[redacted]
Bicester, Oxfordshire
[redacted]
Contact and verification details held separately with the Crown Casework Team; not reproduced in this representation.

Crown Casework Team, Planning Casework Unit
Ministry of Housing, Communities and Local Government
By email: crowncasework@communities.gov.uk

Copy to: Cherwell District Council (bicester.garrison@cherwell-dc.gov.uk); Calum Miller MP (calum.miller.mp@parliament.uk)

14 September 2026

WRITTEN REPRESENTATION – OBJECTION

Application: PCU/RARE/C3105/3378843 – MOD Bicester (Site A), Bicester Garrison, Launton Road, Oxfordshire OX25 1AE

Applicant: Secretary of State for the Home Department

Proposal: Temporary change of use to non-detained asylum accommodation for up to 1,256 single adult men, with associated development[1]

Dear Crown Casework Team,

1. Who we are, and the basis of this objection

1.1 We are [redacted]. On 1 July 2026 Cherwell District Council wrote to over 3,000 addresses in the vicinity of the application site, including ours, to inform residents of the proposal; that letter is the basis of our standing to make this representation, rather than any distance we calculate ourselves.[2] [redacted] leads an LGBT+ support group in Oxfordshire with a membership of between fifteen and twenty. This representation is made in her own name and in that capacity, and on behalf of her partner. Our full address has been given to MHCLG separately and is not set out here because we understand representations may be published and we do not wish our home address to appear alongside the fact that we are a lesbian couple.

1.2 **We object, and ask that permission be refused**, or in the alternative that determination be deferred until the matters in section 12 are resolved.

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[1] Ministry of Housing, Communities and Local Government, 'Urgent Crown Development application: MOD Bicester (Site A)', ref PCU/RARE/C3105/3378843, validated 2 September 2026 <https://www.gov.uk/guidance/urgent-crown-development-application-mod-bicester-site-a> accessed 14 September 2026. All application documents cited below are published at that address.

[2] Cherwell District Council, 'Site A – Bicester Garrison: Home Office Proposals', timeline entry for 1 July 2026: "Cherwell District Council writes to over 3,000 addresses in the vicinity of the site to inform them of the proposal and ensure they are aware of how to contact the Home Office directly to ask any questions" <https://www.cherwell.gov.uk/info/118/communities/1404/site-a---bicester-garrison-home-office-proposals> accessed 14 September 2026.

1.3 We make no assertion, and invite no inference, about the conduct, nationality, religion or beliefs of any person who may be accommodated at the site. Every factual statement below is taken from a document published by the Home Office or the Secretary of State, or from a public planning register, and is cited so that it can be checked. Where we rely on an absence in the published material we say so, and ask the Secretary of State to establish the position rather than assuming it.

1.4 Each ground is advanced independently. A conclusion adverse to one is not a reason to leave another unanswered. We are not lawyers.

1.5 This representation refers, under Ground 1, to our sexual orientation, which is special category data under Article 9 of the UK GDPR. We ask that, if this representation or any summary of it is published, our contact details and any information capable of identifying our home address be redacted first, and that the reference to our sexual orientation be handled in a way consistent with the data minimisation principle and your Department's obligations under the Data Protection Act 2018. We ask you to confirm how this will be handled.

2. Summary

2.1 Our principal objection is that the equality assessment before the Secretary of State does not address the people who live around the site. It assesses the effect of the development on the people who would be accommodated within it. The Home Office's own conclusion says so: Section 5 finds no significant negative impacts for protected groups "(within the wider group of single adult males)". The parenthesis is the applicant's. On that basis the Home Office then declares that it has discharged section 149 of the Equality Act 2010, including the duty to foster good relations between persons who share a protected characteristic and persons who do not. A duty owed to people outside the fence has been discharged by an assessment which, by its own terms, looked only inside it.

2.2 The remaining grounds concern: unresolved controlling parameters; highway safety and an unscoped Transport Assessment; unresolved ecology and drainage evidence; the treatment of material produced after this representation period; assessment against a superseded National Planning Policy Framework; need and urgency; the absence of any monitoring baseline or review trigger; and the geographical adequacy of the cumulative-effects search underpinning the EIA screening direction.

3. Ground 1 – The Public Sector Equality Duty

The duty

3.1 Section 149(1) requires a public authority, in the exercise of its functions, to have due regard to the need to eliminate discrimination and harassment, to advance equality of opportunity, and to foster good relations between persons who share a relevant protected characteristic and persons who do not. Fostering good relations includes tackling prejudice and promoting understanding (s 149(5)).[3] Due regard must be had in substance, with rigour and an open mind, before and at the time of the decision, and on the basis of proper inquiry.[4] In the planning context a failure may found a challenge to the permission.[5]

[3] Equality Act 2010, s 149(1), (3), (5) and (7); sch 18 para 2; sch 23 para 3; sch 3 para 27.

[4] R (Bracking) v Secretary of State for Work and Pensions [2013] EWCA Civ 1345, [2014] Eq LR 60 [25]–[26] (McCombe LJ), summarising the principles drawn from R (Brown) v Secretary of State for Work and Pensions [2008] EWHC 3158 (Admin), [2009] PTSR 1506.

[5] R (Harris) v London Borough of Haringey [2010] EWCA Civ 703, [2011] PTSR 931.

3.2 The duty binds the Secretary of State determining this application, not only the applicant. The exemption in Schedule 18 paragraph 2 is limited: it disapplies limb (b) only, only for age, race (so far as nationality, ethnic or national origins) and religion or belief, and only in the exercise of immigration and nationality functions. The Home Office's own assessment accepts this, listing sex, sexual orientation, gender reassignment, disability, race, pregnancy and maternity, and marriage and civil partnership as characteristics it has considered under limb (b).[6] Nothing disapplies limbs (a) or (c) for any characteristic, and nothing disapplies the duty as it binds a planning decision-maker.

What the assessment does, and does not, contain

3.3 We put this precisely, because the point is narrow and we do not overstate it. The Equality Impact Assessment is not silent about the receiving community. Section 4 addresses the third limb of the duty and deals with stakeholder engagement, community relations, policing, protest and local services in general terms. What we can identify nowhere in the document is any assessment of the receiving community by reference to a protected characteristic. Sections 2 and 3, which work through each characteristic in turn, do so exclusively by reference to the people who would be accommodated.[7]

3.4 The applicant's own conclusion confirms that this is the scope of the exercise. Section 5 states that "there are no noted significant negative impacts or disadvantages for protected groups **(within the wider group of single adult males)**" arising from accommodating them on the site as opposed to elsewhere.[8] Section 8 then records the declaration that "due regard has been had to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations". The declaration is made on an assessment whose stated scope is the site population.

3.5 Two features of the document bear on the weight the Secretary of State can give it. First, it is dated 28 May 2026, before the proposal was announced publicly, before the application was made on 6 July, and before any of the engagement described in Section 4 took place; it has not been updated, and it describes the site as "5 hectares of the larger site" where the application is for 10.22 hectares. Secondly, in the sign-off at Section 8 the name and title of the responsible senior civil servant and the lead contact are blank; the publication status at Section 9 reads "[Not decided yet]" with neither consent box ticked; and Section 9 carries the instruction "This section should not be published. Please redact the section below if you intend to publish your EIA outside of the Department." It was published unredacted with the application.[9]

Our own position, as evidence rather than argument

3.6 We mention our own circumstances because they are a small piece of evidence on the very question the assessment does not ask. Cherwell District Council's letter of 1 July 2026 was sent to households in the vicinity of the site, including ours.[10] We are therefore, on the Council's own assessment, within the group of people the development affects. We are a lesbian couple. In the

[6]Home Office, 'Equality Impact Assessment [EIA]: Section 1: MOD015 (Bicester)', 22 pages, signed off 28 May 2026 (published with the application, n 1).

[7]Home Office, 'Equality Impact Assessment [EIA]: Section 1: MOD015 (Bicester)', 22 pages, signed off 28 May 2026 (published with the application, n 1).

[8]Home Office, 'Equality Impact Assessment [EIA]: Section 1: MOD015 (Bicester)', 22 pages, signed off 28 May 2026 (published with the application, n 1).

[9]Home Office, 'Equality Impact Assessment [EIA]: Section 1: MOD015 (Bicester)', 22 pages, signed off 28 May 2026 (published with the application, n 1).

[10]Cherwell District Council, 'Site A – Bicester Garrison: Home Office Proposals', timeline entry for 1 July 2026: "Cherwell District Council writes to over 3,000 addresses in the vicinity of the site to inform them of the proposal and ensure they are aware of how to contact the Home Office directly to ask any questions" <https://www.cherwell.gov.uk/info/118/communities/1404/site-a---bicester-garrison-home-office-proposals> accessed 14 September 2026.

period since the proposal was announced, no one acting for the Home Office has approached us, or the LGBT+ support group one of us leads, to ask whether this development affects us differently because of that; and we can find no published record of any general call for LGBT+ organisations, or women's organisations, to contribute to the assessment. We do not say the Home Office was obliged to consult us personally, and section 149 does not require consultation with any named group. We say that where an authority must have due regard to the needs of persons sharing a protected characteristic, and must be properly informed before deciding, the complete absence of any identifiable inquiry of the people concerned is a matter the Secretary of State should establish rather than assume.[11]

Two admitted acts of direct discrimination

3.7 The assessment concludes, in bold, twice, that "[t]he operation, as currently assessed, at Bicester is considered to be directly discriminatory in relation to age" and "… in relation to sex".[12] It advances justifications: for age, section 13(2); for sex, the communal accommodation exception in Schedule 23 paragraph 3 and, in the alternative, Schedule 3 paragraph 27. We do not say those justifications are necessarily bad. We say that each is reasoned exclusively by reference to the allocation of accommodation among asylum seekers – that women with equivalent needs "will instead be accommodated in suitable alternative provision elsewhere" – and that neither considers any effect on anyone outside the site. A decision-maker relying on this material would be adopting a justification that was never tested against the receiving community.

Sexual orientation: the internal contradiction

3.8 The sexual orientation section is two paragraphs long and concerns residents only. It reasons that "[t]here is no evidence that individuals with the protected characteristic of sexual orientation require a materially different form of support than others". It then states that such an individual "may be subjected to the prejudices of others and thus potentially subject to harassment and/or bullying", that these issues "will be handled on a case-by-case basis", and that "[w]here an individual raises safeguarding concerns because of how others respond to their sexual orientation then they will be moved from the Site if there are concerns that their welfare is or would be compromised".[13] The parallel passage on gender reassignment records that such individuals, sharing communal facilities, "may suffer some form of prejudice, in the form of hostile or abusive behaviour".

3.9 Those propositions do not sit together. No materially different need is asserted, yet a materially different risk is identified; and the identified response is not preventive but reactive, depending on the victim disclosing his sexual orientation and raising a concern after the event. We ask the Secretary of State to require the applicant to explain how a response which operates only after harassment has occurred constitutes due regard to the need to eliminate harassment under section 149(1)(a).

3.10 **The point our own position turns on is the next one.** The remedy the Home Office offers to a resident harassed because of his sexual orientation is that he "will be moved from the Site". Residents of [redacted] cannot be moved from their homes. If the applicant considers that relocation is the appropriate answer to identified

[11] R (Bracking) v Secretary of State for Work and Pensions [2013] EWCA Civ 1345, [2014] Eq LR 60 [25]–[26] (McCombe LJ), summarising the principles drawn from R (Brown) v Secretary of State for Work and Pensions [2008] EWHC 3158 (Admin), [2009] PTSR 1506.

[12] Home Office, 'Equality Impact Assessment [EIA]: Section 1: MOD015 (Bicester)', 22 pages, signed off 28 May 2026 (published with the application, n 1).

[13] Home Office, 'Equality Impact Assessment [EIA]: Section 1: MOD015 (Bicester)', 22 pages, signed off 28 May 2026 (published with the application, n 1).

homophobic harassment inside the perimeter, the Secretary of State should ask what the answer is for people with the same protected characteristic outside it, and should be told where that question has been considered.

Lesbians, gay men, bisexual people and trans people are not one group

3.11 The published assessment treats sexual orientation as a single undifferentiated characteristic and, being concerned with a male-only site, considers it only as it affects men. The word "lesbian" does not appear in the document. "LGB" appears once, inside a statistic.[14]

3.12 Section 149 requires due regard to the needs of persons who share a relevant protected characteristic. Those needs are not uniform, and the differences are not speculative:

- A person may share two protected characteristics whose effects combine. For a lesbian woman in the receiving community, sex and sexual orientation operate together; her position is not the same as that of a gay man, and an assessment which considers sexual orientation only as it affects men does not reach her at all.
- Visibility differs. A single person may keep their sexual orientation private. A same-sex couple living together in a village of a few hundred people is identifiable as a couple whether or not either of them discloses anything. That is a difference in exposure, and it is a difference the assessment does not register.
- Gender reassignment is dealt with separately in the assessment for residents, and correctly so, because the risks and the safeguarding response differ. The same differentiation is absent for the community.

3.13 We therefore ask that any further assessment consider lesbians, gay men, bisexual people, trans people and same-sex couples separately as well as collectively, and do so for the receiving community as well as for residents. We are not asking for a different conclusion. We are asking for the question to be put.

Same-sex relationships and family unity

3.14 The assessment does address marriage and civil partnership, and what it says repays attention. Those "married or in civil partnerships where both partners have claimed asylum together will not be accommodated at this site but will be accommodated together elsewhere". Where a partner is "subsequently identified" as having also claimed asylum, "it may be possible to arrange for both partners to be accommodated together elsewhere … provided both parties wish to be accommodated together".[15]

3.15 Three observations follow, none of which requires any assumption about any individual.

(a) The protection depends on the partner being identified. The Allocation of Asylum Accommodation Policy states that, from 2 June 2026, "[t]here may be some occasions where accommodation is provided before we have information about an individual's needs".[16] The two statements need to be read together, and the applicant should explain how they are reconciled.

(b) "May be possible" is not a commitment, and the assessment offers no timescale.

[14]Home Office, 'Equality Impact Assessment [EIA]: Section 1: MOD015 (Bicester)', 22 pages, signed off 28 May 2026 (published with the application, n 1).

[15]Home Office, 'Equality Impact Assessment [EIA]: Section 1: MOD015 (Bicester)', 22 pages, signed off 28 May 2026 (published with the application, n 1).

[16]Home Office, 'Allocation of asylum accommodation policy', version 16.0, published for Home Office officials 29 July 2026, updated on GOV.UK 29 July 2026 <https://www.gov.uk/government/publications/asylum-accommodation-requests-policy/allocation-of-asylum-accommodation-policy-accessible> accessed 14 September 2026.

(c) Nothing in the published material addresses a relationship formed after arrival. The site is proposed for at least ten years; the maximum length of stay at the comparable Wethersfield site is nine months under current policy.[17] The Allocation Policy defines "single", for these purposes, as "on asylum support with no dependants" – not as unmarried or unpartnered. A description of the cohort as "single adult males" therefore does not answer the question of family unity, and the Secretary of State should not treat it as if it did.

A figure the applicant held and did not apply

3.16 The assessment records that in 2023, 2 per cent of asylum claims in the United Kingdom – 1,377 claims – included sexual orientation as part of the basis of the claim, and that "[a]pplicants are not required to disclose their sexual orientation when applying for asylum", so that the recorded figure understates the true number.[18] Applied to a site of 1,256 bedspaces that proportion is not trivial. The applicant had the statistic in the document and did not apply it to the site, either to estimate the number of LGB residents at any one time or to size the safeguarding response. We ask that it be required to do so.

The allocation policy contains no sexual-orientation criterion

3.17 The Allocation of Asylum Accommodation Policy, version 16.0 of 29 July 2026, sets out the suitability criteria for ex-Ministry of Defence sites. Those criteria exclude, among others, people with a positive reasonable-grounds decision under the National Referral Mechanism, and those "subjected to torture, rape or other serious forms of psychological, physical or sexual violence" who have had an individual evaluation confirming special needs. Sexual orientation and gender reassignment appear nowhere in the suitability criteria.[19]

3.18 The consequence is structural. The Equality Impact Assessment identifies a risk of harassment on grounds of sexual orientation at this site; the policy that governs who is sent there contains no mechanism directed at that risk at the point of allocation, only the reactive relocation described above. We note also that the same policy records that those accommodated at ex-MoD sites "are generally expected to room share", and that the update of 29 July 2026 restored earlier exclusions "pending further consideration following litigation concerning the policy development process" – so the criteria are expressly under review. The Secretary of State should establish what suitability framework will actually apply at this site before determining an application premised on its adequacy.

What we ask under this ground

3.19 That the Secretary of State (a) establish whether any assessment of the receiving community by protected characteristic exists and, if so, require its publication; (b) if none exists, require one before determination, addressing sexual orientation (differentiated as in paragraph 3.12), sex, gender reassignment, disability and race, and including the established Gypsy and Traveller site which the Screening Direction records as "established and occupied" approximately 150 metres from the boundary;[20] (c) require the applicant to state what engagement informed that

[17]Home Office, 'Allocation of asylum accommodation policy', version 16.0, published for Home Office officials 29 July 2026, updated on GOV.UK 29 July 2026 <https://www.gov.uk/government/publications/asylum-accommodation-requests-policy/allocation-of-asylum-accommodation-policy-accessible> accessed 14 September 2026.

[18]Home Office, 'Equality Impact Assessment [EIA]: Section 1: MOD015 (Bicester)', 22 pages, signed off 28 May 2026 (published with the application, n 1).

[19]Home Office, 'Allocation of asylum accommodation policy', version 16.0, published for Home Office officials 29 July 2026, updated on GOV.UK 29 July 2026 <https://www.gov.uk/government/publications/asylum-accommodation-requests-policy/allocation-of-asylum-accommodation-policy-accessible> accessed 14 September 2026.

[20]Secretary of State for Housing, Communities and Local Government, 'EIA Screening Direction: Written Statement – Former Defence Storage and Distribution Centre Bicester', ref PCU/EIASCR/C3105/3378828, 26 August 2026 (published

assessment; and (d) record in the decision letter, in substance rather than by recitation, how she has discharged section 149.

4. Ground 2 – The controlling parameters are not settled

4.1 The assessments before the Secretary of State do not proceed on a single agreed description of the development.

Parameter	One document	Another document
Maximum length of stay	Assessed at a maximum of 90 days (Screening Direction).	"A maximum length of stay may be imposed … however, this will be subject to confirmation through Business Design and operational planning" (EqIA, p 3). Under current policy the maximum at Wethersfield is 9 months and at Crowborough 90 days (Allocation Policy).
Duration	Temporary change of use for ten years (Planning Proposal Statement; description of development).	"the site will subsequently be expanded for use as a long-term asylum accommodation solution" (Statement on National Importance); assessed as operating permanently as a worst case, with no definitive decommissioning plans (Screening Direction).
Site area	10.22 hectares (application).	"5 hectares of the larger site" (EqIA, p 3).
Foul drainage	Wastewater treatment plant within the description of development.	Interim cesspool and tankering, subject to confirmation of acceptance capacity (Screening Direction).

4.2 **Permitted development rights.** Separately, the Planning Proposal Statement asks that any permission expressly preserve a range of permitted development rights, the stated reason being to allow the applicant "flexibility in the future to undertake small scale development projects not foreseen at the time of the submission".[21] Read alongside the stated intention that the site "will subsequently be expanded for use as a long-term asylum accommodation solution",[22] that request bears on the certainty of the very parameters being assessed. Policy DM6(2)(c) provides that conditions should not restrict national permitted development rights "unless there is clear justification to do so".[23] We submit that the justification here is clear and is supplied by the applicant itself: where an applicant states an intention to expand a site beyond the scheme assessed, rights permitting unassessed enlargement should be removed so that any expansion is judged on its merits.

4.3 We do not say that every difference invalidates the application. We ask that the applicant be required to state, in a single corrected document, the parameters actually relied upon in each technical assessment – capacity, maximum stay, duration, phasing and foul drainage – and that the assessments be shown to correspond to them. The maximum length of stay is not a detail: the transport, health, community and equality assessments all assume a throughput, and a nine-month stay produces a different site from a ninety-day one.

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with the application, n 1).

[21] Home Office, 'Planning Proposal Statement: MOD015', Revision D, 6 July 2026, 87 pages (published with the application, n 1).

[22] Home Office, 'Bicester: Statement on National Importance' (undated, redacted) (published with the application, n 1).

[23] 2026 Framework (n 8), policy DM6(1) and (2)(c). Conditions must be necessary, relevant, precise and reasonable, and should not restrict national permitted development rights "unless there is clear justification to do so".

5. Ground 3 – Highway safety and the Transport Assessment

5.1 The Transport Assessment records that "[d]ue to the planning application route being used and the fast-track nature of the proposals no pre-application scoping discussions have been held with the local planning and highway authorities prior to the preparation of this TA".[24] Its scope was therefore never agreed with Oxfordshire County Council as highway authority, and the Secretary of State does not yet have that authority's substantive response.

5.2 On the applicant's own evidence there is no pedestrian infrastructure serving the site, the accesses are not accessible on foot, and walking to the nearest bus stops would not be possible; residents are to be encouraged to use minibuses or shuttle buses.[25] The site is non-detained: the Equality Impact Assessment states that residents "are able to leave it at any time" and "will be free to interact with the local community", and that shuttle buses "may be considered".[26] The transport mitigation on which the sustainability and safety case depends is therefore, in the applicant's own words, discretionary and unsecured.

5.3 Three further matters appear on the face of the Transport Assessment. Construction traffic is not assessed: the applicant states that the necessary detail is not available and that an accurate estimate cannot presently be made. The capacity assessment models the site access junction. The trip generation tables and the corresponding summary paragraphs are redacted, so the figures on which the conclusion rests cannot be checked by any member of the public.[27]

5.4 National policy requires safe and suitable access for all users and the promotion of sustainable modes; Cherwell Policy SLE 4 and saved Policies TR7 and TR10 are to similar effect.[28] We ask the Secretary of State to obtain the highway authority's substantive response, to establish whether tanker movements associated with the interim foul drainage solution have been assessed anywhere, and to be satisfied before determination that safe access exists for those who leave on foot and that the transport measures relied upon are capable of being secured.

6. Ground 4 – Ecology, the SSSI and drainage

6.1 Natural England's letters of 4 June and 23 July 2026 were provided under its Discretionary Advice Service. They are pre-application, charged advice and are not a statutory consultee response or a formal objection, and we do not present them as one. Their significance is evidential: Natural England recorded that the proposal could have potential significant effects on Arncott Bridge Meadows SSSI, that a hydrological connection could not then be ruled out, that it had not seen the drainage details themselves, and that it asked to be re-consulted once the necessary information was available.[29]

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[24]Home Office, 'Transport Assessment, Bicester A Site', Revision D02, 7 June 2026, 103 pages (published with the application, n 1).

[25]Home Office, 'Planning Proposal Statement: MOD015', Revision D, 6 July 2026, 87 pages (published with the application, n 1).

[26]Home Office, 'Equality Impact Assessment [EIA]: Section 1: MOD015 (Bicester)', 22 pages, signed off 28 May 2026 (published with the application, n 1).

[27]Home Office, 'Transport Assessment, Bicester A Site', Revision D02, 7 June 2026, 103 pages (published with the application, n 1).

[28]Cherwell Local Plan 2011–2031 Part 1 (adopted 20 July 2015), Policies SLE 4, ESD 3, ESD 8, ESD 10 and ESD 11; Cherwell Local Plan 1996 (saved policies) TR7 and TR10.

[29]Secretary of State for Housing, Communities and Local Government, 'EIA Screening Direction: Written Statement – Former Defence Storage and Distribution Centre Bicester', ref PCU/EIASCR/C3105/3378828, 26 August 2026 (published with the application, n 1).

6.2 Sites of Special Scientific Interest are protected under the Wildlife and Countryside Act 1981 and treated as nationally important by the nature policies of the 2026 Framework.[30] Where the effect on such a site cannot be ruled out and the body that said so has asked to see information which does not yet exist, that is an unresolved evidential question going to acceptability. We ask that the outstanding drainage and protected-species information be completed and published, that Natural England be given the opportunity it requested to respond, and that both be before the Secretary of State when she determines the application rather than after.

6.3 Cherwell is an area of water stress on the Council's own evidence, and Policy ESD 8 requires water and wastewater infrastructure to be in place in advance of development.[31] The foul drainage solution is, on the Screening Direction's account, an interim cesspool with tankering pending confirmation of acceptance capacity that has not been given.[32]

7. Ground 5 – Material produced after this representation period

7.1 We accept that Parliament has created a deliberately accelerated procedure and we do not argue that the length of the representation period is unlawful.[33]

7.2 Two narrower points arise. First, policy DM1 of the 2026 Framework provides that proposals for major development should "be informed by early engagement with neighbours and the local community, as well as with the local planning authority, statutory consultees, infrastructure providers … to identify and seek to resolve key planning matters prior to the submission of a planning application", and that the planning statement should set out the outcome of that engagement and the extent to which the proposal changed in response to it.[34] The Transport Assessment records that no pre-application scoping took place with the planning or highway authorities, and Cherwell District Council records that it was not consulted before the public announcement. The Secretary of State should consider what weight that attracts under the Framework now in force.

7.3 Secondly, this representation and, we anticipate, those of the councils and other bodies identify information which is missing or unresolved – the equality question, the drainage and ecological information, the highway authority's response, a corrected statement of parameters, a policy addendum. If material new or corrected evidence is produced after this period closes, the decision should not rest upon it without an adequate opportunity for affected parties to comment.

7.4 Where information has been withheld as sensitive under section 293B(11), we do not challenge the direction. We note that the Secretary of State's own guidance contemplates the appointment of an independent adviser with appropriate security clearance to advise on the planning matters raised by material that cannot be disclosed, including effects on the local community.[35] Given

[30]Wildlife and Countryside Act 1981, ss 28 and 28G; and the nature policies in Chapter 19 of the 2026 Framework (n 8), which treat Sites of Special Scientific Interest as of national importance.

[31]Cherwell Local Plan 2011–2031 Part 1 (adopted 20 July 2015), Policies SLE 4, ESD 3, ESD 8, ESD 10 and ESD 11; Cherwell Local Plan 1996 (saved policies) TR7 and TR10.

[32]Secretary of State for Housing, Communities and Local Government, 'EIA Screening Direction: Written Statement – Former Defence Storage and Distribution Centre Bicester', ref PCU/EIASCR/C3105/3378828, 26 August 2026 (published with the application, n 1).

[33]Town and Country Planning (Crown Development) (Urgent Applications) (Procedure) (England) Order 2025, SI 2025/411.

[34]Ministry of Housing, Communities and Local Government, National Planning Policy Framework: Plan-making and national decision-making policies (17 August 2026) <https://www.gov.uk/guidance/national-planning-policy-framework> accessed 14 September 2026. Paragraph 1 states: "This version replaces the previous National Planning Policy Framework published in December 2024."

[35]Ministry of Housing, Communities and Local Government, Planning Practice Guidance: Crown Development and Urgent Crown Development <https://www.gov.uk/guidance/crown-development> accessed 14 September 2026, which contemplates the appointment by the Secretary of State of an independent adviser with appropriate security clearance where sensitive

that the withheld material includes the trip generation figures on which the highways conclusion depends, we ask that this course be considered.

8. Ground 6 – Assessment against a superseded Framework

8.1 The Planning Proposal Statement puts the applicant's national policy case by reference to the December 2024 National Planning Policy Framework.[36] That Framework was replaced on 17 August 2026 by a new Framework which states at paragraph 1 that it replaces the December 2024 version and whose national decision-making policies took effect on publication.[37] The application was validated on 2 September 2026.

8.2 The change is structural rather than cosmetic. The 2026 Framework separates plan-making from decision-making policy; replaces the former presumption with policies S3 to S6, S5 governing the principle of development outside settlements; and introduces new procedural policies including DM1 and DM6, together with new transport, nature and flood policies and an Annex A bearing on the weight to be given to older development plan policies. A case written to the 2024 paragraph numbering cannot be converted by renumbering.

8.3 We do not say this invalidates the application. We say the Secretary of State must determine it under the Framework now in force, that she cannot safely rely on the applicant's policy assessment as it stands, and that the applicant should be required to submit a short addendum identifying the 2026 policies relied upon and addressing in particular S5, DM1 and the transport and nature policies.

9. Ground 7 – Need, urgency and alternatives

9.1 We do not contend that national need has disappeared, and we accept that planning law imposes no universal requirement to examine alternatives. The Home Office retains a power to accommodate destitute asylum seekers, and the Equality Impact Assessment records that the duty under regulation 5 was to be revoked on 2 June 2026 while the power remains.[38]

9.2 We ask two things. First, that the evidence supporting the claimed present level of need, and in particular the claimed urgency, be current at the date of determination rather than as at the date the Statement on National Importance was written.[39] Secondly, that where the applicant relies on urgency, on a ten-year and potentially permanent institutional use outside any settlement, and on the S5 route of the 2026 Framework, the absence of any assessment of alternative sites or scales of provision be given such weight as the Secretary of State considers it attracts in the planning balance.

10. Ground 8 – No baseline, no indicators, no trigger

10.1 The Equality Impact Assessment states that "[t]he equality impacts on the community continue to be re-assessed for the duration that the Site is operational", that the wider equalities impact "will be re-assessed as the site is scaled up", and that the document will be reviewed six months

information cannot be disclosed.

[36]Home Office, 'Planning Proposal Statement: MOD015', Revision D, 6 July 2026, 87 pages (published with the application, n 1).

[37]Ministry of Housing, Communities and Local Government, National Planning Policy Framework: Plan-making and national decision-making policies (17 August 2026) <https://www.gov.uk/guidance/national-planning-policy-framework> accessed 14 September 2026. Paragraph 1 states: "This version replaces the previous National Planning Policy Framework published in December 2024."

[38]Home Office, 'Equality Impact Assessment [EIA]: Section 1: MOD015 (Bicester)', 22 pages, signed off 28 May 2026 (published with the application, n 1).

[39]Home Office, 'Bicester: Statement on National Importance' (undated, redacted) (published with the application, n 1).

from 28 May 2026.[40] We take those commitments at face value and ask that they be made effective.

10.2 As drafted they are not. The application does not identify what will be measured, against what baseline, by whom, at what interval, whether the result will be published, or what would follow if the answer disclosed material adverse effects. A commitment to reassess, with no indicator and no consequence, cannot be relied upon by the decision-maker as mitigation.

10.3 We ask that, if permission is granted, a proportionate monitoring and review mechanism be secured: a baseline established before first occupation; defined indicators agreed with Cherwell District Council and Thames Valley Police, capable of analysis by protected characteristic; publication of the results; and a formal review at twelve months from first occupation rather than at the end of the permission. We further ask that the Secretary of State state in her decision letter what would follow from a review disclosing material harm, and which decision-maker holds the power to reduce capacity or withhold later phases. We recognise that some of this belongs in Home Office operational undertakings rather than in planning conditions; section 12 separates the two.

11. Ground 9 – Cumulative effects and the EIA screening direction

11.1 Regulation 5 of and Schedule 3 to the EIA Regulations 2017 required the Secretary of State to have regard, among the selection criteria, to "cumulation with other existing development and/or approved development" and to "the cumulation of the impact with the impact of other existing and/or approved development".[41] Neither the Regulations nor the guidance prescribes a fixed search radius.

11.2 The Screening Direction addresses cumulative effects by reference to development proposals within 2 km of the site, of which it treats HM Prison Bullingdon and the Gypsy and Traveller site as relevant.[42] We make no criticism of how it described the proposals it identified.

11.3 The issue is the search area. On 6 August 2026, twenty days before the Screening Direction, Cherwell District Council permitted application 25/03310/REM at Unit D1, Graven Hill: eight data centre units on approximately 32.3 hectares of former Ministry of Defence land, pursuant to outline permission 22/01829/OUT.[43] That is approved development within the meaning of Schedule 3. It lies outside the 2 km radius and the Screening Direction does not refer to it. A further hybrid application on land east of the Graven Hill access road remains under consultation and undetermined.[44]

11.4 **The receptors the two schemes may share.** We do not assert that Graven Hill necessarily produces a significant cumulative effect with this proposal, and we do not put forward figures of our own for either scheme. We identify the following as matters which, on the face of the

[40]Home Office, 'Equality Impact Assessment [EIA]: Section 1: MOD015 (Bicester)', 22 pages, signed off 28 May 2026 (published with the application, n 1).

[41]Town and Country Planning (Environmental Impact Assessment) Regulations 2017, SI 2017/571, reg 5 and sch 3 paras 1(b) and 3(g).

[42]Secretary of State for Housing, Communities and Local Government, 'EIA Screening Direction: Written Statement – Former Defence Storage and Distribution Centre Bicester', ref PCU/EIASCR/C3105/3378828, 26 August 2026 (published with the application, n 1).

[43]Cherwell District Council, application 25/03310/REM (Unit D1 Graven Hill, Circular Road, Ambrosden): reserved matters pursuant to outline permission 22/01829/OUT for eight data centre units on approximately 32.3 ha of former Ministry of Defence land. Permitted 6 August 2026. Cherwell District Council public planning register <https://planningregister.cherwell.gov.uk> accessed 14 September 2026.

[44]Cherwell District Council, application 25/01820/HYBRID (land east of the Graven Hill access road), which at the date of this representation remains under consultation and undetermined.

published material, plainly require an effect-appropriate area of search, and which no document before the Secretary of State assesses jointly:

- **Electricity supply and on-site generation.** This application includes electrical substations and a generator compound within the phased development.[45] A data centre development of eight units on some 32.3 hectares is, by its nature, a very substantial consumer of electricity and characteristically provides standby generation of its own. Whether the local network can serve both schemes, in what sequence, and what quantity of on-site generating plant results across the two, is a question neither application answers and which nobody has been asked to answer jointly. We ask the Secretary of State to establish it, and to obtain the position of the relevant distribution network operator.
- **Air quality and health.** The operational air quality question for this application is addressed by reference to emissions from the on-site generator compounds and traffic, and to "careful siting of the generators and selection of modern plants that meet emissions standards", without quantifying the plant or its emissions; the supporting document is a screening technical note.[46] Standby generating plant is typically tested on a regular cycle rather than run only in emergencies, so emissions are not confined to outages. The combined effect of standby generation at two large sites in the same air shed, on the villages between and around them, has not been modelled by anyone. We ask that it be modelled at the nearest sensitive receptors, including coincident testing, and that the Environment Agency be consulted, standby generating plant above the relevant thresholds being subject to environmental permitting in its own right.
- **Water supply and wastewater.** Cherwell is an area of water stress on the Council's own evidence, and Policy ESD 8 requires development to be permitted only where adequate water resources exist or can be provided without detriment to existing uses, with phasing used so that infrastructure is in place in advance.[47] This application's foul solution is an interim cesspool with tankering pending confirmation of acceptance capacity which has not been given.[48] Data centres of this scale have material water demands for cooling. Whether the water supply network and Bicester Wastewater Treatment Works can serve both schemes has not been asked. We ask that Thames Water be consulted on the two together.
- **Construction and freight traffic.** The two sites use different local accesses, but both draw plant, materials and heavy goods vehicles through the same strategic corridor. This application's construction traffic is, on the applicant's own account, not yet capable of accurate estimation.[49]

11.5 **Why this matters beyond EIA screening.** The cumulative position also bears on the planning balance. Cherwell's Local Plan policies on climate change, sustainable construction and water resources, and the sustainable development objectives of the 2026 Framework, are directed at precisely this: whether the infrastructure exists to support what is proposed, or whether

[45]Screening Direction Written Statement (n 5), which records electrical substations and a generator compound within the phased development.

[46]Screening Direction Written Statement (n 5), which addresses operational air quality by reference to emissions arising from the on-site generator compounds and increased traffic, and to "careful siting of the generators and selection of modern plants that meet emissions standards", without quantifying the plant or its emissions. The supporting document published with the application is an air quality screening technical note.

[47]Cherwell Local Plan 2011–2031 Part 1 (adopted 20 July 2015), Policies SLE 4, ESD 3, ESD 8, ESD 10 and ESD 11; Cherwell Local Plan 1996 (saved policies) TR7 and TR10.

[48]Secretary of State for Housing, Communities and Local Government, 'EIA Screening Direction: Written Statement – Former Defence Storage and Distribution Centre Bicester', ref PCU/EIASCR/C3105/3378828, 26 August 2026 (published with the application, n 1).

[49]Home Office, 'Transport Assessment, Bicester A Site', Revision D02, 7 June 2026, 103 pages (published with the application, n 1).

development is being placed where it does not.[50] A proposal which relies on on-site generation because network capacity is unconfirmed, and on tankering because wastewater capacity is unconfirmed, is not obviously a sustainable pattern of development; and the question is sharper, not softer, when a second very large consumer of power and water has been permitted four to five kilometres away three weeks earlier. We ask the Secretary of State to consider that question expressly.

11.6 We therefore ask her to establish whether the Graven Hill approval was before her when the screening direction was made, and to reconsider the cumulative assessment using an area of search appropriate to each effect – in particular electricity, air quality, water and wastewater – before concluding that there are no likely significant environmental effects.

12. What we ask

12.1 **Refuse** permission if the matters in sections 3 to 11 cannot be satisfactorily resolved.

12.2 Alternatively, **defer determination** until:

- the question whether the development has differential effects on the receiving community by protected characteristic has been substantively assessed and published;
- the outstanding drainage and protected-species information is complete and Natural England has had the opportunity it requested to respond;
- the highway authority has responded substantively on the complete transport position, including construction and any tanker traffic;
- the controlling parameters have been reconciled in a single corrected statement;
- an addendum has been submitted assessing the proposal under the 2026 Framework;
- the cumulative-effects position has been reconsidered using an effect-appropriate area of search, with the electricity, air quality and water questions in section 11 answered; and
- an adequate opportunity has been given to comment on any of that material.

12.3 If permission is granted, we ask that conditions secure, so far as they satisfy the tests in policy DM6,[51] the assessed maximum capacity and development envelope; the duration of the use and a restoration scheme; the removal of permitted development rights capable of permitting unassessed enlargement, for the reasons in paragraph 4.2; the transport measures on which the assessment relies, made enforceable; final drainage and ecological safeguards approved before the relevant phase commences, following consultation with Natural England and the lead local flood authority; construction and traffic management; and the monitoring and twelve-month review in section 10. Where the applicant relies materially on a maximum length of stay, it should either be secured or the assessment carried out without it.

12.4 Matters which fall outside planning control – preventive LGBT+ safeguarding on site, induction content, liaison arrangements and the operational consequences of an adverse review – we have raised with the Home Office directly, and we ask that they be identified as operational undertakings rather than treated as if conditions could deliver them.

12.5 Please place this representation before the Secretary of State, or any person appointed to advise her, in full. We reserve all our rights.

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[50] Cherwell Local Plan 2011–2031 Part 1, Policy ESD 1 (mitigating and adapting to climate change), ESD 3 (sustainable construction and water), ESD 8 (water resources) and the Plan's sustainable development objectives; and policies CC2 and S5 of the 2026 Framework (n 8).

[51] 2026 Framework (n 8), policy DM6(1) and (2)(c). Conditions must be necessary, relevant, precise and reasonable, and should not restrict national permitted development rights "unless there is clear justification to do so".

Yours faithfully,

[redacted]

On her own behalf, as leader of an LGBT+ support group in [redacted], and on behalf of [redacted].