

Evidence ET-7:

Adoption Of Elmsbrook Side Roads

*This document has been prepared by Elmsbrook Traffic and Parking Group (ETPG), May 2023
for the Appeal regarding*

LAND AT ELMSBROOK, BICESTER: PROPOSED RESIDENTIAL DEVELOPMENT

Planning Inspectorate Ref.No. APP/C3105/W/23/3315849

Cherwell District Council Application No. 21/01630/OUT

Cherwell District Council Appeal No. 23/00062/NON

Written by R Fellows CEng MIET

Reviewed by W Kellett FCIOB

1.0 Evidence regarding Phase 2 Road Adoption

1.1 The following email [names etc redacted] was sent from a member of CDC Planning to a member of ETPG:

1.2 **Sent:** 30 November 2022 16:38

1.3 I have looked back and I believe the attached is the relevant plan approved pursuant to condition 60 (of 10/01780/HYBRID – decision dated 10/07/2012) relating to Phase 2 (there is also another plan but this is for the southern part of Phase 2 so not relevant to Wintergreen Fields).

1.4 I don't recall seeing an alternative being proposed to amend this but I am also not aware of what the developer has offered for adoption because this is an entirely separate process with the County Council. I will need to ask the question of the County Council as to the procedure for how developers offer roads for adoption and what their remit is in terms of querying this.

1.5 But, I don't think the District Council can insist that roads are offered for adoption or not. Whilst condition 60 of the original permission sought a plan of

adoptable highways including vision splays, the reason for this condition was to ensure an adequate construction and maintenance of roads, lanes and community streets. As such, the purpose of the condition was to ensure they were built to an adoptable standard. The adoption process is separate and with Oxfordshire County Council as the Local Highway Authority.

1.6 I trust this is helpful. It is provided without prejudice.

1.7 The attachment referred to in 1.3 is shown in Figure 1: it is a drawing providing a potential update to the original Section 38 Agreement drawings.

1.8 The original Section 38 Agreement drawings were signed and released on the 9th of July 2014, and provided by Solicitors to all homeowners at time of purchase, which showed all Phase 2 side roads as not being adopted, only the Spine Road (Charlotte/Braeburn Avenues).

1.9 Figure 1 says on it: "Subject to technical approval" (in red bold all-caps). However, Phase 2 owners (purchasing in 2017-2019) did not received this version. According to the developer, this amended drawing was *never signed*. Without evidence of formal sign-off, then it is understood that a later version exists (2018, but never sent to Phase 2 owners), and that this excludes Wintergreen Fields, and does not require modifications to add footpath or cycle path.

1.10 It is also noted that the original Section 38 (2014) does not specify the Phase 4 road adoptions, and most of it is not shown/out of date.



Figure 1: Section 38 Agreement Page 2/2, Job Number 15-1859, Drawing No. 20-2, Rev: P01