

Bicester Bike Users' Group - Closing Statement

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

****CDC Ref. 21/01630/OUT ****

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1. Introduction

1.1. Firstly, I would like to thank ma'am inspector for allowing us to attend this inquiry as a Rule 6 party, I feel that as a local community group, we have been listened to and given a fair opportunity to have our voices heard. I hope that our contributions have been useful to the inquiry.

2. Transport Context

2.1. NPPF (CD 8.1.1) para. 110 states:

"In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users;

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. " (my emphasis)

2.2. We have heard from the Appellant how they wish to generate over 1,000 new daily traffic movements along Charlotte Avenue (CD 2.37, pg12, Table 3-6). How these, combined with the existing flows, and those expected through the local plan, would result in over 6,115 daily flows (CD 2.37, pg12, Table 3-6). This is on a road with no existing cycle provision, which the Appellant agrees, without mitigation, would result in unsafe and unsuitable access. I do not believe any evidence presented to this inquiry has demonstrated that any suitable mitigation is possible, particularly within the confines of the S106 Contributions sought by the local highway authority.

3. Safe and Suitable Access

3.1. We have questioned the Appellant on safe and suitable access to the site on numerous occasions leading up to, and during this inquiry, and the response repeated time and time again is simply that OCC have no objections so it must be OK (CD 14.11 pg19, 5.46 & 5.47). What we now understand from the Appellant is that only pieces of mitigation have been considered, and for the rest a broad set of

assumptions have been made. What we understand from the local highways authority is that they have only costed those mitigations presented to them, nothing more.

4. Hierarchy of Road Users and LTN 1/20

4.1. The hierarchy of road users requires the Appellant to consider pedestrians first, cyclists second, and general motor traffic last. This is especially true in NW Bicester, an eco-town, where the Appellant has committed to achieving a 40% modal share by car. Yet, the Appellants highway improvement schemes along Charlotte Avenue have been solely focussed on trying to shoehorn the vast volumes of motor traffic that will use this road for access, with pedestrians and cyclists pushed off to the side onto narrow shared paths. This hierarchy of users is set out in OCC Street Design Guide (CD 8.2.6, 2.1), Oxfordshire LTCP (CD 8.2.7, pg37) and Bicester LCWIP Policy BCW3 (CD 13.3, pg41).

4.2. The mitigations presented by the Appellant would not meet the minimum safety standards set by LTN1/20 (CD 8.2.8). The Appellant, in their evidence argued that LTN1/20 need not be applied when making highways improvements (CD 14.11 pg11, 5.10). Mr Kirby asserts that this is confirmed by OCC in Appendix B of his evidence (CD 14.11 pg50), however in the email referenced, Joy White appears to be referring to a specific item regarding path widths that is contained in the OCC Cycling Design Standards which pre-date LTN 1/20, as opposed to LTN 1/20 itself. During cross-examination, their witness, Mr Kirby, appeared to accept that it would, in fact, be applicable to any highway improvement schemes implemented on existing highways. This is set out in LTN1/20 in para. 1.3.1, 14.1.1, 14.1.4, 14.3.1, 14.3.12 and 14.4.3.

4.3. I accept that LTN 1/20 is provided by the Department for Transport as a guidance document. This is because it is up to local highways authorities to determine their own standards. OCC confirm in their Local Transport and Connectivity Plan (CD 8.2.7, pg41), that the guidance in LTN1/20 will be considered as the basis for cycle design standards in Oxfordshire. Mr Kirby, confirmed to us during cross-examination that this was the case.

4.4. Mr Kirby predicts that Charlotte Avenue, from the School to the B4100 will see 6,115 average annual daily traffic movements, resulting in what LTN1/20 describes as

"Provision suitable for few people and will exclude most potential users and/or have safety concerns." (CD8.2.8, pg33, Figure 4.1)

4.5. We believe this represents a severe impact on safety and suitability of the road.

4.6. Despite agreeing that this is the case, and that this is currently the only route pedestrians and cyclists can take, the Appellant has not demonstrated a single mitigation for the catastrophic effect this would have on active travel along this stretch. They have been fully reliant on this issue to be figured out by the local highways authority, once planning has been approved and it is too late.

5. Lack of Mitigation

5.1. The traffic impacts will affect every resident of both the existing development, and the proposed development. It is the only route to reach local amenities, the train stations, and the rest of Bicester. Without any evidence that the current unsafe and unsuitable situation that would be created by this development can be mitigated, I do not feel the benefits of this proposal could be outweighed by the demonstrable severe impact it would have on our road users. If it were to go ahead, almost no future travel could be achieved by bike. We also heard the direct impacts that this development would have on local residents, whether it is the delivery of essential NHS services by sustainable transport, or the ability for children to learn to ride a bike in a safe environment, they would not feel safe to continue under the conditions proposed in this scheme.

5.2. When discussing these issues, what we have heard time and time again is that the Appellant has agreed a contribution with OCC, the local highways authority, and this will cover it. On Wednesday, we heard from Ms White at OCC Highways. She told us that OCC have allocated enough S106 funding to implement the improvements required to deliver a safe, policy-compliant, scheme. However, it then became apparent that this number was actually based on the tree-removing, flawed scheme that was roundly rejected by all other parties, including CDC. Ms White also confirmed that the highways authority had not even seen the alternative proposals, deemed acceptable to CDC.

5.3. OCC then confirmed in the last minutes of the inquiry, that they have merely costed the proposals put to them by Appellant. The proposals that during cross-examination, Mr Kirby confirmed would not meet the minimum safety standards imposed in Oxfordshire. The contributions requested would categorically not cover any mitigations for the rest of Charlotte Avenue, and which the appellant confirmed would be unsafe and unsuitable according to the government guidance in LTN1/20. This means that there is no plan, that the Appellants belief that the S106 Contributions would be sufficient to mitigate the severe safety impacts along Charlotte Avenue, was unfounded. It seems incomprehensible, that the Appellant would not have ensured this was case themselves, particularly given the severity of impact that they had identified. Perhaps this was down to the Appellant's apparent lack of familiarity with the relevant active travel policies, particularly LTN 1/20.

5.4. The lack of mitigation plans and funding should be considered in the context of the fact that the works, to be conducted by OCC, cannot even take place until the road is adopted, at an undetermined date in the future.

6. Alternative Access

6.1. We heard from Mr Mason, that the reasons for forcing so much traffic through Charlotte Avenue appears to be flawed when an alternative access, that will be built anyway, could be used instead. The Appellant has rejected this, based on minor technicalities, and again, the fact that OCC had already accepted the Charlotte Avenue scheme.

6.2. Their reasoning for rejecting this as a permanent site access rested partly on the assertion that they deemed it too risky to rely on a Permanent TRO, and yet, have no evidential basis for suggesting that the temporary TRO they propose for this Access would cover the time required for enabling works, advanced infrastructure works, and phased development on the Eastern Parcel. And yet, in the evidence

they presented (CD 14.11, Appendix B, pg.51) OCC indicated that in the current climate of speed reductions across the county, a permanent TRO might have been considered, as would a simpler priority junction arrangement.

6.3. The other reason for not fully considering a permanent access at Access E, was based on a minor technicality over the position and ownership of a small drainage ditch. The Appellant confirmed to Mr Fellows that they did not check the measurements of this ditch were correct, as per the drawings. Mr Mason, in his evidence, confirmed he has measured that ditch and is confident that the visibility splays are available. Mr Mason also asserted that the land in question is owned by a2dominion. The same party that Mr Fell had indicated is bound by a covenant that they cannot frustrate the development of adjacent parcels. We do not accept that using Access E as the permanent Site Access for the Eastern Parcel would be unviable. We strongly believe that using Access E as the permanent site access for motor vehicles is the only way to provide safe and suitable access to all users to this parcel.

7. Proposed Solution

7.1. I would like to note that we did try to propose a solution to this issue to the Appellant. One that we believe could have resolved the issue without resubmitting their entire application. We outlined this to them as "The need for a cap on the number of dwellings that can access onto Charlotte Avenue from Access A and Access B (section 8) such that the need for a road capacity scheme for Charlotte Avenue can be avoided". The term "Road Capacity Scheme" was important as it would have aligned with Policy 36 of the Oxfordshire LTCP (CD 8.2.7, pg 107).

7.2. The Appellant accepted the need for this as a matter of common ground. We believe that this could have been applied as a planning condition and would have both protected the safety and suitability of Charlotte Avenue, as well as given the Appellant scope and incentive to seek alternative access via the B4100. While we were not in a position to word such a condition, we think references to the relevant design standards and that it would need to be to the satisfaction of both OCC and CDC, would have resolved the issue. Unfortunately, despite agreeing on the need for this, the Appellant did not bring anything forward.

8. Conclusion

8.1. In conclusion, it's clear that the Appellant acknowledges the severe safety risks this proposed development poses, yet, they have no proven mitigation strategy in place. Their reliance on OCC for any future mitigations - without any definitive plans from OCC - is a significant concern. Furthermore, the Appellant neglected a viable alternative access that was available, choosing instead an unsafe route. Therefore, with undeniable evidence of the risks involved, the absence of a safety mitigation strategy, and the blatant disregard for a safer alternative, we firmly believe the appeal should be denied.

8.2. We would welcome the opportunity to work with the Appellant on the improved scheme that we are sure is possible. We believe that through constructive engagement this scheme could enhance our community, rather than devastate it.