

A Planning Appeal by
GREAT LAKES UK LIMITED

In respect of
**Land to the east of the M40 and south of the A4095,
CHESTERTON, BICESTER, OXFORDSHIRE**

**Summary of the Proof of Evidence of Rupert Lyons
on behalf of Parishes Against Wolf (a Rule 6 Party)**

January 2021
The Planning Inspectorate's Appeal Reference: **APP/C3105/W/20/3259189**
Cherwell District Council's Application Reference: **19/02550/F**



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1 Summary

Introduction

- 1.1 My name is Rupert Lyons and my evidence to this Public Inquiry is concerned with the transport planning and highway engineering issues arising from the District Council's refusal of a planning application made by the Appellant for the appeal proposal at the appeal site.
- 1.2 I am instructed to appear and give evidence to this Inquiry on behalf of PAW.
- 1.3 The evidence that I have prepared and provide for this Inquiry in my proof of evidence is true and I confirm that the opinions expressed are my true and professional opinions.
- 1.4 I am familiar with the appeal site and its environs having undertaken a site visit in December of 2020.

Scope and Nature of Evidence

- 1.5 My evidence relates to the second (geographically unsustainable location) and third (unacceptable traffic impacts) reasons for the District Council's refusal of planning permission for the appeal proposal.
- 1.6 More specifically, and with reference to the main issues identified by the Inspector, it considers:-
- the effect on the safety and free flow of traffic on the highway network; and
 - locational sustainability insofar as it relates to the accessibility of the appeal proposal and its car dependency.

The Appeal Site

- 1.7 I consider that the appeal site can be reasonably and fairly be described as isolated and that its accessibility to sustainable modes of travel is very poor such that it is unlikely to be suitable for anything more than minor development.
- 1.8 In the context of the appeal proposal, I consider that such isolation means that without an unprecedented (in my experience) level of investment in transport infrastructure and services, it will not be able to offer a genuine and meaningful choice of sustainable modes of travel to anyone other than those that live within its immediate environs. It is therefore, highly likely that day visitors, hotel guests and staff that travel to and from the appeal proposal will be, almost entirely, dependent on travelling by car.

Relevant Land Use and Transport Planning Policy and Guidance

- 1.9 The relevant land use and transport planning policy is provided in the Framework, the development plan and in LTP4. Guidance on the provision of sustainable travel opportunities has, most recently, been published by the CIHT and DfT.

The Appeal Proposal

- 1.10 Given that both the Local Highway Authority's Updated Response and the Local Highway Authority's Initial Response to the appeal proposal set out, comprehensively, a number of fundamental issues regarding the location of the appeal site and the nature of the appeal proposal, I consider that the District Council has wrongly narrowed the focus of its objection to the transport impact of the appeal proposal to its traffic impact on the Middleton Stoney Junction.

- 1.11 It says that the Appellant's proposed improvement to the Middleton Stoney Junction *"is not considered to be deliverable"*. I note, that it had considered that the appeal proposal *"is not in a sustainable location in transport terms", "making it car dependent and therefore contrary to the NPPF, Local Plan and Local Transport Plan policies"* and that it was concerned that the appeal proposal would result in *"increased traffic flows through local villages, particularly Chesterton"* with the possibility of guest and visitor traffic taking *"the inappropriate route through Little Chesterton"*.

The District Council's Decision

- 1.12 The planning application for the appeal proposal was refused by notice dated 12 March 2020 for six reasons. Of relevance to my evidence to this Inquiry, the second reason relates to the sustainability of the location of the appeal site and whether the appeal proposal can offer access to genuine choice of modes of travel. The third reason that relates to the unacceptable impact of the traffic associated with the appeal proposal, particularly at the Middleton Stoney Junction.

Assessment of the Transport Planning Issues Arising from the Appeal Proposal

- 1.13 With reference to the Appellant's transport evidence base, the County Council's consultation responses, and the District Council's case officer's assessment, I make my own assessment of the sustainability characteristics of the appeal site in the context of the appeal proposal. That assessment comprises:-

- the likely modal choice of visitor trips to the appeal proposal; and
- the likely modal choice of staff trips to the appeal proposal,

because, in my view and in the context of the requirement of paragraphs 103 and 108(a) of the Framework, they are the primary indicators of the geographical sustainability of the appeal proposal from a transport perspective.

1.14 Similarly, with reference to the Appellant's transport evidence base and the County Council's consultation responses, I make my own assessment of the likely traffic impact of the appeal proposal. That assessment comprises:-

- the traffic attractiveness of the appeal proposal, including my *first principles* analyses;
- my *first principles* analysis of the likely demand for car parking at the appeal proposal; and
- the likely routing of visitor traffic to the appeal proposal,

because, in my view and in the context of paragraphs 108(c) and 109 of the Framework, they are the essential components of a reliable assessment (including appropriate sensitivity testing) of the traffic impact of the appeal proposal.

2 Conclusions

The Locational Sustainability of the Appeal Site insofar as it Relates to the Accessibility of the Appeal Proposal

- 2.1 Regardless of the Appellant's investment in providing a new foot/ cycleway, providing a private *free to use* shuttle bus service and making a public transport contribution to the County Council, it appears from the Appellant's own proxy for "*a reasonable comparison for guest mode share*" that less than 2% of trips to and from the appeal proposal will be undertaken by sustainable modes of travel.
- 2.2 That, in and of itself, is a primary indicator that the appeal site is not an appropriate location for the appeal proposal because it cannot be made sustainable through limiting the need to travel and offer a genuine choice of transport modes, as required by the Framework.
- 2.3 I conclude, therefore, that the appeal proposal is contrary to paragraphs 103 and 108(a) of the Framework, Policies SLE4 and ESD1 of the 2015 Local Plan and Policy 17 of LTP4.

The Effect on the Safety and Free Flow of Traffic on the Highway Network

- 2.4 I consider that the Appellant's Trip Generation Analysis significantly underestimates the volume of vehicular arrivals during the AM peak hour by up to 43 (65.2%) on a Friday.
- 2.5 In the context of the capacity analyses provided in the Appellant's Transport Assessment that is significant because the Appellant is likely to have underestimated the traffic impact of the appeal proposal during that time period.
- 2.6 I consider that the appeal proposal is *under-parked* by between 145 and 549 spaces. Unsatisfied parking demand is likely therefore to result in inappropriate parking on the verges and footways on the adjacent public highway network, most likely in the village of Chesterton. That, inevitably, will exacerbate the traffic impact of the appeal proposal and is not accounted for in the Appellant's Transport Assessment.
- 2.7 Anyone using a satellite navigation device to drive to the appeal proposal is most likely to follow the *shortest* and *quickest* routes to the appeal proposal rather than rather than follow the Appellant's proposed signage strategy.
- 2.8 For those reasons, I consider that the visitor car trip assignment (route choice) employed in the Appellant's Transport Assessment is unreliable and, consequentially, its use in the traffic impact

analysis of the appeal proposal is likely to have resulted in unreasonably optimistic (in favour of the Appellant's case) findings.

- 2.9 Similarly, and despite the Local Highway Authority's concern, the Appellant's Transport Assessment fails to contemplate the scenario where any of the day visitors to, and guests and staff at the appeal proposal that exit the M40 at Junction 9 will ignore signage that directs them to follow the longest and equal slowest route and not to follow the shortest and quickest route to the appeal proposal.
- 2.10 That represents a significant analytical oversight that seriously undermines the Appellant's Transport Assessment such that I do not consider that it can, or should, be relied upon.
- 2.11 In the context of the third reason for the District Council's refusal of the appeal proposal, the Appellant clearly *"fails to demonstrate that [the] traffic impacts of the development are, or can be made acceptable"*. Quite simply, it has not undertaken that work, it is not provided within the Appellant's evidence base (even as a sensitivity test), and the participants in this Inquiry do not have a comprehensive, or reliable, enough assessment of the traffic impact of the appeal proposal.
- 2.12 I conclude, therefore, that the appeal proposal is contrary to paragraphs 108(c) and 109 of the Framework, Policy SLE4 of the 2015 Local Plan, Saved Policy TR7 of the 1996 Local Plan and Policy 17 of LTP4.
- 2.13 For all those reasons, and overall, I conclude that the District's Council's second and third reasons for refusal are well-founded, that the appeal site is in a geographically unsustainable location, that the appeal proposal will be unacceptably car dependent and that the Appellant has failed to demonstrate that its traffic impact can be appropriately mitigated. I respectfully request that the Appellant's appeal is dismissed.