

PINS Ref: APP/C3105/W/22/3311992

LPA Ref: 22/01488/OUT

Appeal Ref: 3311992

NH Ref: 95194

APPELLANT Greystoke CB Ltd.

Town & Country Planning Act 1990 (as Amended)

Public Inquiry

National Highways Limited

**OS Parcel 5616 South West Of Huscote Farm and East of Daventry
Road, Banbury**

Proof of Evidence

of

Sunil Gogna, Spatial Planner

31 January 2023

National Highways

Woodlands

Manton Lane

Bedford

MK41 7LW

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1.0 National Highways: Role & Responsibility

- 1.1 National Highways Limited (NH) is the strategic highways company for England appointed by the Secretary of State for Transport under section 1 of the Infrastructure Act 2015.
- 1.2 NH fulfils its obligations under the provisions of the Infrastructure Act 2015 and in accordance with the licence agreement with the Department for Transport. Under this licence agreement, NH is appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (“SRN”). The SRN, consisting of all motorways and trunk roads in England, is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs, as well as in providing effective stewardship of its long-term operation and integrity.
- 1.3 National Highways is a statutory consultee under the Town and Country Planning Act 1990 (as amended), and we consider planning proposals with regards to their potential impacts on the SRN in accordance with relevant policies and design standards.

2.0 Reason for Proof / Representations

- 2.1 NH is submitting this proof as an Interested Party in relation to the appeal of planning application 22/01488/OUT. Greystoke CB Ltd. (Appellant) has appealed against non-determination of the said planning application by Cherwell District Council. The planning application proposes construction of up to 140,000 sq. m of employment floorspace (use class B8 with ancillary offices and facilities) and servicing and infrastructure including new site accesses, internal roads and footpaths, landscaping including earthworks to create development platforms and bunds, drainage features and other associated works including demolition of the existing farmhouse.
- 2.2 This evidence / representation sets out the overall case on behalf of NH that the proposed development has not sufficiently evidenced its traffic impact on the SRN and it is therefore premature to make a decision on its acceptability in transport terms. The magnitude of the proposed development is likely to have

impact on the longer term resilience of the SRN, specifically the area around M40 Junction 11, contra to the requirements of government policy.

- 2.3 NH submitted Holding Recommendations to Cherwell District Council dated 26 June 2022, 27 September 2022, 21 December 2022 which recommended the further information that was required from the Appellant for NH to understand the traffic impact of the development on the SRN. Each Holding recommendation provided a period of three months for the Appellant to provide the required information for consideration by NH.

3.0 Case Officer

- 3.1 My name is Sunil Gogna. I am seconded to NH working in the Planning and Development Division which forms part of NH's Operations Directorate (East), based at Bedford. My role is Spatial Planner.
- 3.2 I have worked as a transport consultant since 2007 and I am a member of the Chartered Institution of Highways and Transportation.
- 3.3 I am the Case Officer for this Appeal, and I am familiar with the development site and the details relating to the proposed development.

4.0 Site Location

- 4.1 The proposed development is located to the east of the M40 Junction 11 at Banbury. It is sited to the south west of Huscote Farm, and east of the A361 Daventry Road. The M40 motorway connects London with Birmingham, via Oxfordshire. The A361 is a major south west to north east route connecting Chipping Norton with Rugby via Banbury and Daventry. The first point of access from the development to the motorway network is M40 Junction 11, which is located at the site's proposed south west boundary.
- 4.2 A site location plan, showing the proximity of the SRN, is at Appendix A.

5.0 Planning Context: Relevant Policies

- 5.1 NH considers planning proposals in accordance with the National Planning Policy Framework (NPPF), revised July 2021, associated Planning Practice Guidance documents, and DfT Circular 02/2013: The Strategic Road Network and the Delivery of Sustainable Development ('the Circular'). The latter

document sets out our approach to planning proposals which may have an impact on our network.

5.2 The transport policies are set out in a number of documents, the most relevant of which are:

5.2.1 National Highways Licence

- Paragraphs 4.2 h, 4.3, 5.4 and 5.25

5.2.2 DfT Circular 02/2013 The Strategic Road Network and the delivery of Sustainable Development (September 2013)

- Policy Aims and Application paragraphs 9,10, 12, 14, 16 and 18

5.2.3 National Planning Policy Framework (NPPF) (July 2021)

- Considering development proposals: Paragraphs 7, 73, 104, 105 and 110

5.2.4 Design Manual for Roads and Bridges (DMRB) (1992, as updated)

6.0 The Application

6.1 An outline planning application submitted to Cherwell District Council by Pegasus Group (acting as agent for Greystoke CB Ltd) in May 2022 and allocated the reference 22/01488/OUT for:

The construction of up to 140,000 sqm of Employment floorspace (use class B8 with ancillary offices and facilities) and servicing and infrastructure including new site accesses, internal roads and footpaths, landscaping including earthworks to create development platforms and bunds, drainage features and other associated works including demolition of the existing farmhouse.

6.2 Included in the supporting evidence to the application, was an Environmental Statement which contained a chapter on Transport and Access, a Transport Assessment which set out the likely impact of the proposed development on the local highway network and a Framework Travel Plan.

6.3 NH engaged closely, with Cherwell District Council and Oxfordshire County Council, and with DTA Transport Planning Consultants and Stantec (acting on behalf of Appellant) to understand the transport impacts of the development proposals and the need for those impacts to be mitigated.

6.4 This has resulted in a number of reviews of the technical information provided with requests for the provision of additional information aligned to the requirements of *DfT Circular 02/2013 The Strategic Road Network and the delivery of Sustainable Development (September 2013)*. Given the extent of outstanding issues to be addressed, NH sent a request to Cherwell District Council on 21 December 2022 and requested that the application is not determined to enable further information to be provided in order for NH to fully understand the transport impact of the development on the SRN.

7.0 The Planning Appeal

7.1 NH received notification of the submission by the Appellant of an appeal against non-determination dated 21 December 2022.

8.0 Highway Impact

8.1 NH's position is to ensure that any required mitigation to address the impacts of the proposed development on the SRN does not compromise the safe and efficient operation of the M40 motorway or M40 Junction 11. In particular we need to ensure appropriate sustainable assessment of generated trips, their impact, and any mitigation is deliverable. We need to ensure that the design of mitigation meets required design standards, is safe, and land is available.

8.2 The impact of the development needs to consider the impact on the M40 Junction 11 signal controlled roundabout, and also the impact on the merge and diverge flows with the mainline of the M40.

8.3 A LinSig Traffic Model was used to assess the traffic impact of the development on the road network. Our review of the modelling outputs identified a number of issues and discrepancies which needed to be resolved before the impact of the development could be fully understood.

8.4 In respect to safety, there is a concern that the proposed location of the site access roundabout on the A361 could result in peak hour traffic queuing back onto M40 Junction 11. The traffic modelling approach applied does not provide information on queuing so this potential impact is not fully understood.

8.5 There is currently a proposal to develop a new VISSIM model that includes the M40 Junction 11 roundabout. This was not completed for the formal Transport

Assessment for this development. The VISSIM modelling is proposed to be run in early 2023; access to this model is sought in order to enable the best assessment of the likely traffic impact, including the impact on queuing onto the M40 Junction 11.

- 8.6 NH also recommend that, for traffic modelling, a suitable base year be selected, alongside the expected opening year, and a future horizon year to be considered in any junction impact analysis. The future horizon year should be either the end year of the current Local Plan or 10 years after the expected opening year, whichever is the later, as per DfT Circular 02/2013. The years modelled were 2022 (Base Year) and 2032 (Opening Year), whereas the Transport Assessment indicated an Opening Year of 2025. A future year assessment was not provided.

9.0 Highway Mitigation

- 9.1 As per the NPPF, all developments that will generate a significant amount of movement are required to provide a Transport Assessment (“TA”) so that the transport implications of the proposal can be assessed. The TA is therefore one of the principal documents used by National Highways to ascertain the likely impacts on our network both in terms of safety and its efficient operation.

- 9.2 The current Transport Assessment has identified that intervention is needed to mitigate the transport impacts of the development in the form of:

- The dualling and realignment of the A361 immediately to the north-east of M40 Junction 11, resulting in geometric modifications to the A361 roundabout entry and exit arms;
- The signalisation of the A361 arm of M40 Junction 11 and signalisation of the associated circulatory carriageway at the north-eastern corner of the junction; and
- Additional flaring on the southern side of the circulatory to provide a short off-side lane for M40 north (bridge structure unaffected).

- 9.3 The proposed outline designs have not been subject to a Stage 1 Road Safety Audit (RSA). The full extent of earthworks / drainage works required is not provided at this stage. Further details are required as to whether or not third-party land, outside the existing highway boundary, is required.

9.4 More critically, the absence of finalised and agreed traffic modelling, as highlighted in Section 7, means the mitigation design is premature and may not mitigate the traffic impacts of the development, which remain unconfirmed.

10.0 Sustainability

10.1 We have concerns with the sustainability of the location of the proposed development which will have a longer impact on the resilience of the SRN, and NH consider that the proposals do not accord with local planning policy.

10.2 NH is required to meet the requirements of its Licence obligations. NH needs to act in a manner which it considers best calculated to conform to the principles of sustainable development (paragraph 4.2 h). For the purposes of this section, "sustainable development" means encouraging economic growth while protecting the environment and improving safety and quality of life for current and future generations (paragraph 4.3)

10.3 In complying with paragraph 4.2, NH is required to take all reasonable steps to ensure the continued availability and resilience of the network as a strategic artery for national traffic, and as an effective part of the wider road and transport system, and should balance a range of factors in meeting the short and long-term needs of the network, in particular with regard to supporting national and local economic growth and regeneration (paragraph 5.4 and 5.25)

10.4 DfT Circular 02/2013 The Strategic Road Network and the delivery of Sustainable development, sets out how NH should contribute and manage its role as a statutory consultee in the planning system. In particular:

10.5 Paragraph 12 highlights the preparation and delivery of Local Plans provides an opportunity to identify and support a pattern of development that minimises trip generation at source and encourages the use of sustainable modes of transport, minimises journey lengths for employment, shopping, leisure, education and other activities, and promotes accessibility for all.

10.6 Paragraph 14 sets out NH's aims to influence the scale and patterns of development in framing its contribution to the development of Local Plans, that it is planned in a manner which will not compromise the fulfilment of the primary purpose of the SRN.

- 10.7 Paragraph 16 states that through the production of Local Plans, development should be promoted at locations that are or can be made sustainable, that allow for uptake of sustainable transport modes and support wider social and health objectives, and which support existing business sectors as well as enabling new growth.
- 10.8 Paragraph 18 highlights capacity enhancements and infrastructure required to deliver strategic growth should be identified at the Local Plan stage, which provides the best opportunity to consider development aspirations alongside the associated strategic infrastructure needs. Enhancements should not normally be considered as fresh proposals at the planning application stage.
- 10.9 The development site is located to the east of M40 Junction 11 at Banbury on land that is currently used for agriculture. The site is not allocated for development in the adopted Cherwell Local Plan 2011 – 2031, and it is also not listed as a development site in the Cherwell Local Plan 2040 Draft Plan, Regulation 18 Consultation scheduled for January 2023.
- 10.10 It is highly likely that the location of this site, on the opposite side of the M40 motorway to the nearest residential location of Banbury, will be predominantly accessed using motorised transport. A Framework Travel Plan was submitted as part of the Environmental Statement in May 2022 which noted that occupiers of the site would be required to produce their own travel plans. It is noted that a Travel Plan will be produced at reserved matter stage and therefore NH has not commented at this stage.

11.0 Conclusion

- 11.1 Given the size of development and the fact that it is not in the adopted Local Plan or in the Regulation 18 consultation, NH needs to be provided with evidence that allows us to:
- a) Understand the traffic impact of the development on the SRN;
 - b) Agree mitigation; and
 - c) Confirm the conditions which should apply to planning permission.
- 11.2 At this point in time NH has not been provided with the necessary traffic evidence to show the development's impact on the SRN. Without this, a

mitigation scheme cannot be developed or tested in the model and ultimately agreed with NH.

- 11.3 The Inspector is therefore respectfully requested to dismiss this appeal on the basis that the Appellant has failed to evidence the impact of the development on the SRN or develop agreed mitigation for this impact. Furthermore, development in this area should be considered as part of the Local Plan process and to bring this proposed development forward in advance of that process is premature.

Appendix A

