

Extracts from the Inspectors report into the West Oxfordshire Local Plan 2011.

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Note: this report is a product of the Public Inquiry into the Local Plan held between 6 July 2004 and 6 January 2005. The Inquiry was in possession of the 2004 planning application and Environmental Impact Assessment (EIA) for the Cogges Link Road. The Cogges Link Road and Shores Green Alternative were debated in great detail and a specialist transport planning inspector was drafted in to examine the transport performance of the various schemes. Following the publication of this report the 2004 planning application and EIA for CLR were withdrawn by OCC. A fresh application and EIA were submitted in 2008. As the detailed information (including a new traffic survey) in this fresh application differs slightly from the 2004 version some of the Inspectors comments need to be referenced to the original EIA.

Extracts from covering letter pages iv & v.

Witney housing allocations. A major part of the Inquiry was taken up by a consideration of the choice of North Curbridge as a housing proposal for the expansion of Witney in the face of objections furthering alternative allocations to the north and east of the town. In the event my conclusion is that no large new green field allocation need be made for development prior to 2011 because of the alternatives have some merit, although I rule out the duly-made East Witney proposals with the Cogges Link Road in place. I have not deleted the North Curbridge allocation but have “de-phased” it to post 2011. I also consider that the whole strategy should be re-evaluated in the LDF. Also in Witney I favour a specific allocation at the Buttercross Works and indicate that the Stanton Harcourt Road site might be Considered should the CLR be built.

Transport. The proposals in the plan for a Cogges Link Road (CLR) in Witney to Provide relief for congested Bridge Street and the town centre was one of the most controversial elements and, as I indicate above, was the subject of special treatment at the Inquiry. It is a highly complex issue, particularly because the road scheme is being actively pursued by the County Council, as Highway Authority. The County Council had submitted a planning application for the scheme on the first day of this Inquiry and had commissioned extensive Environmental Impact Assessment work in Support. I am not aware of the outcome of their deliberations on the application.

I ruled that the principle of the construction of the road was a matter for this Inquiry as well as a consideration of alternatives put forward. There is no doubt that the CLR, crossing the valley of the River Windrush, would have major environmental impact. My conclusion is that the alternative of west facing slip roads at Shores Green in combination with the northern section of the West End Link warrants further investigation because of the lesser environmental impact and similar highway benefit. I have recommended that the CLR (and West End Link) should remain as safeguarded Routes under policy T4 but should not be a specific plan proposal. The timescale

Involved suggest that the strategy could be reviewed through the LDF process, including a consideration of the alternative 'non-CLR' option for development in East Witney rather than at North Curbridge. The least damaging alternative in Environmental terms would have been a Newland link with Shores Green Improvements, even though it would not have provide the same traffic benefits. It is Most unfortunate that the option has been closed through development. Otherwise, I Recommend the deletion of most of the schemes listed under policy T4 because they do not meet the requirements for safeguarding under PPG12 guidance.

Main report

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Issues

(b) Whether, taking account of the environmental impact of the Cogges Link Road, an alternative of the provision of west facing slip roads to the A40 at Shores Green would be preferable either in isolation or in combination with the Newlands or West End (2) Links; i) in traffic terms; ii) in overall planning and environmental terms and iii) in view of the possible timescale for implementation.

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9.29 Issue b. I heard much about the complex history of proposals for the Cogges Link Road (CLR) and the funding sought through developer contributions from the N E Witney Development Area. It is a proposal in the adopted local plan with an area safeguarded for its construction a shown on the proposals map. Planning permission for the road was granted in 1997 but lapsed in 2002. An Environmental Impact Assessment carried out by the Babtie Group (CD3/58-61) was considered by the County Council's Executive on the first day of the local plan Inquiry, 6 July 2004, when it was agreed to proceed with a fresh planning application for the scheme and to confirm the intention to construct the West End Link Stage 2 (WEL(2))(CD3/42).

9.30 The timing of this process in relation to that for this Inquiry might have been better. Having the Babtie EIA results to hand was fortuitous and it has enabled a more detailed examination of the alternative schemes than might otherwise have occurred, but it is unfortunate that the County Council have chosen to move ahead with the submission of a planning application which they indicated might be decided in February 2005. This is in face of the significant number of objections made to the local plan on the basis that the CLR, and indeed WEL(2), schemes should not proceed but should be replaced by west facing slip roads at the A40 Shores Green junction (SG), possibly in combination with a new 'link' between the northern end of Witan Way and Newland (NL).

9.31 It seems that the County Highway Authority may have been under the impression that because the schemes are named in the adopted County Structure Plan (CD3/1), paragraph 6.51, the principle is decided and that the only matter for consideration at this

Inquiry was the detailed alignment. As I explained, that is not the case. Firstly, paragraph 6.51 is part of the Explanatory Memorandum which is explicitly stated not to form part of the plan. It is only strategic routes listed in policy T12 which are in the plan. Secondly, it is clear from the EiP Panel report (CD3/48), paragraph 7.13, that they were regarded as local schemes and the principle was not considered. It is therefore the last sentence of the guidance in paragraph 5.21 of PPG12 which is most directly applicable i.e. that “local plan procedures or other statutory provisions will provide the means to examine both the options in relation to the transport requirement identified and any subsequent details of the proposal’s implementation.” In this context, I would point out that none of the consultative procedures carried out by the Highway Authority are statutory. I recognise that my recommendations to the District Council in respect of the inclusion of roads schemes in the local plan will not bind the Highway Authority but I would hope that due regard will be had to them. It also seems likely, subject to the timescale involved, that my conclusions may be a material consideration at any Compulsory Purchase Order Inquiry which may be required.

9.32 CD3/42 summarises the process by which Babties considered alternatives to the CLR through the EIA process. It shows that the alternatives put forward by objectors to the local plan (see paragraph 9.30 above) were all carried forward to the second stage of the comparative analysis but that only the SG/WEL(2) combination was compared to the CLR through full Transport Analysis Guidance (TAG). As a matter of clarification, what is referred to in the EIA as the “CPRE route” (PA3) is not before this Inquiry. Although the CPRE/Witney Society are objectors (555/1010-1) their objection, with many others, is one of principle to the CLR because of the environmental impact of the crossing of the Windrush valley where it is claimed to be contrary to policy WIT3. They now favour SG together with NL on the basis that the “de-trunking of the A40 has opened up an option which was not available at the time of previous local plan Inquiry.

9.33 Although questions have been raised about some of the assumptions made in the EIA and TAG analysis, the process has broadly followed government guidance on these matters. Nevertheless, I have some reservations about the approach which is taken to the narrowing down of options because, understandably, the first ‘sift’ relates to the traffic benefits delivered by alternative schemes. It does not enable the full balancing exercise to be undertaken that would be expected under planning procedures. For example, the SG/NL combination would provide less than optimum but useful traffic benefit at low environmental cost but was not carried through to the final stage. The approach is also self-fulfilling to some extent because it gives weight to compliance with the development plan strategy as it stands when the purpose of this Inquiry is to consider objections to that strategy.

9.34 I was assisted at the Joint Formal Hearing on the Transport by Mr Rob Barker, acting as an Assistant Inspector. I asked him to carry out an appraisal of the highways technical evidence to the Inquiry. His report is attached as an appendix to this chapter of my report. His brief is set out in section 2 and his conclusions in section 11. In paragraph 11.2 he states that Witney’s main transport problems will worsen during the lifetime of the plan should nothing be done to improve the town’s infrastructure. In

paragraph 11.7 he concluded that the CLR is to be preferred in traffic flow terms to SG and WEL(2) but that there is little to choose between them. He also identifies a marginally greater traffic benefit of the CLR/WEL(2) combination of schemes over the SG/WEL(2) combination. In paragraph 10.7 he identifies the marginally lower relief provided by the SG/NL combination compared to CLR alone.

9.35 I accept the conclusions of my assistant on the traffic benefits of the alternative schemes. The main point is that the differences between the alternatives are marginal in overall traffic benefit terms although there is a greater variation in terms of impact on individual parts of the road network, such as Bridge Street or the town centre core area. It falls to me to consider the environmental impact of the CLR as against SG, either with or without NL or WEL (2).

9.36 The results of the stage 2 analysis of 6 alternatives against broad environmental criteria are set out in CD3/61 summarised in Annex 5 to CD3/42. A summary table of the full TAG analysis of the final 2 alternatives is at Annex 6. I consider that Mr Hutchings (for EWLC) has exposed a number of weaknesses in the generalised scoring given. In particular, it must be the case that the environmental impact of the SG/NL combination would be significantly lower than either CLR alone or CLR/WEL(2) if only because of the removal of the need for a major new crossing of the Windrush.

9.37 As the CPRE raise specific objection to the omission of a Newland link from the plan, it is necessary for me to make clear my opinion on this matter. I am aware that the option of a Newland Link was favoured by the first Local Plan Inspector but it has never been included in an adopted plan. The 1997 Inquiry Inspector did not find in favour of it but at that time it was not considered as an option in combination with Shores Green improvements. The situation now is very different and on the basis of the traffic and environmental evidence before me I would have concluded that the SG/NL combination should be pursued in preference to the CLR, primarily because of the environmental impact of the CLR on the Windrush valley. The TAG analysis almost lightly sets aside the severance of the Country Park which cannot be compensated for and, as pointed out at the Inquiry, does not appear to take account of the effects of the loss on recreational value of the area through the introduction of traffic noise and air pollution. These factors are considered only in relation to people's homes.

9.38 At the Inquiry I was informed that planning permission had been granted for the development of 176 homes at Bridge Street Mills. I received written confirmation that development had commenced in December 2004 and observed this on site in May 2005. The approved scheme involves a new bridge across the Windrush linking to Witan Way more or less in the position that any Newland link road would have to be. Otherwise though the housing layout is simply not compatible with the provision of a new distributor road. Existing houses would also have to be acquired and demolished for the junction with Newland.

9.39 For these reasons I decided that I could not justify taking Inquiry time to hear further evidence about the Newland Link and took submissions in writing. Even should

the Council's submission be correct: that the mere implementation of the scheme would make no difference to the compensation payable, I take the view that it would be grossly unreasonable to look to the compulsory purchase and demolition of newly constructed properties which would undoubtedly be occupied before any proceedings could be initiated. There would be considerable personal hardship and frankly, any such more would be likely to bring the planning system into disrepute. It seems to me that the District Council had set its face against this option some years ago and did not fully recognise the extent to which the new option of improvements at Shores Green would change the planning circumstances. I consider that it is now too late and that NL no longer represents a realistic alternative in combination with SG.

9.40 I also consider that the inclusion only of the SG/WEL(2) combination of schemes in the final TAG comparison with the CLR alone does not allow a proper balancing exercise because it is not comparing like with like. It masks the lesser environmental impact of SG compared to CR in isolation. To put it another way, WEL(2) involves another crossing of the Windrush with consequent environmental impact on the valley and property. There may be a higher priority to construct it in combination with SG as opposed to CLR but it should be a common factor in any analysis. The potential impact of SG appears to be minimal only affecting the habitat of the dormouse which could be mitigated; it would be relatively low cost scheme. In this regard, I also agree with EWLC that to take account of the monies already "secured" for the CLR is a distortion of true cost. Given the right circumstances, and the agreement of all parties, funds could be switched. There could even be funds available to go towards the Downs Road improvements. There must be a very major question mark over the relative benefit attributed to early construction of the CLR, particularly in view of the interests of the landowner concerned and likelihood of CPO procedures.

9.41 Partly as a response to the evidence put to this Inquiry on behalf of the North Witney Consortium and their willingness to fund the majority of WEL(2) to serve their development proposals a further report to the County Council's Executive was made on 7 December 2004 which states a long term intention to construct the road but not to pursue any compulsory purchase procedures until the CLR has been constructed and the results monitored. It is suggested that the road might not be constructed, if at all, until after 2016 at least not if funded through Local Transport Plan process.

9.42 There is no dispute that WEL(2) is required to serve any development at North Witney. The "Hopper bus" proposals depend upon it. The traffic modelling shows the implications for surrounding roads as traffic would be drawn to the new crossing from the north and east of the town, including along Hailey Road (Barker, paragraph9.6). However, the Highway Authority do not go so far as to suggest that they would actually oppose the NWC proposals, although a refusal to facilitate the construction of WEL(2) in advance of CLR amounts to the same thing in my opinion. That would be despite the fact that virtually the whole cost of construction would be met by developer contribution.

9.43 I accept that design work would have to be done and there would have to be an independent Environmental Assessment [sic]. There are objections on the grounds of

impact on residential property and an objection in principle by All Saints College. There would clearly be a local impact on the Windrush valley which may be little more acceptable than the CLR. I accept that the WEL(2) should not be constructed in advance of either the CLR or SG because of its effect on feeder roads, as identified above. However, it seems to me that, should there be a greater willingness to achieve the construction of this road, there is no reason why it could not be done before 2016.

9.44 The timescale for the delivery of the various new road links is clearly a matter of considerable importance to the delivery of the local plan strategy for housing development as well as to an improvement in traffic circulation. No-one denies the unsatisfactory result of traffic congestion on Bridge and around the Staple Hall mini-roundabout junction. It leads to unpleasant air pollution and noise for the commercial and residential properties fronting these roads. A solution is long overdue. There have been many delays in the implementation of the CLR scheme to date and Mr Mawle for the EWLC impressed upon the Inquiry the considerable potential that remains for further delay and the doubts which remain as to whether the necessary funding will come forward to enable construction in 2007 as currently envisaged.

9.45 Although the EWLC case to the Inquiry sought to provide SG as a developer funded scheme linked to housing development, and possibly a park-and-ride, I set that aside for the one moment. My conclusion is that SG represents a better alternative to CLR because it would have a lesser environmental impact. It could also deliver significant traffic benefits if not the equivalent to CLR. In terms of funding, even should the OCC estimate (OCC1, CD3/52) of up to £4.9 m. prove correct, (disputed by EWLC), and the entire funding falls on the public purse – which seems doubtful in view of EWLC interest – the shortfall would remain well within the range of the shortfall for CLR of £2.5-6.7m. identified for CLR. In all probability, the draw upon public funds would be significantly less than for the CLR.

9.46 Conclusion on issue b. I recognise that a change of strategy now might result in some further delay whilst additional engineering studies are carried out into details of both the Shores Green and West End Link (N) schemes are undertaken, even should the CLR be pursued it is far from clear that construction might start as early as 2007/8. There is still time for a re-appraisal to be carried out.

9.47 I have not sought to review the mass of evidence in detail in this report but it is sufficient to convince me of the considerable environmental impact which would arise from the CLR as it cuts across the valley of the River Windrush. I am convinced that such factors as the severance of the Country Park; the introduction of additional noise reducing the recreational value of the park and the overall increase in CO² emissions due to the new road have been given insufficient weight in the TAG analysis. Moreover, the way in which the existing plan strategy is given weight introduces a bias in favour of that strategy.

9.48 In my opinion, the CLR option should not be pursued while there is a possibility that the less environmentally damaging option of the Shores Green improvements, possibly in eventual combination with the West End link, might be a feasible option.

This may best be accomplished through the Local Development Framework process under the 2004 Act. In the meantime, in so far as it affects this plan, I consider that the options should be kept open by the safeguarding of both the CLR and WEL(2) routes as in the deposit plan policy T4. However, in view of the uncertainties over timescale, especially of the WEL(2), I do not consider that these schemes should be included as specific proposals in the plan as in Witney Proposal 10. Indeed, the Proposal can be deleted because it is largely superfluous, with the remaining relevant text transferred to chapter 4, paragraph 3.15.