

OXFORDSHIRE COUNTY COUNCIL'S UPDATED RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL

District: Cherwell

Application No: 19/02550/F-2

Proposal: Redevelopment of part of golf course to provide new leisure resort (sui generis) incorporating waterpark, family entertainment centre, hotel, conferencing facilities and restaurants with associated access, parking and landscaping

Location: Land to the east of M40 and south of A4095, Chesterton, Bicester, Oxon

Response date: 3rd March 2020

This report sets out the officer views of Oxfordshire County Council (OCC) on the above proposal. These are set out by individual service area/technical discipline and include details of any planning conditions or informatives that should be attached in the event that permission is granted and any obligations to be secured by way of a S106 agreement. Where considered appropriate, an overarching strategic commentary is also included. If the local County Council member has provided comments on the application these are provided as a separate attachment.

This response updates OCC's transport comments on the application and should be read in conjunction with OCC's previous response dated 10th January 2020. All points raised previously continue to apply other than where addressed in the Transport Schedule below.

Application no: 19/02550/F-2

Location: Land to the east of M40 and south of A4095, Chesterton, Bicester

Transport Schedule

Recommendation:

Objection for the following reasons:

- Severe congestion at the Middleton Stoney signalised junction will be exacerbated by the additional trips generated by the proposed development. This is contrary to paragraphs 103, 108 and 109 of the NPPF, Cherwell Local Plan Policy SLE4 and Oxfordshire Local Transport Plan 4 Policy 17

If, despite OCC's objection, permission is proposed to be granted then OCC requires prior to the issuing of planning permission a S106 agreement including an obligation to enter into a S278 agreement to mitigate the impact of the development plus planning conditions as detailed below.

S106 Contributions

Contribution	Amount £	Price base	Index	Towards (details)
Highway works	To be confirmed	To be confirmed	Baxter	The partial funding of a mitigation scheme at the Middleton Stoney signalised junction
Highway works	To be confirmed	To be confirmed	Baxter	The partial funding of a mitigation scheme at the M40 Junction 10 southern roundabout
Highway works	To be confirmed	To be confirmed	Baxter	Installation of off-site directional signage
Public transport services	£1,600,000	November 2019	RPI-x	Provision of a new bus service linking the site to Bicester town centre and railway stations
Public transport infrastructure (<i>if not dealt with under S278/S38 agreement</i>)	£2,105.60	November 2019	Baxter	Provision of two pole and flag units for Chesterton village
Travel Plan Monitoring	£2,040	November 2019	RPI-x	Monitoring of the development Travel Plan
Cycle Improvements	£70,000	November 2019	Baxter	Improvements to cycle routes between Chesterton and Bicester

Key Points:

This updated consultation response is to provide an update in light of further discussions that have taken place with Motion, the Transport Consultant for the scheme.

Comments are also made on the DP9 letter (dated 13 January 2020) regarding Sustainable Day Passes.

This updated response should also be read in conjunction with the county council's original response dated 10 January 2020.

The County Council maintain their objection to the application as the mitigation scheme at Middleton Stoney suggested by Motion is not considered to be deliverable.

Comments:

Accessibility and Site Location

While the county council has not specifically identified an objection to the application on the basis of the site's location and accessibility, the response did highlight significant concerns regarding the accessibility of the site and its location.

The county council has identified requests for obligations and contributions to improve the accessibility of the site by sustainable transport modes should the development be granted planning permission. However, concern remains over the site's location which dictates that car travel to the site will remain the primary mode of travel to the site, even with the improvements identified.

Shuttle Bus Service

Motion have maintained that a private shuttle bus would be preferable to the County Council's proposal for a public bus service.

The County Council's position is clear. When delivered on a like for like basis, there are no reasons why a private shuttle bus would be preferable to a public bus service. The difference is simply the type of bus and its availability to potential users.

The County Council considers that the benefits of a public bus service over a private shuttle bus service, when operated on completely equal terms, to be as follows:

- A public bus service can generate revenue.

The possibility of revenue generation is a potential method of offsetting the cost of bus service provision of Great Wolf. Even if staff and guests can travel for free, the service would potentially be open to residents of Chesterton and western Bicester.

- A public bus service can claim Bus Service Operator's Grant (BSOG) and/or low carbon incentives to offset operating costs.

Bus Service Operator's Grant (BSOG) is a rebate of fuel duty which applies to registered local bus services where at least 50% of the seats are 'available' to the general public. It consists of a payment of 34.57p per litre of fuel used and makes a significant contribution to bus service income.

Further enhancements to BSOG payments are made for vehicles with low carbon certificates (6p per km), smartcard readers (8%) and AVL equipment (2%).

Private shuttle services are not eligible for this benefit.

- It forms part of the comprehensive planning of bus services in the wider Bicester area.

The County Council collects Section 106 funds (or permits developers to liaise directly with operators where appropriate) from developments with the intention of developing a longer-term, commercially sustainable bus network. We do not believe that the operation of private shuttle buses is conducive to this aim.

Bicester is an area with significant development coming forwards, including a number of large, high profile leisure schemes. The County Council do not consider that permitting each of these to operate their own services, purely for their own use, would be in the best interests of Bicester in the longer term, when a sensible alternative would be to integrate such services into the public network for the benefit of all.

The argument that integrating services in this manner would make it less attractive for guests to use is not supported. Most visitors to Great Wolf arriving by rail will either have (a) no access to a private car or (b) no knowledge of the geography of Bicester. Whether a bus takes 10 or 15 minutes to reach their destination is of no consequence to their decision to use it, which would have been made at a much earlier stage.

- It avoids difficult legislative issues surrounding tax implications for staff.

See our further comments below for a more detailed review of the tax implications for staff with regards to private bus services, which limits what other functions they can provide.

- The accessibility of such a service is defined in law.

Public bus services, operated with vehicles over 22 seats, must meet certain standards in relation to accessibility. Such rules do not apply to privately-operated services. Great Wolf would be required to demonstrate how the services would be accessible by all potential staff and guests in a private shuttle bus scenario, given that the requirement to do so does not apply to such services.

Operators of such a service must have at least one spare accessible vehicle to ensure that accessibility of services are maintained during maintenance or inspection downtime.

- Sufficient capacity would be assured.

Most private shuttle bus services are provided by minibuses, which by definition have a limited capacity. At staff changeover periods and guest arrival/departure times (particularly in relation to day passes), it is considered that such a vehicle would be insufficient to meet demand. A midi-coach may be necessary, although many of these do not currently meet accessibility regulations which apply to the public bus network.

- Public bus services have priority access to certain areas.

Private shuttle bus services are unable to use bus stops marked with a clearway and plate showing 'except local buses', or to access certain sections of road including bus gates or bus lanes. The main town centre bus stops in Manorsfield Road, for example, are designated for use by 'local buses' only.

Motion have raised a number of points concerning the supposed benefits of the shuttle bus service. The County Council's response to each of these points is set out below:

- The shuttle bus services can be operated in perpetuity.

OCC response: When comparing the 'in perpetuity' option against the originally suggested contribution, it should be noted that nowhere in the Transport Assessment did it suggest the services would be operated in perpetuity.

Therefore, if Great Wolf are willing to operate these services on that basis, there is no reason why they should not be willing to fund a public bus service in perpetuity either.

Whilst OCC's original response proposed a 10-year subsidy requirement, this provision can be amended just as Great Wolf have proposed to amend the shuttle bus service specification; this is not, per se, a benefit of a shuttle bus, merely a benefit of it as originally proposed.

- Proposed shuttle bus frequency would be higher than for a public bus service.

OCC response: Again, this is not a particular benefit of a shuttle bus over a public bus, merely of how it has been described in negotiations thus far. Great Wolf have sought to increase the frequency of a shuttle bus since the Transport Assessment was submitted, and therefore there is no particular reason why this could not similarly apply to a public bus. In theory, a half-hourly service is achievable on a public bus route with one vehicle, if the most direct route was taken.

Great Wolf now propose to operate two services, one on an hourly basis for guests and one on an hourly basis (at shift change times) for staff. Further information was requested at our meeting as to the timings of these services (particularly in relation to rail connections), which has not yet been received.

In the absence of this information it could be assumed that two vehicles may now be required instead of one at key shift times in order to meet the competing demands that Great Wolf consider only a shuttle bus can satisfy – unless the hourly guest service would attempt to serve both stations.

Whilst in theory both a staff shuttle and guest service can coexist with hourly schedules on each, no evidence has yet been presented that meeting rail connections at Bicester Village and Bicester North, whilst operating a separate staff shuttle, would be achievable with a single vehicle (as originally stated by the applicant). There is also no long-term guarantee that such rail connections will continue to be available following changes to timetables.

- The proposed shuttle buses would be operated by Great Wolf.

OCC response: Guests who are staying at Great Wolf, or paying for a day pass, are being provided with a service for which an indirect payment is being made (i.e. payment to Great Wolf provides them with the right of carriage on the service). Therefore, this falls under the scope of “hire or reward” and a PSV operator’s licence is required.

Unless Great Wolf will be willing to obtain a PSV operator’s licence on this basis and be subject to all the regulatory requirements this entails (including the hiring of a suitably qualified Transport Manager), they will need to contract the service to a provider who already has one.

Further details on ‘hire and reward’ and the expectations related to PSV operator licensing are available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/194259/PSV_Operator_Licensing_Guide.pdf

In order to be able to commit to providing the service at all times, a spare vehicle or vehicles would be required to cover regulatory requirements such as inspections and annual test as well as eventualities such as breakdowns. Provision of this service by an external operator means that a wider fleet of vehicles can be called upon for these instances.

- The shuttle bus services will be flexible.

OCC response: As with previous responses, there is no reason why a public bus service cannot be as flexible as a shuttle bus service. The detail will be in the design of the service at the appropriate time.

Public buses can wait for a set time for rail connections, provided this is accounted for in the timetable and there would not be a significant knock-on

effect on later services. Several bus routes in Oxfordshire, timed to connect with coach or rail services, have previously operated using this facility.

Again, no evidence has yet been supplied which demonstrates how a shuttle bus operated by a single vehicle would make better rail connections than a public bus.

- Both proposed shuttle buses would be available to residents of Chesterton.

OCC response: As previously explained, there are complex tax implications for the provision of free buses to staff. HMRC guidance states that privately-operated shuttle buses must be used “almost exclusively” by staff or only have “minor occasional” use by others. Consequently, to have any real benefit to residents of Chesterton there would be greater than occasional use and a taxable benefit would arise to the employees.

Therefore, residents of Chesterton would only be able to use services which were exclusively for the use of guests. A taxable benefit also arises if staff were to use buses intended for guests.

If the service was operated as a public bus service, Great Wolf would be able to offer free passes for staff and it would be available for residents of Chesterton to use.

Further details are available at <https://www.gov.uk/hmrc-internal-manuals/employment-income-manual/eim21850> and <https://www.gov.uk/hmrc-internal-manuals/employment-income-manual/eim21855>.

For clarity it is reiterated that there are no reasons why any of the supposed benefits of a shuttle bus service cannot be replicated with a public bus service.

In particular, the ‘flexibility’ of such a service is not considered to be of significant relevance. Staff changeover times, and guest arrival and departure times, are unlikely to alter on such a basis that these cannot be attended to by changes to the public bus timetable made through the normal statutory channels.

The County Council are of the opinion that the planning test is still met by a public bus service of equivalent value to a shuttle bus service. It is necessary to make the development acceptable, it is directly related to the development, and it is fairly and reasonably related to the scale of the proposal. On an equal comparison basis, the ‘planning test’ is therefore irrelevant.

The County Council remains of the opinion that provision of a public bus service is the preferred method of serving the development, secured by legal obligation with an annual cap on costs equivalent to one vehicle operating between the earliest shift start time and latest shift finish time.

Motion have since indicated to the County Council that the requested public transport contribution is acceptable to the applicant, but that they may also operate a shuttle bus service.

Public Rights of Way

The county council welcomes the proposals to provide an additional stretch of footway along the A4095 either side of the M40 overbridge to connect with PROW 161/11 to the west.

We also welcome the proposed new footway to be provided along Green Lane either side of the junction with The Hale, to connect the southern end of PROW 161/06 to Chesterton.

These improvements are considered appropriate to mitigate the development's detrimental impact on the PROW network through the site. I can confirm that, with these improvements accepted, OCC no longer requests the provision of a perimeter trail within the development site.

The proposals include the diversion of part of the existing PROW 161/06 through a landscaped area of the development. OCC is agreeable to the approach for the applicant to take responsibility for the maintenance of the diverted PROW through the site. This obligation must be secured in the S106 Agreement should planning permission be granted.

The county council has identified that improvements to the cycle facilities between the site and Bicester including along the PROW 161/1 between Chesterton and Vendee Drive would improve accessibility to the site for cyclists and provide a more direct route, although any route would still require cyclists to travel along the A4095 through Chesterton. A contribution of £70,000 index linked to January 2015 is requested towards improvements to the cycle route between the site and Bicester. This is required both in order to improve the site's accessibility and to improve the safety of the route for those accessing the site. It should be noted however that, due to distance, enhancements to the cycle route are unlikely to result in a significant modal shift away from car use. Motion have indicated that the applicant is willing to make this contribution.

Effect on Local Highway Network

The county council's objection set out in the response to the application dated 10 January 2020 remains. The development is not planned for and would not be making best use of infrastructure given the need to accommodate the planned growth allocated within the Local Plan.

Future year modelling shows that the B430 corridor is forecast to experience significant congestion without a package of mitigation measures required to accommodate Local Plan growth. Additional traffic as a result of unplanned development will add to the significant congestion forecast along the corridor and could prejudice the ability to deliver a package of suitable mitigation measures required to accommodate planned growth.

Motion have submitted to OCC indicative proposals for modifications to the consented highway works scheme at the B430/B4030 Middleton Stoney signalised junction. This scheme is to mitigate the effect of the first phase of the Heyford Park development. The intention of the proposed modifications is to further increase capacity at the junction to mitigate for the additional Great Wolf traffic. Following a preliminary review, OCC have fundamental concerns, meaning that the proposals are considered as undeliverable. The objection to the scheme is therefore maintained on this basis.

Signage Strategy

OCC agrees that a joined-up approach to the signage strategy is required alongside a review of local signage. A S106 contribution would be required for the delivery of a signage strategy for the site should the Local Planning Authority be minded to grant permission. The level of contribution is still to be determined and will require further details of the site's proposed signage strategy.

Sustainable Day Passes

The original application documents propose a guest shuttle bus service once every two hours, connecting with both railway stations. It is not known what size/capacity of bus is envisaged. The OCC response was that this service will not be attractive to many of the guests who arrive by rail as they may have a significant wait.

My concern is that if 30 additional guests with Sustainable Day Passes are to be travelling on the shuttle bus then the carrying capacity may not be sufficient to meet demand. The expected guest arrival profile, taken from Centre Parcs data, shows the arrivals peaking between 10am and 2pm. As Day Pass holders are unable to use the facilities before 10am I would expect that most of them will aim to arrive on site between 10am and 12 noon, thus coinciding with a high proportion of the hotel guests.

The applicant has indicated that they will review the suggested shuttle bus arrangements. Any changes to the proposals need to take account of the additional demand generated by the Sustainable Day Passes so that adequate capacity is available at all times.

S106 obligations and their compliance with Regulation 122(2) Community Infrastructure Levy Regulations 2010 (as amended):

£ (figure to be confirmed) Highway Works Contribution 1 indexed using Baxter Index

Towards:

The partial funding of a mitigation scheme at the Middleton Stoney signalised junction

Justification: See response dated 10 January 2020

£ (figure to be confirmed) Highway Works Contribution 2 indexed using Baxter Index

Towards:

The partial funding of a mitigation scheme at the M40 Junction 10 southern roundabout

Justification: See response dated 10 January 2020

£ (figure to be confirmed) Highway Works Contribution 3 indexed using Baxter Index

Towards:

The installation of off-site directional signage

Justification: See response dated 10 January 2020

£1,600,000 Public Transport Service Contribution indexed from November 2019 using RPI-x

Towards:

Provision of a new bus service linking the site to Bicester town centre and railway stations

Justification: See response dated 10 January 2020

£2,105.60 Public Transport Infrastructure Contribution indexed from November 2019 using Baxter Index

Towards:

Provision of two pole and flag units for Chesterton village

Justification: See response dated 10 January 2020

£2,040 Travel Plan Monitoring Fee indexed from November 2019 using RPI-x

Justification:

To cover the cost to the County of monitoring progress of the Travel Plan against the mode share targets to ensure that the Travel Plans is either meeting targets or being adjusted to meet targets.

Calculation: See response dated 10 January 2020

£70,000 Cycle Improvements Contribution indexed from November 2019 using Baxter Index

Towards: Improvements to cycle routes between Chesterton and Bicester

Justification: Improvements to the cycle route between Chesterton and Bicester are required in order to improve the safety of the cycle route to the site for cyclists and to enhance the site's accessibility by sustainable transport modes.

Calculation: The figure requested has been based on a cost per metre estimate for upgrades to a surface and width that is more appropriate for cyclists.

S278 Highway Works:

An obligation to enter into a S278 Agreement will be required to secure mitigation/improvement works, including:

- A new site access priority junction from the A4095, including a ghosted right-turn lane, as shown indicatively on Motion drawing 1803047-03 Rev F
- A new shared use cycletrack along the south side of the A4095, as shown indicatively on Motion drawings 1803047-03 Rev F and 1803047-02 Rev A
- A new length of 2m wide footway on the southern side of the A4095 between the site access and the motorway overbridge and continuing west of the overbridge connect PRow 161/6 with 161/11, including a suitable crossing to connect the rights of way, as shown in drawing 1803047-03 Rev F
- A new length of footway at the A4095 connection of the Public Right of Way 161/1, as shown indicatively on Motion drawing 1803047-08
- A new length of Public Right of Way 161/6 along part of the south-east boundary of the site
- Two new lengths of footway, approximately 150m and 240m, along Green Lane either side of The Hale, to connect PRow 161/6 with Chesterton village, as shown in drawing 1803047-15

Notes:

This is secured by means of S106 restriction not to implement development (or occasionally other trigger point) until S278 agreement has been entered into.

The trigger by which time S278 works are to be completed shall also be included in the S106 agreement.

Identification of areas required to be dedicated as public highway and agreement of all relevant landowners will be necessary in order to enter into the S278 agreements.

S278 agreements include certain payments that apply to all S278 agreements however the S278 agreement may also include an additional payment(s) relating to specific works.

Planning Conditions:

In the event that permission is to be given, the following planning conditions should be attached:

Access: Full Details

Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout,

construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

No Other Access

Other than the approved access no other means of access whatsoever shall be formed or used between the land and the highway.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

Details of Turning for Service Vehicles

Prior to the commencement of the development hereby approved, and notwithstanding the application details, full details of refuse, fire tender and pantechnicon turning within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

Plan of Car Parking Provision

Prior to the commencement of the development hereby approved, a plan showing car parking provision for vehicles to be accommodated within the site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking spaces shall be laid out, surfaced, drained and completed in accordance with the approved details and shall be retained for the parking of vehicles at all times thereafter.

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

Cycle Parking Provision

Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework

Travel Plan

Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework

Provision of New Permanent Public Footpaths

Prior to the first use of any new public footpath, the new footpath shall be formed, constructed, surfaced, laid and marked out, drained and completed in accordance with specification details which shall be firstly submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of highway safety and public amenity and to comply with Government guidance contained within the National Planning Policy Framework

Construction Traffic Management plan

No development shall take place in respect of the development until a Construction Traffic Management Plan (CTMP) has been submitted to and approved by the relevant Local Planning Authority, in conjunction with the Local Highway Authorities.

The CTMP shall provide for:

- (i) the routing of construction vehicles and Construction Plan Directional signage (on and off site)
- (ii) the parking of vehicles of site operatives and visitors
- (iii) loading and unloading of plant and materials
- (iv) storage of plant and materials used in constructing the development
- (v) operating hours and details of deliveries
- (vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (vii) wheel washing facilities
- (viii) measures to control the emission of dust and dirt during construction
- (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works
- (x) Overall strategy for managing environmental impacts which arise during construction
- (xi) Procedures for maintaining good public relations including complaint management, public consultation and liaison
- (xii) Control of noise emanating from the site during the construction period
- (xiii) Details of construction access(s)
- (xiv) Provision for emergency vehicles

Reason - In the interests of highway safety, convenience of highway users and to protect the amenities of residents and safeguard the visual amenities of the locality and to comply with Government guidance contained within the National Planning Policy Framework.

Delivery and Servicing Management Plan

The development shall not be occupied until a delivery and servicing management plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out strictly in accordance with the approved delivery and servicing management plan.

Reason - In the interests of highway safety and to comply with Government guidance within the National Planning Policy Framework.

Signage Strategy

The development shall not be occupied until a signage strategy for the site has been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be completed and signage installed in accordance with the approved details prior to the first use of any building on the site.

Reason - To ensure that traffic is directed along the most appropriate routes and to comply with Government guidance contained within the National Planning Policy Framework.

Officer's Name: Roger Plater
Officer's Title: Transport Planner
Date: 3 March 2020
