To: Crown Casework Team
By Email: Crowncasework@communities.gov.uk
Date: 16 September 2026

APPLICATION REFERENCE: PCU/RARE/C3105/3378843
PROPOSAL: Full planning permission for the temporary change of use of the former defence storage & distribution centre site (MOD Bicester A - site) for non-detained asylum accommodation (up to 1,256 service users), including Building A6 retention, structure demolition, and new modular units.
SITE ADDRESS: Bicester Garrison, Launton Road, Bicester, Oxfordshire, OX25 1AE.

Dear Crown Casework Team,

1. INTRODUCTION AND CORE SUBMISSION

This formal submission stands as a robust objection to the Home Office application at MOD Bicester Site A. While the applicant invokes Section 293A of the Town and Country Planning Act 1990 under the premise of immediate urgency, the Secretary of State remains statutory bound by Section 38(6) of the Planning and Compulsory Purchase Act 2004. This requires all determinations to align strictly with the statutory development plan unless powerful, legally sound material considerations indicate otherwise. As detailed below, the proposed development directly conflicts with the Cherwell Local Plan 2011-2031 (Part 1), the National Planning Policy Framework (NPPF), and established public and planning case law.

PART I: ASSESSMENT OF SECTION 1 — THE PLANNING APPLICATION & SUPPORTING STATEMENTS

2. MATERIAL PLANNING CONSIDERATION NO. 1: URBAN EDGE PERIPHERAL SEVERANCE AND INFRASTRUCTURE ISOLATION

- **Policy Conflict:** Breaches Cherwell Local Plan Policies ESD1 and SLE4, alongside National Planning Policy Framework (NPPF) Paragraph 109.
- **Spatial Analysis:** The formal site address is located off Launton Road on the eastern periphery of Bicester's urban edge. While the wider, sprawling MOD Bicester logistical complex extends deeper towards the rural villages of Arncott and Piddington, Site A itself occupies a distinct urban fringe position. Crucially, despite its proximity to the edge of the town, Site A is entirely physically and socially severed from Bicester's urban core infrastructure. The location is structurally isolated from public utilities, municipal facilities, and retail services. Forcing an institutionalised community of up to 1,256 independent residents into this peripheral vacuum generates a severe spatial imbalance that cannot be mitigated by self-containment assumptions.
- **Case Law Precedent:** In R (CPRE Kent) v Dover District Council [2017] UKSC 79, the Supreme Court re-emphasised that public planning justifications must be flawless, transparent, and rational. The Crown's specific operational requirements do not override basic spatial planning laws. Proximity to an urban edge cannot be used to mask actual sustainable-transport isolation.

3. MATERIAL PLANNING CONSIDERATION NO. 2: CAPACITY ACCELERATION OF CRITICAL LOCAL INFRASTRUCTURE

- **Policy Conflict:** Breaches Cherwell Local Plan Policy INF1.
- **Spatial Analysis:** Local health systems, emergency response services, and acute care facilities in Bicester are currently operating at structural capacity. Injecting an overnight institutional population of 1,256 vulnerable adults directly burdens these fragile, local public frameworks. The application lacks any legally binding, fully costed infrastructure delivery vehicle capable of securing long-term service stability.

PART II: ASSESSMENT OF SECTION 2 — PLANS, DRAWINGS & DESIGN STANDARDS

4. MATERIAL PLANNING CONSIDERATION NO. 3: HARSH INSTITUTIONAL DESIGN AND VISUAL AMENITY DEGRADATION

- **Policy Conflict:** Conflicts with Cherwell Local Plan Policy ESD15 and NPPF Chapter 12.
- **Spatial Analysis:** The high-density positioning of modular units, combined with extensive perimeter security mesh fencing, stark checkpoints, and high-mast institutional security lighting, creates an oppressive, visual environment. This industrial-scale layout severely harms the transitional landscape character between Bicester's urban boundary and the surrounding rural fringe.

5. MATERIAL PLANNING CONSIDERATION NO. 4: RESIDENTIAL AMENITY IMPACTS, LIGHT POLLUTION, AND NOISE DISTURBANCE

- **Policy Conflict:** Conflicts with Cherwell Local Plan Policy ESD15.
- **Spatial Analysis:** The intensive 24-hour operation of this large-scale accommodation facility—including vehicle shuttle services, security patrols, and overhead security lighting—will generate substantial levels of noise and light pollution. This directly impacts the quiet residential areas along the outer edges of Launton Road and nearby properties.

PART III: ASSESSMENT OF SECTION 3 — NATIONAL IMPORTANCE AND URGENCY DECISION

6. MATERIAL PLANNING CONSIDERATION NO. 5: ULTRA VIRES APPLICABILITY OF SECTION 293A AND ABUSE OF URGENCY PARAMETERS

- **Policy Conflict**: Misapplies temporary use parameters under the NPPF and violates the core intent of Section 293A of the Town and Country Planning Act 1990.
- **Spatial Analysis:** The Home Office explicitly requests a continuous 10-year operational horizon for this site. A 10-year operational period represents two full, sequential iterations of a standard local plan development cycle. Furthermore, it vastly exceeds the standard statutory lifespan of temporary planning permissions, which are legally and historically capped at 3 to 5 years. A decade-long deployment cannot logically or legally be categorized as an 'immediate, short-term emergency.' Bypassing localized plan testing and public democratic scrutiny via an emergency bypass route constitutes an abuse of process (ultra vires).
- **Case Law Precedent:** As established by the Supreme Court in Welwyn Hatfield Borough Council v Secretary of State for Communities and Local Government [2011] UKSC 15, the true legal substance and long-term consequences of a development override any strategic labels applied by an applicant. An emergency workaround cannot be stretched to cover a semi-permanent, 10-year institutional installation.

PART IV: ASSESSMENT OF SECTION 4 — EIA SCREENING DECISION

7. MATERIAL PLANNING CONSIDERATION NO. 6: COMPREHENSIVE ECOLOGICAL DAMAGE, EC PEA FAILURE, AND PROTECTED SPECIES BREACH

- **Policy Conflict**: Directly breaches Cherwell Local Plan Policy ESD10, NPPF Paragraph 180, the Wildlife and Countryside Act 1981 (as amended), and the Protection of Badgers Act 1992.
- **Spatial Analysis:** Environmental data and rigorous public observations spanning the past 20 years continuously confirm that badgers, barn owls, and multiple distinct species of bats actively forage, roost, commute, and habituate across this exact site footprint. The proposed site-clearance, extensive structural demolition, re-grading, and high-intensity lighting columns directly conflict with these species' immediate survival. Local empirical observations directly challenge the highly limited, rapid baselines established in the applicant's published Preliminary Ecological Appraisal (PEA). The application cannot be lawfully determined until comprehensive, robust, multi-season surveys are completed to map exact roosting sites, bat commuting corridors, and active badger territories.
- **Case Law Precedent:** In R v Cornwall County Council, ex parte Hardy [2001] Env LR 25, the High Court established that a decision-maker cannot lawfully grant planning permission while deferring critical ecological surveys until after the approval is given. Because protected species are present, full multi-season environmental data must be gathered and assessed prior to any legal determination.

8. MATERIAL PLANNING CONSIDERATION NO. 7: FLOOD RISK ENHANCEMENT AND UNREGULATED CLAY SURFACE DRAINAGE

- **Policy Conflict:** Breaches Cherwell Local Plan Policies ESD6 and ESD7.
- **Spatial Analysis:** Site A is defined by poor-draining, highly compact surface clay soils. Introducing a vast array of impermeable modular units, paved walkways, and an independent on-site package wastewater treatment plant risks creating significant surface water runoff. This layout threatens to worsen local flooding risks along the downstream watercourse networks on the urban fringe.

PART V: HIGHWAY SAFETY, TRANSPORTATION, AND EQUALITY ACT COMPLIANCE

9. MATERIAL PLANNING CONSIDERATION NO. 8: HIGHWAY SAFETY RISK AND PARALYSIS OF PERIMETER PEDESTRIAN INFRASTRUCTURE

- **Policy Conflict:** Breaches Cherwell Local Plan Policy SLE4 and NPPF Paragraph 115.
- **Spatial Analysis:** The application relies heavily on Launton Road and its immediate peripheral junction networks. Crucially, there is a total lack of safe, continuous, and lit pedestrian footpaths and infrastructure connecting this site location along Launton Road to Bicester town centre. Forcing a massive population of 1,256 residents—who will be dependent on walking and sustainable transport—onto a heavily industrialized, unlit perimeter road network lacking any pedestrian linkages creates an unacceptable and severe highway safety hazard.

10. MATERIAL PLANNING CONSIDERATION NO. 9: SYSTEMIC COMPLIANCE FAILURE OF THE PUBLIC SECTOR EQUALITY DUTY (PSED)

- **Policy & Statutory Conflict:** Direct material breach of Section 149 of the Equality Act 2010 (The Public Sector Equality Duty).
- **Spatial Analysis:** The published Equality Impact Assessment (EqIA) is profoundly legally deficient. It completely fails to analyze, quantify, or address the direct socio-economic, infrastructure, and public safety impacts of this large-scale development on the existing local residents living along Launton Road and the wider Bicester periphery. The introduction of an isolated institutional facility housing 1,256 individuals of a single demographic into an established urban fringe community creates immediate pressures on localized public services and community cohesion.
- **Legal Position:** Under established public law principles set out by the Court of Appeal in R (Bracking) v Secretary of State for Work and Pensions [2013] EWCA Civ 1345, the PSED is a strict, non-delegable duty that must be exercised with analytical rigor and an open mind before any executive decision is reached. Because the direct impacts on local residents have been entirely ignored, the Secretary of State cannot legally make a determination on this application until a comprehensive, legally compliant EqIA addressing the local community is completed.

11. PROCEDURAL INVALIDITY NO. 1: CONFLICTING APPLICATION REFERENCES AND SYSTEMIC CONSULTATION AMBIGUITY

- **Procedural Rule Conflict:** Breach of the core requirements of clarity, public transparency, and administrative fairness under the Town and Country Planning (Crown Development) (Urgent Applications) (Procedure) (England) Order.
- **Spatial Analysis:** The public consultation files contain a major administrative and legal error. The current advertised consultation reference is explicitly listed as PCU/RARE/C3105/3378843. However, multiple core application documents—including the formal July acceptance letters and parts of the explicit September Home Office application text—rely on an entirely separate reference number: PCU/RARE/J1725/3378659. This systemic discrepancy makes it impossible for statutory consultees and local residents to ensure their formal representations are being accurately assigned to the correct file. This lack of procedural clarity undermines the legality of the entire public consultation process.

12. MATERIAL PLANNING CONSIDERATION NO. 10: RES JUDICATA AND THE BINDING WEIGHT OF STRATEGIC PLANNING PRECEDENT

- **Policy Conflict:** Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- **Spatial Analysis:** This exact parcel of land has already been formally assessed and rejected for asylum accommodation by the independent Planning Inspectorate. In 2003, a smaller proposal for approximately 750 individuals on this exact footprint was refused and subsequently abandoned. The current application seeks to overcrowd the exact same site footprint with an even larger population of 1,256 individuals.
- **Legal Position:** The Court of Appeal in North Wiltshire District Council v Secretary of State for the Environment (1992) 65 PCR 137 established that a previous planning appeal decision is a material consideration of substantial weight. A subsequent decision-maker cannot light-heartedly dismiss a prior refusal on the same site without showing a profound, radical shift in local infrastructure capability. Because the site's physical infrastructure constraints remain identical, the 2003 refusal stands as a powerful material precedent demanding the refusal of this application.

13. MATERIAL PLANNING CONSIDERATION NO. 11: INTENSIVE LAND CONTAMINATION RISKS AND SUBSURFACE POLLUTION

- **Policy Conflict:** Conflicts with Cherwell Local Plan Policy ENV12 and NPPF Paragraph 189.
- **Spatial Analysis:** As a former major World War II ordnance depot and long-term military logistics base, Site A carries an exceptionally high probability of severe subsurface ground contamination. The heavy grading, structural demolition, and deep trenching required for modular utility connections risk disturbing unmapped underground contaminants, volatile organic compounds (VOCs), and heavy metals.
- **Legal Position:** As established in R v Torfaen County Borough Council, ex parte Sumpter [1992], when a site has a clear history of heavy industrial or military use, intrusive, localized land investigations must be fully completed prior to approval. Bypassing or deferring invasive ground screening via an urgent procedure creates an unacceptable and illegal environmental hazard to local aquifers and future site occupants.

14. MATERIAL PLANNING CONSIDERATION NO. 12: HERITAGE LANDSCAPE DEGRADATION AND IMPACT ON MILITARY ASSETS

- **Policy Conflict:** Breaches Cherwell Local Plan Policy ESD15, NPPF Paragraph 205, and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- **Spatial Analysis:** MOD Bicester holds unique historic value, featuring prominent World War II military heritage assets. The historic Bicester Military Railway (BMR) snaked directly through and connected these strategic depots. Introducing sprawling modular units, high-security fencing, and intrusive lighting towers severely degrades the historic character and context of these designated military assets and their open setting.

15. CONCLUSION AND FORMAL REQUEST FOR REFUSAL

In conclusion, the proposed development represents an unsustainable, infrastructure-deficient, and highly inappropriate over-development of a sensitive urban periphery site.

The application suffers from profound procedural invalidity, breaches fundamental statutory equality laws, fails to account for established planning precedents, and poses severe, irreversible threats to domestically and European protected species.

On behalf of the affected local community, it is formally requested that the Secretary of State uphold the integrity of the planning system, respect local democracy, and refuse planning permission for this application.