



Developments Affecting Trunk Roads and Special Roads

Highways England Planning Response (HEPR 16-01)

Formal Recommendation to an Application for Planning Permission

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To: Cherwell District Council

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Council's Reference: 18/00825/HYBRID

Referring to the planning application referenced above, dated 17 May 2018, application for up to 1,175 new dwellings, 60 close care dwellings, 929 m2 of retail, a new medical centre, 35,175 m2 of new employment buildings, 2.4 ha site for a new school, 925 m2 of community use buildings, 515 m2 of indoor sports, observation tower with ancillary visitor facilities of up to 100 m2, 1,000 m2 energy facility/infrastructure, 2,520 m2 additional education facilities, creation of areas of Open Space, Sports Facilities, Public Park and other green infrastructure; change of use of various buildings and areas for employment use, filming and heritage activities, education use, car processing, and associated infrastructure works, Heyford Park, Camp Road Upper Heyford Bicester OX25 5HD, notice is hereby given that Highways England's formal recommendation is that we:

- ~~a) offer no objection;~~
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);~~
- c) recommend that planning permission not be granted for a specified period (see Annex A – further assessment required);

d) ~~recommend that the application be refused (see Annex A – Reasons for recommending Refusal).~~

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

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

Should you disagree with this recommendation you should consult the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gsi.gov.uk.

Signature: 	Date: 20 March 2019
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Annex A Highways England recommended further assessment required

HIGHWAYS ENGLAND has been appointed by the Secretary of State for Transport as 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.

This response represents our formal recommendations with regards to 18/00825/HYBRID and has been prepared by David Abbott.

The proposed next phase of the Heyford Park development comprises 1175 new dwellings along with almost 50,000sqm of commercial, transport and community infrastructure. It forms part of the larger proposals for a new community part of which is already built out. The former military base site is near to the M40, approximately 1

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

mile west of junction 10. As such it is likely to have a significant, potentially severe impact on the SRN.

The promoters of this development, Dorchester Living Ltd, have, through their transport consultants Peter Brett Associates (PBA), involved us in extensive pre-application discussions alongside Cherwell District Council and Oxfordshire County Council (OCC).

Since our response dated 6 February 2019, further negotiations have taken place with the applicant and OCC regarding mitigation measures and associated transport modelling to determine the scale of impacts on both the SRN and local road network. This was to address the outstanding concerns at the A43/B4100 Baynards Green roundabout and at the M40/B430 Ardley roundabout.

The applicant has demonstrated to our satisfaction that the latest option at Baynards Green can manage the development's impacts on the SRN to within tolerable levels, and also achieve a balance between costs and benefits appropriate to the scale of the development. However, the impacts on the B4100 remain at levels that OCC consider unacceptable.

The impacts of the development on the SRN at the Ardley roundabout on the western side of J10 appear to be acceptable in relation to the SRN. However, queues on the B430, part of the local road network, are forecast to reach levels that could cause severe impacts on the local road network.

It is agreed by all parties that more extensive improvements to junctions at and in the vicinity of M40 J10 are required to satisfactorily serve proposed developments across the whole local plan, including Heyford Park. However, it is recognised that such improvements would not be reasonably affordable by one or more developers. Work is therefore underway to attempt to secure additional funding from the public purse. OCC are investigating the potential to undertake such improvements more extensive than those required solely to manage to tolerable levels the impacts of this development. Such improvements could then be part-funded by this development. OCC have yet to conclude these investigations.

Assuming a satisfactory outcome of the above can be achieved we would intend to recommend conditions be attached to any planning permission. These would in the first instance relate to delivery of a specific set of mitigation improvements to the SRN that we have already agreed would manage the development's impacts to within tolerable levels. In proposing these conditions we would, however, be mindful of the need to adopt a flexible approach that would enable the sensible coordination or adaptation of works for the benefit both of users of the road network, the applicant and OCC, and to respond to factors that are currently unknown.

Such an approach would also allow for uncertainties associated with future roads investment strategies (RIS) and equivalent scheme programmes and timetables. As such, while our conditions would relate to delivering specific measures our principal aim would be to achieve the required outcomes within an appropriate and reasonable timetable. But crucially, they will also allow the proposals to be superseded by another more extensive scheme or schemes that would also achieve the required outcomes for the development. In such an event the applicant would instead make a financial contribution equivalent to the cost of their proposed mitigation package. The applicant has previously indicated their support for this general approach.

Once a mitigation package on the SRN is agreed, we would anticipate a process along the general lines of the following:

- a) Either prior to any beneficial occupation, or upon completion of an agreed number of dwellings, the applicant would, in consultation with Highways England and OCC, undertake a review of the agreed mitigation package. This review would consider outturn traffic conditions at that time, any other changes in future predicted traffic conditions and future roads investment strategy (RIS) or other scheme programmes affecting M40 J10 and its associated junctions.
- b) Following that review, unless otherwise agreed with Highways England, the mitigation package would then be delivered and opened to traffic no later than the beneficial occupation of a second agreed number of dwellings. The 'trigger points' here and in the previous paragraph would be based on ensuring the applicant can reasonably deliver the package before congestion reached pre-set levels at key locations. (of course, both 'a' and 'b' may be rendered unnecessary by the work currently being undertaken by OCC)
- c) If it is instead agreed with Highways England due to the successful promotion in a future RIS or equivalent programme of a more extensive alternative scheme achieving the required outcomes, that the applicant's mitigation package can be superseded, a financial contribution equivalent to the cost of their package would instead be made towards the cost of the successor scheme.

Given the above, **we therefore recommend the planning permission not be granted before 24 May 2019.** This should allow the time to complete the further work.

If a satisfactory conclusion can be reached before this date we will issue a definitive response and withdraw this recommendation.