

Town and Country Planning Act 1990
Planning and Compulsory Purchase Act 2004

Appeal by Catesby Estates

*Land South of Burford Road,
Minster Lovell*

Rebuttal Proof of Evidence on Transport and Accessibility

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on behalf of the Appellant

PINS Ref: APP/D3125/W/23/3331279

LPA Ref: 22/03240/OUT



Transport Planning Consultants



1.0 Introduction and Context

1.1 This rebuttal evidence has been prepared in response to transport and accessibility matters raised by Mr Chris Wood of West Oxfordshire District Council in his proof of evidence. Further responses have been provided to the summary points raised by The Society for the protection of Minster Lovell (“SPML”) in their submitted statement of case.

1.2 It should be noted that my rebuttal proof of evidence does not address every part of the Council’s proof of evidence, and this should not be taken as necessarily confirming my agreement.

2.0 Rebuttal to Mr Woods’ Evidence

2.1 Introduction

2.1.1 In the following, paragraph and page number references relate (unless otherwise indicated) to those in Mr Woods’ evidence.

2.2 Matters Raised.

2.33 However, I would emphasise that in my opinion, caution should be exercised in extrapolating from this that it is “highly sustainable”, especially if this is taken to indicate a reduced need for use of private motor vehicles for reasons that include all of the following:

- It is located on three main routes*
- Many of its working residents travel to work*
- Thus, the SSR identifies only 4% of this population as using public transport to access work compared to an average of 6% for the District*

Table 2: Method of travel to work

	In employment	Using public transport	Using private transport (inc taxi)	Passenger in a car or van	Bicycle or on foot
Minster Lovell	778	4%	79%	5%	8%
West Oxfordshire	56,515	6%	71%	5%	14%
South East		12%	67%	5%	14%
England		17%	63%	5%	14%

Source: ONS crown copyright Census 2011, table QS701



- 2.2.1 The recent 2021 census data that was undertaken during the Pandemic, shows that there has been an overall decline in public transport use across the Country. The one notable difference is that in Table 3 on Page 23 of the Council's 2016 Settlement Sustainability Report ("SSR"), is that 17% of the population in Minster Lovell is reported to have worked from home. In the 2021 census this has increased to 28.6%.
- 2.2.2 Interestingly, in the 2021 census, Minster Lovell broadly compares to Carterton in terms of use of private transport and public transport use. As would be expected, the percentage of residents that walk and cycle to work in Carterton is higher, due to it being classified as a Main Service Centre which is the highest tier of settlement as defined in the 2031 Local Plan.
- 2.2.3 Policy T1 of the Local Plan states that: *"To promote increased home working and telecommuting, all new residential and commercial developments will be required to make provision for superfast broadband."*As can be seen in the updated census and is observed across the country, through increased working from home and flexible working, the need for superfast broadband is key. I am aware that the adjacent Bovis Homes development provides superfast broadband and with it now being a mandatory requirement under building regulations, the appeal site will also provide superfast broadband, thereby meeting this element of Policy T1.
- 2.2.4 By facilitating home and flexible working, this plays a positive role in reducing car dependency. Furthermore, the provision of a residential travel plan will also assist with supporting sustainable transport modes and reducing single occupancy private vehicle use.
- 2.2.5 Finally, with Minster Lovell being classified as the second most sustainable village in the District, (page 17 of the SSR) the development is within walking and cycling distance of those local services which further supports those working from home.
- 2.35 This high level of car use and good access to a wider range of facilities in nearby centres such as Witney and Carterton means many residents access those facilities rather than those in the village*
- 2.2.6 Mr Wood accepts in para 2.32 that there are significantly more facilities and significantly better public transport links than most other villages in the District and it is also closer to



large centres than most villages. Therefore, in my opinion it is not reasonable to assume that because more people may drive to work, they would then not use the facilities in the village.

2.2.7 Para 114 of the NPPF states that “*Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location*”.

2.2.8 Para 7.7 of the Local Plan states that “*Whilst we cannot eliminate the need to travel by car, locating development in places where public transport can be easily accessed and walking and cycling is a realistic and safe option can at least help to reduce people’s propensity to drive.*”

2.2.9 Reflecting the policy aim to ‘provide opportunities and promote the use of public transport’, I consider that the appeal site through its location and the provision of a travel plan, delivers on these requirements.

5.39 The report discusses Accessibility at paragraphs 5.44-5.49, stating initially that:

5.47 Previous Committee Reports also explained that the nearest school (St Kenelm’s C of E School) was a 2.2km round trip (26 minutes) from the centre of the site.

However, a new lit path from the south-eastern corner of the Bovis development across the Ripley Avenue play area was under construction when Members conducted their site visit on June 19th. This path provides a reduced round trip distance of 1.7km (20 minutes) to the nearest school. Thus, this brings the distance in line with the 20 minute guidance. However, it should be noted that the Ripley Avenue path is a hoggin path, as such, it will be constructed from gravel. While this may compact in time, those pushing pushchairs or wheelchair users may avoid using path and may prefer a different route.

2.2.10 As has been presented in my main proof, the path is lit and usable all year around, which was clear following the substantial rainfall from storm Henk. The surface is relatively smooth and is unlikely to cause any issues for pushchairs, wheelchair users or those with mobility issues.



2.2.11 Furthermore, whilst not observed using the path, during a recent site visit, families with pushchairs were in the Ripley Avenue Play area near to the Bovis development.

2.2.12 As set out in my main proof, the route via Upper Crescent is also lit, relatively flat with suitable footway provision. Neither Mr Wood or OCC raise any concerns about the safety or attractiveness of the routes from the site into the village.

5.41 However, I would emphasise all the following points in this regard:

- The "20 minute neighbourhood" concept and the general approach of locating new housing within easy walking distance of a good variety of good quality local services and facilities for as many people as possible is not only beneficial in terms of reducing carbon footprints, pollution and energy costs to individual(s) and the nation and in terms of reducing congestion and reducing parking demand for those who have to use private motor vehicles ; but it also has clear positive benefits in terms of physical and mental health, in encouraging exercise and increasing opportunities for people to come into informal contact with one another;*
- The distances quoted above appear to relate to average distance from the centre of the site; however, many of the proposed dwellings would be further from shops/ facilities;*
- Few people are likely to walk 800m or so to a local shop if they are intending to buy more than a few items, as the return journey carrying large amounts of shopping is likely to be more difficult;*
- Thus from a property relatively close to Burford Road in Holloway Lane in the existing Bovis Home estate, it is approximately 10 minutes to walk to the Spar store in Bize Norton Road, whereas Lidl on the edge of Witney [but near the A40 and with a large car park with EVCP facilities] and Marks and Spencer in the centre of Witney [also very near a large car park] are only 7-8 minutes by car:*



2.2.13 The 20 minute neighbourhoods (March 2021) is an aspirational guidance document provided by the Town and Country Planning Association (“TCPA”) and does not form any part and is not referenced in the NPPF or Adopted Local Plan.

2.2.14 Section 4.3 “Applying the 20-minute neighbourhood idea to villages and rural areas” acknowledges that implementing the 20-minute neighbourhood in rural areas presents a different set of challenges compared to urban areas.

2.2.15 Para 7.12 of the Local Plan also acknowledges that that “*West Oxfordshire is a predominantly rural District and that it will not be possible to locate all development where convenient access to public transport, walking and cycling opportunities can be achieved*”. It further accepts that “*the opportunities to maximise sustainable transport solutions will vary from urban to rural areas and that different policy approaches may be required*”.

2.2.16 For those areas with Market Villages, the 20-minute neighbourhood guidance states:

Page 50 : The first, for areas with market towns, is to try to ensure that the market town itself becomes a complete and compact 20-minute neighbourhood. Although people from nearby villages would need to travel to the town to use its services, once there they would be able to walk within the town and find most of what they need for their everyday lives, rather than having to travel to several different places. [emphasis added]

More generally, there is growing awareness that active travel in rural areas is difficult and sometimes dangerous. Rural roads usually have no pavements, and the large lorries and farm equipment that use them deter many people from cycling on them. While the National Cycle Network is a UK-wide network of routes linking places through paths that can be used by walkers, cyclists and wheelchair users, and ‘Slow Ways’ is an initiative to create walking routes between the towns and cities in Britain, substantial investment is needed to ensure that every village can be reached safely by anyone – of any physical ability – travelling actively or by frequent and affordable public transport.

2.2.17 Witney provides numerous facilities including the hospital, dentists, doctors, large food and non-food retail within 500-600m of the Market Square bus stops, which are accessible by the 30 minute frequency of the combined 233 and 234 services. Therefore, the appeal site complies with the aspirations of the document and how it applies to rural areas.



2.2.18 The new bus stops near to the site access as well as the links through the 233 stops in the village provide access to frequent public transport, again meeting the aspirations of the 20-minute neighbourhood for villages and rural areas.

2.2.19 The point raised regarding trips for large amounts of shopping is true of any development, with few residents carrying a full weekly shop or using public transport for this purpose. Furthermore, home delivery shopping has become more popular with those vehicles already on the network, this would have no detrimental impact.

2.2.20 The reference to the Spar and Lidl presents two different retail offers. The Spar would be for local convenience and top up shops and Lidl would be for a weekly shop where you would anticipate the majority of people driving.

9.48 I think this supports the concerns set out in the committee report that refers to the TCPA publication '20-Minute Neighbourhoods Creating Healthier, Active, Prosperous Communities An Introduction for Council Planners in England'; andshows 20 minutes is the maximum time that people there are willing to walk to meet their daily needs.A 20-minute journey represents an 800 metre walk from home to a destination, and back again (10 minutes each way).

9.49 On this basis, the genuinely important benefits of walking are likely to be unattractive for most future residents of the estate whose dwellings are not near one of the accesses; and even for the very nearest dwellings, few of the journeys meet the 800m indicative easy walking distance.

2.2.21 As presented in my proof of evidence it would in fact only be those living in the furthest dwellings that would typically be in excess of 800m to most facilities in the village. It is also not reasonable to suggest that if a resident was 850m/900m etc from facilities this difference would suddenly make walking unviable. Furthermore, there is no existing policy requirement restricting development to within 800m of all services and facilities and there has to be an element of judgement regarding whether the requirements of Policy T1 and the NPPF are met.

2.2.22 Manual for Streets reiterates that walking has the potential to reduce car trips for distances of up to 2km. The site clearly provides direct links into the village giving residents the opportunity to walk and cycle as well as access the bus services.



2.2.23 Notwithstanding our disagreement that 800m is an appropriate threshold to judge the sustainability of sites, it should be noted that not all of the allocations in the adopted Local Plan (be definition judged suitable and sound) meet the 800m guidance.

2.2.24 For example, Land at Swinbrook Road, Carterton' Policy CA1b allocated for 70 dwellings, is stated to be 1.8km north of Carterton centre.

9.54 Moreover, as shown in the settlement sustainability report, the great majority of new residents with jobs would appear very likely to work outside the village [noting also that access to the main A40 and Witney, Carterton and Oxford may well be a reason for many people choosing to live in this location], meaning that most will depend on use of private motor vehicles to travel to and from work;

2.2.25 I recognise that the circumstances are different because each settlement will have its own characteristics and I am not providing this as a direct comparison. However, 800m is not a requirement of policy, and that being outside 800m cannot make development unsustainable (otherwise the Council would not allocate sites outside the 800m distance).

2.2.26 There is also a qualitative assessment that has to be taken in account, such as the nature and extent of local facilities, the safety and quality of the walking routes (as well as distance) and public transport opportunities, all of which feed into the assessment process.

2.2.27 The NPPF tests are clear and have been through the various iterations of the document is that in assessing development sites it should be ensured that:

- Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- Safe and suitable access to the site can be achieved for all users; and
- 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.

2.2.28 Policies T1 and T2 have been considered in detail. The impact of the scheme has been considered through a thorough (and agreed) Transport Assessment process which identifies appropriate measures for the site access, highway safety and accessibility. The scheme is therefore compliant with those policies.



2.2.29 Witney contains the largest concentration of employment sites in West Oxfordshire. There is a very wide mix of industrial and office premises with an equally broad range of occupiers¹.

2.2.30 The Downs Road employment area to the south of Burford Road is the largest cluster in Witney comprising of the Bromag Industrial Estate, Windrush Industrial Estate as well as a number of smaller estates and buildings. The area contains a wide range of significant national and international employers including:

- Abbott Laboratories (medical / life sciences)
- Stewart Milne (construction supplier)
- Christ Hayter (logistics)
- Meech Static Eliminators (electrical engineering)
- SIG Insulation (construction supplier)
- Corndell (manufacturing)
- Smurfit Kappa (packaging)
- BRJ Engineering (engineering)
- Dallas Keith (agricultural supplier)
- RMW Witney (engineering)
- Sandaware Castings (engineering)
- Navarino Services (services)

2.2.31 The Downs Road employment area is situated 2.7km from the appeal site entrance and is accessible by bus route 233 and 234 (2 mins) and national cycle route 57 taking approximately 11 minutes. The SSR states that a third of residents in Minster Lovell travel less than 5km to work, therefore, the Windrush and Bromag employment areas are within that likely catchment.

2.2.32 Highlighting its sustainable proximity to employment facilities, the appeal site is closer to the Downs Road employment area than the allocated North Witney Strategic Development Area (1,400 homes).

¹ [West Oxfordshire Economic Snapshot – January 2015](#)

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Aerial photo of Windrush Industrial Estate highlighting occupiers



Aerial photograph of Bromag Industrial Estate



9.56 *For all these reasons, I consider that the location of the proposed estate is too distant from almost all local facilities for the great majority of dwellings, increasing the likelihood that more people will drive ; and that this will deny them the multiple benefits of physical exercise, and opportunities to "bump into" new friends; and I believe it will very significantly reduce use of local shops and other facilities because of competition from more distant centres that are easily accessible by car.*



2.2.33 As set out above and in my main proof, the site is within reasonable walking distance of various facilities within the village, which in addition provide access to numerous social activities. The distances to facilities unless stated below are set out in my proof of evidence and are sought to be agreed in a statement of common ground. For example, the following village groups would be available to future residents to enable them to “get to know” existing residents:

- History Club – Last Sunday in the month book club (St Kenelm’s Church)
- Coffee and Chat / Village Library – Every Wednesday 10-12 (Village Hall)
- Play Group – Mon & Fri 9-12 and Tues, Weds, Thurs 9am-3pm
- Cricket – Sports and Social Club (Old Minster Lovell) (c1.5km from centre of site)
- Football Team (currently closed no team)
- Fishing – Nr Sports and Social Club (Old Minster Lovell)
- Minster Lovell Scout Group – Weekly (Scout Hut) (c1.8km from centre of site)
- Yoga/ Pilates/ Fit and Fun – Tues/Weds/Fri (Village Hall)
- Pathways Spiritual Centre – Thursday evenings (Minster Lovell Scout Hut)

2.2.34 Access to numerous groups and activities would certainly assist with community cohesion between future residents and the existing community.

9.58 In my opinion, therefore, despite the generally above average sustainability characteristics of the village, as shown in the settlement sustainability report, the proposal in this location is likely to lead to excessive use of motor vehicles, increasing the carbon footprints of new residents, contrary to policies T1 and T3 of the Local Plan, relevant paragraphs of the NPPF, including 96(a), 97, 108, 109 and 157-159; and good planning principles; and the District Council’s declared climate emergency.

9.59 I would give this harm significant weight given the combination of adverse planning outcomes and the fact that it would not deliver healthy and attractive homes that would promote social interaction.



3.0 Rebuttal to SFPML statement of case

Para 4

It takes 22 minutes to walk directly from the Spar Shop in Minster Lovell to the centre of the Appellant's site. A shopping trip of 40 mins plus is unlikely to attract, and therefore the site is too far even for the Spar Shop for walking, and cars will be used, although there is very limited parking.

- 3.1 It is anticipated that the furthest walking journey from the site to the Spar convenience store would take 14 mins (a 28 minute round trip). From visiting the site, I observed vehicles generally parking for a short period of time. Therefore, whilst parking is limited there is a frequent turn over of spaces.

There is little or no work available in Minster Lovell, and therefore inhabitants of the new development will find work mostly by travel to the west via the A40. The shortest route to the A40 is via Brize Norton Road through the centre of the village.

- 3.2 As set out above the Downs Road employment area is situated 2.7km from the appeal site entrance and is accessible by bus route 233 and 234 (2 mins) and national cycle route 57 taking approximately 11 minutes. In addition to this Witney is accessible by bus for further employment opportunities.


This road is already heavily used and is narrow (16-17 feet wide with one 4.5ft pavement). All the internal village roads join it and the pavement is heavily used by pedestrians. Heavy trucks meeting each other often have to temporarily move onto the pavement. (Photo).

- 3.3 The presented photo shows a bus within its lane on the carriageway, meaning another would be able to pass without having to use the footway.



4.0 Conclusions

- 4.1 There is no new evidence provided by Mr Woods or SFPML that alters the findings of the submitted Transport Assessment and my subsequent proof of evidence.
- 4.2 It therefore follows that the evidence presented clearly concludes that the appeal scheme is consistent with the requirements of Paragraphs 114 / 115 of the NPPF and Policies T1 and T2 of the Local Plan in that it provides safe and secure access by all modes and direct access to public transport.



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