Review of County Council's Response to Consultation

on

Planning Application No. 17/02534/OUT-2

relating to:

Land North of Bicester Avenue, Garden Centre, Oxford Road, Bicester

for

Cherwell District Council

by:

Steve Clarke DipTP MRTPI

Edwards & Edwards Consultancy Ltd
Highway Planning & Design
4 Ascot Drive,
Coalville,
Leicestershire.
LE67 4DF

Tel: 01530 459240
e-mail: admin@eaeconsultancy.co.uk

20th AUGUST 2018

REPORT CONTROL

Project: Planning Application No. 17/02534/OUT-2

Client: Cherwell District Council

Quality Checking

Primary Author:	Steve Clarke Dip TP MRTPI	**Date: 20/08/18**
Additional Input:	**Duncan Forbes BEng (Hons) CEng MIET**	**Date: 20/08/18**
Review by:	Neal Edwards IEng FIHE	**Date: 20/08/18**

1.0 Introduction

1.1 My name is Steve Clarke (Dip TP MRTPI) and I am a Senior Transport Consultant at Edwards & Edwards Consultancy Limited (EAE) where I am involved in a wide range of highway and transport related projects. During 2013-2017 I was the Chair of 6C's an East Midlands Regional Group tasked with developing excellence in the delivery of Development Management services across the 3 Counties of Derbyshire, Leicestershire and Nottinghamshire including the four Cities of Derby, Leicester and Nottingham and Cheshire East. Its aim is to contribute towards the creation of sustainable and high-quality highways, transport and drainage infrastructure in partnership with other public authorities, developers and communities.

1.2 I have worked for many years in the public sector and at Staffordshire County Council where I was Group Manager of Transport & Development Management for 15 years. For the past six years I have worked in the private sector and as such I have extensive experience in town planning, highway and traffic engineering.

1.3 EAE have been commissioned by Cherwell District Council to review Oxfordshire County Council's (OCC) response on Planning Application No. 17/02534/OUT-2 to provide an independent view on whether the response stands up to scrutiny. To contain this review, the work undertaken will focus on:

a) The national and local policy context.

b) The updated Transport Assessment Rev dated 5th July 2018 produced by Motion with focus on the areas of contention raised in the County Councils response to Cherwell District Council dated 7th August 2018 and DP9 Planning Consultant's response dated 8th August 2018 i.e.: -

- The traffic impact at the A41 Oxford Road (A41) / Lakeview Drive signalised junction;
- The traffic impact on the Oxford Road/Middleton Stoney Road/Kings End Road roundabout junction; and

- the S106 obligations should the district council be minded to grant planning consent contrary to the County Council's advice.

c) The timing of the off-site works.

2.0 The National and Local Plan Policy Context

2.1 The transport policy documents of relevance when the planning application was submitted are:

- National Planning Policy Framework (NPPF -March 2012);
- Oxfordshire Local Transport Plan 2015-2031 (July 2015); and,
- Cherwell Local Plan 2011-2031 (re-adopted December 2016).

2.2 The updated NPPF produced in July 2018 is also worth bearing in mind particularly in respect of the following paras.

108. 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; and

c) 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.

109. 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.

2.3 Paragraph 109 from the updated NPPF replicates Para 32 of the former NPPF but adds the phrase '…if there would be an unacceptable impact on highway safety…'

2.4 This review will attempt to provide an independent opinion on the following matters:

a) Whether the TA has given proper consideration to those matters which help OCC establish whether the relevant highway and transport related policies have been satisfactorily addressed;

b) To consider the diverse interpretations between OCC and Motion on whether the '…cumulative impacts on the road network would be severe'.

2.5 For the avoidance of doubt the relevant policy reference numbers that I'll base this review on are as follows:

National Planning Policy Framework (2012)

2.5.1 Para 32 of the former NPPF shall be considered which was relevant when the application was submitted i.e.

All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

● *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*

● *safe and suitable access to the site can be achieved for all people; and*

● *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

2.5.2 This NPPF also details the situations in which a local authority may utilise planning conditions or obligations to make a development acceptable.

Paragraph 204 of the NPPF states that:

Planning obligations should only be sought where they meet all of the following tests:

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development."*

National Planning Policy Framework (2018)

2.5.3 Paras 108 and 109 of the NPPF produced in July 2018 (see above) shall be considered which although not relevant when the planning application was submitted is relevant now. Para 56 of the latest NPPF reiterates the tests for planning obligations as set out in 2.5.2 above.

Local Plan Policies

2.5.4 Policy SLE 4 of the Adopted Cherwell Local Plan 2011-2031 is relevant and there is no disagreement in principle to this by OCC and Motion

Policy SLE 4: Improved Transport and Connections

The Council will support the implementation of the proposals in the Movement Strategies and the Local Transport Plan to deliver key connections to support modal shift and to support more sustainable locations for employment and housing growth.

We will support key transport proposals including:

- *Transport Improvements at Banbury, Bicester and at the Former RAF Upper Heyford in accordance with the County Council's Local Transport Plan and Movement Strategies;*
- *Projects associated with East-West rail including new stations at Bicester Town and Water Eaton;*
- *Rail freight associated development at Graven Hill, Bicester;*
- *Improvements to M40 junctions.*

Consultation on options for new link and relief roads at Bicester and Banbury will be undertaken through the Local Transport Plan (LTP) review process. Routes identified following strategic options appraisal work for

LTP4 will be confirmed by the County Council and will be incorporated in Local Plan Part 2.

New development in the District will be required to provide financial and/or in-kind contributions to mitigate the transport impacts of development.

All development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement will be given to solutions which support reductions in green house gas emissions and reduce congestion. Development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.

2.5.5 The current application site is allocated within the Cherwell Local Plan under Policy Bicester 4 which sets out:

"… This site to the south west of Bicester, bounded by the A41 to the north and west, is proposed for employment generating development in the form of a high-quality B1 office scheme."

Local Transport Plan

2.5.6 OCC consider that Motion have not taken proper account of LTP 4 Policy 02

Volume 1: Connecting Oxfordshire: LTP 2015-2031. Policy 02 of the LTP states that: Oxfordshire County Council will manage and, where appropriate, develop the county's road network to reduce congestion and minimise disruption and delays, prioritising strategic routes.

3.0 The Updated Transport Assessment Rev dated 5th July 2018

3.1 This Updated Transport Assessment, prepared by Motion, is a response to the pre-application response received from OCC and subsequent planning application consultation response from OCC.

3.2 In order to contain this review consideration will now be given to the areas of contention raised in the County Councils response to Cherwell District Council dated 7th August 2018 and their comments on the LinSig modelling i.e.: -

a) OCC advise that although the LinSig results look reasonable, there are some errors which suggest that the results cannot be relied upon.

b) the traffic impact at the A41 Oxford Road (A41) / Lakeview Drive signalised junction as presented in Motions TA dated 7th July 2018.

c) the traffic impact at the Oxford Road/Middleton Stoney Road/Kings End Road roundabout junction; and

d) the S106 obligations should the district council be minded to grant planning consent contrary to the County Council's advice.

Motions LinSig Modelling

3.3 I have considered the highway officers comments on the modelling of the LinSig network. In conclusion, although the highway officers' comments are valid, I doubt whether the amended LinSig network will have a material impact. Nevertheless, for completeness, I suggest that Motion should review their LinSig input data and produce updated outputs as the highway authority suggests. I do not however believe that these updated outputs will fundamentally change the conclusions I reach in the remainder of this report.

A41 Oxford Road (A41) / Lakeview Drive Signalised Junction

3.4 The operation of the above junction has been assessed as one of several junctions in the local network using the industry standard package for signal-controlled junctions, LinSig. In line with assessments undertaken from the permitted Bicester Village Phase 4, Tesco and Bicester Gateway Retail Park schemes four junctions have been modelled within a single LinSig model. LinSig model parameters have been based on the most recently approved LinSig model for the Bicester Gateway Retail Park development and, as such, include permitted highway works.

3.5 The traffic signal-controlled junctions on the Oxford Road corridor operate under Microprocessor Optimised Vehicle Actuation (MOVA). MOVA responds dynamically to variations in traffic flow and to this extent may have a positive effect on the operation of the junctions, potentially reducing the underutilised green time at the junctions.

3.6 The LinSig modelling software is not able to model the benefit of adaptive traffic control such as MOVA as it assumes that signal timings remain fixed throughout the assessment period. It is therefore worth noting that, the results presented in the TA represent a worst-case scenario and, in reality, junction operation may be better due to the adaptive MOVA control already in place.

3.7 OCC considers that for signalised junctions the acceptable capacity threshold is a 90% Degree of Saturation (DoS). My view is that although a 90% DoS is generally regarded as the junction capacity threshold there is a tendency for this value to become the only goal and can lead to inappropriate conclusions. Accordingly, consideration should also be given to:

a) the predicted queues and whether the queues block other junctions;
b) the predicted maximum delays per vehicle on each of the approaches;
c) how the junctions would perform within the highway network;
d) comparing the three assessment scenarios to examine whether there are significant differences in DoS and Practical Reserve Capacity (PRC); and
e) what effect the proposed mitigation results provide.

3.8 The model results are presented in Tables 6.4, 6.5 and 6.6 of the TA for the following scenarios:

a) Table 6.4 - baseline traffic with committed development at 2026;

b) Table 6.5 - baseline traffic with committed development including proposed development at 2026; and

c) Table 6.6 - as b) above including mitigation in 2026 respectively.

3.9 The tables referred to in para. 3.8) above are extracted from the TA below for ease of reference:

Table A: Table 6.4 (Extract from TA)

Junction	AM Peak		PM Peak	
	DoS	MMQ	DoS	MMQ
Oxford Road/ Pingle Drive	43.0%	-	58.7%	-
Esso Roundabout	91.2%	-	100.3%	-
Oxford Road/ Pioneer Way	75.1%	-	90.8%	-
Oxford Road/ Lakeview Drive	70.4%	-	85.8%	-
Oxford Road n/b (Ahead)	29.9%	2	42.8%	6
Oxford Road n/b (Ahead)	38.7%	3	47.8%	5
Oxford Road n/b (Ahead/ Right)	70.4%	30	63.7%	37
Oxford Road s/b (Left)	16.6%	3	28.5%	5
Oxford Road s/b (Ahead)	66.0%	21	79.0%	28
Oxford Road s/b (Ahead)	70.2%	20	83.9%	22
Lakeview Drive (Left/ Right)	44.4%	7	85.8%	21
Lakeview Drive (Right)	44.5%	3	68.8%	6
Overall PRC	-1.4%		-11.5%	

Table 6.4: Oxford Road Corridor – 2026 Baseline plus Committed Operation

Table B: Table 6.5 (Extract from TA)

Junction	AM Peak		PM Peak	
	DoS	MMQ	DoS	MMQ
Oxford Road/ Pingle Drive	50.5%	-	66.9%	-
Esso Roundabout	98.9%	-	102.5%	-
Oxford Road/ Pioneer Way	78.3%	-	90.4%	-
Oxford Road/ Lakeview Drive	93.7%	-	107.6%	-
Oxford Road n/b (Ahead)	49.3%	6	95.0%	45
Oxford Road n/b (Ahead)	63.5%	27	96.5%	48
Oxford Road n/b (Ahead/Right)	93.7%	40	97.6%	19
Oxford Road s/b (Left)	67.9%	14	28.1%	5
Oxford Road s/b (Ahead)	80.0%	29	106.5%	75
Oxford Road s/b (Ahead)	91.9%	38	107.3%	78
Lakeview Drive (Left/ Right)	61.3%	7	107.6%	83
Lakeview Drive (Right)	70.3%	4	103.4%	44
Overall PRC	-9.9%		-19.5%	

Table 6.5: Oxford Road Corridor – 2026 Baseline Operation (including 60,000 square metres of office space)

Table C: Table 6.6 (Extract from TA)

Junction	AM Peak		PM Peak	
	DoS	MMQ	DoS	MMQ
Oxford Road/ Pingle Drive	51.7%	-	67.5%	-
Esso Roundabout	90.4%	-	94.5%	-
Oxford Road/ Pioneer Way	75.1%	-	91.8%	-
Oxford Road/ Lakeview Drive	92.9%	-	97.7%	-
Oxford Road n/b (Ahead)	37.2%	6	78.0%	24
Oxford Road n/b (Ahead)	39.2%	7	78.8%	24
Oxford Road n/b (Ahead)	48.3%	11	78.8%	24
Oxford Road n/b (Right)	92.4%	25	80.0%	6
Oxford Road s/b (Left/ Ahead)	92.9%	24	89.5%	28
Oxford Road s/b (Ahead)	67.8%	12	89.0%	28
Oxford Road s/b (Ahead)	76.5%	24	89.8%	26
Lakeview Drive (Left/ Right)	34.0%	6	97.7%	42
Lakeview Drive (Right)	76.9%	6	89.5%	27
Overall PRC	-3.2%		-8.6%	

Table 6.6: Oxford Road Corridor – 2026 With Development Operation (including 60,000 square metres of office space) and highway mitigation.

3.10 In respect of the A41 Oxford Road/Lakeview Drive junction which is a junction of concern to OCC, the analysis from the tables referenced above shows that:

a) Under the baseline scenario (i.e. Table A) the junction is operating within capacity;

b) Under the baseline with proposed development (i.e. Table B) the junction would deteriorate significantly.

c) The proposed mitigation would provide an improvement on the entire LINSIG network (i.e. as illustrated in Table C above) but see d) below.

d) The Oxford Road/Lakeview Drive junction is predicted to suffer more in the “Do-Something” (i.e. Table C) scenario than the “Do-Nothing” (i.e. Table A). In the Do-Nothing scenario, the junction is forecast to operate with a DoS of 70.4% and 85.8% in the AM and PM peak hours respectively in 2026. With the development, including the proposed mitigation this rises to 92.9% and 97.7% in the AM and PM peaks respectively.

3.11 OCC believe the proposed development would have a detrimental impact on the existing network which has not been adequately mitigated. OCC are concerned that even with the proposed mitigation the analysis shows queues on Lakeview Drive reaching 42 vehicles. OCC consider that the storage capacity between the junction and the Tesco roundabout is approximately 15 vehicles which would effectively result in traffic adversely affecting the performance of the Tesco roundabout junction and the ability of traffic being able to egress the Tesco car park. OCC also contend that if vehicles are unable to exit Tesco 'it is likely that traffic within the site would back up to the extent that vehicles would not be able to get in, with the risk that queueing traffic would back up onto the A41'.

3.12 OCC also consider that on Lakeview Drive '… Very substantial delays could also be detrimental to road safety as they may well lead to unsafe manoeuvres by impatient drivers.'

3.13 In considering OCC's concerns I would suggest that its worth bearing in mind:

a. The LinSig analysis is for the AM and PM peak hours only;

b. The base scenario (see Table 1 above) already produces a queue of 21 on Lakeview Drive which is more than the 15 referred to by OCC so the matter of blocking the Tesco roundabout will already be an issue during the PM peak hour.

c. The LinSlig analysis does not take account of the benefits of MOVA

d. The access drive serving the Tesco car park has a very long two-way drive so even if there was a queue during the PM within the car park waiting to egress I doubt whether this would adversely affect the ability of drivers being able to access the car parking spaces.

e. It is understood that Lakeview Drive is not intended to be a publicly maintainable highway and will therefore be private.

3.14 In the context of the issues raised above, my views are as follows:

a) The proposed mitigation will result in a net overall benefit (i.e. slight improvement to the Practical reserve Capacity) in terms of the way the public highway network would operate in the PM peak.

b) Notwithstanding a) above, that LinSig analysis reveals that the DoS deteriorates with three lanes exceeding 90%. This is likely to mean that these lanes will be sensitive to future increases in traffic or variations in traffic volume leading to disproportional increases in queues and delays. This is a matter, I'll return to on the section entitled 'Planning Obligations'.

c) Whilst respecting OCC's concern about the impact on Lakeview Drive I am of the view that Lakeview Drive is a private road and as such unless the operation of the private road affects the public highway this is not necessarily a matter for the highway authority.

d) I refer to OCC's concern about substantial delays on Lakeview Drive being detrimental to road safety due to the possibility this may lead to unsafe manoeuvres by impatient drivers. With respect to OCC, I regard this as unsubstantiated speculation unless there is reasonable evidence available that can be used to support this assertion.

e) As alluded to in 3.9(d) above the access drive serving the Tesco car park is two-way and provides plenty of internal storage capacity so, from the information provided, I find it difficult to share OCC's concern that traffic within the site would back up to the extent that vehicles would not be able to get in, with the risk that queueing traffic would back up onto the A41.

3.15 In summary and bearing in mind that the Stage 1 Road Safety Audit raises no objections to the design, in principle, I consider the proposed mitigation to be acceptable subject to:

a) S106 obligations being agreed (see below);

b) The LinSig models being updated (see para. 3.3) to validate my views about the proposed mitigation being acceptable.

Impact at the Oxford Road/Middleton Stoney Road/Kings End Road roundabout junction

3.16 The model results are presented in Tables 6.1, 6.2 and 6.3 of the TA for the following scenarios:

d) Table 6.1 - baseline traffic with committed development at 2026;

e) Table 6.2 - baseline traffic with committed development including proposed development at 2026; and

f) Table 6.3 - as b) above including mitigation in 2026 respectively.

3.17 Under the scenario referred to in 3.4 c) above (i.e. the 2026 with development and mitigation scenario) the modelling analysis undertaken by Motion predicts RFC values of 0.91 on the Kings End arm (AM peak) and 0.90 on Oxford Road (PM peak). OCC contend that these are both well over the theoretical operational thresholds and that OCC adopts the practice of treating RFC values over 0.85 as being above theoretical threshold for capacities at roundabouts.

3.18 In contrast to OCC, Motion considers that the proposed roundabout highway works provide a slight betterment to the operation of the junction, in comparison with the baseline operation of the junction. On that basis, Motion contend that the highway works mitigate the effect of the development at this junction and no further mitigation works or assessment of this junction are considered necessary.

3.19 My view is that although a ratio of flow to capacity (RFC) of 0.85 is generally regarded as the junction capacity threshold there is a tendency for this value to become the only goal and can lead to inappropriate conclusions. Accordingly, consideration should also be given to:

f) the predicted maximum queues and whether the queues block other junctions;

g) the predicted maximum mean delays per vehicle on each of the approaches;

h) comparing the three assessment scenarios to examine whether there are significant differences in queues and delays; and

i) what effect the proposed mitigation results provide.

3.20 The capacity predictions under the three scenarios are summarised in Tables D, E and F below.

Table D: Baseline Traffic with Committed Development at 2026

Approach	AM Peak			PM Peak		
	RFC	Max Queue (veh)	Max Delay/veh (secs)	RFC	Max Queue (veh)	Max Delay/veh (secs)
Middleton Stoney Rd	0.65	2	8	0.69	2	11
Kings End	0.94	13	61	0.87	6	29
Oxford Rd	0.49	1	3	0.74	3	6

Table E:Baseline Traffic with Committed Development + Proposed Development at 2026

Approach	AM Peak			PM Peak		
	RFC	Max Queue (veh)	Max Delay/veh (secs)	RFC	Max Queue (veh)	Max Delay/veh (secs)
Middleton Stoney Rd	0.78	3	12	0.79	4	17
Kings End	1.26	291	1309	0.89	7	34
Oxford Rd	0.50	1	3	0.90	9	16

Table F: Baseline Traffic with Committed Development + Proposed Development with Proposed Mitigation at 2026

Approach	AM Peak			PM Peak		
	RFC	Max Queue (veh)	Max Delay/veh (secs)	RFC	Max Queue (veh)	Max Delay/veh (secs)
Middleton Stoney Rd	0.78	3	12	0.79	4	17
Kings End	0.91	9	37	0.66	2	9
Oxford Rd	0.50	1	3	0.90	9	16

3.21 By comparing Table D and F, the analysis demonstrate that the peak RFC's, maximum queues and max delay/vehicle are materially no different between the 'Baseline Scenario with committed development' and the 'With Development + Mitigation' scenario'. Table G below shows the increases (+) and decreases (-) in queues and delays.

Table G: Differences between Tables 1 and 3

Approach	AM Peak			PM Peak		
	RFC	Max Queue (veh)	Max Delay/veh (secs)	RFC	Max Queue (veh)	Max Delay/veh (secs)
Middleton Stoney Rd	+0.13	+1	+4	+0.10	+2	+6
Kings End	-0.03	-4	-24	-0.21	-4	-20
Oxford Rd	+0.01	-	-	+0.16	+6	+10

3.22 Table G shows some small increases in queues and delays on Middleton Stoney Road and Oxford Road but on Kings End there are decreases in queues and delays. When considered in the context of para 32 of the NPPF (2012) which is whether 'the residual cumulative impacts of development are severe' I would not consider that to be the case in respect of the presented

analysis for this junction. As such, and on the basis that the modelling of the junction is agreed between the parties (see next para.) the presented analysis demonstrates that the proposed highway works are predicted to mitigate the general impact of development at this junction.

3.23 In respect of the modelling of the junction, OCC contend that the junction has been modelled as a conventional roundabout rather than a mini roundabout. Motion contend that modelling the junction as a mini-roundabout 'can be unrepresentative of the observed operation'. For completeness, I believe that Motion should have provided a better rationale for modelling the junction in the way they have. For example, providing technical justification and, in any event, modelling the junction as a mini-roundabout against the three scenarios so that OCC could be armed with all the necessary information to make an informed opinion. Until this evidence has been provided, with inputs and outputs agreed by both parties, it is difficult to see how the OCC highway officers' can be in a position to remove their objections/concerns related to modelling of this junction arrangement.

3.24 When considering the merits of improvement schemes, para 32 of the NPPF (2012) raises the question as to whether the 'improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development'. This is important in the sense that it is important to establish the feasibility of implementing the scheme from other perspective. From the information provided, I have not been able to consider the Stage 1 Road Safety Audit for this junction. This is required to demonstrate that the proposed scheme is safe, and I strongly urge this to be undertaken prior to consent being granted. If a Stage 1 RSA has been undertaken, I'll be pleased to consider the matter further.

The S106 Obligations

3.25 The TA dated 5th July 2018 presented by Motion concludes that, subject to the identified highway mitigation works, the development proposals would not result in a material effect on the operation of the highway network local to the site. On this basis, Motion contend that no further mitigation measures or Section 106 obligations towards further highway infrastructure schemes are

considered necessary or justified in planning terms. This contention is in stark contrast to OCC's who have requested the following requirements should Cherwell District Council, as local planning authority, be minded to grant consent.

Table H: OCC's Recommended S106 Planning Obligations

Contribution	Amount £	Price base	Index	Towards (details)
Strategic Highway Infrastructure	£2,965,185.99	TBC	Baxter	The South-East Perimeter Road (western section) or scheme of similar benefit.
Strategic Rail contribution	£670,532	TBC	RPI-x	East West Rail
Public Transport Contribution	£375,000	TBC	RPI-x	Peak hour bus service enhancement
Public transport infrastructure (*if not dealt with under S278/S38 agreement*)	(i) £1,000 (ii) £10,000	TBC	Baxter	(i)Provision of bus stop infrastructure within the site and (ii) Bus Shelter including 2 flag poles on Oxford Road.
Travel Plan Monitoring	£2,040	January 2018	RPI-x	Monitoring and review of Travel Plan
Total	£4,023,757.99			

3.26 As alluded to under Section 2 above, development needs to be considered in the context of national and local policy. Insofar as the latter is concerned the relevant Local Plan policy is SLE4 which refers to new development in the District being required to provide financial and/or in-kind contributions to mitigate the transport impacts of development. Policy SLE4 makes direct reference to infrastructure referred to in Table H above and indeed LTP4 which OCC argue has not been properly considered.

3.27 LTP 4 Policy 02, sets out OCC's aim to develop the county's road network to reduce congestion and minimise disruption and delays, prioritising strategic routes. Under this policy document (particularly in the Bicester Area Strategy), the Plan identifies Bicester as a fast-growing area that will need a South-East

Perimeter Road (SEPR) linking the Eastern Perimeter Route at its junction with Gavray Drive to the A41 (Aylesbury) road and the A41 (Oxford) road. The SEPR, as a scheme, has been assessed as being required by 2031 to deliver Local Plan Growth, using the Bicester Transport Model (BTM).

3.28 Motions TA has revealed that even with mitigation the A41 Oxford Road will still suffer from congestion. As highlighted in 3.13(b) above, even with mitigation four lanes of the A41 Oxford Road/Lakeview Drive junction would have degrees of saturation in excess of 90% during the AM and PM peaks. Furthermore, the Oxford Road/ Middleton Stoney Road/Kings End Roundabout junction with mitigation would result in two legs of the junction having RFC's in excess of 0.85 during the AM and PM peaks

3.29 Clearly, the aim of the SEPR scheme would ease congestion on the A41 and will therefore directly contribute towards mitigating the cumulative impact of Local Plan growth in Bicester.

3.30 The site is not easily accessible to the existing bus stops on the A41, so enhanced public transport provision should be considered. Its not clear, however, whether a bus operator will be prepared to provide enhanced provision into the site via a private road. OCC are better placed than I to comment upon this.

3.31 I consider that the proposed Travel Plan S106 obligations are reasonable for targets and outcomes to be monitored and the Travel Plan to be refined, if considered to be necessary.

4.0 Timing of the Off-Site Highway Works

4.1 Motion have suggested that the mitigation they are proposing is only required once the 45,000 sqm has been built out. As noted by OCC, this has not been justified earlier in the text and Motion have not accepted carrying over the S106 transport planning obligations and contributions from the permitted development. Accordingly, this trigger is not considered appropriate for this development particularly as baseline assessments produce DoS in excess of 90% and RFC's in excess of 0.85. If the provision of highway works is to be after the proposed development is brought into use further discussions will

need to be held between OCC and the applicant. In the absence of any further detail on this, I would agree with OCC that all the mitigation will be required to be delivered prior to the first occupation of the development.

5.0 Summary

5.1 In the context of the above I would conclude that:

a) There is a need to consider the proposed development in the context of national and local policy. On this basis, I consider that there is a very sound argument in favour of S106 developer contributions to fund the transport infrastructure required to support Local Plan growth.

b) It is noted that the Council has recently adopted a Developer Contributions SPD. Clearly, this has to be considered to avoid the principles it contains being compromised for future developments. The actual amount of these S106 contributions, and how they are calculated, is fundamentally a matter for OCC to justify and the applicant and the local planning authority to consider in the context of the SPD, the tests for planning obligations and other material considerations.

c) The developer's contentions about viability are noted but unless a viability assessment has been submitted it is difficult to have too much sympathy. In any event this is a matter for the LPA to consider in the context of OCC's S106 recommendations and para 57 of the NPPF produced in July 2018 (see below for ease of reference.

> 57. Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

d) It is understood that the South-East Perimeter Road (SEPR) is a committed project. In general terms to enable Strategic Highway Infrastructure to be

delivered, such as the SEPR, all new development in the area of influence will need to contribute. If development granted permission in the early phases do not contribute to this infrastructure but add to the existing traffic impact on the highway network then the later developments may be required to contribute a higher cost to ensure delivery this required infrastructure. Failure to collect appropriate contributions at any stage could risk delivery of the identified infrastructure. With reference to the above the delivery of strategic highway infrastructure such as the South-East Perimeter Road (western section), or scheme of similar benefit, will be at risk if appropriate contributions are not forthcoming

e) Subject to the updated LinSig modelling (see para 3.3 above) not producing radically different results I'm of the view that the proposed mitigation at the A41Oxford Road/Lakeview Drive signalised junction and the Middleton Stoney Road/Kings End/Oxford Road roundabout junction being adequate to support proposed development.

f) I note from the various documents before me that there is disagreement over the timing of the implementation of highway works. The case for implementing highway works after 45,000 sq. m of B1 development has been built out has not been made. I therefore encourage further discussion between all parties.

g) A Stage 1 Road Safety Audit will be required for Middleton Stoney Road/Kings End/Oxford Road roundabout junction prior to consent being required.

h) Public transport enhancement should be considered with the bus operator to make the development site more accessible and to encourage this mode of transport in accordance with both national and local policies.

i) Travel Plans should be reviewed on an annual basis and OCC's costs for their role in undertaking this work should be secured through the S106.