Formal objection to MOD Bicester Site A

Urgent Crown Development application PCU/RARE/C3105/3378843

To: Secretary of State for Housing, Communities and Local Government, via the Crown Casework Team

By email: Crowncasework@communities.gov.uk

From: Tom Gant

Address: [redacted]

Email: [redacted]

Date: 10th September 2026

Dear Secretary of State,

1 My objection

1.1 I object to this application and ask the Secretary of State to refuse full planning permission. It seeks a ten-year development accommodating up to 1,256 people. The published evidence does not establish that the scheme, at its maximum scale and through all phases, can operate acceptably at this location. If permission is not refused, determination should be deferred while the essential evidence identified below is obtained and consulted upon. [D0]

1.2 I live in [redacted] with my family. I want to understand how the proposed development would affect our village, local services and the surrounding environment. I recognise the need for suitable asylum accommodation, but I remain concerned that the published documents leave important questions about this site unanswered.

1.3 Paragraph 5.8 of the Planning Proposal Statement relies on the December 2024 National Planning Policy Framework (NPPF) as amended in February 2025. A replacement NPPF was published on 17 August 2026; Annex A, paragraph 1 makes it a material consideration from publication. Please assess the proposal under the current framework and identify the relevant development-plan policies, their weight and any justified departure under section 38(6). Reliance on the earlier policy analysis without updating it would be inadequate. [D1] [L6] [L9]

2 Ecology and outstanding surveys

2.1 The applicant expressly identifies outstanding work. Planning Statement paragraphs 7.34-7.35 list surveys or further assessments for dormice, roosting and other bats, breeding birds, great crested newts and reptiles, with the results intended to inform design, mitigation and licensing. The Preliminary Ecological Appraisal identifies the limitations of a single visit and says its assessment is not comprehensive. [D1] [D2]

2.2 Natural England's standing advice says necessary surveys should be received before deciding an application, and surveys should not usually be left to conditions. It recognises exceptions, including additional or updated surveys to support mitigation, and justified alternative licensing approaches. The decision must explain any exception relied upon here. General urgency does not itself establish that a species-specific assessment or licensing approach is adequate. [L5]

2.3 The survey findings could change the design of the scheme. Survey results may affect the developable area, demolition, tree retention, lighting, ecological connections and the space required for mitigation. Please require the necessary survey results and an integrated ecological impact assessment before granting permission. If equivalent evidence or a justified alternative approach is relied upon, publish it and explain how it addresses each outstanding recommendation.

2.4 R (Woolley) v Cheshire East Borough Council [2009] EWHC 1227 (Admin), paragraphs 27-35, supports substantive consideration of protected-species requirements at the planning stage. It must be read with Morge v Hampshire County Council [2011] UKSC 2, paragraphs 29-30, which limits the planning authority's role in duplicating licensing judgments and recognises reliance on Natural England's advice. I do not suggest that species presence automatically prevents permission. Please identify the evidence and advice supporting the proposed approach to the outstanding surveys and any necessary licences. [C1] [C2]

3 Drainage and Arncott Bridge Meadows

3.1 The Drainage Design Statement records reports of frequent surface-water flooding affecting Zone 1 and much of the southern access. Section 9.1 says the viability of its proposals has not been determined. Sections 11.1-11.2 describe a concept requiring further investigation, including outfalls, receiving watercourses, hydraulic modelling and the viable foul-water solution. These are material uncertainties about whether the development can be safely served. [D3]

3.2 Natural England's letter of 23 July 2026 says it had not seen the drainage details and was advising on an email. It identifies possible significant effects on Arncott Bridge Meadows Site of Special Scientific Interest (SSSI), requests adequate water-quality treatment and further consultation, and states that its discretionary advice is not a binding statutory response. [D4]

3.3 I acknowledge the screening statement records further Natural England advice on 11 and 13 August, including support for the proposal moving forward without damage. That later advice needs to be read alongside the July letter. Please publish the later advice, the information supplied with it, and the resulting requirements so that its scope can be understood. [D5]

3.4 Section 8.2 of the Drainage Design Statement (PDF page 23) says Phase 1 lacks space for attenuation and its flows cannot be restricted to greenfield rates. It also proposes approximately 440 square metres of concrete surfacing within an existing gravel corridor, without greenfield runoff control for that area. Yet the screening written statement (PDF page 10) relies on greenfield discharge rates, no alteration of the existing hydrological regime and no additional hardstanding. These are specific matters requiring reconciliation, beyond the report's recommendation to explore betterment rather than a strict greenfield limit for all areas. [D3] [D5]

3.5 Please identify the operative design, whether a later revision supersedes section 8.2, and whether Natural England's August advice considered the Phase 1 exception and concrete surfacing. Existing gravel may already count as hardstanding; that does not answer whether the change in impermeability affects runoff. Publish the hydraulic and ecological evidence supporting the screening conclusion for each phase, with the lead local flood authority's response. A clarification may resolve these discrepancies, but their environmental significance must be established before the decision relies on the disputed assumptions.

3.6 Before permission, require sufficient evidence of a deliverable drainage solution: verified receiving routes and capacity; modelling of flood and pollution effects; safe access during flooding; pump or power-failure contingencies; and a feasible foul-water destination for each phase. Identify the necessary land rights, treatment capacity and maintenance responsibility. Apply NPPF F4-F8, explaining any sequential-test exemption relied upon. I am asking for evidence that the drainage solution will work, while recognising that some construction details can follow later. [L6]

3.7 The decision should demonstrate compliance with the qualified conservation duty in section 28G of the Wildlife and Countryside Act 1981. Where section 28I is engaged, confirm its notice, advice and timing requirements have been met. These duties are separate from environmental impact assessment screening. [L4] [L12] Under NPPF policy N6(1)(b), identify whether the case rests on no adverse effect, the specified benefits balance, or an applicable Environmental Delivery Plan and levy commitment. Do not assume an exemption. [L6]

4 Environmental impact assessment

4.1 Please treat this representation also as a request under regulation 5(6)(b) of the Environmental Impact Assessment (EIA) Regulations 2017 to reconsider the direction of 26 August 2026, reference PCU/EIASCR/C3105/3378828, and issue a fresh direction. Its adequacy must be examined against the actual scheme now proposed and the unresolved matters identified here. [D11] [L3]

4.2 The screening statement asserts no additional hardstanding and no loss or harm to Priority Habitat. However, the screening request identifies potential construction losses including deciduous woodland and lowland meadow. These accounts need reconciliation by reference to the surveyed baseline and an enforceable footprint. A later design may resolve the discrepancy; the published material should explain whether and how it has done so. [D5] [D6]

4.3 Mitigation may lawfully be considered at EIA screening. The objection is therefore not that it has been considered, but whether the measures relied upon are sufficiently identified and credible. Regulation 5 and Schedule 3 require examination of the whole development and relevant environmental sensitivities, cumulative effects and the possibility of effectively reducing impacts. The accompanying guidance also addresses how those measures should be secured. [L3] [L10]

4.4 In R (Champion) v North Norfolk District Council [2015] UKSC 52, paragraphs 51-53, the Supreme Court explained that mitigation can be considered at screening, but material doubt generally favours EIA. Not every uncertainty requires EIA. The Court also refused relief on the facts after considering the investigations, consultation and evidence (paragraphs 58-60). I rely on its requirement for an informed screening judgment, not on a claim that every defect requires quashing. Please explain how the unresolved matters in section 3 are consistent with a sound conclusion that significant effects are unlikely. [C3]

4.5 The common-law duty in Secretary of State for Education and Science v Tameside MBC [1977] AC 1014 requires reasonable steps to obtain the information needed for the decision. R (Plantagenet Alliance Ltd) v Secretary of State for Justice [2014] EWHC 1662 (Admin), paragraphs 99-100, restates that duty and its demanding review threshold. These questions go to the basis of the screening decision. The conflicting drainage assumptions concern mitigation used to exclude significant effects; please establish which assumptions are correct and whether the necessary measures are feasible. [C4]

4.6 Please explain why significant effects are unlikely despite the unresolved drainage feasibility, design-informing ecological work and transport omissions set out in this representation. Identify the specific evidence supporting each conclusion and the controls that would keep the permitted scheme within the assessed assumptions. A general undertaking to produce an acceptable design later does not answer those questions.

4.7 I ask for a positive screening direction and an Environmental Statement addressing the whole project. If the Secretary of State maintains the negative direction, please give a reasoned response to these specific discrepancies. If this is EIA development, regulation 3 prevents permission without EIA and article 11(3)(c) of the urgent procedure provides for a representation deadline no earlier than the end of its 30-day publication period. [L3] [L2]

5 Road safety and transport

5.1 The Transport Assessment records a 50mph B4011, no footways or street lighting immediately around the northern access, and recommends minibuses because of limited pedestrian infrastructure. It cannot accurately estimate construction traffic at paragraph 5.2.3. The screening statement says shuttle-bus movements for off-site facilities have not been estimated. [D7] [D5]

5.2 The Equality Impact Assessment confirms residents can leave at any time, but describes shuttle buses as something that may be considered. This requires reconciliation with the transport assessment's reliance on their provision. A non-detained site cannot be assessed on an assumption that everyone will remain within it or use managed transport for every journey. [D8]

5.3 Require a consistent transport model covering full occupancy, realistic pedestrian and cycle demand, shuttle frequency and capacity, staff and servicing movements, and any additional tankering. Test construction peaks alongside occupation of earlier phases, disruption to shuttle provision and movements outside commuter peaks. Paragraph 6.3.2 excludes committed developments from the transport assessment; please publish and validate the search and exclusions underpinning that decision. [D7]

5.4 An absence of historic pedestrian collisions does not establish safety for the proposed pattern of use. Require a proportionate road-safety assessment and deliverable safe access before occupation. NPPF TR6 distinguishes unacceptable highway-safety effects from severe capacity or congestion effects and applies to construction and operation; TR3 and TR4 are also relevant. My concern is whether the assessment demonstrates that the proposed traffic and pedestrian movements can be accommodated safely. [L6]

6 Design details and planning conditions

6.1 Paragraph 1.9 of the Planning Statement adopts a Rochdale Envelope approach and anticipates later design approvals through conditions. The Site Parameters Plan provides a 12m height limit above existing site levels. A parameter-based full application can be lawful; the issue is whether its parameters and assessments adequately control this scheme. [D1] [D10]

6.2 Article 6(1)(c)(ii) requires the information necessary to describe the proposed development. Please demonstrate how the binding plans and conditions would prevent layouts, clearance, hardstanding, drainage infrastructure or occupation exceeding the impacts assessed. Provide an integrated plan showing that the maximum accommodation, access, servicing, drainage and ecological requirements can coexist. If they cannot, the scheme must be amended and reassessed. [L2]

6.3 Further-detail conditions are available, but their use needs justification; materially different development should not emerge through discharge of conditions. For any deferred off-site infrastructure, establish realistic delivery prospects rather than relying solely on an agreement to seek third-party consent. Apply NPPF DM6 and the guidance on further details and conditions involving third-party works. [L6] [L11]

6.4 If any permission is time-limited, its commencement, cessation and restoration requirements must be unambiguous. A ten-year operational review must not substitute for a binding expiry. Identify what must be removed or restored, by when, and how that is secured.

7 Healthcare and equality impacts

7.1 The Equality Impact Assessment relies on on-site primary care to reduce pressure on existing provision but states that the exact service remains under discussion with local health authorities. Space reserved for healthcare does not by itself establish a staffed, funded service. [D8]

7.2 Please obtain and publish an assessment from the relevant NHS commissioning body of demand, proposed on-site capacity and residual impacts on local primary, mental-health, urgent and emergency care. Identify how provision begins with first occupation and scales with each phase. Any material reliance on these services should be backed by credible delivery arrangements and, where lawful and necessary, planning controls.

7.3 Section 149 of the Equality Act 2010 requires the decision-maker to have due regard to the specified equality needs in exercising this function. Please explain the implications of the transport and service model for disabled people and other affected groups, including future residents. The assessment must address foreseeable effects, with evidence for the mitigation relied upon. [L8]

7.4 In R (Hough) v Secretary of State for the Home Department [2022] EWHC 1635 (Admin), paragraphs 99-110, the court found a public-sector equality duty breach concerning Napier Barracks. The assessment addressed approximately two months' use, whereas the decision permitted five years; longer-term community relations, service pressures and possible mitigation had not been adequately considered. At paragraphs 111-114, the court rejected the contention that correcting the failure would necessarily make no material difference. This was a fact-specific decision, not a prohibition on asylum accommodation. [C5]

7.5 Please demonstrate that the material before the decision-maker addresses equality impacts throughout the proposed ten-year use, including the ability of local services to support it and the delivery of mitigation from first occupation. The unresolved healthcare provision identified at paragraph 7.1 makes this an important inquiry, but is not itself proof of a Hough-type breach. A commitment to review impacts later should supplement, rather than replace, the consideration required for the present decision. [D8] [L8]

8 The timetable and urgency

8.1 Section 293B(6) makes national importance and urgent need distinct requirements for accepting this route. The ministerial statement requires an accelerated operational timetable unlikely to be achievable through other application routes, with evidence of the consequences of not securing a timely decision. [L1] [L7]

8.2 The applicant's urgency statement assumes July submission and approval by late August 2026. The application was validated on 2 September; its published representation period ends on 17 September. Separately, the Transport Assessment uses 2027 as its assumed opening year. Those dates may reflect different phases, but the relationship needs an updated explanation. [D9] [D0] [D7]

8.3 Please publish a current programme showing how the outstanding ecological work, drainage solution, procurement and pre-commencement requirements affect each phase's opening date. Explain the actual timing advantage over the ordinary Crown route and the evidenced consequences of delay. The missed programme does not automatically extinguish urgency, but reliance on it without explanation would not answer the present question. Please reconsider the justification for continued accelerated handling in light of that evidence.

8.4 I recognise that the challenges concerning Wethersfield and Scampton in R (Clarke-Holland and others) v Secretary of State for the Home Department and another [2023] EWHC 3140 (Admin) were unsuccessful. That case concerned a different planning route and does not determine this application. My objections depend on Bicester's evidence, duration and proposed controls, rather than an assertion that urgent asylum accommodation is inherently unlawful. [C6]

9 Consultation and access to information

9.1 I request an extension of the current representation period and a further opportunity to comment on material new evidence or revisions before determination. The purpose is to allow informed responses to the ecology, drainage, transport and service evidence needed to decide the proposal. This objection is submitted within the published period and is not conditional on an extension being granted.

9.2 Article 10 allows the Secretary of State to set the non-EIA representation period. Once published, determination cannot precede its end and timely representations must be considered. Please confirm compliance with the separate consultation requirements in articles 13 and 15 and publish relevant responses promptly. I request an opportunity to address any response that introduces material evidence on which permission may depend. [L2]

9.3 I recognise the statutory protection for genuinely sensitive information. Please provide a public schedule identifying the material withheld and sufficient non-sensitive explanation of environmental assumptions and safeguards to permit meaningful comment, so far as consistent with section 293B(11) and article 12. I do not seek disclosure of security-sensitive operational details. [L1] [L2]

10 What I am asking for

10.1 The application should be refused because the material currently published does not demonstrate an acceptable, deliverable scheme. If the Secretary of State considers these matters capable of resolution, I request the following before any permission is granted:

a. Use the power in section 293B(8) to obtain the information necessary to resolve the ecological, drainage, transport and service issues identified above that could affect the design. [L1]

b. Reconsider the EIA screening direction in light of the Phase 1 runoff and surfacing discrepancies and the authorities cited above; require an Environmental Statement and the applicable consultation process if the proposal is EIA development.

c. Obtain current advice from Natural England, the Environment Agency, the highway and flood authorities, and the relevant NHS body on the evidence within their remits. Publish the August Natural England advice and the design information on which it was based, subject to lawful protection of sensitive information.

d. Publish material further evidence and scheme revisions and allow a meaningful further representation period; provide an updated assessment against current planning policy.

e. Explain any continued reliance on urgent handling and identify the binding plans, conditions and obligations that would secure every measure essential to an acceptable outcome.

10.2 Please ensure the decision and reasons address the principal objections above, rather than relying on a general assertion that concerns can be dealt with by conditions. If the necessary evidence remains unavailable, that is a reason not to grant permission. It should not become a reason to postpone scrutiny until after permission has been given.

Yours faithfully,

Tom Gant

References

PDF page references count from the first page of the published file and may differ from printed page numbers. Sources checked on 10 September 2026. Bracketed references in the body and the titles below are clickable.

D0 Official application page
Application PCU/RARE/C3105/3378843; publication, validation and representation dates.

D1 Planning Proposal Statement
Paragraphs 1.9, 5.8 and 7.34-7.35; PDF pages 8, 40 and 72-73.

D2 Preliminary Ecological Appraisal
Limitations and section 5 conclusions; PDF pages 11 and 36.

D3 Drainage Design Statement
Existing flooding, section 8.2 runoff and surfacing, foul drainage and conclusions; PDF pages 12, 23, 28 and 36-37.

D4 Natural England drainage advice dated 23 July 2026
DAS/A024337; drainage evidence, further consultation and status of advice; PDF pages 1-2.

D5 EIA screening direction written statement
Traffic and duration, drainage assumptions and later Natural England advice; PDF pages 3 and 9-11.

D6 EIA screening direction request
Ecological construction effects and potential habitat loss; PDF page 38.

D7 Transport Assessment
Paragraphs 3.3.1-3.4.4, 5.2.3-5.2.4, 6.1.2 and 6.3.2; PDF pages 16-18, 33 and 40.

D8 Equality Impact Assessment
Community relations and local services; PDF pages 16-17.

D9 Statement of National Importance
Alternative routes and urgency programme; PDF page 5.

D10 Site Parameters Plan
Drawing BIC-DR-AR-100107-P01; operational development zone height limit of 12m.

D11 EIA screening direction dated 26 August 2026
Reference PCU/EIASCR/C3105/3378828.

L1 Town and Country Planning Act 1990 section 293B
Subsections (6), (8) and (11): acceptance, further information and sensitive information.

L2 Urgent Crown Applications Procedure Order 2025
SI 2025/411; articles 6, 9-13 and 15.

L3 Environmental Impact Assessment Regulations 2017
Regulations 3 and 5, and Schedule 3.

L4 Wildlife and Countryside Act 1981 section 28G
Qualified duty to further conservation and enhancement of SSSIs.

L5 Natural England protected species standing advice
Sections 1 and 2, including planning conditions; updated 7 April 2025.

L6 National Planning Policy Framework August 2026
Annex A paragraph 1; policies DM6, TR3, TR4, TR6, F4-F8, N2 and N6.

L7 Crown Development Written Ministerial Statement
HCWS454, 13 February 2025; national importance and urgent operational need.

L8 Equality Act 2010 section 149
Public sector equality duty.

L9 Planning and Compulsory Purchase Act 2004 section 38
Subsection (6): development plan and material considerations.

L10 Planning practice guidance on EIA
Paragraph 018: reasons for negative screening and securing avoidance measures.

L11 Planning practice guidance on conditions
Paragraphs 006, 009 and 012: further details, third-party works and significant changes.

L12 Wildlife and Countryside Act 1981 section 28I
Notice, consultation and timing when authorising operations likely to damage a SSSI.

Case law

The judgments referred to in the representation are listed below, with links and paragraph references.

C1 R Woolley v Cheshire East Borough Council [2009] EWHC 1227 (Admin)
Paragraphs 27-35: consideration of protected-species requirements at the planning stage. Read alongside the later Supreme Court decision in Morge.

C2 Morge v Hampshire County Council [2011] UKSC 2
Paragraphs 29-30: limits of the planning authority's licensing role and reliance on Natural England's advice.

C3 R Champion v North Norfolk District Council [2015] UKSC 52
Paragraphs 51-53: mitigation, uncertainty and EIA screening. Paragraphs 58-60: discretion to refuse relief in the circumstances of that case.

C4 R Plantagenet Alliance Ltd v Secretary of State for Justice [2014] EWHC 1662 (Admin)
Paragraphs 99-100 restate the duty of reasonable inquiry from Secretary of State for Education and Science v Tameside MBC [1977] AC 1014, page 1065.

C5 R Hough v Secretary of State for the Home Department [2022] EWHC 1635 (Admin)
Paragraphs 99-110: inadequate assessment of longer-term equality impacts at Napier Barracks. Paragraphs 111-114: rejection of the no-difference argument.

C6 R Clarke-Holland and others v Secretary of State for the Home Department and another [2023] EWHC 3140 (Admin)
Paragraphs 103-114 and 120: unsuccessful equality and other challenges concerning Wethersfield and Scampton; distinction from Hough. The planning route differed from this application.