



National Highways Planning Response (NHPR 21-09) Formal Recommendation to an Application for Planning Permission

From: Andrew Jinks (Regional Director)
Operations Directorate
Midlands Region
National Highways
PlanningM@nationalhighways.co.uk

To: **Cherwell District Council – FAO: Chris Wentworth**

CC: transportplanning@dft.gov.uk
spatialplanning@nationalhighways.co.uk

Council's Reference: 21/03268/OUT

Location: OS Parcel 2636, NW of Baynards House, Ardley

Proposal: Outline planning permission (all matters reserved except for access) for the erection of buildings comprising logistics (Use Class B8) and ancillary Office (Use Class E(g)(i)) floorspace and associated infrastructure; construction of new site access from the B4100; creation of internal roads and access routes; and hard and soft landscaping

National Highways Ref: 92859


Referring to the consultation on a planning application dated 5 Oct 2021 referenced above, in the vicinity of the A43 and M40 that form part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

- ~~a) offer no objection (see reasons at Annex A);~~
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);~~
- c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);
- ~~d) recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B is not relevant to this application.¹

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via transportplanning@df.gov.uk and may not determine the application until the consultation process is complete.

Date: 24 January 2024
Signature: 
Name: Martin Seldon
Position: Assistant Spatial Planner
National Highways
National Highways, The Cube, 199 Wharfside Street, Birmingham, B1 1RN
Martin.Seldon@nationalhighways.co.uk

¹ Where relevant, further information will be provided within Annex A.

Annex A National Highways' assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as a 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 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.

Recommended Non-Approval

It is recommended that the application should not be approved for a further period of one month from the date of this response to allow the applicant to provide the additional information required.

Update – January 2024

Summary

Since issuing our response of October 2023 discussions have continued with the applicants. As a result of this our remaining queries regarding the traffic modelling have been satisfied. In addition, the preliminary design for the proposed mitigation scheme at the Baynards Green roundabout has been agreed. A Stage 1 Road Safety Audit of the proposals has now been commissioned and the Audit Team Report is awaited.

Update – October 2023

Summary

Since issuing our response of July 2023 we have continued to work with the applicants, the developers for of the adjacent Tritax Symmetry application and OCC, to progress the traffic modelling. While the majority of our concerns have been addressed, there are still some outstanding queries to be resolved. In addition, discussions have continued regarding the potential mitigation scheme for the Baynards Green roundabout, which would accommodate the impact of the developments without jeopardising the safe and effective operation of the road network. As part of this the current proposed scheme will be reviewed to check compliance with the requirements of the Design Manual for Roads and Bridges (DMRB).

Update – July 2023

Since issuing our response of April 2023 we have continued to work with the applicants, the developers for of the adjacent Tritax Symmetry application and OCC, to progress the traffic modelling. In addition discussions have continued regarding potential mitigation schemes for the Baynards Green roundabout, as well as M40 J10, which would accommodate the impact of the developments without jeopardising the safe and effective operation of the road network.

Update – April 2023

National Highways has continued to work with the applicants, Albion Land as well as Oxfordshire County Council (OCC) to progress the traffic modelling. Following these discussions, we have confirmed our approval of the modelling approach to be undertaken for the assessments at M40 J10 and Baynards Green roundabout. This approach has been developed in collaboration with the developers of the adjacent Tritax Symmetry application, utilising flows previously extracted from the BTM, together with those from future assessment scenarios. The scenarios will include the impact of no development, Albion Land only, Tritax Symmetry only and of both developments proceeding; as well as with and without mitigation. The resulting outputs will then be used to conduct VISSIM model runs.

Discussions are also continuing with OCC and the applicants, as well as Tritax Symmetry regarding the proposed mitigation scheme for Baynards Green. Following our earlier concerns regarding the deliverability of what has been put forward, queries have been raised over land ownership and the extent of land designated as highway. Some of these issues appear to relate to the realignment of the A43, as a result of the dualling works in the early 2000s, and enquiries to resolve these are underway.

Reasons

National Highways has been engaging with the applicant and their consultants on this development proposal since the pre-application stage in July 2021, and have agreed on the following matters with the applicant:

1. Trip generation
2. Trip distribution and assignment methodology
3. Modelling software to be used for capacity assessments

While the applicant submitted a Transport Assessment (TA) in support of the planning application, we noted that the trip distribution and capacity assessments undertaken were not in line with what had previously been agreed upon. We continue to have discussions with the applicant and consider that the outstanding matters will be resolved in due course.

National Highways issued a holding recommendation response on 25 July 2022 detailing the concerns identified with regard to the traffic related matters and

geotechnical matters. The following sections detail the up-to-date position of this planning application from a National Highways' perspective.

Traffic related matters

Quantum of development

We noted some inconsistencies between the total floorspace proposed for the Eastern Parcel in the Application Form and that stated within the TA. While the floorspace for the Eastern Parcel is stated as 100,000 sq.m within the TA submitted, it is entered as 107,000 sq.m in the Application Form. Therefore, we require the applicant to use the floorspace stated within the Application Form for all the assessments to ensure that the worst-case scenario is considered.

Trip distribution

Based on several discussions with the applicant's consultant, it was agreed that the light vehicle trip distribution and assignment would be undertaken using the Bicester Transport Model (BTM) available for the area. Based on our review of the modelling brief provided in December 2021, the scope of the model runs to be performed and the outputs to be extracted were agreed with the applicant.

The traffic survey data available with National Highways for the area was supplied to the consultant to help determine the proposed HGV distribution for the development, which will be fed into the BTM model for undertaking the runs. Having reviewed the HGV trip distributions undertaken by the consultant, we are content with the proposed HGV trip distribution and have no further comment to provide on this.

Following this, the applicant's consultant submitted the initial outputs from BTM for our review. Based on our review, we provided our comments to the consultant in an email in July 2022 and recommended that they submit additional output plots to aid our review. Following the satisfactory review of the BTM runs, we will be in a better position to recommend the wider SRN junctions that are to be assessed in detail. Post approval of the BTM outputs, we would welcome the consultant to submit a short note on the matrix development methodology.

Committed development

We note that the uncertainty log has been updated by the consultant and has been agreed upon by the Oxfordshire County Council. As such, we have no further comments to raise.

Discussions are ongoing between the applicant, National Highways and Oxfordshire County Council on the need for sensitivity tests regarding development proposals in the area.

Capacity assessments

Capacity assessments have been undertaken using Junctions software for the western and eastern site accesses and the A43 Baynards Green roundabout, and results were presented within the TA. However, it was agreed that the applicant will undertake junction capacity assessments at M40 J10 and A43 Baynards Green roundabout using National Highways' VISSIM model developed for M40 J10 in the area. Therefore, a detailed review of the assessments as presented within the TA was not undertaken by National Highways.

Based on discussions with the applicant, it was agreed that the A43 Growth Deal scheme (as per the latest design drawings) will be incorporated into the model for assessing the development impacts with the scheme in place. As such, National Highways provided the VISSIM models developed for M40 J10 along with the Local Model Validation Report (LMVR) and A43 Growth Deal schemes drawings. We understand that there are some uncertainties regarding the Baynards Green element of the Growth Deal scheme. Until further clarity is provided on this, we understand that that the applicant will not be updating the models with the latest drawings.

We are in continuous engagement with the applicant's consultant regarding the suitability of the updated M40 J10 VISSIM model to be used for undertaking further assessments. In line with this, the applicant's consultant has provided an updated VISSIM model to address the comments raised by National Highways. We are currently reviewing these comments and undertaking some further checks. We will provide our comments to the consultant in due course.

Merge/ Diverge Assessments

While the applicant has carried out merge and diverge assessments on the slip roads at M40 J10, we are unable to undertake the checks as the flow data is unavailable. We would therefore welcome this data being provided to us for our review.

Interim mitigation scheme

The applicant has proposed an interim mitigation scheme at the A43 Baynards Green roundabout which includes widening of the B4100 entries and a standalone signal-controlled toucan (pedestrian and cycle) crossing.

Given the concerns set out above and the uncertainty of some elements of the Growth Deal, there remain outstanding concerns. National Highways is therefore not yet in a position to comment on the suitability of the interim mitigation scheme.

The outstanding concerns are likely to be resolved in due course and National Highways will provide comments accordingly.

Following the completion of the assessments, we would expect that the applicant provides a revised TA to reflect the updates noted above.

Geotechnical matters

In addition, the submitted preliminary Ground Investigation report is a geo-environmental Phase 2 investigation for the main developments themselves. It does not include any details of the boundaries with National Highways operations, aside from a comment about excavations in (Part 1(2) (1).pdf):

7.5 Excavations

Excavations up to 3-4m deep are locally envisaged as part of the reprofiling works to create the required development platforms. At these depths excavations are expected to be in a combination of weathered rock strata comprising gravelly clay and clayey gravel and competent rock strength strata (limestone).

The applicant will need to advise / confirm if there will be any earthworks associated with the development(s) in relatively close proximity to National Highways boundaries (e.g. the stability of the balancing ponds, etc). In the first instance, some cross sections (to scale) through the boundaries showing the proposed extent of the development, its features and any proposed changes in elevation (excavations, landscaping) etc should be submitted for further assessment. Once received, we will review to determine the possible extent of any geotechnical reporting under the Design Manual for Roads and Bridges (DMRB) standard CD 622, which may be required to confirm the extent of any geotechnical risk to the SRN.

Once this information has been provided, we can fully assess the potential impact on the drainage of the site and whether this can effectively be mitigated.

Update – January 2023

The applicant submitted a Technical Note (TN) in November 2022 to address the comments we had previously.

Quantum of development

We acknowledge that the applicant has now confirmed that the proposed floorspace of the eastern site will be 100,000 sq.m instead of 107,000 sq.m. However, we recommend that the applicant makes the necessary update in the application form to reflect the revised floorspace area.

Trip Distribution

Given that the improvements associated with the Growth Deal Scheme at the A43 Baynards Green roundabout are no longer going ahead, National Highways would not expect this element to be included in any of the assessment work to be carried out. However, we understand that the previous version of the Bicester Traffic Model (BTM) includes the Baynards Green improvement scheme coded within the model. As such, we recommend that the applicant re-runs the BTM model by excluding the improvement scheme at the A43 Baynards Green roundabout and submit the BTM outputs for our review.

Committed development

We acknowledge that a cumulative sensitivity assessment will be undertaken with the development traffic from the adjacent Tritax Symmetry application also considered and we welcome this. We also note that the Council has confirmed that a sensitivity assessment with the Oxfordshire SRFI development is not required and we have no further comments to make on this.

Junction capacity assessment and mitigation scheme

As the improvement scheme associated with the Growth Deal Scheme at the A43 Baynards Green roundabout is not going ahead, we note that the applicant has proposed a mitigation scheme at this roundabout.

We note that the applicant has undertaken an interim junction capacity assessment at the A43 Baynards Green roundabout in 'Junctions' software using the flows extracted from the earlier BTM run, to get an 'in principle' approval from National Highways on the proposed mitigation scheme. However, as National Highways will require the applicant to re-run the BTM model without the Growth Deal improvement scheme at the A43 Baynards Green roundabout, National Highways has not reviewed the modelling outputs provided for the 'with mitigation' scenario. Therefore, we are currently not in a position to comment on the suitability of the mitigation scheme proposed by the applicant.

However, we have undertaken a high-level review of the ARCADY model output and are overall content with the geometric parameters used for the existing scenario. We recommend that the applicant re-assess the junction following the re-run of the BTM model and provide the model files for our review.

We also acknowledge that detailed assessments will be undertaken in VISSIM at a later stage. It is to be noted that National Highways' final comments will be based on the VISSIM assessments only.

In addition to the above, we note that the applicant will submit additional information regarding the merge/ diverge assessments, VISSIM modelling, geotechnical concerns, etc. in due course and we welcome this.

Although, as noted above, we are currently not in a position to comment on the suitability of the proposed mitigation scheme, we have concerns about whether the scheme can be accommodated. The southeast quadrant is clearly outside of the current highway boundary, while the layout is right up to the edge of the boundary and appears to be outside of it on the south side of the B4100 west. In the case of the former, it is presumed that this is within land controlled by the applicant and will therefore be transferred to National Highways as part of the scheme; however, this should be confirmed.

The latter zone is more concerning as in this area there will be a need for additional infrastructure at the back of the proposed footway / cycleway, such as lighting columns, drainage and signposts. Embankments or retention structures will also be required if there is any level difference. Our initial assumption is that the land to the south of the B4100 west arm is owned by a third party and therefore cannot be required for conditioned mitigation, unless the applicant can clearly demonstrate they have already secured the necessary rights to use this land and will transfer it to the relevant highway authority as part of the works.