

Presentation Plan

PINS Ref. APP/C3105/W/23/3315849

Bicester Bike Users Group - Presentation Notes

Representing the Bicester Bike Users' Group. We value this opportunity to present our evidence, particularly given the significant, late-stage changes to the appellant's proposals.

We have serious concerns regarding the proposed plans. Our key concerns centre on the proposed plans' lack of consideration for the existing Spine Road's capacity to accommodate the additional traffic expected from the new development, the lack of detailed plans for road modifications, and the potential impact on cyclist safety. We are particularly concerned by the appellants assertion that LTN1/20 (CD 8.2.8) does not apply to highway improvements, this assertion is contained in Mr Kirbys PoE (14.11) para 5.2 and 5.3.

LTN 1/20 para 1.3.1 pg 8 states "The guidance should be applied to all changes associated with highway improvements, new highway construction and new or improved cycle facilities, including those on other rights of way such as bridleways and routes within public open space"

Highway Improvements.

So when OCC come to spend the money agreed through S106 contributions, to improve the highway, the guidance should apply.

Chapter 14 clarifies this a little more, with regards to new developments. At 14.1.4 it states "The requirements should include the provision of new cycle routes connecting to and through developments and enhancing the provision for cycling when making alterations to links and junctions on existing highways. It will not usually be acceptable to maintain an existing poor level of service when undertaking highway improvement schemes."

14.2 then sets out how this is applied within the context of the NPPF.

And 14.3.12 then states "Cycling facilities should be regarded as an essential component of the site access and any off-site highway improvements that may be necessary. Developments that do not adequately make provision for cycling in their transport proposals should not be approved. This may include some off-site improvements along existing highways that serve the development."

The guidance from the Department for Transport, is clear, LTN1/20 applies to existing routes to the new development, as well as the development itself.

The Oxfordshire LTCP (CD8.2.7) states "The cycle and walking networks will be embedded in wider transport schemes and designed according

to Oxfordshire cycling and walking design standards. For cycling, these standards will be based on Government guidance LTN 1/20 and support Government policy document "Gear Change". So while at a national level, LTN1/20 may be considered guidance to local authorities, at a local level, within Oxfordshire, it is used as the basis for the Oxfordshire Cycling Standards. This means that they are not optional.

The appellant was asked by OCC, as the highways authority, to produce a Spine Road Assessment in order to assess whether the existing Spine Road could accommodate the extra traffic flows expected from the proposed development. This is found in Core Documents as CD 2.37, at para 4.3.1 the appellant states "With respect to the link capacity on the critical part of the Spine Road, identified as being the bridge crossing of Charlotte Avenue, it is accepted that there is an existing design constraint which does not fully comply with the recommendations set out within LTN 1/20.". Summary Table 5-1 on page 20 highlights that the appellant is aware that the proposed development would result in traffic flows exceeding 6,000 vehicles day and that would not meet the relevant "suitability criteria".

The LTN 1/20 (CD 8.2.8, Figure 4.1 pg33) criteria referenced has a table that demonstrates, at 20mph, with over 6000 vehicles movements per day, on-carriageway cycling would be "suitable for few people and will exclude most potential users and/or have safety concerns".

So, the appellant has demonstrated that on-carriageway cycling would no longer be suitable. As such, off-road provision will need to be made for the length of Charlotte Avenue where these traffic flows are expected. That is from B4100, as far as Gagle Brook School.

The issues in our evidence can now be grouped into two geographical areas along Charlotte Avenue. Firstly, the stretch from the Bus Link to Gagle Brook School, and secondly the section from Gagle Brook School to the B4100. We treat these separately as the expected traffic volumes on each section are vastly different.

We are troubled by the appellant's lack of detailed plans for substantial sections of Charlotte Avenue, and the safety implications of the proposed modifications for cyclists and pedestrians. We also question why additional traffic needs to pass through Charlotte Avenue when there are alternatives that would avoid permanent disruption and risk to residents.

At this point I would like to highlight two relevant paragraphs within the NPPF. NPPF 112a demands that applications for development should "give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas" and NPPF 112c that they should "minimise the scope for conflicts between pedestrians, cyclists and vehicles".

In CD 2.37 TN004 para 3.4.7, the appellant notes that, according to traffic modelling, Charlotte Avenue will see 6,115 daily traffic movements. At para 4.3.5, the appellant describes the main bridge as a "key constraint", and then proposes a carriageway widening scheme for this bridge. However, the bridge is a small stretch of the much longer route road users must navigate reach the end of Charlotte Avenue at the B4100. For this, with all its trees, bus stops and crossing they simply state, "the vast majority of the Spine Road benefits from footways in excess of 3.0m".

The vast majority. Read another way, we could say "Not all of the Spine Road benefits from footways in excess of 3.0m"

And yet, this statement is accompanied with no drawings, no plans, no assessment. We are left completely in the dark as to where these 3.0m sections of footway may be, and most importantly where they are not.

The reference to footways is important though. To ensure the safety of both pedestrians and cyclists. Cyclists must not use the footway, unless expressly permitted to do so. LTN1/20 explains how this permission is usually granted (CD8.2.8, para6.5.1, pg 65) "For the purpose of this document shared use is defined as a route or surface which is available for use by both pedestrians and cyclists. Within the highway, it is normally created by converting the footway using the power in Section 65 of the Highways Act 1980".

It cannot simply be assumed that a footway can automatically become a shared path. Moving through LTN1/20 at para 6.5.7 a table indicates the **minimum** width requirements for a shared path of up to 300 pedestrian flows per hour.

It is split by the expected cycle flows and shows that for up to 300 cyclists per hour, a minimum width of 3.0m should be provided, and for over 300 cyclists per hour it is 4.5m.

In addition, on page 42, in Table 5-3, LTN1/20 provides further guidance on additional widths required where a track is bounded by fixed objects of varying heights. On Charlotte Avenue, this occurs due to metal boundary fencing along property fronts, a bus stop, benches, planters and the trees situated within the footway itself. Both of these are over 600mm in height, and so each adds an additional 0.5m to the width required.

At the one section that has been assessed, the main bridge, (CD 2.37 TN004 4.3.8) the appellant concludes that "the combined flows would just exceed the recommended combined total of 600 movements that could be accommodated within a single 3.0m shared route." We agree with this statement. However, the appellant then goes on in para 4.3.9 to assume that an arbitrary number of pedestrians might use a narrow footway if it was provided on the other side. This assumption challenged by OCC Highways in their response dated 5th January 2022, CD5.2 pg 5, no further proposals were brought forward.

So, with a final shared use width requirement of at least 4.5m with 1m extra required in places, it is clear that the appellant has not demonstrated any form of safe provision can be accommodated from the vague statement of "the vast majority of the Spine Road benefits from footways in excess of 3.0m". This stretch of Charlotte Avenue has simply not been assessed.

Last week we heard from OCC Highways, regarding the circa £200k s106 contribution for completing cycle/pedestrian improvements required. Ms White, the case officer for this application, confirmed that this figure was based on only the scheme initially proposed by appellant. This was reconfirmed in IQ17.

She confirmed that she has not seen any subsequent schemes and OCC have not, it seems, made any accommodation for the changes that will be required along the remainder of Charlotte Avenue.

Regardless of the aspirations of the local plan, the appellant has demonstrated that there is simply not enough room.

Moving on now to the second area from Gagle Brook Primary School to the Bus Gate. Just North of the school is a section of carriageway that is narrowed to 4.1m. OCC Highways noted this in CD5.2 "Transport Schedule" pg.6, stating "In practice, the traffic generated by the development would likely result in vehicles mounting the kerb rather than waiting at either end of the extended narrowing, causing a risk to pedestrian safety and damage to trees".

The solution brought forward to satisfy OCC objections was to widen the carriageway at the narrow section. We demonstrated that could result in the loss of street trees, which would not be compliant with the OCC Tree Policy (CD 8.3.14), this concern was confirmed by CDC's Arborist (see CD 15.15 Appendix 2) who states "The proposal will almost certainly guarantee unmitigated detrimental impact upon the trees." This was the proposal accepted by OCC Highways.

In response to ours and CDCs concerns, shortly before the beginning of the inquiry a new proposal was brought forward. This was a formalised one-way priority system with signage and a build-out that would force cyclists into the face of oncoming traffic. This was the proposal accepted by CDC Planning.

So here's the choice presented, cause "unmitigated detrimental impact upon the trees", or force vulnerable road users into the path of oncoming traffic.

During the course of the inquiry, we were presented with a further option, where a cycle contraflow could be introduced alongside the one-way priority. This scheme, while much better in principle, is uncosted and, to our knowledge has never been seen by the local highways authority.

The simple question then is: Why should any motor traffic traverse Charlotte Avenue at all?

In CD 14.11 Appendix A (pg48), we see that Site Access A, which accounts for most of the additional traffic on Charlotte Avenue, accesses the same parcel of land as Access E. Unlike Access A, Access E bypasses Charlotte Avenue, leading directly to the B4100. By eliminating Access A and utilizing Access E, traffic on Charlotte Avenue can be dramatically reduced, improving safety for all users.

The appellant intends to apply for a Traffic Regulation Order in order to safely operate Access E during construction. This is noted in CD 2.40 (TN007, para 3.3) where the appellant proposes a reduction of speed to 30mph. At this point the appellant also acknowledges that a temporary TRO can only be implemented for a maximum of 18 months, and so if the development is expected to take longer then a permanent TRO will need to be sought. Mr Kirby states in his, PoE, 14.11, para. 7.6 that "the delivery of a permanent TRO could not be guaranteed as the TRO would be subject to further consultation even if the planning application were to be considered acceptable as a result of the Planning Inspectorates

decision to the Appeal". The developer has not indicated how long they expect development of the Eastern parcel to take. As such, there is no way to determine whether Access E, the only access for construction traffic to the Eastern parcel, would be viable.

Following our objection, the appellant produced 3 outline proposals for permanent site access at Access E as we suggested. These were initially outlined to OCC in an email dated 9th March (the morning of the CDC Planning Committee Meeting), this can be seen at Appendix B to Mr Kirby's Proof of Evidence (CD14.11). A more detailed assessment was later conducted, the results of which are also included in Mr Kirby's PoE at 7.4, with conclusions drawn at para 7.5 and 7.6. These conclusions are that the access is not viable for 2 key reasons, firstly that there is not enough land under the appellants control to the West for a ghost island and secondly that visibility splays would require a permanent reduction of speed to 30mph.

We have largely covered the issue of visibility splays as the appellant has not demonstrated that Access E would be viable without a permanent TRO to reduce the speed to 30mph. This is assuming that the issue of visibility to the West could not be overcome. The appellant reasons in PoE 7.5 that there is insufficient land under their control to achieve either a ghost island or guaranteed visibility splay, however, the ditch that causes this appears to be part of the same parcel of land that the appellant has subsequently agreed to using for Construction Access F to the West. So the appellants entire reason for pushing all the Eastern Parcel traffic through an Eco-Town, appears to be down to a shallow ditch, owned by the adjacent developer who has evidently already agreed to a much larger encroachment to the West.

Within Mr Kirby's proof of evidence, at Appendix B is an email chain with Joy White, the Principal Transport Planner for OCC Highways, where she states. "If a simple priority junction had been proposed we would have looked at the capacity assessment and taken a view on whether it was acceptable. Also in the current climate of speed restrictions across the county, it's quite possible that a 30mph speed limit here might have been considered. Anyway, we are where we are."

We are where we are.

Para 110 of NPPF mandates creating safe and suitable access for all people. Our interpretation of a 'safe and suitable' Charlotte Avenue is one where pedestrians, cyclists, and other non-motorized users can move safely and conveniently.

Para 111 states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." We believe this is clearly demonstrated in this case.

5. Concluding Statements

In conclusion. We strongly believe that the application, as it stands cannot satisfy the requirements of NPPF para. 110b,d, 111, 112a,b,c, that the impact on safety would be unacceptable and the residual cumulative impacts on the local network would be severe. None of the appellant's proposed measures to date adequately address the issue of increased traffic flows and inadequate

provision for cyclists. This shortcoming undermines the local plan's mode share requirements, the safety standards of LTN 1/20, and the ambitions of the LCWIP for Bicester.