rising temperatures and extreme weather events and describes a range of adaptation measures incorporated within the development.

8.10.54 The Councils welcome this approach. However, given the scale of the proposed logistics development and likely outdoor workforce, further consideration of workforce health resilience, overheating risks and climate-related health inequalities would strengthen the overall HIA. This is particularly in light of the recent escalation in extreme summer temperatures.

8.10.55 The baseline evidence relies predominantly on district-wide datasets for Cherwell and Oxfordshire. Whilst helpful for contextual purposes, these datasets are insufficient to understand the health profile of communities most likely to experience direct impacts, including Ardley, Middleton Stoney, Heyford Park and future residents of proposed large-scale housing growth in the area. Localised assessment would provide a stronger basis for understanding health effects and informing mitigation.

8.10.56 The HIA also relies heavily on significance conclusions presented elsewhere within the ES. In several instances, environmental effects considered "not significant" within technical assessments are interpreted as neutral from a health perspective. This approach does not fully reflect contemporary health impact assessment practice, which recognises that smaller environmental changes may still have meaningful health implications, particularly for sensitive or vulnerable populations. Consequently, the statement that no adverse health impacts have been identified is not considered sufficiently robust for a development of this scale.

8.10.57 The assessment of cumulative effects would also benefit from further development. Although future housing growth at Heyford Park and elsewhere is referenced, the potential interaction between substantial population growth and the proposed rail freight interchange is not explored in significant detail from a health perspective. Given the potential for thousands of future residents to be in relative proximity to the site, greater consideration should be given to cumulative effects relating to air quality, noise, traffic, accessibility, community wellbeing and environmental change.

8.10.58 In relation to mitigation, many of the proposed measures are appropriate and are likely to reduce adverse effects. These include the Construction Environmental Management Plan, Framework Travel Plan, active travel infrastructure, landscape bunding, noise barriers, biodiversity enhancements and public access routes. These measures can deliver health benefits and mitigating some environmental effects if implemented effectively.

8.10.59 Nevertheless, the mitigation strategy relies largely on embedded measures already identified elsewhere in the ES and contains relatively few health-specific commitments. There are limited measurable actions aimed at reducing health inequalities, supporting disadvantaged groups into employment, monitoring health outcomes, maximising uptake of active travel, or addressing barriers to accessing the proposed benefits. While mitigation is generally proportionate to the issues identified within the assessment, it is not sufficiently developed to demonstrate how predicted health benefits will be realised or how health outcomes will be monitored over time.

8.10.60 The Councils remain of the view that the assessment would benefit from clearer identification of:

- health-related mitigation measures;
- responsible delivery bodies;
- measurable outcomes;
- monitoring indicators; and
- triggers for remedial action should significant adverse effects arise.

8.10.61 Particular consideration should be given to monitoring outcomes relevant to nearby communities affected by construction and operation, alongside monitoring of the wider benefits anticipated from active travel, environmental enhancement and modal shift.

8.10.62 Overall, the ES and HIA provide a reasonable framework for considering health impacts and identify some potentially beneficial outcomes. However, the assessment would be strengthened by a more explicit consideration of health inequalities, greater use of local evidence, a more balanced assessment of potential adverse health impacts, stronger consideration of cumulative effects, and the inclusion of more specific, measurable and health-focused mitigation and monitoring measures. In its current form, the conclusion of an overall moderate beneficial effect on health and wellbeing appears optimistic and is not fully supported by the evidence presented.

Conclusions on Socio-Economic and Health Impacts

Socio-Economics

8.10.63 Whilst providing extensive job opportunities at both construction and operational stages, the proposed development also has the potential to have a negative impact on existing labour supply by virtue of drawing in employees from beyond the functional economic area resulting in an extended travel to work area.

8.10.64 The Councils would wish to see how a Community Employment Plan could be implemented on the site, extending beyond training and apprenticeship opportunities.

8.10.65 Further information is also requested by the Councils to clarify the justification for scale of the logistics units provided in the context of Cherwell as opposed to consideration of wider national need as set out in the NPS.

8.10.66 Whilst noting the provision of a series of footpaths in the open land to the south of the southwest of the main site, the Councils would also wish to see more detailed engagement on the arrangements for public access.

8.10.67 In considering the range of socio-economic factors arising from the proposed development, it is considered that the net impact of the scheme would be **neutral.**

Health

8.10.68 Overall, the proposed development has the potential to deliver a range of important health benefits, particularly through employment creation, improved active travel connections, enhanced green infrastructure and increased opportunities for recreation and access to nature. These elements are consistent with wider public health objectives and, if successfully implemented and utilised, could contribute positively to health and wellbeing outcomes for workers, local residents and future communities.

8.10.69 However, the Councils do not consider the evidence presented to fully justify the applicant's conclusion of a significant moderate beneficial health effect. The assessment places substantial reliance on assumed uptake of active travel and green infrastructure benefits, whilst giving less weight to the potential health implications associated with traffic, noise, air quality, construction impacts, environmental change and impacts on nearby communities. Furthermore, the assessment does not adequately consider how impacts may differ across vulnerable populations or communities experiencing existing health inequalities.

8.10.70 The proposed mitigation measures are generally appropriate and are likely to reduce many adverse effects to acceptable levels. Nevertheless, the mitigation strategy contains limited health-specific commitments and does not provide sufficient assurance regarding delivery of the anticipated health benefits, reduction of health inequalities or monitoring of health outcomes over time.

8.10.71 On balance, the Councils consider that the development could generate a net **positive** effect on health and wellbeing, particularly in relation to overall employment provision, active travel and access to green infrastructure. However, without more detail on the exact benefits to health and employment this development would bring, the magnitude of that benefit remains uncertain, and the assessment currently overstates confidence in the predicted outcomes. As such, the Councils consider the likely effect to be minor positive overall rather than the moderate beneficial effect as concluded by the applicant, with additional emphasis needed on health inequalities, cumulative effects, localised impacts and the effectiveness of long-term mitigation and monitoring arrangements.

8.11 Materials and Waste

Summary

- The proposed development is considered contrary to Policy W11 Safeguarding waste management sites of the Oxfordshire Minerals and Waste Local Plan 2017 (OMWLP).
- The proposed development would result in the permanent loss of a safeguarded waste facility at Ashgrove Farm

Mitigation/Improvements

- It has not been demonstrated that equivalent waste management capacity can be appropriately and sustainably managed elsewhere
- It has not been demonstrated that the Ashgrove Farm is no longer required for waste management
- The proposed development may therefore risk prejudicing Oxfordshire’s commitment to waste net self-sufficiency per W1 Oxfordshire Waste to be managed of OMWLP

- Clarification is needed on the quantities, types and management of waste arising from the scheme
- Further information is required regarding the impact on Ardley Landfill.

	Policy	Compliant?
CDC	N/A	
OCC	M&WLP W1: Oxfordshire waste to be managed (net self-sufficiency) M&WLP W11 Safeguarding Waste Management sites	Conflict identified with policy W1 due to the potential to prevent Oxfordshire achieving net self-sufficiency Conflict identified with policy W11 due to the loss of a safeguarded waste facility without adequate reprovision.

Policy Context

8.11.1 Paragraph 5.71 of the NPS states that the applicant should demonstrate that they will adhere to the waste hierarchy, preventing and reducing waste produced in the first place and maximising preparation for reuse and recycling for waste that cannot be prevented. Where possible, applicants are encouraged to use existing materials first, then low carbon materials, sustainable sources, and local suppliers. Consideration should be given to circular economy principles wherever practicable, for example by using longer lasting materials efficiently, optimising the use of secondary materials and how the development will be maintained and decommissioned. Applicants should consider and take into account emerging government policy, including Maximising Resources, Minimising Waste, constituting the new Waste Prevention Programme for England and Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, which provides practical guidance on how to improve appropriate soil reuse on construction sites and reducing the volume that is sent to landfill.

8.11.2 Paragraphs 5.72 and 7.73 require a circular approach to waste management and outline that sustainable waste management is implemented through the waste hierarchy.

8.11.3 Paragraph 5.75 outlines that Infrastructure projects should employ Modern Methods of construction such as sustainable timber and low carbon concrete where possible.

8.11.4 Paragraph 5.76 outlines that the SoS needs to consider the effectiveness of the process proposed by the applicant to manage waste through construction and operation.

8.11.5 Finally, paragraph 5.78 states that where possible, projects should include the reuse of materials and use of sustainable materials and recycled materials

8.11.6 The National Planning Policy for Waste sets out the role of planning for waste, which includes providing a framework in which communities and businesses take more responsibility for their own waste, including enabling waste requiring disposal or mixed waste destined for recovery to be managed in line with the proximity principle. It also requires that, in preparing waste local plans, waste planning authorities should identify quantities of waste requiring different types of management in their area over the plan period.

8.11.7 Section 5, paragraph 7 of the NPPW, states that local authorities should ensure that the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities

8.11.8 Policy W1 of the Minerals and Waste Local Plan sets out that provision will be made for waste management capacity that allows Oxfordshire to be net self-sufficient in the management of its principal waste streams

8.11.9 Policy W11 of the Minerals and Waste Local Plan safeguards waste management sites within the County. The Policy sets out that development which will directly or indirectly prevent or prejudice the use of safeguarded waste management sites will not be permitted unless the site is in accordance with a site allocation for development in an adopted local plan or neighbourhood plan, or equivalent waste management capacity can be appropriately and sustainably provided elsewhere; or it can be demonstrated that the site is no longer required for waste management.

Commentary

8.11.10 The site includes an existing and active waste in vessel composting facility at Ashgrove Farm, currently operated by Biffa and partially overlaps with the historic Ardley Landfill Site.

8.11.11 Both the existing waste sites and historic site will be impacted by the scheme, and in the case of the composting facility by removing it entirely, therefore the following policies in the Oxfordshire Minerals and Waste Local Plan Part 1 Core Strategy 2017 are considered relevant.

8.11.12 In addition, the development will generate waste during development and operation which will need to be managed

Adequacy of the draft ES and proposed mitigation

8.11.13 In respect of **[APP-181]** (6.13 ES Chapter 13 Materials and Waste) the Minerals and Waste Planning Authority makes the following comments:

Loss of In Vessel Composting Facility (Ashgrove Farm)

8.11.14 This development proposes the removal of Ashgrove Farm, a permanently permitted composting facility receiving up to 35,000t of waste per annum. Ashgrove Farm is safeguarded under Policy W11 of the Oxfordshire Minerals and Waste Local Plan and is listed within Appendix 2 of the Oxfordshire Minerals and Waste Local Plan and within the Authority's Annual Monitoring Report.

8.11.15 The proposed development is not allocated in an adopted local plan **[APP-161]** 4.5-4.6 or neighbourhood plan. No replacement site has been proposed, nor does the proposal provide any mitigation of the loss of this site

8.11.16 The applicants state that there is surplus capacity for managing organic waste in the County and the proposed closure of the facility would have a negligible impact.

8.11.17 However, this site is a permanent site and evidence given in **[APP-181]** (13.4 Baseline Conditions) does not assess the long-term future need of the waste site, only up until 2031. Whilst the applicant sets out that set out that the operational lease with Biffa for the site expires in 2030, it should be noted that this site has permanent permission for a waste use, not temporary and is safeguarded as such. Paragraph 13.4.42 even states that "*it is likely that a future baseline of waste infrastructure capacity in absence of the proposed Development would see the Biffa IVC facility retained and operational*". Ashgrove Farm is an operational site and without this development would potentially remain so.

8.11.18 As Mineral and Waste Planning Authority it is our duty under the Oxfordshire Development Plan, National Planning Policy Framework and the National Planning Policy for Waste (2014) to deliver sustainable waste management and ensure sufficient waste management facilities are available to manage waste arisings.

8.11.19 The Minerals and Waste Local Plan was based on data preceding the adoption in 2017, so it should be noted that whilst the policies remain in place, more recent data is available through the Environment Agencies Waste Data Interrogator.

8.11.20 In relation to waste movements and capacities the Environment Agencies more recent data should be considered in assessing whether the site is required for waste management and in particular whether the site is moving waste up the waste hierarchy in accordance with National Planning Policy for Waste (2014)

8.11.21 Using the Environment Agency data, over the last five years (2020-2024) Oxfordshire's existing permitted Composting and Anaerobic digestion facilities have managed and recycled an average of 232,766 tonnes.

8.11.22 With an estimated capacity of 239,600 tonnes per annum, it could be considered that Oxfordshire's sites are operating almost at capacity.

8.11.23 In addition, Oxfordshire has a number of temporary permitted sites. Sutton Courteney permission expires in 2030, and Hinton Composting and Showell Farm Composting both expire in 2040. These temporary sites have not been considered in the Environmental Statement, nor its calculations on capacity and need.

8.11.24 The closure of these temporary sites will further reduce the future recycling capacity within Oxfordshire. With the closure of Sutton Courtenay, Oxfordshire's capacity would be reduced to 199,600 tonnes and with the closure of Hinton and Showell, it would reduce further to 173,600tpa.

8.11.25 If Ashgrove Farm was lost without replacement, combined with the closure of the temporary sites, this would potentially result in significantly reduced recycling capacity from 2030 to 164,600tpa and from 2040 to 138,600tpa. This would significantly impact Oxfordshire's capacity to manage its own waste arisings in accordance with Policy M1.

8.11.26 In addition, Oxfordshire (Policy W1) and the South East Authorities, have a commitment to be net self-sufficient at managing in the management of their principle waste streams. This is in accordance with the NPPW. OCC would therefore not wish to see Oxfordshire's waste management capacity reduced so that Oxfordshire has a reliance on Buckinghamshire, Milton Keynes or West Northamptonshire.

8.11.27 In addition, no assessment of Buckinghamshire's, Milton Keynes or West Northamptonshire's waste needs has been provided to demonstrate that they can manage the additional 35,000t annually if Ashgrove Farm were to be lost.

8.11.28 Therefore, reviewing the proposal in light of Policy W11:

- The proposed development is not allocated in an adopted local plan **[APP-161]** 4.5 - 4.6 or neighbourhood plan.
- Equivalent waste management capacity has not been appropriately and sustainably provided elsewhere.
- It has not been demonstrated that the site is no longer required for waste management.

Waste Arisings

8.11.29 The ES Chapter **[APP-181]** (13.5.2) notes that "The proposed Development will generate quantities of CD&E waste potentially increasing the demand on the existing waste infrastructure."

8.11.30 The Council are pleased to see the ES Chapter **[APP-181]** 13.5 provides some estimated waste arisings from the proposal and support the commitment that the development would match or exceed the targets within Policy W2 for both the construction and operation phases of the development.

8.11.31 OCC is also support the preparation of a Construction Management Plan and Site Waste Management Plan to be submitted. **[APP-189]** CEMP Appendix 2.3 16.3

8.11.32 However, whilst OCC recognise that IEMA guidelines require developments to consider impacts on landfill capacity, due to the scale and nature of this development, the Council would expect a greater level of detail regarding the specific types of waste anticipated, the projected quantities for recycling, and the potential impacts on Oxfordshire's waste management facilities beyond landfill alone, in particular the impact on local existing facilities.

8.11.33 This is especially important as Oxfordshire has set a target for no more than 5% of construction, demolition, and excavation (CD&E) waste to be sent to landfill by 2030. This means that 95% of waste generated from this development will need to be managed through alternative treatment and recycling routes.

8.11.34 It is essential to understand how the waste arisings from this site will affect the capacity and operation of all Oxfordshire's waste management facilities, not just landfill to fully understand the sites impact. Therefore, clarification on waste arisings is sought.

Demolition Waste

8.11.35 From information provided within the Environmental Statement **[APP-181]**, it is understood that demolition waste from existing buildings (Table 13.23) is estimated to be 12,806 tonnes and demolition waste from roads and hardstanding are estimated to be 14,711 tonnes (Table 13.24), totalling 27,517 tonnes. There is then a small quantity of further demolition waste expected (Paragraph13.5.42) and green waste (Paragraph 13.5.43).

8.11.36 How this is intended to be managed is further explored in paragraphs 13.5.45 and 46

8.11.37 Paragraph 13.5.45 states the volumes of non-hazardous waste from demolition works are considered to be relatively low in comparison to the regional landfill capacity (equivalent to 0.5% of the forecasted capacity). Assuming this calculation is using the projected 2029 capacity as given in Table 13.16 this will be equivalent to 26,750 tonnes

8.11.38 Paragraph13.5.46 states that equivalent of 4.7% of existing non landfill facilities (Est. 27,459tonnes) will be recyclable, and hazardous waste arisings will be very low.

8.11.39 So, using these provisions an estimated 54,000 tonnes of waste will arise from the demolition required on the site. Could this be confirmed?

Earthworks

8.11.40 Clarification is sought on Table 13.25 and the proposed cut and fill balance. It is not clear whether all the surplus material will be redistributed (imported) within the Order Limits to achieve the overall surplus of 27,700m3, with no additional material being bought onto the site. Or the surplus material will be removed from the site and require management/disposal elsewhere and whether the imported material will originate from an external source rather than from within the site.

8.11.41 If the latter approach, there is the potential for 1,971,100m3 surplus material to be removed from site and require management/disposal and 1,943,400m3 of material imported for the delivery of the site.

8.11.42 The ES should clearly identify which surplus materials will be reused on site, whether any material will require export and management from the site, and how this will be undertaken and the type and source of material will require importing should be set out and assessed within this ES. Significant surplus material being managed off site could significantly impact existing waste management facilities within Oxfordshire and mineral resources.

Ardley Landfill

8.11.43 It is not considered that the ES and supporting documents (**[APP-181] [APP-299])** provide sufficient detail on the impact of the proposed development on Ardley Landfill, particularly regarding the north-eastern edge of the site, which extends into the landfill area.

8.11.44 There is a lack of clarity on the following points:

- The material needed for the recapping,
- Any alternatives considered for the management of the waste removed from the cells, if the EA do not permit the placement of the waste on the wider site. This information is essential for a full assessment of the proposal.

Construction Waste

8.11.45 The Environmental Statement sets out that an estimated 94,456.25 tonnes of waste will be produced during construction (Table 13.27 and 13.28). The proposal states that this will arise over a number of years.

8.11.46 Without the detailed information on potential waste arisings and management routes, OCC are unable to agree with the assertion in **[APP-181]** paragraph 13.4.22 of the ES, that the sensitivity of waste transfer and treatment sites to construction and demolition from the development waste is low, nor with the conclusion in Table 13.31 that the assessment of construction impact significance is slight.

Expansive Materials and Waste Study Area/Regional Baseline

8.11.47 The Environmental Statement does not define the geographical context for the Expansive Materials and Waste Study Area, or the “Regional” area used in the Assessment. For waste it does states that it is facilities within 30km of the proposed area, but for minerals there is no such clarity.

8.11.48 Within Oxfordshire Minerals and Waste Planning, “Regional” is generally considered those Authority areas within the South East. However, the Assessment uses different geography for regional, focussing on Oxfordshire, Buckinghamshire, Milton Keynes and West Northamptonshire. The South East Region is much wider, includes others such as Hampshire and Kent, and does not include West Northamptonshire. Furthermore in 13.4.15 Regional is classified as Midlands and South West of England.

8.11.49 Classification is sought on what is the Expansive Materials and Waste Study Area and Regional Baseline for both Minerals and Waste assessments.

Existing Facilities for the Deposition of Waste

8.11.50 Paragraph 13.4.13 is not the cumulative landfill void capacity to be able to determine the regional landfill void capacity. This table 13.15 demonstrates the remaining void capacity as at the end of 2024 within 30 miles of the proposed site. (Oxfordshire and part of Buckinghamshire). Not the regional remaining void space in the South East (region).

8.11.51 Details on facilities for recycling Construction and Demolition Waste within Oxfordshire are available within the Oxfordshire Local Aggregates Assessment on an annual basis.

8.11.52 More explanation of how 13.4.20 and sensitivity of receptor is considered to be low, and 13.4.22 is low. It is assumed this “low” sensitivity is as indicated in Table 13.4 as 13.5 and 13.6 relate to landfill void capacity, but this is not clear.

8.11.53 Tables 13.19 and 13.20 sets out the received waste into a number of sites within Oxfordshire in 2024, where the sites have received over 1000 tonnes of Construction and Demolition Waste and Non Hazardous waste. This list included both transfer and treatment facilities. It then classifies the sensitivities as “Low”. How has this classification of “low” been derived?

Cumulative Impacts

8.11.54 The Council would also suggest including the White Horse Reservoir as this is proposing significant waste arisings and mineral requirements.

Conclusions on Waste

8.11.55 Further information is required to understand the full implications of the development for waste management capacity in Oxfordshire, including the proposed loss of the safeguarded Ashgrove Farm composting facility, the management of construction, demolition and excavation waste, and any impacts arising from works affecting Ardley Landfill.

8.11.56 Until this information is provided, the County Council are unable to determine that the proposal would avoid unacceptable impacts on Oxfordshire's ability to manage its waste in accordance with the development plan and national policy.

8.11.57 On the basis of the information currently submitted, the Minerals and Waste Planning Authority is unable to agree with the conclusions of the Environmental Statement in relation to waste. The applicant should provide the additional assessments, evidence and mitigation identified above so that the effects of the proposal can be properly assessed and, where necessary, addressed before any decision is made.

8.11.58 OCC conclude an overall **Negative** impact on Waste

8.12 Soil Resource and Agricultural Land

Summary

- The Councils agree with the applicant's conclusion of a major adverse residual effect on agricultural land and a significant adverse cumulative effect on agricultural land.
- The Councils do not agree with the applicants assessment of their compliance with NPS paragraph 5.189 which states that '*applicants should seek to use areas of poorer quality land in preference to that of a higher quality'.*

Mitigation/Improvements

- The applicant needs to justify how the design of the proposed development has sought to reduce impacts on BMV, rather than relying on the site selection process.

	Policy	Compliant?
CDC	CLP (2015) Policy ESD10 (Protection and Enhancement of Biodiversity and the Natural Environment)	Conflict identified with policy ESD10: the proposal would result in a major adverse impact on agricultural land and a significant adverse cumulative impact.
OCC	N/A	

Policy Detail

8.12.1 NPS National Networks Sections 5.189-5.190 states that the Agricultural Land Classification is the only approved system for grading agricultural land in England and Wales and that the economic and other benefits of BMV Agricultural Land should be taken into consideration. Where significant development of agricultural land is demonstrated to be necessary, area of poorer quality land shall be used in preference to that of higher quality.

8.12.2 Paragraph 5.192 of the NNNPS further outlines that 'Applicants can avoid, or minimise, the direct effects of a project on the existing use of the proposed site or proposed uses near the site, by the application of good design principles, including the layout of the project and the protection of soils during construction.'

8.12.3 Paragraph 5.197 outlines that 'Where a project has a sterilising effect on land use there may be scope for this to be mitigated through, for example, using the land for nature conservation or wildlife corridors, or improving access and connectivity.'

8.12.4 Cherwell Local Plan section C.5 reinforces the importance of agriculture to the district's local economy by stating that "farming remains of vital importance to Cherwell's rural identity and to local food production". Best and Most Versatile Agricultural Land is universally recognised as those falling within Grade 1, 2 and 3a. Policy ESD10 of the CLP2015 states that "protection and enhancement of the natural environment will be achieved by...the reuse of soils

Commentary

8.12.5 The Agricultural Land Classification Map for London and the South East published by Natural England in 2010 shows that, with the exception of one land parcel on the northwestern edge of the order limits, the majority of the land proposed for development falls within ALC grade 3 (good to moderate). The parcel to the NW sits within Grade 2 land.

8.12.6 However, the predictive ALC maps published by DEFRA in August 2025 show the entirety of the site to be within ALC Grade 2 (which paragraph 5.189 of the NPS defines as Best and Most Versatile (BMV) agricultural land).

Adequacy of the draft ES and proposed mitigation

8.12.7 The applicant considers the potential impact on agricultural land in Chapter 15 of their ES **[AS-082]**.

8.12.8 In order to inform the baseline for this chapter the applicant has produced a study of the Agricultural Land within the site **[APP-300]**. This report was informed by survey activity which took place between 2021 and 2022. The survey covered approximately 96% of the application area, with the remaining 4% covered by a desk-based survey.

8.12.9 The conclusion of the survey was that 37.7 Hectares (approximately 8.5%) of the site is within subgrade 3a and is therefore BMV agricultural land.

8.12.10 The Councils have no reason to doubt the validity of this survey and so must conclude that the assessment forms an accurate picture of the agricultural land classification of the site. Whilst there are gaps in the survey area the Council are content with the applicant's assessment that these gaps would not materially alter the outcome of the assessment.

8.12.11 Section 14.2 of the **[AS-082]** outlines the applicant's assessment methodology. The ES considers the loss of over 20 hectares of agricultural land as a large-scale impact and BMV land of 3a a medium sensitivity receptor and grades 1-2 as a high sensitivity receptor. The Councils agree with these criteria and the matrix at table 14.3 to be suitable to assess the impacts on agricultural land.

8.12.12 Paragraphs 14.5.5 of **[AS-082]** conclude based on these findings a Major Adverse impact on agricultural land during the construction phase. This is due to the loss of over 20 hectares of BMV land of grade 3a. At paragraph 14.6.1 the applicant indicates that no additional mitigation for the loss of BMV agricultural land is possible.

8.12.13 Further to this, **[AS-082]** identifies a significant adverse cumulative effect on agricultural land at both a regional and national level.

8.12.14 The applicant therefore concludes that there is a major adverse residual effect on agricultural land and a significant adverse cumulative effect. The Councils agree with this conclusion.

8.12.15 However, at paragraph 14.8.2 of **[AS-082]** the applicant concludes that the approach taken to agricultural land is consistent with NPS paragraph 5.189 which states that '*applicants should seek to use areas of poorer quality land in preference to that of a higher quality*'. They conclude this on the basis of only 8% of the site being BMV land.

8.12.16 However, the applicant has failed to demonstrate how both the site selection process, and the master planning of the site has sought to avoid areas of high-quality agricultural land.

8.12.17 The applicant's alternative sites assessment **[AS-054]** at paragraph 6.4 does not identify BMV agricultural land as one of the environmental or policy constraints used to narrow down the 'long list' of possible alternative sites. Neither section 6 or 7 of **[AS-054]** identify agricultural land as being a factor used to discount potential sites during site optioneering. Given this, the Councils do not believe that the applicant sought to use poorer quality land in preference to that of higher quality in accordance with paragraph 5.189 of the NNNPS.

8.12.18 Likewise, **[APP-166]** the Design Approach Document also does not shed light on how the applicant has sought to avoid or reduce impacts on BMV even after agricultural land classification surveys had been undertaken through design principles which would seek to avoid using BMV land.

8.12.19 It is acknowledged that where BMV land takes the form of discreet parcels within a site area that it can be challenging to avoid impacting this land and to ensure that it can remain viable for agricultural use. However, Appendix 2 of **[APP-300]** contains mapping of the results of the applicant's agricultural survey. This mapping shows a distinct band of BMV land on the western boundary of the main site in an area which is proposed to be for the applicant's landscape bunding. This band of BMV land is the largest distinct section of BMV land within the proposed order limits.

8.12.20 Once the agricultural land classification surveys were completed, the applicant has failed to demonstrate how the design of the scheme was changed to reduce impacts on BMV. For instance, if the footprint of the proposed warehousing was reduced to reduce the overall land requirements for warehousing, then the landscape bunding could have been relocated to avoid the distinct band of BMV on the western side.

8.12.21 The Councils would have wished to see consideration given to the potential to utilise this land and expand the 3a area through soil improvement measures on land surrounding this area to provide a meaningful contagious parcel of land which could be of economic value. This assessment is considered reasonable especially as no evidence has been put forward evidencing why the proposed scale of logistics floorspace is necessary has been put forward.

8.12.22 However, the applicant did not take such an approach and as such the Councils do not believe that the applicant complied with paragraph 5.192 of the NNNPS which states '*Applicants can avoid, or minimise, the direct effects of a project on the existing use of the proposed site or proposed uses near the site, by the application of good design principles, including* ***the layout of the project*** *and the protection of soils during construction.'* (Council's emphasis).

8.12.23 Given the above, the Councils do not believe that either the site selection process nor the layout and design of the proposed development has sought to avoid or minimise impacts on BMV in accordance with the NNNPS. It would be possible to avoid this impact by reducing the area of the main site to allow the proposed landscape mitigation to be moved to the east thus allowing a strip of viable BMV land to be preserved.

Conclusions on Agricultural Land

8.12.24 The Councils agree with the applicant's conclusion that the scheme would result in a major adverse impact on agricultural land and a significant adverse cumulative impact.

8.12.25 However, the Councils do not consider that the applicant has sought to minimise or avoid impacts on BMV in line with paragraphs 5.189, 5.192 and 5.197 of the NNNPS. The Councils therefore do not agree with the applicant's conclusion at paragraph 14.8.2 that they have complied with paragraph 5.189 of the NNNPS.

8.12.26 Given this it is considered that the proposed development would result in a **negative** impact on agricultural land.

8.13 Climate Change

Summary

- The HA recognises the strategic carbon benefits associated with increased rail freight capacity and modal shift from road to rail. The submitted Greenhouse Gas Assessment, Energy Strategy and Carbon Management Plan provide a comprehensive assessment of climate impacts and demonstrate compliance with relevant national and local policy requirements.
- However, whilst the proposed development performs strongly against regulated operational emissions through the use of rooftop solar PV and air source heat pumps, the HA remains concerned that the overall climate strategy relies heavily on renewable energy generation rather than demand reduction. In addition, a significant proportion of operational emissions arise from unregulated energy use associated with future occupiers and there remains uncertainty regarding how long-term operational carbon performance will be secured and monitored.
- The provision of infrastructure to support the transition to zero carbon freight vehicles is minimal, and the HA is concerned that this is out of step with national ambition, Oxfordshire's own transport carbon targets, and misses a clear opportunity for the development to showcase innovative methods of charging or refuelling for HGVs and other heavy vehicles.

Mitigation/Improvements

- The Council considers that the following measures should be explored further through the examination process and, where appropriate, secured through DCO Requirements, the Design Approach Document and associated management plans:
- Measures to maximise rooftop solar PV provision from first occupation, subject to grid and operational constraints.
- Stronger operational energy monitoring and reporting arrangements, including regular reporting of energy performance and renewable energy generation.
- An Operational Energy and Carbon Management Plan which addresses ongoing energy performance, demand reduction and tenant engagement.
- Further consideration of measures to reduce unregulated energy demand associated with future occupiers.
- Enhanced climate resilience measures including overheating mitigation and consideration of future climate scenarios.

- Consideration of how future low-carbon freight technologies, including zero-emission HGV infrastructure, can be accommodated within the development over its operational lifetime.
- Continued reduction of embodied carbon through material selection, reuse and application of PAS2080 principles during detailed design and construction.
- Opportunities for community energy participation associated with on-site renewable energy generation, including potential community ownership, investment or benefit-sharing mechanisms, in order to maximise local benefits arising from the development's renewable energy infrastructure.

	Policy	Compliant?
CDC	CLP (2015) Policy ESD1 (Mitigating and Adapting to Climate Change), CLP (2015) Policy ESD2 (Energy Hierarchy and Allowable Solutions), CLP (2015) Policy ESD3 (Sustainable Construction), CLP (2015) Policy ESD4 (Decentralised Energy Systems), CLP (2015) Policy ESD5 (Renewable Energy), CLP (2015) Policy ESD6 (Sustainable Flood Risk Management), CLP (2015) Policy ESD7 (Sustainable Drainage Systems), CLP (2015) Policy ESD8 (Water Resources)	Subject to further information regarding low-carbon vehicle refuelling including HGV's and enhancements to the energy strategy, it is considered no conflicts with the policies arises.
OCC	2026 - 2030 Climate Action Framework 2021 Pathways to a Zero Carbon Oxfordshire 2021 Oxfordshire Net Zero Route Map and Action Plan 2022 Oxfordshire Local Transport and Connectivity Plan 2022 Oxfordshire County Council Freight and Logistics Strategy • Action 19. Monitor alternative HGV fuel requirements and options	Conflict Identified: Due to the lack of active HGV recharging infrastructure, the Council identifies conflict with Climate Action Framework 2026-2030, Pathways to Zero Carbon Oxfordshire, Oxfordshire Net

	2022 Oxfordshire Climate and Natural Environment Policy Statement 2025 OxRAIL 2040: Plan for Rail	Zero Route Map and Action Plan, Oxfordshire Local Transport and Connectivity Plan, and the Oxfordshire Climate and Natural Environment Policy Statement. Partial conflict is also identified with Action 19 of the Oxfordshire County Council Freight and Logistics Strategy.

8.13.1 NPS National Networks Section 2.31 states that climate change mitigation is essential in minimising the most dangerous impacts of climate change, however the severity of these risks is projected to increase, putting additional stresses on transport infrastructure. In addition to this, Section 4.27 states that the design of developments should mitigate carbon emissions and adapt to climate change, including decarbonisation, flexibility and resilience.

8.13.2 In terms of reducing carbon emissions from vehicles, NPS National Networks reaffirms the government's commitment to the transition to zero-emission vehicles through its Zero Emission Vehicle Mandate (Section 2.20). This includes HGVs, where ‘a phase-out date for the sale of new, non-zero emission HGVs less than or equal to 26 tonnes will also be introduced from 2035 and, from 2040, all new Heavy Goods Vehicles sold in the UK must be zero emission (Section 2.21).

8.13.3 With regards to network resilience, both in terms of climate change adaptation and increases in volume of traffic on new networks, NPS National Networks states that ‘resilience in networks […] also includes accommodating changes in technology, including the infrastructure needed to support the use of alternative fuels, and digital connectivity will also require our national networks to evolve and adapt in order to utilise the benefits that technology can bring’ (Section 3.15).

8.13.4 Oxfordshire has ambitious net zero targets which will be driven by a combination of factors including renewable energy generation within the county, and a reduction in transport demand. Transport is Oxfordshire's greatest source of emissions and is among the most challenging to decarbonise – freight has the highest emission per vehicle mile of any journey. The Local Transport and Connectivity Plan (LTCP) outlines Oxfordshire's targets for transport in the county – to deliver a net zero transport network by 2040, and a transport network that delivers a climate positive future by 2050. These targets include freight vehicles and rail. The OxRAIL 2040: Plan for Rail also outlines the role of the railway in delivering climate action and reducing transport emissions in Oxfordshire, which is relevant to this application. Policy 27 of the LTCP demonstrates Oxfordshire's commitment to accounting for and reducing embodied carbon from transport infrastructure, and requires alignment with PAS 2080 standards.

8.13.5 Policy 29 of the LTCP outlines that OCC will integrate the Oxfordshire Electric Vehicle Infrastructure Strategy into the planning process to ensuring that new developments and infrastructure make appropriate future-proofed provision for EV charging infrastructure.

8.13.6 Policy 49 of the LTCP outlines that the Council will Develop and deliver measures to encourage use of the most appropriate routes for HGVs. And support a range of additional measures to improve the safety of local goods movement and encourage uptake of zero-emission vehicles.

8.13.7 Action 19 of OCC's Freight and Logistics Strategy outlines that the Council will monitor alternative HGV fuels. The Council will encourage strategically locating refuelling infrastructure on identified freight route. network to help to encourage use of appropriate HGV routes.

8.13.8 Oxfordshire County Council's Climate Action Framework sets out the council's approach to tackling the climate emergency. One of the key outcomes of the framework was enabling a zero carbon Oxfordshire by 2050. This has been brought forward to 'as early as possible in the 2040s' through the Climate and Natural Environment Policy Statement.

8.13.9 Chapter 11 of the Oxfordshire County Council's Climate Action Framework (Movement and Connectivity) states that Priority 1 is to 'Decarbonise our transport system, reduce congestion and enable sustainable travel choices: Reducing emissions by managing travel demand and encouraging sustainable travel choices protects public health, mitigates climate risks, and ensures reliable, equitable mobility across Oxfordshire's communities and infrastructure.'

8.13.10 Priority 4 within Chapter 11 Oxfordshire County Council's Climate Action Framework states the need to 'Accelerate the transition to EVs: Speeding up EV adoption cuts air pollution, supports emissions targets, and stimulates innovation and investment in Oxfordshire's green economy'

8.13.11 The Pathways to a Zero Carbon Oxfordshire (PaZCO) Report addresses the need and opportunity for Oxfordshire to maintain momentum to achieve net zero emissions. It examines a series of scenarios that could lead to the delivery of net zero emissions within the county and the implications of these scenarios on different sectors.

8.13.12 In all of the net zero scenarios, close to 100% of fossil-fuel powered vehicles need to be phased out, and some reduction in travel demand is required. Shifting freight from road to rail, particularly with the electrification of the railway, is one way to achieve this demand reduction. Consolidation of freight is essential to reducing emissions from deadhead journeys. The Oxfordshire Net Zero Route Map and Action Plan, which underpins the delivery of climate action in Oxfordshire, models the changes required in freight trips to reach net zero under the 'Oxfordshire Leading the Way' scenario; trip efficiency is required to increase by 10% by 2050, with 100% of HGV and LGV trips completed by vehicles that have zero emissions at the tailpipe.

8.13.13 PaZCO Section 10.2.2 states 'The implications for decarbonised transport should be considered at all stages of the planning process, from policy writing and land allocation to planning permission for individual developments or changes of use.'

8.13.14 Cherwell Local Plan has a suite of policies that seek to encourage sustainable development and respond to the climate emergency, relating to increasing temperatures and changes in rainfall patterns. In 2019, Cherwell District Council declared a climate emergency and recognised its role in supporting the district to become carbon net zero.

8.13.15 Policy ESD1 of the CLP2015 requires that development be located within sustainable locations, is delivered to ensure that there is a reduction in the need to travel, reduces carbon emissions and promotes the use of decentralised and renewable or low carbon energy.

8.13.16 Policy ESD2 of the CLP2015 states that in order to achieve carbon emission reductions, an energy hierarchy should be followed which, in order, should be reducing energy use, supplying energy efficiently, making use of renewable energy and making use of allowable solutions

8.13.17 Policy ESD3 of the CLP2015 states that all non-residential development should meet the BREEAM 'Very Good' standard and how this will be achieved should be set out in an energy statement. All development proposals should be encouraged to reflect high quality design and environmental standards and demonstrate sustainable construction measures

8.13.18 Policy ESD4 of the CLP2015 states that for all applications for non-domestic developments exceeding 1000sqm of floorspace, the use of decentralised energy systems will be encouraged.

8.13.19 Policy ESD5 of the CLP2015 states that all applications for non-domestic development exceeding 1000sqm of floorspace, the potential for significant on-site renewable energy provision (above any requirements to meet national building standards) should be investigated, and if deemed feasible, will be required.

8.13.20 Policy ESD6 of the CLP2015 requires that in relation to flood risk management, the sequential test will be required to reduce flood risk, where there are not any existing exemptions outlined within the NPPF and NPPG. Development shall only be permitted in areas of flood risk where there are no reasonably available sites in areas of lower flood risk.

8.13.21 Policy ESD7 of the CLP2015 requires that all development to use sustainable urban drainage systems (SuDS) for the management of surface water runoff.

8.13.22 Policy ESD8 of the CLP2015 states that Council will seek to maintain water quality, ensure adequate water resources and promote sustainability in water use.

Commentary

8.13.23 The OxSRFI development is proposed on land to the south-west of Junction 10 of the M40, within a predominantly rural area of north Oxfordshire that is undergoing significant development and infrastructure change. A key local consideration for the proposed development is its location within an area of known electricity network constraints, which has implications for the scheme's proposed energy strategy and its ability to support the transition to a low-carbon energy system.

8.13.24 The location of the development is within the East Claydon Grid Supply Point (GSP) area, which serves the northern parts of Buckinghamshire and Oxfordshire. East Claydon GSP has been identified by National Grid as requiring replacement due to a lack of sufficient electrical capacity to connect new customers to the transmission network. A new substation has been proposed but is unlikely to come forward until at least 2037. There may also be local level constraints at Primary and Secondary Substations. This has resulted in significant energy constraints in and around Bicester that have affected other proposed development (including over 7,000 homes) in the area as evidenced by an Oxfordshire Joint Leaders Committee (then the Future Oxfordshire Partnership) submission to the Environmental Audit Committee (https://committees.parliament.uk/writtenevidence/121812/pdf/). As a result, the OxSRFI development must demonstrate an energy strategy which reduces inherent energy demand and maximises use of onsite generation, use and storage.

8.13.25 This development represents a significant investment into the UK's freight network, and the opportunities it presents regarding rail freight are welcomed from the perspective of the county's climate targets. However, two-way AADT movements have been calculated to show that there will be 718 HGV movements in each 24 hour period associated with the rail terminal (**[APP-302]**, Table 2.11), and a further 4,589 two-way movements associated with the main site warehousing which, unmitigated by the adoption of low carbon technologies, will have an impact on the County's ability to meet its net zero transport targets by 2040.

8.13.26 Like the rest of the UK, Oxfordshire has experienced increasingly severe impacts from extreme weather as a result of climate change, with recent years seeing major flooding, drought, wildfires and extreme temperatures across the county. The extent that this will impact Oxfordshire in the future is set out in the county's Climate Vulnerability Assessment (https://data.oxfordshire.gov.uk/wp-content/uploads/2025/05/Climate-Vulnerability-Assessment-Final.pdf). Well-adapted buildings and infrastructure are an essential mitigation against severe impacts, especially in Cherwell which is an area of high water stress.

Adequacy of the draft ES and proposed mitigation

Greenhouse Gas Assessment

8.13.27 The Greenhouse Gas (GHG) Assessment for the OxSRFI **[APP-302]** is comprehensive and largely follows national guidance. The total emissions from each stage are compared with national carbon budgets and, when combined with embedded mitigation, found to be 'not significant' as a result.

8.13.28 However, the HA does not feel that appropriate contextualisation has taken place in order to come to this conclusion. Guidance from the Institute of Sustainability and Environmental Professionals (ISEP) released earlier in 2026 (https://www.isepglobal.org/resources/blogs/2026/april/defining-significance-in-a-net-zero-era-the-next-step-for-greenhouse-gas-emissions-assessment-in-environmental-impact-assessment/) states that 'the contribution of most individual projects to national-level budgets will be small and so this context will have limited value' (p. 22). The guidance goes on to advise that good practice for greenhouse gas contextualisation should involve drawing on multiple sources of information which include sector-based and local trajectories, and policy goals and performance standards.

8.13.29 In the case of OxSRFI, Oxfordshire's local carbon budgets are outlined in the Oxfordshire Net Zero Route Map and Action Plan, and include an allowance for industrial (including construction) emissions. Individual sector pathways are also available. A comparison of the total GHG emissions against the Oxfordshire carbon budgets and sector pathways will show a much bigger overall proportion of emissions than a comparison with UK carbon budgets. While it is accepted that this is a nationally significant infrastructure project and therefore has relevance outside the county's boundary, the emissions will still have a localised impact and will be included in Oxfordshire's annual emissions calculations, and against its carbon budgets. An accurate reflection of the impacts, therefore, is crucial.

8.13.30 A further aspect affecting the determination of significance for GHG impacts according to ISEP guidance is whether the project is compatible with local and national carbon net zero trajectories, which in Oxfordshire's case are a net zero transport network by 2040, and a net zero county as soon as possible in the 2040s. The project documentation does not provide either a comparison of the decarbonisation trajectory of the OxSRFI project with local and national trajectories, or a decarbonisation target in comparison with a baseline level of emissions. The OHA would like to see clear commitment to a decarbonisation target which is compatible with local and national trajectories as part of the development of the Carbon Management Plan **[APP-305]**.

Low Carbon HGV Refuelling

8.13.31 Another critical issue within the project documents is the lack of provision for low carbon HGV and plant refuelling or recharging. ES Chapter 15 **([APP-183]**, Section 15.5.50) notes that operational emissions reported in the ES 'do not account for the increased proportion of zero emission vehicles on UK roads […] and the projected decarbonisation of UK construction activities […]. As such, the magnitude of operational emissions reported likely presents a conservative overestimate. This has been accounted for qualitatively within the assessment of significance.' However, without provision for the transition to zero emission HGVs and plant, such carbon savings in the future cannot be expected to materialise and forecasting an overestimation of emissions is not necessarily the case.

8.13.32 While it is accepted that the main focus of the scheme will be on promoting the use of rail freight, the site will still generate significant emissions from HGV movements (157,837 tCO2e in the first year) especially as it will take several years before the rail freight interchange operates at full capacity (**[APP-302]**, ES Appendix 15.2 (Greenhouse Gas Assessment), Section 2.3.33). As a result, the current proposals within the ES are not aligned with either Oxfordshire's net zero transport network or county targets, or national net zero targets without making provision for the transition to zero emission HGVs and plant.

8.13.33 The UK government is committed to decarbonising HGVs, as outlined in the 2026 Consultation on a New Heavy Goods Vehicle CO2 Emissions Regulatory Framework for the United Kingdom (https://www.gov.uk/government/consultations/new-hgv-co2-emissions-regulatory-framework-for-the-uk). In the document, the government acknowledged that reducing emissions from HGVs and phasing out the sale of new non-zero emission HGVs will play a significant role in delivering the UK's net zero commitment. The government also announced their position at COP26 in Glasgow in 2021 to end the sale of non-zero emission HGVs weighing up to 26 tonnes from 2035, and all new non-zero emission HGVs by 2040. Solutions to decarbonise HGVs is also stated as a priority in National Highways' 'Net Zero Highways: Our 2030/2040/2050 Plan' (https://nationalhighways.co.uk/media/uxjpf0b1/net-zero-highways-our-2030-2040-2050-plan.pdf) with all travel on roads expected to be net zero by 2050.

8.13.34 Provision for charging of Battery Electric HGVs is one solution. The OxSRFI site is in an area of significant energy constraint, so any charging should be balanced with installation of local renewable energy generation. Battery swapping hubs are also being recognised as a solution across Europe, providing a fully charged 500kW battery within 5 minutes. This technology is being rolled out as a trial between Octopus Energy and CATL (https://octopus.energy/blog/battery-revolution/#swaptopus). It is noted that in the Applicant's response to comments made by climate officers in Oxfordshire County Council's Relevant Representation **[RR-109]** reference is made to the passive provision of charging infrastructure for HGVs. While this is positive, a minimum level of active provision should be available from the first day of operation,

8.13.35 Another option for refuelling technology is hydrogen fuel cell refuelling. In the national policy documents cited above, hydrogen fuel cells are considered feasible technology alongside battery electric. Hydrogen fuel cells are widely considered a more suitable option for journeys over 50-80miles (OxSRFI to Cambridge is approximately 80 miles, for example). The OxSRFI will serve freight traffic for the decades to come. Given the 2035, 2040 and 2050 targets, it will be appropriate for OxSRFI to either provide infrastructure to support the transition to zero emission HGVs from the day of operation, or at least to set out plans to do so in the future. Hydrogen fuel cells also provide resilience against the known grid constraints in the area which could affect the availability of power for large volumes of HGVs to charge.

8.13.36 The Applicant cited demand and viability as a key reason for not committing to the provision of hydrogen refuelling infrastructure, however this is a circular argument. Research by the Road Haulage Association (https://www.rha.uk.net/Portals/0/PolicyCampaigning/RHA_Net%20Zero%20Survey%20Report_FINAL.pdf) demonstrated that 12% of HGV operators planned to add a hydrogen-powered vehicle to their fleet within the next five years, with a further 16% reporting an intention to introduce one further in the future. This is despite the current lack of infrastructure. When asked about the main barriers to incorporating more hydrogen-powered vehicles, 37% ranked the lack of hydrogen refilling at depot as their top or second-choice barrier; 33% said it was the lack of public hydrogen refilling facilities.

8.13.37 The survey demonstrated a demand in the market, dampened by the lack of infrastructure – which can be remedied with refuelling station at major sites such as the OxSRFI.

Energy Strategy

8.13.38 The Energy Strategy relies heavily on rooftop solar PV as the primary mechanism for reducing operational emissions. The OHA considers that further clarification should be provided regarding the resilience of this approach under future climate conditions, including the performance of solar installations during periods of extreme temperature and severe weather. Consideration should also be given to the lifecycle impacts associated with maintenance, replacement and renewal of PV infrastructure throughout the operational life of the development.

8.13.39 Appendix 15.4 (Energy Strategy) states that compliance with Part L Volume 2 (2021) for non-residential buildings is achieved where the Building Emissions Rating (BER) is lower than the Target Emissions Rating (TER). However, the BER and TER values presented within Table 21 appear to indicate that the BER exceeds the TER for both the warehouse and office building typologies. The Applicant should clarify how compliance with Part L is being demonstrated and explain any apparent discrepancy within the published figures. The Energy Strategy demonstrates only modest reductions in operational energy demand through the "Be Lean" stage of the energy hierarchy. The office building scenario reports operational energy demand of 75.92 kWh/m²/year following implementation of the proposed efficiency measures. The HA considers there may be scope for further reductions specifically for the office space on site, through enhanced building fabric performance, passive design measures and demand management, particularly in light of emerging local policy aspirations relating to Energy Use Intensity.

8.13.40 Whilst the proposed building envelope specifications exceed minimum Building Regulations standards in several areas, the resulting improvement achieved through the "Be Lean" stage equates to only a limited reduction in regulated emissions. The Councils considers that additional opportunities for a fabric-first approach should continue to be explored during detailed design in order to minimise operational energy demand before reliance on renewable energy generation.

8.13.41 The Applicant has concluded that connection to an existing heat network or implementation of a site-wide decentralised energy system is not appropriate for the development. Whilst the HA acknowledges the justification provided, opportunities for future connection to decentralised energy infrastructure or alternative low-carbon energy solutions should remain under review throughout the development lifecycle where technically and commercially feasible.

8.13.42 The Energy Strategy includes proposals for energy metering and monitoring but does not set out a clear commitment to long-term operational energy reporting, performance management or energy reduction targets. Given the scale of the development, the HA considers that ongoing monitoring and reporting of operational energy consumption, does not set out a clear commitment to long-term operational energy reporting, performance management or energy reduction targets

8.13.43 The assessment identifies substantial unregulated energy demand associated with future occupiers. Whilst the Applicant correctly notes that future tenant activities are not currently known, the HA remains concerned that the majority of operational emissions arise from sources outside the regulated building energy assessment. Further information should therefore be provided on how on-site renewable generation, energy management measures, tenant engagement and lease arrangements will support reductions in unregulated energy use over time. The HA also notes that the reported 105% emissions saving relates to regulated emissions only and should not be interpreted as representing the total operational carbon performance of the development.

8.13.44 The HA considers that climate mitigation and adaptation measures should be secured through appropriate DCO Requirements, management plans and the Design Approach Document where relevant. In particular, mechanisms for operational energy monitoring, renewable energy provision, building energy performance and climate resilience should be clearly secured to ensure delivery throughout the operational life of the development.

Conclusion on Climate Change

8.13.45 Energy strategy is particularly important on the OxSRFI site because of its location within an area of significant electricity network constraints. The development should prioritise reducing energy demand, maximising on-site renewable generation and incorporating storage to minimise dependence on an already constrained grid. This is particularly the case with unregulated energy demand, which appears high for the development.

8.13.46 The strategic case for rail freight is recognised and welcomed. Shifting freight from road to rail is consistent with national policy and Oxfordshire's climate ambitions, helping to reduce transport emissions and support the transition to net zero. However, the scheme would still generate substantial HGV traffic and associated emissions. Without clear plans to decarbonise these vehicle movements, the development risks undermining Oxfordshire's transport decarbonisation targets and wider net zero ambitions.

8.13.47 The greenhouse gas assessment is considered technically robust but inadequately contextualised. The assessment concludes that emissions are 'not significant' when compared against national carbon budgets, but the OHA argues that it should also be assessed against Oxfordshire's local carbon budgets, sector pathways and net zero trajectories to provide a more meaningful understanding of impacts. The Applicant should also demonstrate how the development will align with net zero pathways. There is no clear decarbonisation target for the development, nor evidence that the project's emissions trajectory is compatible with local or national net zero commitments.

8.13.48 As it stands, without mitigation of HGV emissions through zero carbon refuelling, a more robust energy strategy which tackles generation and demand, and a clear project target for decarbonisation, the development is expected to have a **neutral** impact on climate outcomes.

8.14 Cumulative Effects

Summary

- Whilst some of the major in combination effects have been taken into account notably the relationship of the proposed development to other schemes in terms of their cumulative impact on the wider strategic highway network, there continues to be a series of important matters appertaining to this scheme which the Councils consider necessary to address. The key issues are as follows:
- Landscape: due to the substantial scale, mass and industrial character of the proposal, there is a negative impact on the local landscape and visual impact. In combination with other schemes, notably, the logistics development to the north of junction 10, this scheme has the potential to dramatically degrade an area of open agricultural land to a scene more akin to a semi-urban development form.
- The loss of best and most versatile agricultural land resulting in a significant adverse impact is regrettable.

- Due to the spread of best and most versatile land the proposal will compound the immediate and piece-meal loss and erosion of valuable agriculturally land which cannot be replaced.
- These effects when considered in the context of other schemes could result in cumulative that are considered to be significant cumulative harms to the impact which weigh heavily against the proposal.

Mitigation/Improvements

- Whilst the landscaping bunds and associated landscaping will minimise direct views of the proposed buildings and rail freight facility, the bunds themselves represent an incongruous form of development in the open countryside.
- The proposal to save best and most versatile soils during the construction stage off-sets some of the harm arising but this measure does not fully address the harm arising or the disaggregation of a cohesive area of land well suited to agricultural use.

	Policy	Compliant?
CDC	N/A	Conflict identified with relevant policies identified in chapters above. Due to significant harms identified around loss of best and most versatile farm land and landscape impacts affecting the wider area, there are outstanding policy conflicts which are currently are not adequately mitigated for.
OCC	N/A	

Policy Detail

8.14.1 NPS National Networks Section 4.12 states that a key part of environmental assessment is the consideration of cumulative effects. This means that the applicant should consider the impact of other committed and existing developments within an appropriate geographical area and assess the additional impact of their own development.

Commentary

8.14.2 The applicants have sought to identify how the proposed SRFI may impact either negatively or positively on the surrounding area in conjunction with other developments occurring nearby. The main schemes of note are the employment sites being promoted by Albion and Tritax and also the expansion of RAF Heyford by Dorchester Homes.

8.14.3 It is acknowledged that the proposal to have Heyford Park identified in the Governments New Towns programme as a key settlement is not progressing but as there is a live planning application still under consideration for the expansion of the site, it remains a material consideration alongside the SRFI project

8.14.4 With respect to the main topic areas of transportation, landscape, visual impact, socio-economic impacts and changes to agricultural land, the applicants consider there will be significant operational benefits to transportation and socio-economic matters and significant adverse impacts to the other three areas in the construction phase and, for landscape and visual harm, both construction and ongoing operation impacts.

8.14.5 Whilst the applicants have put forward mitigation measures to offset the adverse impacts, the Council has raised concerns on a number of these areas as detailed within this report.

8.14.6 It is therefore the Council's view at the current time that until the mitigation measures proposed to accompany the main development are fully explored and their impacts to alleviate harm established, it is not possible at the current time to be certain about how much impact the SRFI project will have on the surrounding area when considered in combination with other scheme.

8.14.7 Furthermore, both the employment schemes proposed north of J10 and the housing development at Heyford remain under consideration. Whilst some, or all, of these schemes may fail to gain consent in time, the inverse is also true, and all these developments may gain approval. Accordingly, it is right for the developers to take these sites into account as part of their consideration of cumulative effects until such time that all opportunities for decision making and challenge have been pursued.

Adequacy of the draft ES and proposed mitigation

8.14.8 In considering the wider impacts arising from this development, the applicants have considered the relationship of this scheme to other major projects agreed or under consideration at the present.

8.14.9 It is the Councils view that the proposed mitigation in the main addresses the highway concerns initially raised with only a number of very minor details outstanding.

8.14.10 The Councils would though wish to see more information relating to how the scheme can integrate effectively with the A24 to improve connectivity to Southampton.

8.14.11 The move by the applicants to passively support the reintroduction of passenger rail facilities at the former Ardley railway station is also welcomed as this will enhance both the sustainable transport options for those working at the SRFI and for people in the wider community.

8.14.12 In terms of wider landscape impacts however, the Councils are of the view that the proposed development would result in a negative local landscape and visual impact. Its substantial scale, mass and industrial character, together with extensive earthworks, infrastructure, operational activity and lighting, would permanently replace a large area of rural agricultural landscape.

8.14.13 The proposals should explain how the proposed development would be experienced in combination with existing, consented and reasonably foreseeable development, including changes at Heyford Park and other relevant infrastructure and development. It should distinguish simultaneous, successive and sequential effects and identify whether the combined changes would further urbanise the rural landscape, alter settlement setting, reduce tranquility or extend the geographical area over which large-scale development is influential. A list of schemes without a receptor-based assessment of combined effects would not be sufficient.

8.14.14 In terms of water environment, the wider impacts of the scheme are limited. Consideration has been given to drainage off the site and subject to controls within the order, it is considered impacts arising from the scheme are neutral with no detriment being caused to, or introduced from, other projects.

8.14.15 As the proposal will lead to a significant adverse effect in terms of loss of best and most versatile agricultural land even allowing for the planned saving of soils to be developed over, when considered in combination with any other developments which would also lead to similar losses, a cumulative significant effect would arise.

8.14.16 In terms of cumulative impacts on safeguarded minerals the applicant states at paragraph 16.4.24 of **[APP-184]** that:

'*A potential cumulative ground conditions impact is that of the potential loss of mineral resources as many of the cumulative sites lie in the Mineral Safeguarding Areas for limestone resource. It is assumed that all other sites in this Safeguarded area will also be required to respond to Core Strategy Policy M11, and consider the potential viability of their specific site resource with a view to considering prior extraction of minerals either on a commercial basis, or as part of sustainable construction processes. Such actions across all sites would maximise the extent to which local mineral resource is used and minimise the extent of sterilisation. In so doing, this will minimise any harm or conflict with the OCC Minerals Core Strategy to avoid any significant effects. Such actions cumulatively would also further reduce the transport impacts associated with the construction process. On the basis that OxSRFI is considered to have a minor adverse effect with regard to any conflict with local minerals safeguarding policies, other sites might be likely to have a similar level of effect alone and in cumulative terms'*

8.14.17 The applicants' evidence in this section relies solely on the premise that all other current development sites within Minerals Safeguarding Area the area will comply with Policy M8 of the MOWLP and therefore the loss of the mineral from this site would have a minimal impact on the total safeguarded area. However, this risks the fact that speculative development continues to erode the safeguarding area to the point where the County Council is not able to maintain its duty to ensure that there are sufficient supplies of minerals within the County boundaries.

8.14.18 In particular, the assessment shown in Appendix 16.1 Matrix 2 **[AS-084]**, neither Puy Du Fou nor the substantial residential development at Heyford Park which are in the same Strategic Minerals safeguarding Area have been included in the applicant's assessment of the potential cumulative effects of the proposed development. OCC requests that these developments be considered in the applicant's assessment of the potential cumulative effects on minerals resources.

Conclusions on Cumulative Effects

8.14.19 Whilst some of the cumulative impacts have been adequately considered and addressed notably highway impacts, there remains significant concerns around landscape loss and the harm to best and most versatile land.

8.14.20 In conclusion, it is considered the overall impact of the proposed development is that it will have a **negative** impact.

9 Comments on Draft DCO

9.1.1 The Councils' comments on the draft Development Consent Order are contained at Annex 3 below. The Council's have used the table produced by the applicant at **[PDA-008]** as the basis for this Annex in order to aid the Examining Authority and the SoS.

9.1.2 Dialogue with the applicant on the drafting of the Development Consent Order began in the late pre-application phase and has been productive despite there being many outstanding issues left to address. The Councils will continue the dialogue with the applicant throughout the examination period and will provide an updated version of the table at Annex 3 as part of the Council's Closing Statements to outline to the SoS whether agreement has been reached on the outstanding issues.

10 Summary and Conclusions

10.1.1 Both Councils support the principal of Strategic Rail Freight Interchanges and do not question the need for these facilities established within the National Networks National Policy Statement. The Councils also accept that the location and design of the proposed OxSRFI would ensure that the proposed development would meet the minimum criteria for an SRFI outlined within the NPS.

10.1.2 The Councils do however question the justification for the quantum of warehousing proposed by the applicant as this has not been specifically linked to volume of freight anticipated to pass through the freight terminal. This link is implicit in Section 26(6) of the Planning Act 2008.

10.1.3 The Councils also have significant concerns around the environmental impacts of the proposed development and the adequacy of the methods proposed to reduce or mitigate these impacts. The areas where the Councils have identified negative local impacts are:

- Noise and Vibration
- Ecology and Arboriculture
- Landscape and Visual
- Minerals Safeguarding
- Palaeontology
- Waste
- Agricultural Land
- Cumulative Effects

10.1.4 Throughout this report the Councils have sought to make recommendations on how these negative impacts can be reduced either through requests for additional information or clarification, or via recommendations related to the proposed mitigation.

10.1.5 This report also identifies positive and neutral local impacts associated with the proposed development. In certain cases, the Council has made recommendations for betterments within these topic areas as there may be sub-elements of each topic which can be improved via changes to the scheme. Such examples include provision for alternate HGV fuels within the Climate Change chapter or the need to address wider health inequities within the Socio-Economics (including Health) chapter.

10.1.6 As such, whilst a chapter might conclude an overall positive or neutral impact for a topic, this does not mean that the Councils consider that there are no improvements which should be made in relation to that topic.

10.1.7 The Councils also have outstanding concerns in relation to the drafting of the Development Consent Order in relation to the power conferred by the Articles, the drafting of Requirements in Schedule 2 and the drafting of the Protective Provisions for the Local Highway Authority in Schedule 14.

10.1.8 The Councils recognise the significance that Section 104 of the Planning Act 2008 places on Local Impact Reports in ensuring that the Secretary of State must have regard to this Local Impact Report when determining the application. However, the Councils also recognise that this report is submitted at the beginning of a six-month examination process and therefore consider that many of the issues outlined in this report could be addressed during the course of the examination through the questioning of the Examining Authority and direct engagement with the applicant.

10.1.9 As a result of this, the Councils will revisit the conclusions of this Local Impact Report within their Closing Statements at Deadline 7 and clearly outline to the Examining Authority and the Secretary of State where the Councils' conclusions have changed as a result of any changes made to the application during the examination. The Councils therefore urge the Secretary of State when having regard to this Local Impact Report to also have regard to the Councils' Closing Statements.

Annex 1- OCC comments on TA appendices

This annex seeks to provide more detailed feedback on the Technical Notes which form the appendices of the Applicant's Transport Assessment. This Annex will focus on technical notes which have been updated since they were originally agreed with the applicant at the Transport Working Group.

This Annex should be read in conjunction with chapter 8.1 above.

[APP-193] - Appendix 2 - Personal Injury Accident Technical Note Addendum

Oxfordshire County Council, in its capacity as the Local Highway Authority, has reviewed the submitted Personal Injury Accident (PIA) Technical Note Addendum (ADC1794-RP-PIA-TNA-V2), which updates the collision study period to include the period from 1 January 2021 to 31 December 2023.

The addendum supplements the previously submitted PIA assessment and does not materially alter the methodology, study areas or overall assessment approach previously reviewed by the Local Highway Authority. Oxfordshire County Council's review has focused on the local highway network within Oxfordshire. Matters relating to the Strategic Road Network (SRN), including the M40 and associated junctions, fall within the remit of National Highways.

The updated collision data relating to the local highway network has been reviewed by Oxfordshire County Council. Whilst additional collisions have been recorded during the extended study period, including a limited number involving vulnerable road users and serious injury collisions, the incidents remain geographically dispersed across the study area and do not identify any discernible or recurring collision patterns that would materially alter the conclusions of the original Personal Injury Accident assessment.

The Council has also reviewed the updated collision information presented for the B4100 corridor and considers that, although additional incidents have been recorded, the submitted evidence does not demonstrate any significant deterioration in highway safety or identify any new highway safety issues requiring further investigation or additional mitigation.

Oxfordshire County Council considers that the addendum provides an appropriate and proportionate update to the previously submitted highway safety assessment. The inclusion of the additional collision data strengthens the evidence base and confirms that the conclusions of the original assessment remain valid.

[APP-193] - Appendix 2 - Personal Injury Accident Additional Study Area

The applicant has submitted a Personal Injury Accident Additional Study Area Technical Note to supplement the collision analysis previously undertaken as part of the Transport Assessment.

Oxfordshire County Council, in its capacity as the Local Highway Authority, has reviewed the submitted information insofar as it relates to the local highway network within Oxfordshire.

The Council notes that a number of locations assessed within the Technical Note fall outside Oxfordshire's administrative boundary and/or form part of the Strategic Road Network (SRN), including sections of the A43 corridor. Such locations fall outside the Council's remit as Local Highway Authority and are matters for the relevant highway authority, including National Highways where applicable.

In relation to those locations within Oxfordshire and within the Council's remit, the submitted collision analysis identifies a number of isolated incidents of varying causation and severity. Having reviewed the submitted evidence, Oxfordshire County Council considers that these incidents do not demonstrate any discernible or recurring highway safety pattern that would indicate a wider highway safety concern or materially alter the conclusions of the previously submitted highway safety assessments.

The Council considers that the Additional Study Area Technical Note provides an appropriate and proportionate assessment of the additional study locations relevant to the local highway network. The submitted information does not identify any additional highway safety issues that would require further investigation or additional mitigation beyond that already identified within the application.

[APP–192] - Appendix 1 - Sustainable Transport Strategy

Oxfordshire County Council, in its capacity as Local Highway Authority, has reviewed the updated Sustainable Transport Strategy submitted in support of the Oxfordshire Strategic Rail Freight Interchange (OxSRFI).

The Council understands that the updated document represents a minor revision to the version previously presented at statutory consultation stage and has been updated to:

- Include finalised plans; and
- Reflect amendments to the Bicester to OxSRFI cycle route section in response to feedback and discussions arising from statutory consultation process.

The Council notes that the updated document generally reflects the discussions held between the Applicant and the Council in relation to sustainable transport connectivity, active travel provisions and proposed cycling arrangements associated with the development.

The Council notes, however, that Figure 5 on page 10 references an extract from the Bicester Local Cycling and Walking Infrastructure Plan (LCWIP) dated 2020. For completeness and consistency with the Council's current evidence base, Oxfordshire County Council advises that reference should instead be made to the updated Bicester LCWIP 2023 document.

Subject to the above clarification and update to the referenced mapping, Oxfordshire County Council raises no objection to the updated Sustainable Transport Strategy and considers that the revisions do not materially alter the Council's previous position in relation to the document.

[APP-193] – Appendix 5 – Public Transport Strategy

Oxfordshire County Council's Public Transport Team has reviewed the updated Public Transport Strategy submitted in support of the Oxfordshire Strategic Rail Freight Interchange (OxSRFI).

The Council notes that the document has been revised to address the comments previously provided by OCC, including factual amendments, deletion of superseded text and clarification of the Council's position regarding corporate bus services. OCC is satisfied that the requested amendments have been incorporated and raises no objection to the updated Public Transport Strategy.

[APP-200] - Appendix 30 - A43 Corridor Technical Note

Oxfordshire County Council, in its capacity as the Local Highway Authority, has reviewed the updated A43 Corridor Technical Note submitted in support of the Oxfordshire Strategic Rail Freight Interchange (OxSRFI).

The Council understands that the revised submission represents a minor amendment to the previously submitted Technical Note, specifically relating to corrections to the DS1 traffic flows following the reissue of data by Tetra Tech. The applicant has confirmed that no changes have been made to the assessment methodology, modelling approach or overall conclusions beyond these corrections.

Following correspondence with Oxfordshire County Council, the applicant has confirmed that the affected local highway links are represented within the Bicester Transport Model (BTM) simulation area. Figure 9.2 of the Transport Assessment identifies the agreed BTM model extents and simulation area, providing an appropriate basis for assessing the local highway network.

The applicant has also provided clarification regarding the operation of the A43 corridor and Barley Mow Roundabout following discussions with National Highways prior to submission of the application. Oxfordshire County Council understands that a 'monitor and manage' approach has been agreed in principle with National Highways in respect of the future operation of Barley Mow Roundabout.

As part of this approach, the applicant has advised that funding would be secured through a Section 106 obligation to enable National Highways to implement mitigation works at Barley Mow Roundabout should future monitoring demonstrate that intervention is required. Oxfordshire County Council understands that the improvement scheme identified within the Transport Assessment comprises signalisation of the A43 arms together with a segregated left-turn lane from the A421,

with the objective of improving the operational performance and capacity of the junction if future monitoring identifies the need for intervention.

The applicant has further advised that this approach would safeguard funding for National Highways to undertake future intervention works, if required, and is intended to ensure that the A43 corridor can accommodate forecast development traffic associated with the proposal. On this basis, the applicant considers that no further sensitivity testing is necessary.

Oxfordshire County Council understands that, as National Highways does not have a mechanism to directly secure or hold Section 106 contributions, the Council would act solely as the collecting authority for any contribution associated with the proposed 'monitor and manage' approach. The Council's role would therefore be administrative in nature, with any future mitigation requirements, implementation triggers and delivery mechanisms to be determined by National Highways in respect of the Strategic Road Network.

The Council notes that the A43 corridor and Barley Mow Roundabout form part of the Strategic Road Network and therefore fall outside the Council's remit as Local Highway Authority. Accordingly, Oxfordshire County Council defers to National Highways regarding the detailed operational assessment, monitoring arrangements and the acceptability of any future mitigation proposals associated with these locations.

Having reviewed the submitted update insofar as it relates to the local highway network within Oxfordshire, Oxfordshire County Council considers that the revised Technical Note provides sufficient clarification regarding the updated traffic data and the agreed approach to the Strategic Road Network. The submitted revisions do not materially alter the conclusions of the previously reviewed assessment in respect of matters within the Council's remit as Local Highway Authority.

[APP-193] - Appendix 6 - HGV Routing Strategy document number: OxSRFI

Oxfordshire County Council (OCC), in its capacity as Local Highway Authority, has reviewed the updated HGV Routing Strategy submitted in support of the Oxfordshire Strategic Rail Freight Interchange (OxSRFI).

The Council understands that the updated document represents a minor amendment to the version previously submitted at statutory consultation stage and incorporates amendments agreed through the ongoing Transport Working Group discussions between the Applicant and OCC.

In particular, OCC notes that the revised strategy includes provision for additional ANPR camera locations on the B430, at Baynard's Green/Orchard Way Roundabout, and on the B4100 west of Baynard's Green, intended to support monitoring and enforcement of the agreed HGV routing arrangements.

OCC further notes that the proposed environmental weight restrictions remain integral to the overall routing strategy and are intended to operate alongside the ANPR monitoring arrangements.

The Council is satisfied that the amended HGV Routing Strategy appropriately reflects the agreed approach discussed through the Transport Working Group process and raises no objection to the updated document in relation to matters within the Council's remit as the Local Highway Authority.

The HGV Routing Strategy is intended to ensure that HGVs associated with the development use the strategic road network wherever practicable and avoid inappropriate movements through surrounding villages. This will be supported by physical routing measures, Traffic Regulation Orders, environmental weight restrictions, and ANPR monitoring.

ANPR cameras are proposed on the B430, at Baynard's Green/Orchard Way Roundabout and on the B4100 west of Baynard's Green. These locations will enable HGV movements associated with the development to be monitored against the agreed routing arrangements and provide a mechanism for identifying vehicles that deviate from the prescribed routes. The environmental weight restrictions will operate alongside these measures as an additional safeguard to discourage inappropriate HGV movements through local villages.

Enforcement of the environmental weight restrictions will remain with OCC using its existing enforcement powers.

[APP-201]- Appendix 38 - Construction Traffic Management Plan

Oxfordshire County Council (OCC), in its capacity as Local Highway Authority, has reviewed the submitted Construction Traffic Management Plan (CTMP) prepared in support of the proposed development.

The CTMP establishes the overarching framework for the management of construction traffic associated with the development and associated highway works. OCC notes that the document will be supplemented by phase-specific Construction Environmental Management Plans (P-CEMPs), which will provide further detail regarding construction routing, temporary traffic management, site accesses, signage, monitoring arrangements and operational controls.

OCC notes that the CTMP seeks to manage construction traffic by prioritising use on the Strategic Road Network (SRN) and other appropriate higher-order roads, whilst restricting HGV movements through sensitive locations and unsuitable local routes. This includes restrictions relating to Ardley village, existing and proposed environmental weight restrictions, and the B4100 north-west of the A43.

OCC notes that the CTMP does not propose construction HGV routing through Ardley village via unsuitable local roads. Construction traffic is intended to remain on the designated B430 corridor and wider strategic highway network, subject to the

routing restrictions, monitoring and compliance measures identified within the CTMP. The document specifically identifies restrictions on routes within Ardley village, including Somerton Road, Church Road and Ardley Road west of the B430.

OCC further notes that, prior to the opening of the Ardley Bypass, construction traffic associated with the proposed development will continue to utilise the existing B430 corridor in proximity to Ardley. OCC previously raised concerns regarding the potential for increased HGV traffic to intensify the risk of vehicle strikes and damage to the Ardley Station Bridge parapets at this constrained location, noting existing issues related to parapet strikes by larger vehicles.

In response to those concerns, the CTMP includes a series of mitigation measures associated with the B430 Ardley Station Bridge, including the introduction of a temporary 30mph speed limit, warning signage, removal of centreline road markings and associated traffic management controls during the relevant construction period. The purpose of these measures is to reduce vehicle speeds, improve driver awareness and minimise the likelihood of opposing HGV movements meeting on the bridge simultaneously.

OCC acknowledges that the CTMP identifies and responds to the Council's concerns in relation to the Ardley Station Bridge and considers that the proposed mitigation provides an appropriate framework approach at this stage. The Council also welcomes the subsequent transfer of construction traffic onto the Ardley Bypass once operational.

OCC notes that the framework CTMP states at paragraph 5.7 deliveries will, where possible, avoid highway network peak operational periods. Whilst the document is appropriately strategic at this stage of the DCO process, the Council expects the detailed phase-specific CTMPs and/or Principal Contractor CEMPs to include clearly defined construction delivery timing restrictions and operational controls, particularly in relation to constrained highway locations and sensitive routes, in order to minimise impacts on the safe and efficient operation of the local highway network during network peak periods.

The CTMP further includes measures relating to route signage, delivery timing, contractor management, wheel washing facilities, site access controls, construction worker travel arrangements, monitoring and compliance procedures, and community liaison mechanisms. OCC considers that these measures provide an appropriate framework for the management of construction traffic impacts at this stage of the process.

OCC also notes that the CTMP distinguishes between matters affecting the SRN, which will require agreement with National Highways, and matters affecting the local highway network will require agreement with OCC. Detailed construction traffic arrangements, including temporary traffic management measures and routing

controls, will therefore remain subject to subsequent approval processes with the relevant highway authority.

The CTMP does not currently include a commitment to undertake highway condition surveys. OCC therefore requests that pre-commencement condition surveys are undertaken on local roads forming part of the construction HGV routes. This will provide a record of the existing highway condition and allow any damage caused by construction traffic to be identified and, where necessary, repaired by the Applicant. This should be secured through an update to the outline CTMP

With the exception of the highways condition survey issue outlined above, OCC is satisfied that the CTMP provides an acceptable framework for the management of construction traffic in relation to the local highway network. Subject to the subsequent agreement of detailed phase-specific construction traffic management measures, OCC raises no objection in principle to the submitted CTMP.

[APP-201] - Appendix 39 - B430 Ardley Station Bridge and Construction Traffic

Oxfordshire County Council (OCC), in its capacity as Local Highway Authority, has reviewed the submitted B430 Ardley Station Bridge and Construction Traffic report submitted in support of the Oxfordshire Strategic Rail Freight Interchange (OxSRFI).

OCC welcomes the preparation of this report, which responds directly to concerns previously raised by OCC regarding the potential for construction HGV traffic to increase the risk of vehicle strikes and damage to the parapets at Ardley Station Bridge. OCC notes that the existing bridge is constrained, with a narrowed carriageway and limited clearance for two HGVs to pass, and that recent vehicle impacts to the bridge parapets have been identified.

OCC notes that the proposed Ardley Bypass and replacement rail bridge would provide the permanent solution by removing through traffic from the existing Ardley Station Bridge once operational. OCC further notes that the main residual concern relates to the interim construction period prior to the opening of the bypass, particularly when construction HGV movements on the B430 are forecast to increase.

The report identifies mitigation measures for this interim period, including temporary 30mph speed limit, warning signage, removal of centreline road markings over the bridge, and associated traffic management measures. OCC considers that these measures provide an appropriate framework response to concerns previously raised by OCC.

OCC is therefore satisfied with the principle of the mitigation set out within the report, subject to the detailed design, implementation, timing, signage, monitoring and traffic management arrangements being secured through the relevant CTMP, P-CEMP and DCO approval processes.
On this basis, OCC raises no objection to the submitted B430 Ardley Station Bridge and Construction Traffic report.

[APP-203] – ES Appendix 3.2: Framework Travel Plan

Oxfordshire County Council (OCC), in its capacity as Local Highway Authority (LHA), has reviewed the submitted OxSRFI Framework Travel Plan and the amendments made since the Stage 2 statutory consultation.

OCC notes that the updates are limited in scope and principally comprise the incorporation of the final Parameter Plans and Illustrative Masterplan, together with minor amendments to the description of existing transport conditions and public transport services. The revisions do not materially alter the overall Framework Travel Plan strategy, objectives or proposed delivery mechanisms.

The Framework Travel Plan appropriately establishes the development's sustainable travel objectives, mode share targets and monitoring arrangements, including measures intended to increase walking, cycling, public transport use and car sharing, whilst reducing reliance on single-occupancy vehicle trips.

OCC continues to support the proposed two-tier approach, whereby the Framework Travel Plan establishes the overarching site-wide strategy and targets, with individual occupiers required to prepare and submit building-specific Full Travel Plans prior to occupation. These Travel Plans should accord with the Framework Travel Plan and remain subject to review and approval by the Local Highway Authority.

OCC notes that comments provided by the Council's Public Transport Team should be incorporated into the final version of the document to ensure that references to local bus services and public transport provision remain accurate and up to date. Subject to the incorporation of those amendments and the subsequent submission, monitoring and review of occupier-specific Travel Plans, OCC considers the Framework Travel Plan acceptable in principle and raises no objection to the document at this stage.

Walking, Cycling and Horse-Riding Assessment (WCHAR)

Oxfordshire County Council (OCC), in its capacity as Local Highway Authority and Public Rights of Way Authority, has reviewed the updated Walking, Cycling and Horse-Riding Assessment (WCHAR) submitted in support of the Oxfordshire Strategic Rail Freight Interchange (OxSRFI).

The Council notes that the assessment has evolved throughout the pre-application process in response to discussions with OCC and other stakeholders. A number of amendments have been incorporated into the scheme design, including revisions to walking, cycling and equestrian infrastructure and Public Rights of Way mitigation.

The updated assessment demonstrates that these amendments have addressed a number of the Council's previous concerns regarding connectivity and the direct impacts of the Proposed Development on the walking, cycling and horse-riding network.

Whilst OCC welcomes the proposed on-site mitigation and considers that the assessment provides an appropriate basis for the mitigation identified within the Order Limits, discussions remain ongoing regarding a proposed Section 106 contribution towards additional off-site Public Rights of Way improvements.

Since submission of OCC's Relevant Representation **[RR-109]** the applicant has agreed to the principal of the contribution and negotiations are ongoing on the drafting of the S106. Accordingly, this matter remains under discussion between the Applicant and OCC and an update will be provided once final agreement is reached.

Annex 2- Position Statement in relation to Ardley Dinosaur Trackway prepared by Prof Kirsty Edgar, Prof Richard Butler (University of Birmingham) Dr Emma Nicholls, Dr Duncan Murdock (Museum of Natural History, University of Oxford)

Significance of the White Limestone Formation in the Ardley area

The dinosaur trackways discovered since the 1990s in the White Limestone Formation at Ardley and Dewars Farm quarries are of major international importance. Over 60 individual trackways have been discovered over an area >200,000 m^2 (Fig. 1), by far the largest UK dinosaur tracksite, and one of the largest globally on a single surface. The longest dinosaur trackways documented to date extend >300 metres, making them the longest in the Northern Hemisphere and amongst the longest in the world. To date, five scientific papers have been published on the trackways[1-5], providing major new insights into dinosaur distribution and locomotion with multiple others in train. A quantitative assessment by our team found the Ardley/Dewars Farm site to be the second most scientifically important dinosaur tracksite in the UK, and the most important from the Jurassic Period[6]. In 2026, we discovered a skull of a marine crocodilian at the site, which is the first large body fossil material from the White Limestone, demonstrating the potential for discovery of significant fossil skeletons as well as tracks.

Given their scientific importance, the trackways have attracted global media attention. A 2025 BBC News article received >2 million hits and was highlighted as one of the BBC's top science stories of that year. The site has been featured by over 2000 media outlets globally, including virtually all major newspapers. It was featured on BBC *Digging for Britain* in 2025 and will feature again in 2027. The site has also provided unique scientific training for hundreds of undergraduate and graduate students from the University of Oxford, University of Birmingham and Liverpool John Moores University.

Likelihood of further finds during the SRFI works

Palaeontological discoveries of this scale and importance are rare. The chances of preserving structures for hundreds of millions of years, especially those as ephemeral as footprints in mud, are vanishingly small, much less so that they will ever be discovered should they be preserved. However, in the case of trackways in the Ardley/Dewars Farm area we are not dealing with a random search. Rather there is a proven record of discovery over three decades, demonstrating that the conditions for dinosaur footprint preservation were persistent across an area minimally 2 km long and several hundred metres wide. Specifically, since their discovery in summer 2022, dinosaur trackways have invariably been found at Dewars Farm[5] whenever quarrying activity reaches the footprint-bearing surface, Bed 1 of the Shipton Member of the White Limestone Formation.

The trackway discoveries to date have all been east of the B430, but this is a function of the lack of exposure of the relevant rock surface to the west of the B430, rather than a real limitation of the preservation of the fossils themselves. While the majority of the trackways at Ardley/Dewars Farm run approximately N-S[3,5] (i.e. parallel to the B430), a significant number run E-W. Based on our observations it is highly likely that they continue beneath the road and through the proposed SRFI site.

Therefore, it is almost certain that if excavations extend to the footprint-bearing surface dinosaur trackways will be encountered.

Along with previous smaller finds in 2025 by the team, the White Limestone Formation has yielded terrestrial tetrapod body fossils elsewhere in Oxfordshire, although almost exclusively microvertebrates[7]. However, there are unpublished reports of large unidentified fragmentary dinosaur bones from the topmost Bladon Member of the White Limestone Formation[7]. Thus, there is potential for signficant new palaeontological discoveries to the west of the B430.

Suggestions for watching brief and mitigation

Although the footprint surface has a number of diagnostic characteristics that allow its identification when exposed, either through excavation or in drill core, there are a number of factors that make contingency for the discovery of new trackways complex. Firstly, is the competency of the strata of the White Limestone Formation themselves. The overlying Ardley Member consists of largely well cemented massive limestones that are relatively easily extracted in large blocks. However, the sands, silts and marls of the Shipton Member, and especially the layer immediately above the footprint bed, are poorly consolidated, difficult to remove and readily reworked by groundwater. This has the effect of easily obscuring fossils on the footprint surface. Secondly the footprint surface is a soft micritic limestone that is easily damaged by impacts and readily weathers when exposed. Finally, small scale local faults result in sudden changes in the depth of the footprint surface below ground, up to 1 m in places, so accidental breaking of the surface is a real hazard.

The operators at Dewars Farm, Smiths Bletchington, have (with decades of experience working in and around Ardley) become adept at overcoming these obstacles. As such they are able to identify the footprint surface, carefully scrape off the overburden and successfully isolate newly exposed trackways for documentation. To achieve a similar rate of success at the SRFI, we suggest a similar approach. If the works plan to excavate down to or below the level of the footprint surface the following watching brief should be followed: extraction of the Ardley Member limestones and upper part of the Shipton Member; careful scraping back of the marly layer (bed 2) with palaeontologists from Oxford and/or Birmingham present to check the footprint surface for new trackways, body fossils or other features of scientific importance. Monitoring by scientists familiar with the nature of the fossils at the site is critical to rapid identification of fossils and evaluation of their significance as different localities/aged sediments vary considerably in terms of preservation mode, fossil content etc. Should they be found, mitigations up to and including controlled excavation, detailed examination and possibly removal of any fossils should be completed. This process should also include detailed documentation incorporating high-resolution photography and drone photography to create lasting 3D archives of important data.

Prof Kirsty Edgar, Prof Richard Butler (University of Birmingham)

Dr Emma Nicholls, Dr Duncan Murdock (Museum of Natural History, University of Oxford)

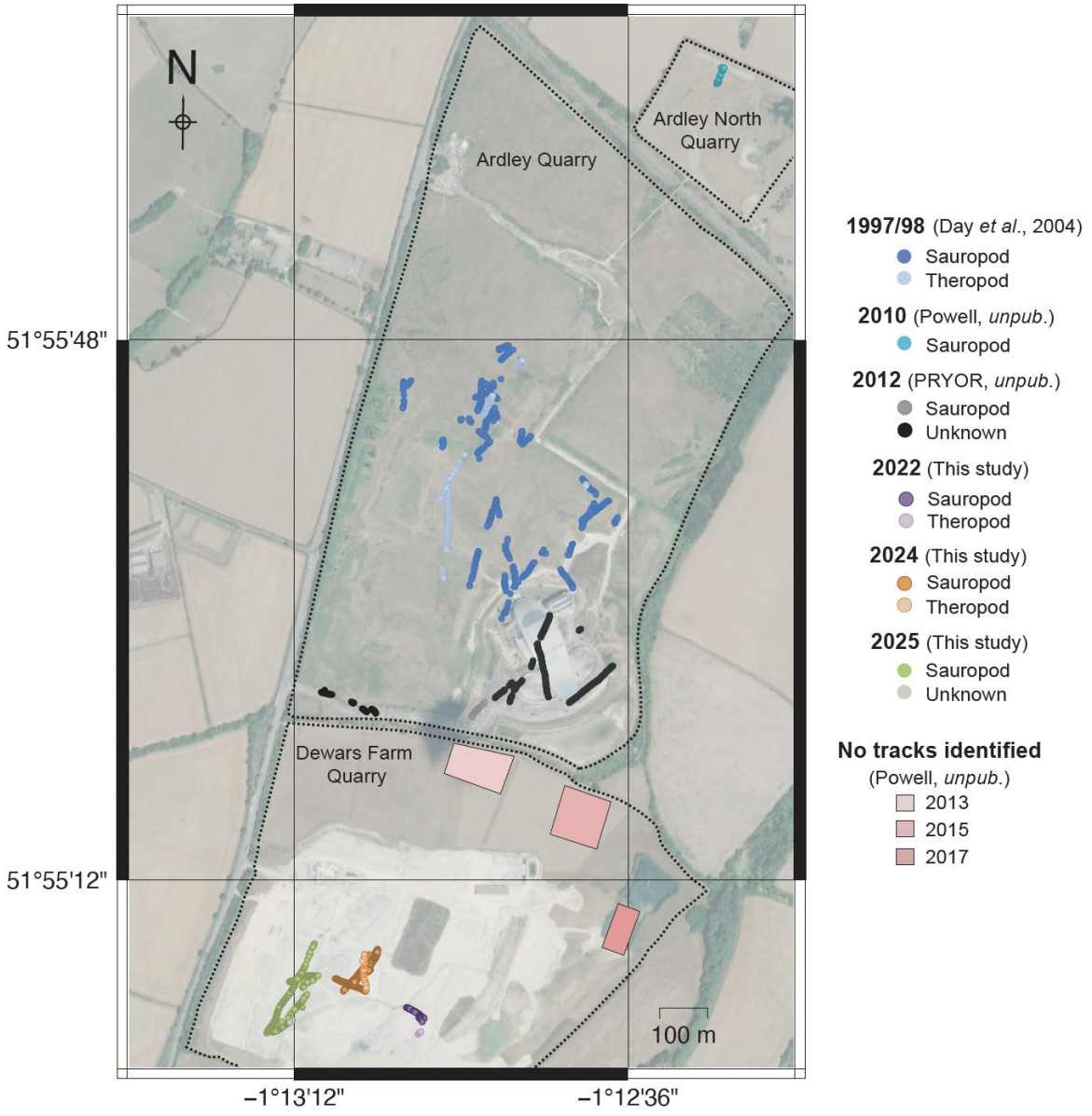


Figure 1. *Composite map showing localities for dinosaur trackway discoveries made between 1997 and 2025, showing the extensive spatial scale of the area in which tracks have been found. Trackways discovered in 2026 not shown, but included further examples of E-W trends. From Edgar et al.*[5]

References

[1]Day, J.J., Norman, D.B., Upchurch, P. and Powell, H.P. 2002a. Dinosaur locomotion from a new trackway. *Nature*, **415**, 494–495.

[2]Day, J.J., Upchurch, P., Norman, D.B., Gale, A.S. and Powell, H.P. 2002b. Sauropod trackways, evolution, and behavior. *Science*, **296**, 1659.

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[4]Mossman, D.J., Brüning, R. and Powell, H.P. 2003. Anatomy of a Jurassic theropod trackway from Ardley, Oxfordshire, U.K. *Ichnos*, **10**, 195–207.

Annex 3- Comments on the draft DCO [APP-139]

Annex 3

Comments on the draft DCO [APP-139]

The Applicant's *Responses to RRs relating to the draft DCO (Appendix A)* **[PDA-008]** includes a table which sets out the Applicant's response to points raised by Cherwell District Council and Oxfordshire County Council in their Relevant Representations. In the table below, the Councils reply to the Applicant's response.

RR	Respondee	Article	Comment (wording is taken verbatim from the relevant representation unless stated otherwise)	Applicant's response	Reply of OCC and CDC ("the Councils")
RR-109	Oxfordshire County Council	Cover page	Since DCOs are not subject to parliamentary scrutiny and are not laid before Parliament, the words "*Laid before Parliament*" (between "*Made*" and "*Coming into force*") should be left out.	The Applicant is content to remove this and this will be reflected in the next draft of the DCO submitted to the Examining Authority.	The Councils welcome this response.
		Art.2 (interpretation)	The definition of "bridges" is "unless the context indicates otherwise, the bridges shown on the bridge plans;". For the avoidance of doubt, where does the context indicate otherwise?	The Applicant agrees that there are several instances where different context applies and suggests that this can be resolved through: • the deletion of the definition; • where the context requires reference to bridges on the bridge plans, to add that drafting; and • in all other instances, the plain meaning of bridge will apply	The Councils look forward to considering these amendments when the next version of the draft DCO is submitted.
		Art.2 (interpretation)	The definition of "chief officer of police" refers to "Oxfordshire Police Force". Should the reference be to "Thames Valley Police"?	The Applicant agrees and has made this change. This will be reflected in the next draft of the DCO submitted to the Examining Authority.	The Councils welcome this response.
		Art.2 (interpretation)	The definition of "commence" includes wide-reaching carve-outs which seem to go beyond the Explanatory Memorandum's **[APP-140]** description of them as "either non-intrusive or low impact" (page 14). While OCC note that certain requirements[1] apply to all works, including the carve-outs, it is not always clear how the carve-outs will be controlled. Similarly, it is not clear how the draft Order **[APP-139]** ensures the carve-outs are non-intrusive or low impact. OCC are aware of instances on other projects where inappropriately managed carve outs for purportedly minor operations have resulted in significant works being carried out without any control by the local planning authority. OCC want to avoid this happening here. OCC would	It should be noted that this definition is well precedented (see the A122 Lower Thames Crossing Order 2025 and Gatwick Airport (Northern Runway Project) Development Consent Order 2025). In some cases, the activities may need to be carried out in order to ensure that applications to discharge requirements (which require the provision of details) are properly informed. Further, it is reasonable for certain works to be excluded so that they may be carried out by the Applicant before a pre-commencement requirement is discharged, thereby minimising the construction timetable. However, the Applicant is considering the definition in light of the comments made by OCC and CDC and will contact the Councils to discuss this further directly.	**Background** The Councils do not dispute the fact that certain activities may need to be carried out before the development is "commenced" for the purposes of the Requirements. The Councils are keen to ensure that, per the Explanatory Memorandum, the activities are "either non-intrusive or low impact". During a meeting between the Applicant and the Councils, the Councils explained their concerns with the drafting of the definition of "commence" as follows – **Paragraph (a)** (a) site preparation, site security, ~~ecological mitigation works~~ and clearance works; Ecological mitigation works Regarding "ecological mitigation works", by article 12(2) (habitat management and monitoring plan and biodiversity net gain) no part of the authorised

[1] For instance, the energy strategy (Requirement 18); the carbon management plan (Requirement 19); Flood risk and surface water drainage (Requirement 20); HGV routeing (Requirement 24); and Construction hours (Requirement 25).

RR	Respondee	Article	Comment (wording is taken verbatim from the relevant representation unless stated otherwise)	Applicant's response	Reply of OCC and CDC ("the Councils")
			comment as follows on the following carve-outs – **"(a) site preparation, site security, ecological mitigation works and clearance works;"** Absent any restriction on "site preparation" works, the scope here for large scale ground level changes is a concern. The prospect of wide-ranging works also applies in respect of "clearance works". Regarding "ecological mitigation works", while OCC appreciate that ecological surveys might be required before commencement, "ecological mitigation works" should not. OCC consider these words should be removed from sub-paragraph (a). **"(c) removal of hedgerows, trees and shrubs listed in Schedule 13;"** While OCC appreciate the removal works would be subject to articles 49 to 51, as mentioned below, OCC are not comfortable with these provisions, as currently drafted. **"(b) environmental surveys and monitoring;** **…** **(d) investigations for the purpose of assessing ground conditions;** **(e) erection of construction plant and equipment;** **(f) geotechnical or ground contamination investigation;"** OCC understand sub-paragraphs (b), (d), (f) and (g) are subject to article 23 (authority to survey and investigate the land); however, it is not clear how article 23 will ensure these works will be "either non-intrusive or low impact". In addition, in the light of the proposed disapplication of regulation 4 (requirement for consent) of the Town and Country Planning (Control of Advertisements) (England)	In the meantime, in response to two of the specific points raised: - Article 23 is not intended to ensure that works will be non-intrusive or low impact. Its purpose is to provide the undertaker with the power to survey and investigate land. However, what it does require is for notice to be given on the owners and occupiers of the land and to provide for compensation to be payable for any loss or damage. This is a control on the exercise of the power. - As to (h), *display of site notices and advertisements,* the disapplication of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 only applies to the advertisements on the main site as shown on the parameters plan	development which will include such works is to commence until a phase-specific habitat management and monitoring plan for that part has been approved by the local planning authority. The Councils do not understand why ecological mitigation works carried out at the pre-commencement stage should be treated differently. The Councils consider these words should be removed from sub-paragraph (a) and understand the Applicant intends to remove them in the next draft of the DCO. The Councils would welcome this change. <u>Site security</u> The Councils have asked for information regarding the proposals for "site security": for instance, whether flood lighting will be used. They have also asked for more information about the type of clearance works which are proposed. The Councils look forward to receiving that information in due course. **<u>Paragraph (c)</u>** (c) removal of hedgerows, trees and shrubs listed in Schedule 13 (removal of trees and hedgerows); While the Councils appreciate the removal works would be subject to articles 49 to 51, as mentioned below, the Councils are not comfortable with these provisions, as currently drafted. **<u>Article 49 (felling or lopping of trees and removal of hedgerows)</u>** For example, in respect of article 49, OCC would want, for reasons of safety, to be able to consent to the removal of trees on the highway and propose that a new paragraph is added after existing paragraph (6) – **<u>"(6A) The undertaker may not pursuant to paragraphs (1) and (3) fell or lop a tree or remove hedgerows within the extent of the publicly maintainable highway without the prior consent of the highway authority"</u>**. A similar provision is included in article 26(5) of the Daventry International Rail Freight Interchange Alteration Order 2014 (SI 2014/1796); article 37(5) of the East Midlands Gateway Rail Freight Interchange and Highway Order 2016 (SI 2016/17); article 42(4) of the Northampton Gateway Rail Freight Interchange Order 2019 (SI 2019/1358); article 41(5) of the West Midlands Rail Freight Interchange Order 2020 (SI 2020/511); and in article 38(5) of the draft East Midlands Gateway Phase

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			Regulations 2007, is there an indication in any of the application documents of the possible scale of the display of advertisements under carve-out (h)? Finally on this point, OCC consider it would be helpful if the Applicant could direct us to the relevant parts of the ES which assess the carve-out activities.		2 and Highway Order (**[REP5-008D]** of that project's Examination library). This provision is also precedented in several other DCOs including article 38(5) of the Byers Gill Solar Order 2025 (S.I. 2025/934), article 38(6) of the Mallard Pass Solar Farm Order 2024 (S.I. 2024/796), and article 36(5) of the Longfield Solar Farm Order 2023 (S.I. 2023/734). A similar new paragraph should also be included in articles 50 and 51. **Article 50 (trees subject to tree preservation orders)** The Councils understand that the TPO removal powers are intended to relate only to TPOs made between now and the commencement of the development. For clarity, the Councils consider article 50(1) should be amended to reflect this as follows – "The undertaker may fell or lop or cut back the roots of any tree or shrub within or overhanging land within the Order limits which is subject to a tree preservation order**, which was made after the date this Order is made,** if it reasonably believes it to be necessary to do so to prevent the tree or shrub from obstructing or interfering with the construction, operation, use or maintenance of the authorised development or any apparatus used in connection with the authorised development". The principle is precedented, though the drafting differs slightly, in several orders including; article 38(1) of the Thorpe Marsh Gas Pipeline Order 2016 (SI 2016/297); article 24(1) of the A122 (Lower Thames Crossing) Development Consent Order 2025 (SI 2025/462); and article 40(1) of the Springwell Solar Farm Order 2026 (SI 2026/419). **The definition of "commence" and the CEMP** When exercising its powers under the paragraph (c) carve-out of the definition of "commence" (and indeed, under articles 49 to 51) the Councils consider the Applicant should commit to – • avoiding impacts on nesting birds during the springtime; • lopping or cutting back any tree, shrub or hedgerow before deciding to fell it; and • exercising those powers in accordance with British Standard 5837:2012 (*Trees in relation to design, demolition and construction. Recommendations*) which governs how trees are

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					surveyed, evaluated, and protected during development. (The Council appreciates that Requirement 11 (provision of landscaping) includes a similar provision; however, that will not apply to any hedgerow, tree or shrub which is to be removed as part of the pre-commencement works). The Councils consider these measures should be included in a control document and consider the construction environmental management plan ("**CEMP**") **[APP-189]** would be the most appropriate one. A corresponding amendment should be made to paragraph (c) as follows – ""commence" means, unless the context indicates otherwise, to carry out any material operation, as defined in section 155 of the 2008 Act (when development begins), forming part, or carried out for the purposes, of the authorised development other than operations consisting of— … (c) removal of hedgerows, trees and shrubs listed in Schedule 13 (removal of trees and hedgerows) **and which must be carried out in accordance with paragraph [xxx] of the CEMP**;" This amendment would require the relocation of the definition of CEMP from paragraph 1 of Part 1 of Schedule 2 to article 2(1). **Paragraph (e)** Having discussed this point with the Applicant, OCC understands these pre-commencement activities are intended to be carried out in accordance with the local highway authority protective provisions ("LHAPPs"). OCC consider this should be mentioned in paragraph (e), in the same way that article 15(1) applies the LHAPPs to the highway works. Paragraph (e) should be amended as follows – ""commence" means, unless the context indicates otherwise, to carry out any material operation, as defined in section 155 of the 2008 Act (when development begins), forming part, or carried out for the purposes, of the authorised development other than operations consisting of— …

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					(e) diversion or laying of services **(which must be completed in accordance with the relevant provision of Part 3 of Schedule 14 (protective provisions)**; **Paragraph (f)** (f) ~~**erection**~~ **placement** of construction plant and equipment; A drafting point. The Councils consider "placement" rather than "erection" would be a better word here (because "erection" suggests the putting up of a structure, something which is not the proposal here). The Councils understand this change will be made in the next draft of the DCO. The Councils would welcome this change. **Paragraph (h)** (h) the display of site notices ~~**and advertisements**~~; The Councils understand the Applicant wants to display health and safety notices (and similar notices) and that it attends to remove the reference to advertisements. The Council would welcome that change. Moreover, OCC would want to consent any illuminated works on the highway. If notices are illuminated or reflective, there is potentially a safety issue for OCC. **Paragraph (i)** (i) works for the protection and redevelopment of the threshing barn as shown on the listed building drawings, While the works on the barn itself do not cause concern, CDC in particular considers there is a risk that the setting of the building could be compromised if work is allowed to proceed without detailed consideration of adjoining land plots. Owing to this, CDC considers more detail around the setting of the building is still needed, notably entrance details off the new spine road, elevation changes around the site and in relation to neighbouring land plots and site boundary treatments.
		Art.3(1) (development consent granted by the Order)	The Applicant states in paragraph 5.15 of the Explanatory Memorandum [APP-140] that it may be necessary for the Applicant to use powers outside the Order limits, "particularly in relation to the powers to survey land (Article 23) and to carry	Whilst the Applicant notes that OCC is considering the exercise of powers outside of the Order limits and may comment further in due course, the Applicant has reiterated below its previous comments to OCC on this provision made pre-application in relation to the specific Articles mentioned:	The Councils are grateful for this explanation. Turning to article 23 (authority to survey and investigate the land), OCC notes that paragraph (1)(d) would allow the undertaker to carry out ecological or archaeological

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			out protective works to buildings, structures and trees (Article 24)". OCC is considering the exercise of powers outside the Order limits and might comment further in due course.	The exercise of such powers outside of the Order limits would still be constrained by and subject to Articles 23 and 24, for example, both Articles provide that the powers only apply to land 'affected by' the proposed development. It is possible that land outwith the Order limits may be 'affected by' the proposed development. Permitting works in these instances is a less intrusive proposal than seeking temporary possession or compulsory acquisition. The Applicant has provided precedent for this in the Explanatory Memorandum and this approach was also authorised recently in The A122 (Lower Thames Crossing) Development Consent Order 2025. Whilst there are some examples of works/powers needed outside of the Order limits (see below), given the size and scale of this project (and the nature of a DCO being that some details are to be agreed post the grant of the DCO), it is necessary for the Applicant to be able to exercise this power outside of Order Limits in order to deliver the scheme. It is not intended that these powers extend to substantive activities such as 'earthworks' which are governed by requirements. In addition to surveying and monitoring, Article 23 also authorises the undertaker to • make trial holes to investigate the nature of the surface layer and subsoil and to remove samples; • to carry out ecological and archaeological investigations; and • place apparatus and welfare facilities for use in connection with the surveying and monitoring of the land. In relation to Article 24, the Article includes reference to protective works to trees, as the Applicant is aware from its surveying work of at least one instance where there is a veteran tree outside of the Order Limits and therefore it may need to carry out protective works to prevent damage. It would not be proportionate to include this tree within the Order Limits as the land is not required for the purposes of the development. Both Articles require the Applicant to pay compensation if required as a result of any works carried out.	investigations "within the Order land or [on land] which may be affected by the authorised development". The scope for carrying out potentially invasive works (particularly the archaeological investigations, which could involve substantial below-ground works) is very broad. It would be helpful to know the circumstances in which the Applicant considers it would need to do this. Moreover, does the Applicant have an idea of the extent to which land "may be affected by the authorised development"?

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		Art.4 (parameters of authorised development)	Article 4(2)(d) provides that in respect of bridges, the Applicant may deviate vertically from the levels shown on the bridge plans to a maximum of 1.5 metres upwards or downwards. OCC's structures team are considering whether this is an acceptable level of deviation. It is expected that an update on the structures team's position will be included in the Local Impact Report.	The Applicant requires OCC's response on this point. This drafting has been in the draft DCO since statutory consultation. The Applicant requests that OCC kindly confirm its position without further delay.	OCC's solicitors confirmed to the Applicant's solicitors on 28 September that OCC's Structure and Highways Agreements Team are content with the limits of deviation on the basis there is a mechanism for agreeing greater limits if required. From an EIA perspective, however, OCC does not consider that, as the relevant highway authority, it is best placed to decide whether a greater limit of deviation would give "to any materially new or materially different significant effects on the environment that have not been assessed in the [ES] …" per article 4(4)(b). The determination of such a matter would ordinarily be a matter for the local planning authority, with OCC being consulted on the same. In the light of this, OCC considers (and CDC agrees) that article 4(4) ought to be amended so that the local planning authority is the decision-maker and the relevant highway authority is the consultee. OCC's proposed amendments to article 4(4) are set out below. On a drafting point, it will be noted that OCC has proposed the deletion of the words "on matters related to the local planning authority's functions". By article 2(1), "local planning authority" means CDC and, by article 2(10), a reference to CDC means CDC in its capacity as local planning authority. (Those provisions make similar provision in respect of OCC as local highway authority). Since the LPA is CDC in its capacity as LPA, it seems unnecessary to further state that CDC in its capacity as LPA will determine matters related to its LPA functions. That would seem obvious from article 2(1) and (10) as set out above. **Article 4(4)** (4) The maximum limits described in paragraphs (2) and (3) do not apply to constrain the authorised development when it is demonstrated by the undertaker, on application, to ~~—(a)~~ the local planning authority's satisfaction ~~on matters related to the local planning authority's functions,~~ and the local planning authority **(following consultation with the relevant highway authority)** certifies accordingly, that a deviation in excess of these limits would not be likely to give rise to any materially new or materially different significant effects on the environment that have not been assessed in the environmental statement or in any updated

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					environmental information supplied under the 2017 EIA Regulations.~~; and~~ ~~(b) the relevant highway authority's satisfaction on matters related to the relevant highway authority's respective functions and the relevant highway authority certifies accordingly, that a deviation in excess of these limits would not be likely to give rise to any materially new or materially different significant effects on the environment that have not been assessed in the environmental statement or in any updated environmental information supplied under the 2017 EIA Regulations.~~
		Part 3 (streets)	Generally, OCC have several concerns with the contents of Part 3 (and also with paragraphs 2 (Highways Act 1980) and 3 (New Roads and Street Works Act 1991) of Schedule 15 (miscellaneous controls)), including (for example) instances where the Applicant may carry out certain works without consent (see, for example article 9(1) (street works)) and how OCC will be resourced to carry out additional highways-related work proposed by the draft DCO. It is hoped that OCC's concerns can be addressed in suitable protective provisions ("PPs"). Draft PPs for the protection of the local highway authority are included at Part 3 of Schedule 14 to the draft DCO **[APP-139]**; however, in their current form, these are not satisfactory. Discussions are ongoing with the Applicant, and it is hoped a reasonable set of PPs can be agreed during the Examination.	These articles are commonplace in DCOs. Article 9(1) is, as confirmed by Article 9(2), subject to the protective provisions for the benefit of National Highways and OCC as local highway authority. The Applicant does not follow OCC's concern as to how it will resource additional highways work and this concern is therefore unfounded. The Applicant has been engaged in negotiating protective provisions with OCC for many months now. Before carrying out street works, the Applicant must put in place security for the benefit of OCC. Subject to ongoing negotiation between the parties, this will be either a bond or a parent company guarantee. In addition, the Applicant is also required to fund OCC's administrative and supervision costs related to such works. The Applicant would also add that the works listed in Article 9(1) may only be exercised for the 'purposes of' the proposed development.	OCC are aware that the "street" provisions in different DCOs have been drafted in different ways to reflect (amongst other things) concerns expressed by the local highway authority before and during the Examination. As stated in OCC's Relevant Representation, it is hoped OCC's concerns can be addressed in suitable protective provisions.
		Art.10 (power to alter layout, etc., of streets)	The dDCO includes several deeming provisions i.e. if a determination is not made within a certain period, it is deemed granted. For example, by article 10(1)(a) (power to alter layout, etc., of streets) an application to increase the width of the carriageway is, per article 10(2) subject to a deeming provision. Since the street authority must ensure proper consideration is given so that it does not affect the safety of the	As OCC states, the street authority must ensure proper consideration is given so that altering the layout of a street does not affect safety. The ability to consider that is not in any way removed by deemed consent. Deemed consent only applies to the Articles (not DCO requirements) and if OCC does not reply within 42 days. This is subject to an application made under Article 10 including a statement that deemed consent will apply and subject to the application being accompanied by 'all relevant information'. An application which did not provide sufficient information for a determination would not trigger	OCC maintains its position in respect of the insufficiency of time provided under articles 10(2) (power to alter layout, etc. of streets); 12(7) (temporary closure, alteration, prohibition, diversion or restriction of use of streets); 14(3) (accesses); 18(8) (traffic regulation); 22(9) (discharge of water); 23(6) (authority to survey and investigate land). OCC notes that the corresponding periods in solar DCOs are usually much longer than those proposed here, despite the instant application being, in the Applicant's words, "materially more complex to deliver than a solar

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			carriageway, it is questionable whether deemed consent is appropriate in these circumstances. In any event, the 42-day deeming period is too short. A longer period is more usual in recently made DCOs. Most pertinent to OCC is article 44(4) of the draft Botley West Solar Farm Order **[REP7-007]** (which application is currently being determined by the Secretary of State) because the Botley project is located within OCC's (and CDC's) administrative area. On 16 July 2026, in response to the Secretary of State's second consultation, the Botley applicant submitted a further draft DCO which provides a determination period of 12 weeks. Botley West is the first DCO application which affects Oxfordshire, the instant application is the second, and a third application is forthcoming. It would seem sensible if, as far as possible, there was consistency in the drafting of these Orders, particularly in respect of the timeframes in which they demand that decisions are taken. Consistency would be administratively convenient for each determining authority and OCC cannot see how a patchwork of timeframes in its area will benefit anyone. Moreover, if there is uncertainty on the part of OCC that a matter is satisfactory, OCC is more likely to refuse an application than allow a deemed approval. The additional time would allow time for further revision/ negotiation on a proposal, reducing the risk of a refusal. Examples of recently made DCOs which include longer consenting periods than 42 days are – • Fenwick Solar Farm Order 2026 (SI 2026/151): 8 weeks (article 46(4); • Cottam Solar Project Order 2024 (SI 2024/943): ten weeks (or such longer period as may be agreed between the undertaker and the relevant consenting authority in writing) (article 45(4));	the start of the 42 day period. There is, therefore, ample opportunity for OCC to consider safety. If OCC does not consider that it has been able to consider safety in such time, it must acknowledge the request for approval from the Applicant and confirm that it is being considered. Deemed approval is sought in order to drive efficiency and ensure that matters are not left to lie on file. Network Rail, the statutory undertaker for railways, has agreed deemed consent and indeed this features in its precedent protective provisions. The Applicant notes that the promoter of the Botley West Solar Farm has agreed a longer determination period; however, that approach is not relevant to this application. A strategic rail freight interchange is materially more complex to deliver than a solar farm and depends on multiple approvals from a range of statutory bodies. Delivery of the authorised development cannot be held in abeyance because of a failure to respond. By contrast, The Dogger Bank South East and West Offshore Wind Farms Order 2026 (SI 2026/577), which relates to a significantly more complex scheme, provides for deemed consent after 28 days. As this is a DCO application subject to Examination in which OCC is heavily participating, and has been involved in pre-application discussions for a number of years, the development is not an unknown for the Council. At the time details are submitted for approval, the project will already have been heavily discussed and the proposals reviewed. This will not, therefore, be an instance where OCC is receiving a request for approval 'out of the blue'. The Applicant therefore does not consider that revised time periods in the articles are appropriate. The Applicant is, however, willing to agree to an extended time period for the discharge of the DCO Requirements. This was discussed at a meeting between the parties on 8 September where it was discussed that an agreeable period would be 40 working days. The Applicant confirms that it will make this change in the next version of the dDCO to be submitted to the Examination.	farm". If it is more complex for the Applicant, it is unlikely to be more straightforward (than a solar project) for a discharging authority. A longer period than 42 days is needed here to allows OCC to do its work properly and to reduce the risk of OCC having to refuse an application for consent when close to the deadline. A refusal would cause greater delay than providing a reasonable amount of time for the decision maker to deal with applications. OCC would invite the Applicant to reconsider its position here.

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			• Gate Burton Energy Park Order 2024 (SI 2024/807): ten weeks (or such longer period as may be agreed between the undertaker and the relevant consenting authority in writing) (article 43(4)); • Mallard Pass Solar Farm Order 2024 (SI 2024/796): eight weeks (or such longer period as may be agreed between the undertaker and the relevant consenting authority in writing) (article 43(4)); and • Longfield Solar Farm Order 2023 (SI 2023/734): eight weeks (or such longer period as may be agreed between the undertaker and the relevant consenting authority in writing) (article 42(4)). OCC therefore requests that 42 days is replaced with 12 weeks in the following provisions: 10(2) (power to alter layout, etc. of streets); 12(7) (temporary closure, alteration, prohibition, diversion or restriction of use of streets); 14(3) (accesses); 18(8) (traffic regulation); 22(9) (discharge of water); 23(6) (authority to survey and investigate land). Similarly, in paragraph 1(2) (applications made for certain approvals) of Part 2 (procedure for discharge of certain approvals) of Schedule 2 (requirements), the deadline for determining requirements should be 12 weeks and not 42 days.		
9.		Art.10 (power to alter layout, etc., of streets)	OCC agrees with the inclusion of sub-paragraph (3) i.e. – "(3) An application made under paragraph (1) must include a statement that the provisions of paragraph (2) apply to that application". The officers dealing with an application under article 10 might not be aware of the deeming provision and so it is reasonable for any application to inform the recipient of that significant power. In addition, the consequence of a failure to inform the recipient of the power should be included in the article and so paragraph (3) should be followed by –	The Applicant agrees to the inclusion of the following wording where deemed consent is used: **"(4) If an application for consent under paragraph (1) does not include the statement required under paragraph (3), then the provisions of paragraph (2) will not apply to that application**"	The Councils welcome this response.

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			"(4) If an application for consent under paragraph (1) does not include the statement required under paragraph (3), then the provisions of paragraph (2) will not apply to that application". An equivalent provision is included in the Gatwick Airport (Northern Runway Project) Development Consent Order 2025 (SI 2025/1054): article 53(3) and the National Grid (Bramford to Twinstead Reinforcement) Order 2024 (SI 2024/958): articles 11(5), 14(7), 15(11), 16(4), 19(11), 21(10), 46(10), and 47(7). An equivalent provision should also be included in the following provisions, each of which includes a deeming provision: article 12 (temporary closure, alteration, prohibition, diversion or restriction of use of streets); article 14 (accesses); article 18 (traffic regulation); article 22 (discharge of water); article 23 (authority to survey and investigate the land).		
10.		Art.12 (temporary closure, alteration, prohibition, diversion or restriction of use of streets)	Article 12(7) (temporary closure, alteration, prohibition, diversion or restriction of use of streets) demands that an application for consent under that article must be determined within 42 days, otherwise consent is deemed to be granted. In addition to this, article 12(4) demands consent must not be unreasonably withheld or delayed. With the deeming provisions included there is no need to also say that the approvals must not be "unreasonably withheld or delayed". In the Sea Link draft DCO **[REP6-005]**, the applicant (National Grid Electricity Transmission) has included "unreasonably withheld or delayed" in the equivalent provision and the host authorities have sought the deletion of these words. At Deadline 6 of the Sea Link DCO examination, the ExA submitted its Schedule of ExA's recommended amendments to the applicant's dDCO [PD-024]. The ExA has recommended the deletion of these words for following reasons – "The ExA considers that the inclusion of "which shall not be or must not be unreasonably	The Applicant disagrees with the contention that if deemed consent applies, that it is not necessary to require a decision not to be unreasonably withheld or delayed. Deemed consent is a fallback intended to address a situation where there has not been a decision. As a nationally significant infrastructure project, decisions on applications for approval should be made expeditiously. assuming all relevant information has been provided, in order that the project may progress. Whilst the Applicant notes the ExA's comments on the Sea Link draft DCO, respectfully, the Applicant does not agree and notes that this wording has featured in many made DCOs, including: The Dogger Bank South East and West Offshore Wind Farms Order 2026 (SI 2026/577) A63 (Castle Street Improvement, Hull) Development Consent Order 2020 (SI 2020/556) Article 12(4)	**Background** OCC does not disagree that deemed consent is a fallback and that decisions should be made expeditiously, provided all relevant information has been provided. Here, the Applicant has chosen 42 days because it considers (though OCC disagrees) that it is an appropriate time limit. In the light of this, it is difficult to understand how a consent could be "unreasonably withheld or delayed" if determined within a period chosen by the Applicant. **The Applicant's precedents** The point made in the first paragraph of OCC's "Comment" row is that where a provision includes a deeming provision, there is no need for it also to state that approval must not be "unreasonably withheld or delayed". Turning to the equivalent provision of article 12 of the instant Order in the Dogger Bank South East and West Offshore Wind Farms Order 2026 (SI 2026/577) (i.e. article 12 (temporary closure of streets)), OCC notes that while paragraph (6) includes a deeming provision,

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			withheld or delayed" (or a variation of such words) would add ambiguity rather than clarity". OCC agrees and considers article 12(4) should be amended as follows – "(4) Save as to streets in respect of which the undertaker is the street authority, the undertaker must not temporarily close, prohibit the use of, alter or divert any street without the consent of the relevant street authority which may attach reasonable conditions to any consent but such consent must not be unreasonably withheld or delayed." It will be remembered that the Applicant has proposed the timeframe for determining an application and we can assume the Applicant considers the timeframe acceptable. The timeframe is also accompanied by a deeming provision. In the light of this, it is difficult to see how a consent could be delayed. In addition, by section 161(1)(b) of the Planning Act 2008 it is an offence, without reasonable excuse, for a person to fail to comply with the terms of a DCO. By section 161(4)(a) a person guilty of an offence under section 161 is liable, on summary conviction, to a fine not exceeding £50,000. Is it reasonable for these words to be included in the Order in the light of the sanctions that could arise because of a breach of a DCO? It is conceivable that somebody could say that if a discharging authority, subject to the provision as currently drafted, acts unreasonably in withholding or delaying their actions, they are committing a criminal offence. And that is a very good reason why this provision should not be included. OCC is not persuaded by the need for an additional criminal sanction to regulate local authority behaviour and is unaware of evidence of dilatory behaviour by local authorities in dealing with applications for consent arising from DCOs. Local authorities understand there is a public interest in expeditious decision making and their good sense and understanding can be relied on. The words are unnecessary: the	London Luton Airport Expansion Development Consent Order 2025 (SI 2025/463) Article 13(4) M5 Junction 10 Development Consent Order 2025 (SI 2025/795) Article 15(4) The Applicant further notes that such wording is included in hybrid acts, see: The High Speed Rail (London – West Midlands) Act 2017 The High Speed Rail (West Midlands – Crewe) Act 2021 The Applicant considers OCC's concern that the 'unreasonably withheld or delayed' wording could expose local authorities to criminal liability under section 161 of the Planning Act 2008 is misconceived. Section 161(1)(b) creates an offence for a person to fail to comply with the terms of a DCO 'without reasonable excuse'. It is reasonable to assume that a local authority that withholds or delays consent on legitimate planning, safety, or procedural grounds would have a 'reasonable excuse' and would not be committing an offence. The Applicant considers that section 161 is directed at substantive non-compliance with DCO obligations, not at the exercise of a consenting discretion where the authority has reasons for its decision or the time taken to reach it. The Applicant is not aware of any reported case in which a local authority has been prosecuted under section 161 for withholding or delaying consent. In any event, prosecution requires the public interest test under the Code for Crown Prosecutors to be satisfied, and it is not considered likely that the Crown Prosecution Service would pursue a local authority acting in good faith in the discharge of its statutory functions. OCC's concern is theoretical and should not prevent the inclusion of standard DCO wording that has featured in numerous made Orders without incident. Finally, the Applicant points out that several statutory undertakers are comfortable with this wording, including Network Rail, which will have a significant role to play in approving details under the DCO pursuant to the protective provisions.	the words "unreasonably withheld or delayed" do not feature. OCC has considered the Decision Letters and Examining Authority Reports and Recommendations for the Dogger Bank, A63 Castle Street, London Luton Airport and M5 Junction 10 Orders, each of which is referred to in the Applicant's response. None of these documents includes any discussion of OCC's point i.e. that there is no need for a deeming provision to be accompanied by a statement that approval must not be "unreasonably withheld or delayed" and so it can be assumed that OCC's point was not considered during the Examination of these Orders, or during their subsequent determination by the Secretary of State. The position is different here where OCC has raised this drafting as a point of concern. Turning to the hybrid Acts, OCC notes there is one reference to "withheld or delayed" in the High Speed Rail (London – West Midlands) Act 2017 (paragraph 55(2) of Part 5 of Schedule 33, which sets out protective provisions for the drainage authority); however, it is not used in the context of a deeming provision. The position is the same in the High Speed Rail (West Midlands – Crewe) Act 2021 (see paragraph 45(2) of Schedule 32). OCC is therefore unconvinced that the precedents cited by the Applicant are particularly relevant to the point raised by OCC. **<u>Enforcement</u>** Turning to enforcement, under Part 8 of the Planning Act 2008, statutory responsibility for investigating and enforcing DCO breaches lies with the relevant local planning authority. This underscores the folly of including a provision which potentially creates a criminal offence in circumstances where the prospect of enforcement is (to put it at its highest), vanishingly small. For instance, if a district council has taken X-days to make a decision and it does not consider that X is an unreasonable period (and therefore does not constitute an unreasonable delay), that authority is not going to take enforcement action against itself. OCC agrees with the Applicant's point regarding the public interest test. It is not clear how that test could be met in these circumstances. In the light of the deeming provision, the references to "withheld or delayed"

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			deeming provision and appeal provision are entirely adequate. Nothing else is needed. In addition to article 12(4), the words "but such consent must not be unreasonably withheld or delayed" (or similar wording) should also be omitted from the following provisions: article 22(4) (discharge of water); article 23(4) (authority to survey and investigate the land); and article 55(3) (discharge of requirements and other approvals etc).		are neither reasonable nor proportionate and should be omitted.
11.		Art.12 (temporary closure, alteration, prohibition, diversion or restriction of use of streets)	By article 12(4) (temporary closure, alteration, prohibition, diversion or restriction of use of streets), the undertaker must not temporarily close, prohibit the use of, alter or divert certain streets without the consent of the relevant street authority "which may attach reasonable conditions to any consent but such consent must not be unreasonably withheld or delayed". The following provisions also include an ability to attach conditions to consents – • Article 17(7) (speed limits); • Article 18(2) (traffic regulation); and • Article 22(3) and 22(4) (discharge of water). There are other provisions in the draft Order which require the consent of a consenting body, but which are silent as to the power to attach or impose reasonable conditions, namely – • Article 10(1) (power to alter layout, etc., of streets); • Article 14(3) (accesses); and • Article 23(4) (authority to survey and investigate the land) For clarity and consistency with the drafting of articles 12(4), 17(7), 18(2) and 22(3) and (4), OCC considers articles 10(1), 14(3) and 23(4) should be amended to state explicitly that	In relation to Articles that provide for 'reasonable conditions' to be attached and those which do not, the Applicant notes that conditions may be attached to the Articles which concern operational or temporary matters and not permanent, physical changes. Taking Article 12 as an example, it is appropriate for the street authority to be able to impose conditions as it will remain the street authority and therefore has a responsibility in relation to the management of the street. By way of example, it could therefore be reasonable to impose a condition restricting closure during certain hours of the day. Turning to the Articles which do not provide for conditions to be attached: Article 10: This Article concerns physical alterations to streets within the main site and at junctions. These works are subject to detailed specifications in the Schedules and protective provisions (Schedule 14), therefore the local highway authority will have approval of the detailed design. Article 14: the locations of accesses are largely predetermined in Schedule 6, and consent for other accesses under paragraph (1)(b) is limited to whether the access is reasonably required (and requires the approval of the highway authority or street authority, as appropriate). Such accesses will be subject to the protective provisions, therefore the local highway authority will have approval of the detailed design. Article 23: this Article provides powers for temporary surveys, investigations, and trial holes and requires 14	**<u>Background</u>** OCC does not agree with the Applicant's distinction between (i) operational / temporary matters and (ii) permanent, physical changes as justification for the application or otherwise of reasonable conditions to a consent under certain articles. OCC's responsibility for managing streets, which the Applicant accepts justifies conditions under article 12, does not stop when works are permanent. Permanent works to the highway create a lasting liability, so the need to control how, when and to what standard those works are carried out persists. OCC's ability to impose conditions should apply consistently across articles 10, 12 and 14. **<u>Article 10 (power to alter layout, etc., of streets)</u>** The Schedules and protective provisions in Part 3 of Schedule 14 do not necessarily cover matters such as timing of the works, phasing, working hours, coordination with other proposed works, reinstatement standards etc. Works which alter the layout of streets and junctions can involve significant (temporary) disruption and a condition can appropriately manage such operational matters. If the protective provisions already deal with a matter, there would be no need to impose a condition which does the same thing and so there is no prejudice to the Applicant by making the amendment proposed by the Councils. <u>Precedent</u> The ability to attach conditions in these circumstances is precedented in several DCOs including article 11(3)(b) of the Thames Water Utilities Limited (Thames Tideway

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			conditions can be attached to any consent issued under those articles.	days' notice to owners and occupiers rather than consent. The nature of survey works is temporary and investigative—they do not permanently affect the land or require the type of ongoing coordination that would necessitate conditions.	Tunnel) Order 2014 (SI 2014/2384) and article 10(4) of the Fenwick Solar Farm Order 2026 (SI 2026/151). It is also included in article 14(4) of the draft Tween Bridge Solar Farm Order **[REP9-003]**. <u>Proposed drafting</u> OCC would propose that article 10(2) is amended as follows – "Save as to streets in respect of which the undertaker is the street authority, the powers conferred by paragraph (1) must not be exercised without the consent of the relevant street authority**<u>, which may be given subject to reasonable conditions.</u>** ~~**but such consent must not be unreasonably withheld**~~ and if the relevant street authority has received an application for consent to exercise powers under paragraph (1) accompanied by all relevant information and fails to notify the undertaker of its decision before the end of the period of 42 days beginning with the date on which the application is ~~**submitted**~~ **<u>received</u>** with all relevant information, it is deemed to have granted consent". The deletion of "but such … withheld" is justified by the comments in **row next to article 12** and the replacement of "submitted" with "received" by the comments in row next to article 10(2) **<u>Article 14 (accesses)</u>** The power under article 14(1)(b) to create accesses which are not specified in Schedule 6 is open-ended in terms of location within Order limits which amount to 411.78 hectares (paragraph 2.2.1 of the Historic Landscape Assessment **[APP-281]**). It is not clear the extent to which these have been assessed in the Environmental Statement. As currently drafted, OCC would only be able to approve whether the "undertaker reasonably requires" the access. It is not clear how (say) legitimate highway concerns about an access could be controlled in these circumstances. For instance, safety-related concerns on

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					matters such as signage, surfacing, vehicle routing, visibility splays and removal and reinstatement when a temporary means of access is no longer needed. If there is a safety concern and there is only a choice between granting approval unconditionally and refusing it, OCC considers a responsible street authority would be more likely to refuse. A power to grant consent subject to proportionate conditions is therefore likely to benefit the Applicant. <u>Precedent</u> The ability to attach conditions in these circumstances is precedented in article 14(2) of the Viking CCS Carbon Dioxide Pipeline Order 2025 (SI 2025/509). <u>Proposed drafting</u> OCC would propose that article 14(1) is amended as follows – "The undertaker may, for the purposes of the authorised development and subject to paragraph (2)— … (b) with the approval of the relevant highway authority or relevant street authority, **<u>to which the relevant highway authority or relevant street authority may attach reasonable conditions</u>**, form and lay out such other means of access (permanent or temporary) or improve or maintain any existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development and the undertaker must with the request for approval from the relevant highway authority notify the relevant highway authority of the provisions of paragraph (3). A drafting point: article 14(3) refers to the authority receiving an application for "consent under paragraph (1)(b)"; however, paragraph (1)(b) refers to an "approval". OCC would suggest that there should be a consistency in the terms used.

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		Art.13 (public rights of way - creation, substitution, stopping up and closure of level crossings)	OCC are considering the impact of this provision.	This Article has been in the draft DCO since consultation. Should OCC have any comments, the Applicant requires these as soon as possible so that it may address them before Deadline 1.	OCC's Relevant Representation **[RR-109]** sets out OCC's request for the inclusion of a PROW contribution in the section 106 agreement (see paragraphs 69 to 72). OCC maintains its position in respect of the need for this requested contribution and welcomes the progress made to date on negotiating this contribution.
		Part 5 (powers of acquisition)	OCC are considering the impact of the proposed acquisition of certain of its interests and will comment on these in the LIR.	Noted. The status of the negotiations for land arrangements is detailed in the updated Land and Rights Negotiation Tracker (Document 4.4) submitted at Procedural Deadline A.	OCC's Relevant Representation **[RR-109]** sets out OCC's position in respect of the proposed acquisition of Ardley Woods Quarry (paragraphs 225 to 230). Discussions on the same with the Applicant are ongoing.
		Art.28 (compulsory acquisition of land - incorporation of the mineral code)	OCC are considering the impact of this provision.	This Article has been in the draft DCO since consultation. The Applicant refers to paragraph 5.124 of the Explanatory Memorandum which explains and justifies this heavily precedented Article as follows: *This Article incorporates the 'mineral code' into the draft DCO. The effect of this is that existing minerals under land are exempt from being automatically acquired pursuant to the exercise of compulsory acquisition. It also enables the undertaker to prevent a minerals owner from working existing minerals and provides the undertaker with the ability to compensate the owner for any inability to do so as a result of the development.* Compulsory acquisition should be limited to what is necessary for the development and therefore this Article allows the Applicant to exempt minerals from being automatically acquired where they are not required for the development. The Article incorporates the mineral code which provides a statutory process for dealing with the purchase of and compensation for minerals.	OCC does not object to the drafting of article 28 and does not consider it will be affected directly by it because the OCC land which the Applicant proposes to acquire, Ardley Woods Quarry, is a backfilled quarry and therefore not something which can now be mined.
		Art.35 (temporary use of land for carrying out the authorised development)	Paragraph (1)(b) allows the undertaker to – "(b) remove any buildings, apparatus, drainage, electric line, fences, debris and vegetation from that land that reasonably need to be removed in connection with the carrying out of the authorised development;" There is one listed building within the Order land, namely the threshing barn. The works to the	The Applicant confirms it has amended Article 35 to exclude the threshing barn. This will be included in the next version of the DCO submitted to the ExA. The term 'that land' (rather than 'the land') is used correctly in Article 35(1)(a)(i), (b), (c) and (g) as the sub-paragraphs already contain a reference to a specific piece of land and therefore 'that land' is used to refer back to that identified parcel.	**<u>Threshing barn</u>** The Councils welcome this response. **<u>"The land" / "that land"</u>** In the light of what follows in the third paragraph of the Applicant's response, OCC considers the reference in the second paragraph of that response to article 35(1)(b) is an error. In any event, OCC does not consider it is

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			threshing barn form part of Work No. 9 (central hub), which are subject to requirement 15 (central hub). Paragraph (a) of that work states: "retention and development of the threshing barn as shown on the listed building drawings as a welcome building;". OCC understands the Applicant would be content to amend article 35 to make it clear that the threshing barn is excluded from "buildings" in paragraph (1)(b). OCC would welcome that amendment. A drafting point: paragraph (1)(b) refers to "that land", as do paragraphs (1)(c) and (1)(g); however, paragraphs (1)(d), (1)(e) and (1)(f) refer to "the land". It is not clear why different terms are used or what is the reason for the difference. Similarly, it is not clear what "land" is being referred to. If both "that land" and "the land" are intended to refer back to the land in paragraph (1)(a) OCC would suggest the same term (e.g. "that land") is used in each of paragraphs (1)(b) to (1)(g) and that, after (1)(h), a new paragraph is added to state – "(i) In sub-paragraphs (b) to (g) of paragraph (1), "that land" means the land referred to in subparagraph (a)". Paragraph (1)(c) allows the undertaker to – "(c) construct any permanent or temporary works (including the provision of means of access), haul roads, fencing, bridges, structures and buildings on that land;" Is the reference to bridges here to the bridges shown on the bridge plans, or is this a wider power to construct bridges?	However, in (b) this should be 'the land' and the Applicant has made this change. For the avoidance of doubt, the Article will read: *…remove any buildings (not including the Threshing Barn), apparatus, drainage, electric line, fences, debris and vegetation from the land that reasonably need to be removed in connection with the carrying out of the authorised development;* In relation to the reference to bridges, this is not a reference to a bridge on the bridges plans. If it were, it would be expressly stated. This should be clear once the amendment as explained in response to the query on the definition of "bridges" has been made in the next version.	clear what land is being referred to in article 35(1)(b) to (h). As can be seen from OCC's "Comment" on this point, OCC considered the reference to "that land" in sub-paragraphs (b) to (g) of paragraph (1) was to all land referred to in sub-paragraph (a). This would include (i) the land specified in column (2) of Schedule 10 and (ii) any other Order land in respect of which, under the relevant legislation, no notice of entry has been served, and no declaration has been made. However, paragraph 5.148(c) of the Explanatory Memorandum **[APP-140]** states the undertaker "may enter on and take temporary possession of **the Order land** for the activities". [Emphasis added]. OCC does not consider that article 35(1)(b) – whether it refers to "that land" or "the land" – can be read as referring to "the Order land". In the light of the above, OCC would invite the Applicant to reconsider the drafting of article 35. **"Bridges"** The Councils look forward to considering these amendments when the next version of the draft DCO is submitted.
16.		Article 50(1) (trees subject to tree preservation orders)	Article 50 allows the undertaker to fell or lop or cut back the roots of any tree or shrub which is subject to a tree preservation order "within or overhanging land within the Order limits" to prevent it obstructing or interfering with the construction, maintenance, operation or decommissioning of the authorised development	There are no trees protected by a TPO or trees within a conservation area which are listed in Schedule 13. However, this power was included to allow works to the trees as it is possible that TPOs and conservation areas will be made between now and commencement of the development. This is set out in the Explanatory Memorandum. The Applicant considers that this is appropriate, however, the Applicant has reflected on OCC's concern and PINS' guidance on drafting	**Article 50 (trees subject to tree preservation orders)** The Councils understand that the TPO removal powers are intended to relate only to TPOs made between now and the commencement of the development. For clarity, the Councils consider article 50(1) should be amended to reflect this as follows – "The undertaker may fell or lop or cut back the roots of any tree or shrub within or overhanging land within the

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			or any apparatus used in connection with the authorised development. Paragraphs 22.2 and 22.3 of PINS Advice Note Fifteen: drafting Development Consent Orders state – "22.2 Applicants may also wish to include powers allowing them to fell, lop or cut back roots of trees subject to a Tree Preservation Order (TPO). This power can extend to trees which are otherwise protected by virtue of being situated in a conservation area. **To support the ExA inclusion of this power should be accompanied by a Schedule and plan to specifically identify the affected trees**. 22.3 Trees subject to TPO and/ or are otherwise protected (and likely to be affected) should be specifically identified. It is not appropriate for this power to be included on a precautionary basis. Proper identification of affected trees will enable the ExA to give full consideration to the particular characteristics that gave rise to their designation and the desirability of continuing such protection". [Emphasis added]. Part 1 of Schedule 13 to the draft DCO [APP-139] lists trees to be removed. Does this list include trees which are subject to TPOs? (Paragraph 5.250 of the EM [APP-140] cross-refers to "Schedule 13 (Felling or lopping or cutting back of trees or shrubs subject to a tree preservation order)", and this suggests TPO trees are listed; however, that is not the title of Schedule 13 in the draft Order [APP139] and it is not clear that TPO trees are included). If TPO trees which are subject to the power under article 50 are not identified, OCC considers they ought to be.	development consent orders and therefore proposes to amend the Article to limit it to any trees made subject to a tree preservation order which are listed in Schedule 13. The Applicant would also like to point out, more generally, the protections for trees in the Requirements and provisions relating to their removal as follows: *Construction environmental management plan* *10.—(1) No part of the authorised development is to commence until a phase-specific construction environmental management plan ("P-CEMP") for that part of the authorised development, drafted in accordance with the principles set out in the CEMP, has been submitted to and approved in writing by the local planning authority or the relevant highway authority where the P-CEMP relates to the highway works.* *(2) Each P-CEMP must include where relevant to each phase—* *(a) the appointment of an ecological clerk of works, the role of which is described in the CEMP;* *…* *(e) an arboriculture method statement detailing measures to protect retained trees and hedgerows, and the method statement for any translocation of hedges, including details of built development and construction buffers and root protection areas;* *…* *(g) details of any precautionary measures required to protect habitats and species on site, including the timing of vegetation clearance and groundworks, buffers around watercourses, and any specific method statements required with regard to protected species; (h) details of existing and proposed landscaping which needs to be protected during construction, including any veteran trees outside the Order limits;* *Provision of landscaping* *11. No component of the authorised development on the main site which includes landscaping is to commence*	Order limits which is subject to a tree preservation order**, which was made after the date this Order is made,** if it reasonably believes it to be necessary to do so to prevent the tree or shrub from obstructing or interfering with the construction, operation, use or maintenance of the authorised development or any apparatus used in connection with the authorised development". The principle is precedented, though the drafting differs slightly, in several orders including; article 38(1) of the Thorpe Marsh Gas Pipeline Order 2016 (SI 2016/297); article 24(1) of the A122 (Lower Thames Crossing) Development Consent Order 2025 (SI 2025/462); and article 40(1) of the Springwell Solar Farm Order 2026 (SI 2026/419). **The definition of "commence" and the CEMP** When exercising its powers under the paragraph (c) carve-out of the definition of "commence" (and indeed, under articles 49 to 51) the Councils consider the Applicant should commit to – • avoiding impacts on nesting birds during the springtime; • lopping or cutting back any tree, shrub or hedgerow before deciding to fell it; and • exercising those powers in accordance with British Standard 5837:2012 (*Trees in relation to design, demolition and construction. Recommendations*) which governs how trees are surveyed, evaluated, and protected during development. (The Council appreciates that Requirement 11 (provision of landscaping) includes a similar provision; however, that will not apply to any hedgerow, tree or shrub which is to be removed as part of the pre-commencement works). The Councils consider these measures should be included in a control document and consider the construction environmental management plan ("**CEMP**") **[APP-189]** would be the most appropriate one. A corresponding amendment should be made to paragraph (c) as follows – ""commence" means, unless the context indicates otherwise, to carry out any material operation, as defined in section 155 of the 2008 Act (when development begins), forming part, or carried out for the

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				until a landscaping scheme for that component has been submitted to and approved in writing by the local planning authority. The landscaping scheme must be carried out in accordance with the parameters plan and the habitat management and monitoring plan and in accordance with the landscaping principles established in the main site design approach document and must include details of all proposed soft landscaping works, including— *(a) location, number, species, size, layout, method of trees' support, plant protection measures and planting density of any proposed planting;* *(b) cultivation, importation of materials and other operations to ensure plant establishment;* *(c) details of existing trees to be retained, with measures for their protection during the construction period in accordance with British Standard 5837:2012, "Trees in relation to Design, Demolition and Construction Recommendations", and to include a schedule of remedial tree works to be carried out in accordance with British Standard 3998:2010, "Tree Works Recommendations", prior to construction commencing;* *(d) details of ecological mitigation; and* *(e) implementation timetable.*	purposes, of the authorised development other than operations consisting of— … (c) removal of hedgerows, trees and shrubs listed in Schedule 13 (removal of trees and hedgerows) **and which must be carried out in accordance with paragraph [xxx] of the CEMP**;" This amendment would require the relocation of the definition of CEMP from paragraph 1 of Part 1 of Schedule 2 to article 2(1).
17.		Article 59 (planning permissions etc.)	OCC understands this article is intended to address the possible effects of the Hillside decision (Hillside Parks Ltd v Snowdonia National Park Authority [2022] UKSC 30). OCC does not take issue with this intention. The effect of Article 59 is that if any development is carried out or used pursuant to a planning permission, or under another DCO or under permitted development rights, and that the carrying out or use is inconsistent with the instant DCO, no enforcement action may be taken in respect of the inconsistency. For clarity, OCC considers a new paragraph (4) should be added to the end of article 59 to emphasise that nothing in the article prevents any enforcement action under the Town and Country Planning Act 1990 or the Planning Act 2008 from being taken in relation to any breach	The Applicant has discussed this drafting with the Councils and is content to agree with this. The Applicant will include the suggested wording in the next DCO to be submitted at Deadline 1. The Applicant understands that the article is agreed subject to the addition of this wording.	OCC welcome this response.

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			of that permission or consent where that breach is not an inconsistency for the purposes of article 59(2), i.e. – *"(4) Where any development to which this article relates is carried out or used pursuant to a planning permission granted under the 1990 Act or development consent granted under the 2008 Act, nothing in this article prevents any enforcement action under the 1990 Act or the 2008 Act being taken in relation to any breach of that permission or consent where that breach is not an inconsistency for the purposes of paragraph (2)".*		
18.		Schedule 2 Paragraph 1 (interpretation)	The definition of "employment scheme" is precedented in the Northampton Gateway Rail Freight Interchange Order 2019 (SI 2019/1358). A drafting point: per paragraph 1 of Schedule 2 to the Northampton Order, and having discussed the matter previously with the Applicant, OCC understand the reference in the definition to "details of the reporting and monitoring of the above matters" should be (new) sub-paragraph (f) rather than (existing) sub-paragraph (e)(iv). In the light of the above, OCC considers the provision should be amended as follows – "employment scheme" means a scheme for the provision of employment and training for those employed at the authorised development comprising— (e) other measures where appropriate (including but not limited to) — (i) a recruitment and training programme for construction employees with a focus on the job centres in locations where employment deprivation has been identified; (ii) provision of skills training; (iii) preference to be given to procurement of local products and services where efficient, cost effective and lawful; and	The Applicant agrees that 'details of the reporting and monitoring of the above measures' should be sub-paragraph (f) and will make this change in the next DCO to be submitted.	The Councils welcome this response.

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			(iv) details of the reporting and monitoring of the above measures;		
19.		Requirement 2 (time limits)	OCC note that clause 4.6.1 of the draft S.106 agreement [APP1-142] requires "the Owners" to provide CDC and OCC "with written notice of the intention to Commence Development no later than 10 Working Days prior to Commencement of Development;" For OCC to ensure it has the appropriate resourcing in place to deal with the requirements, a longer notice period is required. OCC will discuss this point with the Applicant directly as part of its negotiations on the draft S.106 agreement. However, if a reasonable period cannot be agreed, OCC might seek an amendment to the requirements to facilitate this.	The Applicant agrees to provide a longer notice period in the Section 106 agreement, such period to be agreed between the undertaker and the parties to the Section 106 agreement. The Applicant asks that OCC provides a timescale which would be suitable to it without delay so that it may be incorporated into the draft Section 106 agreement.	OCC considers 21 days would be reasonable.
20.		Requirement 5 (rail)	OCC and the Applicant have been in discussions in respect of this Requirement. In summary, OCC have raised the following concerns with the Applicant in respect of it • the meaning of "available for use"? • how the local planning authority will know when 232,258 square metres of warehouse have been provided; • the measures to ensure the development does not become a big logistics park, which is a particular concern for members; • how it will be demonstrated that section 26(4)(a) of the Planning Act 2008 has been satisfied (i.e. how the draft Order shows the RFI is capable of handling consignments of goods from more than one consignor and to more than one consignee); and • what provision in the Order shows that the works to ensure the rail terminal is capable of being served by W8 gauge will be complete in advance of the occupation of the 232,258 square metres of	The Applicant has responded to these points previously but for the sake of reiterating its response for the Examining Authority, please see below: The Applicant considers that 'available for use' has its plain meaning i.e. the rail infrastructure is ready to be used (note that the requirement states that the infrastructure must have been constructed so there is no ambiguity that 'available for use' arises post construction). However, following a meeting with OCC and the Applicant's legal representatives, the Applicant is expecting drafting on this from OCC which it will consider; It is open to the LPA to request details in relation to this at any time and the LPA is in control of discharging requirements that will have been submitted for warehousing, therefore will have notice of when a warehouse is ready for occupation. However, the Applicant is content to provide for a specific notice obligation in the Section 106 agreement. The Applicant understands that this is agreed with the Council. Requirement 5 provides the appropriate control that the rail terminal must be delivered before a certain amount of warehousing. The SRFI will inherently satisfy this provision of the Act which is merely describing what an SRFI needs to be capable of doing. There is no requirement to include a	**Background** The Council's concerns with Requirement 5 can be set out in two points: first, how it will be notified when the threshold of 232,258 square metres has been reached and second, the meaning of "available for use". **(1) Notification of the threshold** Requirements are the DCO equivalent of planning conditions (section 120(2) of the Planning Act 2008). The Government's guidance *Planning Act 2008: Guidance on preparing an application: Part 3 - Contents of a draft Development Consent Order* (published 3 July 2026) states requirements, like conditions, "should … be precise, enforceable, necessary, relevant to the development, relevant to planning and reasonable in all other respects". [Emphasis added]. The Councils are concerned that Requirement 5, as currently drafted, would be difficult to enforce because it does not include a mechanism for informing the local planning authority when the threshold of 232,258 square metres has been reached. The Applicant's position is that the local planning authority should request this information; however, for the local planning authority to be able to exercise its power to request information under section 167 of the Planning Act 2008, it must appear to the authority there has been an offence under section 160 or 161 of that Act and the authority would be unable to meet that test without knowing whether the threshold had been met.

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			warehouse in line with paragraph 4.82 of the NNNPS. It is hoped that discussions on these points will continue with the Applicant and that OCC will be in a position to update its position in the LIR.	provision in the DCO specifying that this must be satisfied. OCC is referred to the following application documents which address this point: **Document 5.4B/APP-163 – Planning Statement Appendix 2 (NPS Policy Compliance Tracker)** explains the development's compliance with NPS paragraph 4.89. **Document 7.2A/APP-312 – Rail Report** (paragraphs 2.3 and 6.7.1) explains that "The site is intended to provide capacity for up to 12 trains per 24 hours, initially operating with 4 trains per day within the first phase of operation, increasing over successive years towards its maximum capacity." It also describes the phasing, with the initial phase deploying reach stackers across two handling sidings, equating to "a maximum capacity on site of 4 trains per siding or 8 in total." **Document 7.2C/APP-314 – GB Rail Freight Capacity Report** identifies the available rail paths, confirming that "Four return paths have been identified for services heading northwards to Crewe Basford Hall; two have been identified heading southwards to Wembley Yard and one return path has been identified heading southwards to Eastleigh (for Southampton Docks)." **Document 7.2A – Appendix E (Network Rail agreed position statement/APP-312)** states "the studies have identified that there are at least four compliant return paths per day for the SRFI (i.e., 4 paths into the site and 4 paths out of the site per day)," which have been peer-reviewed by GB Railfreight and Network Rail. Re W8 gauge, the OxSRFI scheme provides rail access onto the Chiltern Main Line which is part of the strategic freight network. The line operates as a freight diversion route and will be cleared to Network Rail's W8 structure gauge as required by the NPS. The fact that gauging works need to be done in order to satisfy Network Rail's approval of the rail works is inherent in the consent and therefore covered by the protective provisions and arrangements with Network Rail. The OxSRFI will therefore fully comply with the NPS in terms of providing the required access to rail freight traffic. Further, a **Statement of Common Ground (Document 8.1/AS-092)** between the Applicant and Network Rail has been provided which confirms the suitability of the OxSRFI scheme on the Chiltern Main Line in respect of pathing and gauging for an SRFI.	Absent the ability to exercise this power, the authority would have to rely on writing at intervals to the Applicant, effectively chasing for the threshold information. This seems onerous, especially since it would be straightforward for the Applicant to supply the information in the first place. As a responsible undertaker, the Applicant will be aware when the threshold has been met because it will not want to exceed in circumstances contrary to Requirement 5. In the light of this, it should be straightforward for the Applicant to provide the local planning authority with the information. **Precedent** The Councils' request is not unusual in the context of other rail freight DCOs. For example, Part 2 of Schedule 2 to the West Midlands Rail Freight Interchange Order 2020 (SI 2020/511) ("**the West Midlands Order**") includes detailed rail requirements (Requirements 31 to 41), including a requirement to provide information at certain milestones – Requirement 33 – and a requirement – Requirement 34 – to notify the local planning authority of the date of first occupation of certain meterage of warehousing. Requirements 33 and 34 state – "33. The undertaker must keep the local planning authority advised of progress in respect of all the rail provision milestones on a quarterly basis including providing copies to the local planning authority of any material formally submitted to all bodies in pursuance of compliance with the rail provision milestones, if requested. 34. The undertaker must notify the local planning authority of the date of the first occupation of more than 47,000 square metres of warehousing and 186,000 square metres of warehousing within 28 days of such occupations occurring". **The Applicant's response** In its response, the Applicant states it is "content to provide for a specific notice obligation in the Section 106 agreement. The Applicant understands that this is agreed with the Council". The principle of including a notice obligation in the section 106 agreement is acceptable; however, no drafting has yet come forward. The Councils look forward to discussing the drafting in due course and considers something along the lines of

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				The following documents also deal with W8: **Document 3.1/APP-139 – Draft Development Consent Order** The Draft DCO contains Schedule 1, which identifies Work No.38 as "Works to Ardley Tunnel to provide W8 loading gauge clearance through the tunnel." **Document 5.4/ APP-161 – Planning Statement** The Planning Statement addresses compliance with paragraph 4.82 of the NNNPS, which requires that SRFIs be located on routes with at least W8 clearance.	Part 2 of Schedule 2 to West Midlands Order would be acceptable. **(2) Drafting of Requirement 5 (rail)** **"… available for use"** The Councils consider Requirement 5 should be amended as follows – "No more than 232,258 square metres of warehouse (including ancillary office floor space but not including mezzanine floor space) to be provided as part of the authorised development may be occupied until the rail freight terminal which is capable of handling a minimum of four 775 metre trains per day and the associated rail infrastructure required for those purposes has been constructed and is available for use **as part of the railway network**". **Background** Section 26 of the Planning Act 2008 sets out the circumstances in which a rail freight interchange is a nationally significant infrastructure project. By section 26(5), the rail freight interchange must be part of the railway network in England. By section 26(10), "network" has the meaning given by section 83(1) of the Railways Act 1983, which states – "network" means — (a) any railway line, or combination of two or more railway lines, and (b) any installations associated with any of the track comprised in that line or those lines, together constituting a system of track and other installations which is used for and in connection with the support, guidance and operation of trains; OCC have asked what "available for use" means and the Applicant has responded, stating the words have their plain meaning. OCC does not consider the explanation provides the clarity sought; however, OCC considers this can be achieved by adding "as part of the railway network" at the end of the Requirement i.e. the terminal and associated infrastructure have been constructed and are available for use as part of one or more railway lines etc. Since the words "as part of the railway network" are part of what the Planning Act states constitutes a rail freight interchange, OCC hopes their inclusion is uncontroversial.

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21.		Requirement 6 (sustainable transport and travel plan)	Requirement 6(1) (sustainable transport and travel plan) states – "The provisions of the framework travel plan or any variation of such plan agreed by the sustainable transport working group must be complied with at all times following the commencement of the authorised development unless otherwise agreed in writing by the local planning authority". [Emphasis added]. The subject matter of the requirement falls within the expertise (and statutory responsibilities) of CDC and OCC, and both consider "the local highway authority" and "the local planning authority" should discharge this requirement. In the light of the above, the references to "local planning authority" in sub-paragraphs (1), (2), and (9) should be followed by "and the local highway authority".	The Applicant is considering this. Its preference is for one authority to be responsible for discharging the requirement in consultation with the other, rather than it being a joint requirement, and therefore the Applicant would suggest this should be OCC.	The Councils disagree. This is an example where both authorities are expert in the subject matter of the Requirement and so it would be sensible if both discharged. The Councils' approach here is not dissimilar to that original proposed by the Applicant in respect of article 4 (parameters of authorised development).
22.		Requirement 8(1) (design and phasing of highway works)	In the table in Requirement 8, certain works (12B,14B, 15B, 22, 23, 25B, 27B, 33 and 39) must be completed "prior to the occupation of more than 185,806 square metres of warehousing plus up to 61,967 square metres of mezzanine floor space to be occupied". The bulk of the trip generating activity is in the warehousing floor space; however, a risk here is that the trigger for the completion of the works mentioned above might not be reached if (say) the mezzanine space is not built or occupied for any reason. In the light of this, OCC consider the trigger should be linked to warehouse floor space only. OCC is working up a drafting proposal to achieve a more proportionate requirement and will share that with the Applicant in due course.	The Applicant has been engaging with OCC on potential alternative wording for this Phase 2 trigger and has proposed the following which the Applicant considers to be clear: *To be completed prior to the occupation of more than 185,806 square metres of warehousing (and if such warehousing includes mezzanine floorspace, no more than 61,967 square metres of mezzanine floorspace) to be occupied."* The Applicant understands that OCC wants to ensure that 'complete' in sub-paragraph (1) concerns completion so that the highway is open to the public. The Applicant is content to add a definition to Requirement 8 to address this.	OCC does not consider that the amended Phase 2 trigger addresses its concerns and will raise this with the Applicant separately.
		Requirement 8(6) (design and phasing of highway works)	Drafting point (1): in the light of the reference (in sub-paragraph (6)) to "sub-paragraph (1) or (2)" should sub-paragraph (6)(b) state –	Drafting point 1: The Applicant agrees and will make this change. This will be done in the next DCO submitted.	Drafting point 1: the Councils welcome this response. Drafting point 2: the Councils welcome this response.

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			"(b) the local planning authority and the relevant highway authority agree that such alternative work should be carried out in lieu of the individual work specified in sub-paragraph (1) or (2), … and either— …" Drafting point (2): sub-paragraph (b) ends with "and either" and is followed by three options: (i), (ii) and (iii). At the end of sub-paragraph (6)(b)(i), should the word "or" be added? General point: what would prevent the power under sub-paragraph (6) from resulting in a materially different scheme from that proposed in sub-paragraph (1) or (2)?	Drafting point 2: The Applicant agrees and will make this change. This will be done in the next DCO submitted to the Examining Authority. General point: There are several reasons why sub-paragraph (6) being engaged would not result in a materially different scheme: Some highway works proposed are to mitigate the highway impacts of the development. Alternative works can only be proposed if they too would mitigate the impacts and this is agreed by the local planning authority and OCC. The authorities therefore have control over what can be delivered in lieu. Further, this is not an open-ended substitution power. The mitigation must still be achieved, so the transport effects assessed remain mitigated. Article 54 is a backstop on environmental effects. Where agreement or approval is required under any requirement, it "must not be given if it would permit development which would give rise to any materially new or materially different significant effects on the environment" not assessed in the environmental statement. Paragraph 6 expressly provides that Parts 2 and 3 of Schedule 14 apply to the alternative works, so National Highways and the local highway authority retain detailed design approval.	General point: this is noted.
	Requirement 9 (detailed design approval)	Since OCC have local standards for cycle, motorcycle and vehicle parking, OCC considers Requirement 9(2)(f) should be amended as follows – "(2) No component of the authorised development on the main site is to commence until the details of that component have been submitted to and approved in writing by the local planning authority. The details of each component must include details of the following where they are located within that component— …	The Applicant does not agree with the amendment and is in discussion with OCC in relation to the parking standards.	Until discussions in relation to the parking standards are resolved satisfactorily, OCC considers Requirement 9(2)(f) should be amended as set out in the "Comment" row.

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			(f) cycle, motorcycle and vehicle parking; **in accordance with the local parking standards**".		
		Requirement 10(1) (construction environmental management plan)	Requirement 10(1) states – "No part of the authorised development is to commence until a phase-specific construction environmental management plan ("P-CEMP") for that part of the authorised development, drafted in accordance with the principles set out in the CEMP, has been submitted to and approved in writing by the local planning authority or the relevant highway authority where the P-CEMP *relates to the highway works*". [Emphasis added]. The reference to "highway works" should be removed as each P-CEMP will also include details of the CTMP for HGV traffic and details of construction access, which the highway authority needs to determine, regardless of whether the P-CEMP relates to highway works. In the light of this, OCC and CDC consider the emphasised text should state – "… **approved in writing by the local planning authority and the relevant highway authority**".	The Applicant will consider this but does not agree that every P-CEMP will be relevant to the highway authority.	The Councils welcome the Applicant's consideration of this point and will consider any revised drafting in due course.
		Requirement 10(2) (construction environmental management plan)	By article 10(2) (power to alter layout, etc., of streets), the 42-day determination period for a consent under that article begins "with the date on which the application is submitted …". Similar drafting is included in article 12(7) (temporary closure, alteration, prohibition, diversion or restriction of use of streets). By article 14(3) (accesses) the determination period begins "with the date on which the application was made". By article 18(8) (traffic regulation) the determination must be made "within 42 days of receiving an application for consent …". Similar drafting is included in article 22(9) (discharge of water) and 23(6) (authority to survey and investigate the land).	The Applicant agrees and will make this change. This will be done in the next draft DCO submitted.	The Councils welcome this response.

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			It is desirable for every period mentioned in the articles mentioned above to begin at the same time and OCC consider it reasonable for the period to begin when the application is received by the decision maker. OCC therefore considers articles 10(2), 12(7) and 14(3) should be amended to provide the 42-day period begins on receipt of the application.		
		Requirement 13(3) (earthworks)	The main body of OCC's Relevant Representation states the scope of the "watching brief" referred to in this requirement (or a Written Scheme of Investigation) should be submitted as a control document into the examination and should be agreed with a credible palaeontological institution. A consequence of this is that Requirement 13(3) would need to be recast along the following lines – "Earthworks details in phases relevant to Zones A4, A5, B and C as shown on the parameters plan must be in accordance with the [relevant control document]". An additional requirement would be needed, similar to requirement 14, which provides that the authorised development will be carried out in accordance with the approved control document. It goes without saying that OCC would need to be satisfied with the contents of the control document.	This Requirement provides control as to the content of the 'watching brief'. Details of the earthworks in relation to each component of the main site must be submitted and approved prior to commencement of that component. Sub-paragraph (3) is confirming that earthworks in specific zones must include details of the 'watching brief' by a palaeontologist. This must be in accordance with the principles of the Ardley trackways technical note, which is a certified document in the DCO. These will form part of the details to be approved pursuant to sub-paragraph (1). Sub-paragraph (2) provides that the earthworks are to be carried out in accordance with the approved details. In light of the above already providing control, the Applicant does not consider it necessary to prepare a control document now.	OCC maintains its position, as set out in its "Comment" row and would welcome the opportunity to discuss this further with the Applicant.
		Requirement 14 (archaeology and built heritage)	Requirement 14 is titled "Archaeology and built heritage"; however, neither the Requirement nor the Archaeological Mitigation Strategy [APP-283], which is referred to in the Requirement, refer to "built heritage". The title is therefore misleading, and OCC consider it should be amended to state, simply, "Archaeology".	The Applicant agrees and is content to make this change. This will be done in the next draft DCO submitted.	The Councils welcome this response.
		Requirement 15 (central hub)	Paragraph 15(1) seems to be missing words. OCC assumes the following words (or similar) should be included after sub-paragraph (i) – "has been approved in writing by the local planning authority".	The Applicant agrees and will make this change. This will be done in the next draft DCO submitted.	The Councils welcome this response.

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		Requirements 20 to 22 (flood risk and surface water drainage)	In each of these requirements, where reference is made to a decision being taken by the lead local flood authority, OCC (the lead local flood authority) and CDC (the local planning authority) consider it would be preferable if it were taken by the local planning authority, in consultation with the lead local flood authority. (As mentioned in row [37], there is an agency agreement in place between OCC and the district councils within its area which allows the districts to determine applications under the LDA 1991. The districts in Oxfordshire are therefore used to determining matters which elsewhere would be dealt with by the county council. In the light of this, OCC and CDC consider the local planning authority is best placed to make a decision under requirements 20 to 22, having first consulted the lead local flood authority.	The Applicant agrees and will make this change. This will be done in the next draft DCO submitted.	The Councils welcome this response.
		Requirement 33 (community liaison group)	To ensure the effective administration of the community liaison group, OCC consider it would be helpful if a protocol for its operation was agreed by the Applicant and OCC and CDC. In the light of this, OCC consider paragraph (3) should have the following words appended to the end: "…in accordance with a protocol agreed with the local planning authority and relevant highway authorities prior to the commencement of the authorised development." It is noted that certain documents refer to the community liaison group, including: paragraph 4.10 of the Main Site DAD (doc 5.5A) [APP-166]; paragraph 3.11 of the CEMP (doc 6.2C – ES Appendix 2.3) [APP-189]; Commitments DE1 and SE3 of the PINS Commitments Tracker (doc 7.3) [APP-315]; and section 5 of the EqIA (doc 7.4) [APP-316]. However, none of these includes a protocol for the community liaison group. It would be helpful if such a provision could be included in requirement 33, including a reference to a minimum frequency of meetings (which could be caveated with "unless otherwise agreed by all members of the group").	The Applicant considers that the current drafting is appropriate. Such further details can be determined as part of the establishment of the group. However, following a meeting with OCC and the Applicant's legal representatives, the Applicant is expecting suggested drafting on this from OCC which the Applicant will consider.	The Councils would propose the Requirement is amended as follows – "(4) The community liaison group is to continue to meet **at least once every quarter** until the expiry of five years from full occupation of the authorised development unless otherwise agreed with the local planning authority. **(5) The undertaker must publish and maintain a website to allow the proceedings of the community liaison group to be followed by participants and non-participants**.
		Schedule 2	Part 2, paragraph 1 provides 42 days for the discharge of requirements. While older DCOs	The Applicant considers the time period to be reasonable (and in accordance with PINS model drafting). It should	The Councils welcome this amendment.

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		Part 2, paragraph 1	included a 42-day turnaround, a longer period has become commonplace. For instance – • London Luton Airport Expansion Development Consent Order 2025 (SI 2025/463): depending on the type of application, either 13 weeks or 8 weeks, or such longer period as may be agreed between the undertaker and the discharging authority (paragraph 43 of Schedule 2). • M25 Junction 28 Development Consent Order 2022 (SI 2022/573): 8 weeks, or such longer period as may be agreed between the parties (paragraph 20 of Schedule 2). • Thurrock Flexible Generation Plant Development Consent Order 2022 (SI 2022/157): 13 weeks, or such longer period as may be agreed by the undertaker and the discharging authority (paragraph 25 of Schedule 2). • Riverside Energy Park Order 2020 (SI 2020/419): 9 weeks, or such longer period as may be agreed by the undertaker and the discharging authority (paragraph 2 of Schedule 12). • Abergelli Power Gas Fired Generating Station Order 2019 (SI 2019/1268): 8 weeks, or such longer period as may be agreed between the undertaker and the relevant planning authority (paragraph 1 of Schedule 12). OCC considers the timeframe in paragraph 1 of Part 2 of Schedule 2 should be increased from 42 to 12 weeks. This would be consistent with the 12-week timeframe included in the draft Botley West DCO, which was submitted to the Secretary of State on 16 July 2026 (paragraph 2(2) of Schedule 16).	also be pointed out that the wording provides for a longer period to be agreed and therefore has flexibility, should the 42 days not be sufficient. Notwithstanding this, as explained above, the Applicant has considered OCC's request and is content to agree to a determination period of 40 working days, effectively being eight weeks. The Applicant understands this is agreed with both OCC and CDC.	

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		Part 2, paragraph 2	OCC considers the provisions for requesting further information to be insufficient. As drafted, the discharging authority is permitted only 10 business days to request further information otherwise it is considered to have sufficient information. This is an unreasonable burden to place on the discharging authority. Deciding whether further information is needed requires an extensive review of the submitted documents by officers of various technical disciplines which will be challenging in 10 business days, particularly in the context of officers having other work to do. The draft Order makes provision of 42 days to decide applications, the bulk of which time will be spent reviewing the submitted documents to reach a conclusion on whether they fulfil the obligations set out in the requirement. It is only once the documents have been thoroughly reviewed that it can be decided whether an application includes sufficient information for the requirement to be discharged. There is no limit to how many applications can be submitted to a discharging authority at once meaning it is possible for the discharging authority to be expected to review multiple applications amounting to many hundreds of pages of technical detail in just 10 business days. OCC considers a more reasonable time limit of 20 business days would give the discharging authority adequate time to decide whether an application contains sufficient information. If the Applicant maintains that 10 business days is reasonable, then this position should be justified in the EM **[APP140]** which currently lacks such a rationale. (It will be remembered that, for EIA development, the consultation period for statutory bodies is 30 days – 20 business days – and there is a risk that a shorter period will compromise the consultee's ability to respond timeously).	The Applicant disagrees that the model wording imposes an unreasonable burden on the discharging authority. The application is for a DCO subject to an Examination process of six months, preceded by two formal rounds of consultation and years of pre-application engagement during which the discharging authority will have had significant opportunity to familiarise itself with the scheme and the submitted documents. This is not a case where the discharging authority will first encounter the relevant technical materials when an application for discharge is submitted. On the contrary, by the time such applications are made, the discharging authority will have had substantial prior engagement with the project. Further, many of the requirements require details to be submitted in accordance with outline documents which the discharging authority will already have reviewed during examination. In such circumstances, the discharging authority's role will be to ensure that the details accord with the approved outline, rather than to conduct a first review of the scheme. As has already been stated, this is a nationally significant infrastructure project that requires approvals and consents from numerous statutory and other bodies. It is therefore imperative that it is able to proceed without delay from third parties. Nevertheless, having considered OCC's request and recognising the importance of establishing an effective long-term working relationship with OCC, the Applicant is willing to include an initial assessment period of 15 business days.	There is clearly a difference between information provided (i) in a pre-application consultation or during an Examination and (ii) in an application to discharge a requirement. It will be remembered that the discharging authority will not be discharging the requirements of the instant application in isolation. Oxfordshire is currently earmarked for four DCOs and it is reasonable to assume that officers will be dealing with discharges for each project on or around the same time. It is likely that each DCO will have strict time limits and no restriction on the number of discharge applications that can be made at the same time. This, combined with the insufficient fee proposal included in the instant application, is likely to put tremendous pressure on local authority resources, particularly if other projects follow the Applicant's approach to fees. Flexibility is therefore key and the Councils maintain their position for a 20-day is reasonable and propionate in the circumstances.
		Part 2, paragraph 3	Part 2, paragraph 3 (fees) provides an unsatisfactory regime for the payment of fees to the discharging body for discharging requirements. Rather than the regime proposed	The Applicant does not agree that a Planning Performance Agreement is necessary or appropriate in this context. The fee regime in the draft Order follows the approach commonly adopted in made DCOs and reflects	The Councils maintain their position in respect of fees. The fee regime in the draft Order follows an approach which might have been commonly adopted some time

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			in the dDCO, the Applicant and authorities should enter into a planning performance agreement ("PPA") for the full recovery of the costs in discharging any application under the Order. It is unsatisfactory for several reasons – • First, while the discharging authority will be required to deal with applications for consent under articles and requirements, by paragraph 3(1) of Part 2 of Schedule 2, a fee is only payable in respect of requirements. OCC consider that fees should also be paid for dealing with applications under articles and requirements, and for responding to any consultation under it. There can be no reasonable justification for restricting fees to work done under requirements. • Second, the proposed fee is unreasonably low. Paragraph 3(1) says a fee must be the same as that which would have been paid for a reserved matters application under the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012. By paragraph 4(2) of Schedule 1 to those Regulations, the fee is £578. This is too low. If we assume an hourly rate of £139 for an officer to deal with this work, the fee will mean the officer would have to deal with any discharge application within around 4 hours before dealing with the application started to cost the local authority money. It is unlikely that any application will be capable of determination within that period. While a council cannot, by law, make a profit for this work, it is reasonable for it to seek the full recovery of the actual costs incurred. Any other approach is unfair. It will be appreciated this is an application for a nationally significant infrastructure project	an established and workable model for the discharge of requirements. However, the Applicant is awaiting some proposed drafting from OCC so that it may consider this.	ago, but that approach has been overtaken by the practical realities of discharging requirements and other consents. The Councils are aware that discharging authorities routinely enter into post-consent PPAs with DCO applicants to ensure that the discharge of consents is a cost-neutral exercise for the authority. It will be remembered that, on and from 8 June 2026, the Councils became entitled pursuant to the Infrastructure Planning (Fees) Regulations 2010 (as amended) ("the Fees Regulations") to charge fees for providing "relevant services" in relation to applications for development consent. Determining applications for consent under an article, requirement, or control document would clearly be a relevant service and the Councils propose to recover all fees in accordance with the Fees Regulations. Part 2, paragraph 3 (fees) should therefore be omitted from the draft Order.

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			under the Planning Act 2008, and the fee should reflect the work involved. • Third, this is not only about fairness but also about the way in which the Order is drafted. For example, by paragraph 1 of Schedule 2, the discharging authority will have 42 days to make its decision on any application and if no decision is made within that period, consent will be deemed to have been granted. The same applies in respect of consents sought under articles. Dealing with any application for consent under this Order will therefore be a matter of high priority for the discharging authority, diverting officer resource from other matters. The inclusion of the deeming provision and its effects on local authority resourcing is another reason why the full cost of doing this work should be covered by the Applicant. • Fourth, the refund provision under paragraph 3(2) of Schedule 2 is unreasonable. For example, if an application is rejected as invalid, the discharging authority will have done the work to reach that conclusion. Reaching this decision, based on the Applicant's inability to submit documents in a valid fashion, should not cost the discharging authority money. • Rather than the regime currently proposed in the Order, OCC and CDC consider it would be preferable if the Applicant, OCC and CDC entered into a PPA for the full recovery of both councils' costs in discharging (or being consulted on) any application under the Order. •		
		Schedule 14, Part 3 (Protective Provisions for the Protection of the Local	As mentioned in row 7, the draft DCO [APP-139] includes unsatisfactory PPs for the protection of the local highway authority. OCC has several concerns with the Applicant's proposed drafting, and the concerns relate to several important points including, but by no means limited to –	<u>Form of security</u> The Applicant's position is that there should be flexibility in the protective provisions as to the form of security, being either a parent company guarantee ("PCG") or a bond. OCC has, to date, resisted the inclusion of a PCG. A PCG is an acknowledged, acceptable form of security. It	**<u>Protective provisions: general</u>** OCC notes that by article 8(1)(b) the Applicant could, with the Secretary of State's consent, transfer the benefit of OCC's protective provisions to another person. OCC should be consulted on any proposed transfer and requests that article 8 is amended accordingly. Similarly, owing to the role played by CDC and OCC in the discharge of consents and requirements, CDC and

<table>
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<td>Highway Authority)</td>
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The appropriate form of security to be included in the PPs,
The Applicant's proposed departure from OCC's tried and tested way of calculating fees for county highway works,
The proposed inclusion of a deeming provision, and
The appropriate indemnity to be included in the PP.

Discussions on the PPs are ongoing with the Applicant, and it is hoped these can be agreed during the Examination.
</td>
<td>
is accepted by many statutory undertakers in made DCOs, including SSE and National Grid. Further, a PCG is often accepted as a form of guarantee for payment of CPO compensation.

In terms of the benefits of a PCG:

it can be seen from the Funding Statement that the ultimate parent company is exceptionally well funded;
it offers the same level of security to OCC, if not better, than a bond;
the parent company will be subject to reporting obligations, therefore its financial standing can be independently assessed;
it will be much more straightforward to put in place for ORL. It is not affected by the state of the bond market at the time of the works, nor does it have the (substantial) administrative costs of a bond, which, when considering the extent of funds being expended by ORL to deliver the significant infrastructure up front, is a considerable consideration;
it would allow direct recourse to the parent company, avoiding the need to go through the bank and navigating the terms of the bond which may delay recovery.
the bond has the potential to be needed for a long period and a bond on these terms could be difficult to obtain. That does not apply to a PCG which can have no fixed end date;

If the Applicant cannot secure a bond on the terms required, it would not be able to carry out the 'county highway works' as it is a requirement of the protective provisions that the security is in place prior to commencement. This would sterilise the project due to something which is not within the control of the Applicant.

The Applicant is simply seeking comfort to be included in the DCO that a PCG is a suitable and acceptable alternative form of security. The Applicant proposes to prepare a draft PCG for review by OCC in the hope that drafting can demonstrate OCC's apparent concerns can be addressed.
</td>
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OCC should be notified of any transfer under article 8. The Councils request that article 8 is amended to reflect this.

<u>Form of security</u>

Protective provisions for the local highway authority ("LHAPPs") are not commonplace in DCOs. Where a DCO includes LHAPPs and these include a security provision, none states explicitly that a PCG is an acceptable form of security. The position is as follows –
<table>
<tr><th>Order</th><th>Location of LHAPP</th><th>Form of security</th></tr>
<tr><td>London Luton Airport Expansion Development Consent Order 2025 (SI 2025/463)</td><td>Part 6 of Schedule 8</td><td>Para 56 (security): bond from an approved bondsman and cash surety</td></tr>
<tr><td>Cambridge Waste Water Treatment Plant Relocation Order 2025 (SI 2025/452)</td><td>Part 6 of Schedule 15</td><td>Para 100 (cash deposit): cash deposit</td></tr>
<tr><td>West Midlands Rail Freight Interchange Order 2020 (SI 2020/511)</td><td>Part 3 of Schedule 13</td><td>Para 9 (security): bond or other security that may be agreed between the undertaker and LHA</td></tr>
<tr><td>Northampton Gateway Rail Freight Interchange Order 2019 (SI 2019/1358)</td><td>Part 3 of Schedule 13</td><td>Para 8 (security): bond from an approved bondsman (drafted substantially per the annexed draft)</td></tr>
<tr><td>East Midlands Gateway Rail Freight</td><td>Schedule 20</td><td>Para 9 (security): bond (drafted</td></tr>
</table>
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				OCC has raised a concern about highway works being left unfinished and it needing to utilise the security to complete these. The vast majority of the highway works are not on the local road network/adopted highway (namely the Ardley Bypass and Middleton Stoney Relief Road). OCC would therefore have no powers to step in and complete these works, nor would there be any need to do so given they do not affect the existing local road network. In any event, the Applicant has strong incentives to deliver these works. First, Requirements 7 and 8 prevent occupation of warehouse floorspace beyond specified thresholds until the highway works are delivered, creating a clear commercial imperative. Prospective tenants will require evidence of DCO compliance, making delivery essential to the Applicant's business interests. Second, and more importantly, breach of a DCO is a criminal offence under section 161 of the Planning Act 2008. This provides the strongest possible incentive to secure compliance. <u>Fees for the County highway works</u> The Applicant's objection to the County Council's definition was the costs being calculated as a percentage of the cost of the works, which has no direct relationship to the costs to be incurred by the County Council. If the County Council's wording was accepted, the Applicant would be paying hundreds of thousands of pounds for the works fees. No justification has been provided as to how this figure relates in any way to the actual costs which may be incurred. Pursuant to s93 of the Local Government Act 2003 and section 3 of the Localism Act 2011, the County Council should not be profiting from the carrying out of its statutory functions yet this definition risks that. There is precedent for costs being related to the actual costs incurred, see The A303 Sparkford to Ilchester Dualling Development Consent Order 2021 (as well as East Midlands Gateway as referred to already). <u>Deeming</u> The Applicant reiterates its comments in relation to deemed approval made elsewhere in this response. <u>Indemnity</u>	<table><tr><td>Interchange and Highway Order 2016 (SI 2016/17)</td><td></td><td>substantially per the annexed draft) or some alternative form of security acceptable to the LHA</td></tr></table> There is scope in the drafting of the West Midlands and East Midlands provisions for a PCG to be used, provided the relevant applicant and authority agree to that form of security. Similarly, there is sufficient flexibility in the instant draft LHAPPs for the LHA and Applicant to agree another form of security: paragraph 1 provides that the LHAPPs have effect, unless otherwise agreed in writing between the LHA and Applicant. So, if the Applicant were unable to secure a bond, there would be scope for the parties to agree to amend the LHAPPs and secure something else. It will be remembered that these provisions are included in the DCO for OCC's protection, not for the convenience of the Applicant. In any event, OCC note the Applicant proposes to share some drafting in respect of a proposed PCG and will consider that in due course. OCC would emphasise, however, that bonds are a tried and tested mechanism and it is their strong preference that a bond is the fall-back method of security. <u>Fees for the County highway works</u> OCC maintains its position is reasonable and consistent with the approach followed by LHAs under the Planning Act and Highways Act regimes. <u>Deeming</u> Similarly, OCC maintains its position on this point. <u>Indemnity</u> OCC understand the Applicant will come back to them on this point and will look forward to hearing from the Applicant in due course. A productive meeting was held on the PPs in early September. OCC would suggest that another meeting is held shortly with the aim of narrowing points of disagreement further.

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				The scope of the indemnity is under discussion but the Applicant is confident that agreement can be reached on this point.	
		Schedule 15 (miscellaneous controls)	Paragraph 5 (Environment Act 1995) provides that no order, notice or regulation under the 1995 Act, in relation to the preservation of hedgerows, has effect in relation to the authorised development. The relevant provision(s) of the 1995 Act should be set out.	The DCO was amended to address this prior to submission. Paragraph 5 refers to section 97 of the 1995 Act.	This is noted.