

Cherwell District Council

Executive

2 October 2023

Sandy Lane, Yarnton to Kidlington

Report of Assistant Director – Planning and Development

This report is public

Purpose of Report

To advise the Executive of the considerations associated with the Council resolution on Sandy Lane.

1.0 Recommendations

The meeting is recommended:

- 1.1 To note a development brief and planning application for site PR8 (Land East of A44) will be presented to the Planning Committee for consideration in due course.
- 1.2 To note the wording of a formal response to an application expected to be submitted by Network Rail to the Secretary of State for Transport for a Transport and Works Act Order will involve consultation with the Planning Committee Chairman and Portfolio Holder for Planning and Development in due course.

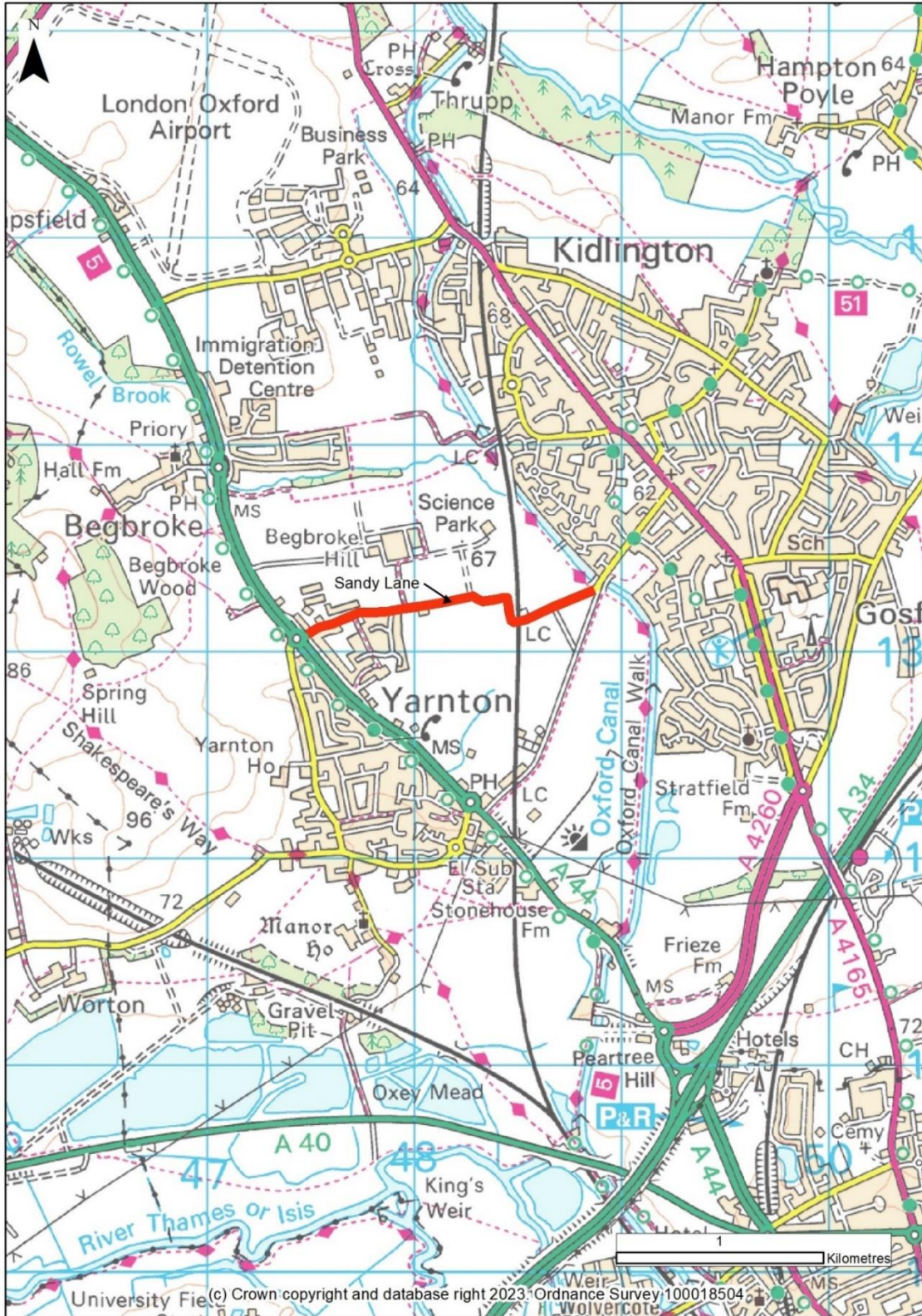
2.0 Introduction

- 2.1 On 17 July 2023, Council considered a motion relating to the closure of Sandy Lane; a three-tonne weight restricted country lane without footpath, connecting Yarnton and Kidlington, including an unmanned at-grade level crossing with the Cherwell Valley Line railway.
- 2.2 It was resolved to adopt the motion and the Council asked the Executive to, "...give careful consideration to keeping this vital link open, especially knowing that Oxford University Developments are proposing to fund and build a new road bridge on their site as part of their overall vision."
- 2.2 The report discusses the issues involved.

3.0 Report Details

Location

3.1 Sandy Lane is highlighted on the map below.



Council Resolution

3.2 The Council resolved,

"Cherwell District Council has acknowledged the Climate Change Emergency.

A major contributor to excessive CO2 output are unnecessary car journeys. The proposal by Network Rail to shut the vital link between Yarnton and Kidlington by closing the rail crossing at Sandy Lane will result in a significant increase in carbon emissions.

Permanent closure would see drivers forced to use Frieze Way or Langford Lane resulting in an average extra distance travelled of nearly two miles per journey.

Based on current trends this is estimated to result in an extra 4750 miles travelled on weekdays and an additional 3800 at weekends, resulting in 1.5 million unnecessary miles per year.

The cost of such surplus miles in money is hundreds of thousands of pounds to residents and businesses who rely on their cars; and extra pollution in the form of many tonnes of carbon emissions, contrary to the Council's environmental objectives.

This would go directly against the council's ambition to reduce CO2 output generated by transport and very significantly degrade the network of contacts that currently underpins the ancient and vital community nexus around the parishes of Yarnton, Begbroke, Kidlington and Gosford and Water Eaton.

The Council therefore asks the Executive to give careful consideration to keeping this vital link open, especially knowing that Oxford University Developments are proposing to fund and build a new road bridge on their site as part of their overall vision."

Local Plan Policy Background

- 3.3 The Partial Review of the Local Plan was adopted by Council on 7 September 2020. The Plan was prepared to align with the County Council's Local Transport Plan (LTP4) and its A44/A4260 Corridor Study objectives for Rapid Transit, bus, cycle and pedestrian movements with connectivity improvements along the A44, Langford Lane and the A4260 through Kidlington.
- 3.4 Policy PR8 of the Local Plan requires a comprehensive development brief to be prepared to support a planning application for a new urban neighbourhood for some 1,950 homes and associated development on 190 hectares of land to the east of the A44.
- 3.5 The brief is required to include, *"In consultation with Oxfordshire County Council and Network Rail, proposals for the closure/unadoption of Sandy Lane, the closure of the Sandy Lane level crossing to motor vehicles (other than for direct access to existing properties on Sandy Lane), and the use of Sandy Lane as a 'green' pedestrian, cycle*

and wheelchair route between the development and the built-up area of Kidlington including the incorporation of a bridge or subway”.

3.6 A development brief for Land East of the A44 is in preparation for public consultation and expected to be taken to CDC Planning Committee for consideration this year. The brief must be in general conformity with the Local Plan.

3.7 The Local Plan explains the policy context:

“Sustrans notes that the A44 (Woodstock Road) is also a designated cycle route but that its appeal to cyclists is presently limited. It advises that the Woodstock Road could potentially form part of a link between Kidlington and Oxford if cycle routes were to be developed between Kidlington and the A44 via Sandy Lane (including the Begbroke Science Park) and/or Green Lane and/or the Oxford Canal and/or Frieze Way” (5.56),

“More specifically, with the County Council, we are seeking to help deliver....(2) linear 'greenway' through Land East of the A44 (policy PR8) along Sandy Lane to connect new housing/community facilities with the A4260 (and Super Cycle way) via a pedestrian/cycle bridge over the railway line. This is further supported by improvements and new provision of Shared Use Paths along the A44 enabling good cycling and pedestrian” (5.62)

“...We consider that the necessary housing development to help meet Oxford's needs can be accompanied by fully integrated sustainable transport infrastructure and services, landmark public open space, a comprehensively designed and substantial green infrastructure integral to the development and the achievement of modern, high-quality design that will benefit not only the new residents but the wider communities” (5.111).

3.8 A Statement of Common Ground was agreed between this Council, Network Rail and Oxfordshire County Council for the Local Plan Examination on 5 February 2019. It summarises the consultation and engagement that informed the Plan, Network Rail's strategic aims for the closure of the Sandy Lane level crossing to highway traffic and its support for a replacement bridge for pedestrian cycle and wheelchair use.

3.9 The community concerns regarding the closure of the level crossings and Sandy Lane were discussed during the Examination of the Local Plan and its public hearings. Transport assessment evidence and representations submitted were reviewed by the Inspector. Following the hearings and the consideration of transport evidence, an informal consultation was undertaken which included consultation on a Transport Technical Note. The consultation responses received and the Council's written response to them were submitted to the Inspector who found the Plan to be sound with the modifications adopted.

3.10 People travelling between Begbroke / Yarnton and the Kidlington local centre via Sandy Lane would gain a largely traffic-free 2-mile walking/cycling route that affords a 10-12 minute cycle ride. It would also benefit anyone cycling to Oxford Parkway / Water Eaton Park & Ride or using the planned cycle route into Oxford.

- 3.11 Existing residents would have two alternative driving routes (via Langford Lane and Frieze Way) that add 1-1.5 miles of distance and 5-10 minutes of peak-hour journey time. The new active travel route would be further complemented by improved bus services along both the A44 and A4260 corridors, which will enhance connectivity for new and existing communities travelling between Yarnton, Begbroke, Kidlington, Woodstock and Oxford. Improvement works on A44 have commenced.

Process for Closure

- 3.12 The proposal to close the Sandy Lane and Yarnton/Green Lane level crossings became part of 'Oxfordshire Connect' – a joint strategy to transform the railway across Oxfordshire and beyond and related to the Oxfordshire Rail Corridor Study (2021). This report assessed the impact of planned growth in jobs and housing on Oxfordshire's rail system and identified the role that rail can play to support the delivery of that growth:

"Commissioned and funded jointly by the Department for Transport and the former Oxfordshire Growth Board (now Future Oxfordshire Partnership), the Oxfordshire Rail Corridor Study was produced by Network Rail, with oversight from the Growth Board, in collaboration with industry partners and the County and City Councils, to help develop an overarching strategy for rail development"

- 3.13 This information and details of the Network Rail proposals are available at: <https://www.networkrail.co.uk/running-the-railway/our-routes/western/oxfordshire/oxfordshire-level-crossings/#:~:text=Sandy%20Lane%20Level%20Crossing&text=We%20propose%20to%20close%20this,pedestrian%20bridge%20in%20its%20place>.
- 3.14 It is understood that a 'Minimum Works Proposal' (for the closure) will be submitted as a Transport and Works Act (1992) submission to the Secretary of State (i.e. the decision does not rest with this Council).
- 3.15 On 27 April 2023, the Secretary of State for Transport advised Network Rail that the proposed application for a Transport and Works Act Order associated with the intended closures of the Sandy Lane and Yarnton Level Crossings (together with Tackley in West Oxfordshire) would not likely have a significant effect on the environment and therefore would not need to be accompanied by an Environmental Impact Assessment (EIA). Network Rail explains, *"To secure land required for the alternative solutions proposed, Network Rail may need to apply for a Transport and Works Act Order to the Secretary of State"*.

Network Rail Public Consultation

- 3.16 Network Rail undertook a public consultation on the proposals from 5 June to 17 July 2023. It's proposals for Sandy Lane and Yarnton Lane are shown below.

Sandy Lane

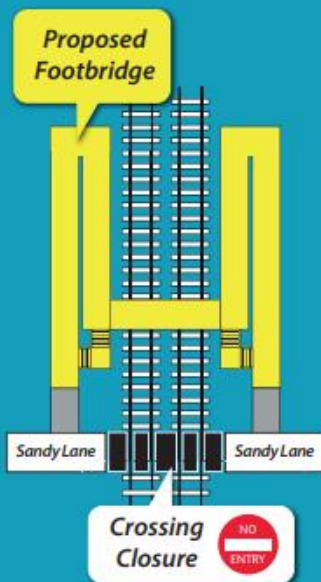
Sandy Lane level crossing will be closed and the road stopped up at the railway. We are proposing the **installation of a ramped pedestrian and cycle bridge** to keep the community connected.

In addition, we will be installing turning circles either side of the railway.

Through traffic will be diverted along the A44 and A4260/A4095, but a new restricted access link road is also proposed to allow residents and landowners on the east of the railway access to their property. The surface of Green Lane will also be improved.

A temporary construction compound will be required to deliver these works.

Third party land will be needed both temporarily and permanently for the proposals.



(source: Network Rail)

Yarnton

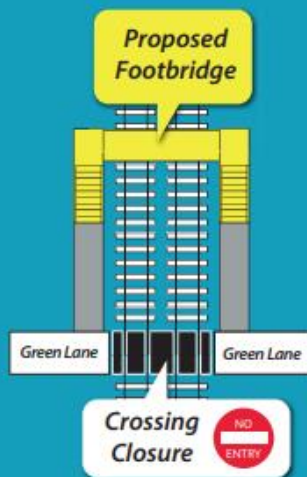
Yarnton Lane, Green Lane level crossing will be closed and the road stopped up at the railway. We are proposing the **installation of a stepped footbridge** with wheeling ramps for cyclists for access over the railway. This bridge will have passive provision for ramps to be added later if required.

Through traffic will be diverted along the A44 and A4260/A4095, but a new restricted access link road is also proposed to allow residents and landowners on the east of the railway access to their property. The surface of Green Lane will also be improved.

The current footpath over the level crossing will be diverted over the footbridge.

A temporary construction compound will be required to deliver these works.

Third party land will be needed both temporarily and permanently for the proposals.



(source: Network Rail)

3.17 On 2 June 2023, Network Rail consulted the Council. The consultation letter stated,

“The Oxfordshire Level Crossings project is a sub-phase of Oxfordshire Connect, a joint strategy to transform the railway across Oxfordshire and beyond, increasing capacity and journey flexibility between Birmingham and Oxford.

The Oxfordshire rail corridor is a key freight route from the port of Southampton to the Midlands and the north. Every freight train removes 76 lorries from our roads, so increasing the number of rail freight services is good for the environment. But more trains on the line would increase the risk at two level crossings along the route, Sandy Lane and Yarnton.

Therefore, to reduce level crossing risk, improve safety and reduce instances of misuse, these level crossings need to be permanently closed.

It is proposed that some elements of the Oxfordshire Level Crossing programme will rely on Network Rail's Permitted Development Rights. But where we need to seek powers to close level crossings, stop up streets, powers to construct, as well as powers to acquire land and rights in land and planning permission, we may make an application for a Transport and Works Act Order (TWAO) to the Secretary of State for Transport".

3.18 The stated timeline was:

- August 2023 – submission of application for Transport and Works Act Order (*not yet submitted at the time of writing*)
- Mid September – Objection Period
- Summer 2024 – Secretary of State Decision

3.19 The letter stated that its proposals for Sandy Lane were:

- Permanent closure of level crossing
- Stopping up of Sandy Lane at the railway
- Third party land required for a ramped cycling and pedestrian bridge
- Vehicles diverted via the A44 and A4260/A4095
- Residents at the east of the level crossing will be able to use the proposed restricted access link road from the A44 to Green Lane.

3.20 And, that this would contribute to achieving:

- capacity for an additional two freight trains per hour, with the potential of removing hundreds of HGVs from the roads
- additional Birmingham to Oxford passenger services
- improved safety.

The Council's Response to Consultation

3.21 An officer response was provided on 20 July 2023 following consultation with the Chair of Planning Committee and a delay to allow the consideration of the above motion by Council. The response included:

- noting of the timescales for the project - submission in August 2023 with construction commencing in 2024;
- the Local Plan position;
- full reference to the motion of 17 July 2023;
- reference to delivery of Local Plan requirement including linkages between Yarnton and Kidlington, the delivery of green links and wildlife corridors;
- the need for the proposed bridge to meet Local Plan objectives;
- recognition that Network Rail is progressing options in relation to the potential for an enhanced bridge solution as part of Oxford University Development

- (OUD) proposals for site PR8 (Land East of the A44) to be submitted separately as a planning application by Network Rail to the Council;
- noting a need to align proposals with planning applications for the PR8 site which will be required to submit a Transport Assessment including consideration of the effect of vehicular and non-vehicular traffic including on the railway level crossings. The likely effect of the closure of the crossings at Sandy Lane and Yarnton/Green Lane on those traffic movements/impacts will need to be considered but it is possible that the closures (if approved) may happen before the application is determined;
- noting an understanding that OUD were exploring the opportunity for future public transport use of an enhanced bridge and/or future use by autonomous vehicles but that this would require careful consideration in light of constraints including expected recreational and nature enhancement;
- in this context, the need for clarification on the timescale for implementation.

Planning Application 23/02098/OUT – Land East of the A44

3.22 A planning application by Oxford University Development (OUD) for outline permission for comprehensive residential-led mixed including up to 215,000 square metres of residential floorspace (or c.1,800 homes) was registered on 2 August 2023.

3.23 The Planning Statement includes:

“Separate to this Application, Network Rail have secured funding to close and replace the Yarnton Lane and Sandy Lane level crossings. Network Rail are proposing that the Yarnton Lane level crossing is to be replaced with a pedestrian bridge and the Sandy Lane level crossing is to be replaced with a ramped cycle/pedestrian bridge. These proposals will be subject to a separate application(s) to be submitted in Autumn 2023 by Network Rail. OUD are currently working with Network Rail to prepare an alternative design for a bridge over the railway that could accommodate cyclists, pedestrians and public transport vehicles. Further information on this is set out in Section 5 of this Planning Statement. To be clear, neither the Network Rail cycle/pedestrian bridge nor the alternative bridge design are part of the scheme for which planning permission is being sought” (3.32)

“Network Rail are intending to close the level crossing at Sandy Lane, subject to securing the necessary consents for reprovision of an access over the railway. As such, Sandy Lane will be access-only for vehicles, and will become primarily a green pedestrian and cyclist movement corridor. Through the extensive public engagement it has undertaken, the Applicant understands the importance of the east-west connection that Sandy Lane currently provides to local communities. The Applicant has been working closely with Network Rail to explore the potential for delivering a bridge over the railway that would replace the level crossing, and provide connectivity for cyclists, pedestrians and public transport vehicles. This work with Network Rail is ongoing and as such does not form part of this Application. Land has been safeguarded, however, to ensure that such a bridge could be delivered in the future.” (5.40)

3.24 The submitted Design and Access Statement includes:

“The Railway bridge is not part of this proposal, however, it is the intention of the proposal to integrate it into its design”

“Network Rail is proposing to replace the level crossing with a ramped cycling and pedestrian bridge over the railway. As a result of community feedback, OUD has explored a pedestrian, cycle and public transport bridge, well-integrated with the rest of the masterplan in consultation with Network Rail”

3.25 The Development Specification Document states:

“Separate to this outline planning application, Network Rail (‘NR’) are developing proposals to close the existing level crossing at Sandy Lane. NR are seeking planning permission and the relevant consent to deliver a bridge capable of accommodating cyclists, pedestrians and wheelchair users, along with the potential to accommodate a future public transport route. The application for that scheme has not yet been submitted, but the indicative alignment is shown on PP4 for illustrative purposes. If delivered, this connection would connect into the movement network proposed by the Applicant and function as a secondary route, providing a connection to Kidlington” (4.5)

3.26 The Environmental Statement states:

“The Yarnton Lane and Sandy Lane level crossings are proposed to be replaced by Network Rail bridges, subject to the necessary consents. The Yarnton Lane level crossing is proposed to be replaced with a stepped only pedestrian footbridge by Network Rail and the Sandy Lane level crossing is proposed to be replaced with a ramped footbridge, suitable for pedestrians and cyclists. Given that Sandy Lane is to be closed to vehicular traffic within Local Plan policy and that Network Rail’s application for the closure of the level crossing is imminent, the traffic modelling, which forms the basis for the assessment in this chapter includes the closure of Sandy Lane to through vehicular traffic” (9.4.28)

3.27 Although the bridge is not part of the development proposals, the planning application indicatively shows a location for a bridge slightly further north than the existing crossing location. This is likely to require revision to the intended Transport and Works Act Order if granted by the Secretary of State.

3.28 Any ‘enhanced’ solution would also need a separate planning application to this Council for the development involved.

The Council’s Decision-Making Process

3.29 The Council could, if it so desired, choose to revise or replace Policy PR8 of the Local Plan through the on-going Cherwell Local Plan Review process. This would give the Executive the opportunity to consider planning policy affecting Sandy Lane. However, officers consider the policy to be ‘fit for purpose’ and do not recommend its revision. To do so would create significant uncertainty for the local community and the developer at a time when a development brief is being finalised and a planning

application has been made. It is unlikely to affect Network Rail's intention to submit a Transport and Works Act Order application to the Secretary of State.

3.30 Other points of decision and potential input are:

a) the Transport and Works Act Order (TWAO) application process

The formal six-week objection period. The application will be made publicly available by the applicant and prescribed notices issued. The Council could make a formal objection or raise concerns. If an application has objections, the Secretary of State is required to decide, within 28 days of the end of the objection period, whether to hold a public inquiry or a hearing, or whether to carry out exchanges of written representations.

Appropriate representation would need to be determined in light of the Council's adopted Local Plan position which supports closure and having regard to the possibility of a hearing or public inquiry.

b) The Planning Committee's consideration of the development brief for site PR8 in Autumn 2023.

This is not a policy document. This non-statutory guidance must generally conform with the Local Plan. It must also be prepared in consultation with Network Rail and the County Council as Local Highway Authority. The brief will be finalised in 2023 potentially before the Secretary of State's decision on the TWAO.

c) The consideration of planning application 23/02098/OUT

This is likely to be in 2024 but possibly before the Secretary of State's decision on the TWAO application. Timely consideration will be expected and housing delivery without undue delay will be important. The proposed bridge does not form part of the application and therefore the scope of consideration would be limited to master-planning in the vicinity of Sandy Lane and the consideration of traffic, transport and active travel issues in the context of expected closure. Should the Secretary of State not grant the TWAO, the implications would need to be considered through future planning applications.

d) Consideration of a potential 'enhanced' bridge option allowing limited vehicular access

The planning application for site PR8 refers to OUD '*...currently working with Network Rail to prepare an alternative design for a bridge over the railway that could accommodate cyclists, pedestrians and public transport vehicles.*'

This will require close technical consideration by Network Rail. The planning implications, including for Local Plan policy, would then need to be considered by way of a future planning application by either Network Rail or OUD and would be considered by the Planning Committee. Officers would consult with the County Council on the likely highway and transport implications.

4.0 Conclusion

- 4.1 The Council has a clear and tested Local Plan position for development in the vicinity of Sandy Lane. It is not the decision-maker for the closure of the level crossing.
- 4.2 However, there is an opportunity for the Planning Committee to give careful consideration to the planning of development to the east of A44. A development brief and major planning application will be presented to the Committee in due course. Consideration of the application by this Council and the County Council will involve close examination of transport, travel and accessibility issues and the mitigation required. This provides the most appropriate opportunity to consider the acceptability of proposals for new residents and the potential impacts on existing residents and businesses.
- 4.3 The TWAO process provides an opportunity for the Council to present concerns and objections, albeit potentially in contradiction to Local Plan policy. The precise wording of a response, in the context of development proposals, can be discussed with the Planning Committee Chairman and Portfolio Holder in due course.
- 4.4 The applicant for site PR8 has recognised that future Network Rail proposals may emerge and has made some accommodation. Any future proposals would need to be considered on their own merits in due course.

5.0 Consultation

- 5.1 Councillor Dan Sames – Portfolio Holder for Planning & Development

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: The Council could, if it so desired, choose to revise or replace Policy PR8 of the Local Plan through the on-going Cherwell Local Plan Review process. This would give the Executive the opportunity to consider planning policy affecting Sandy Lane.

This approach is not recommended for the reasons set out at para. 3.29 of this report

7.0 Implications

Financial and Resource Implications

- 7.1 Responding to consultation on the Transport and Works Act Order application and considering planning applications are funded through existing budgets including planning application fees.

Comments checked by:
Kelly Wheeler, Business Partner - Finance
Kelly.Wheeler@cherwell-dc.gov.uk

Legal Implications

- 7.2 Officers would respond to consultation on a Transport and Works Act Order application and consider planning applications as required by relevant legislation and guidance for those statutory processes. The Council's position on Sandy Lane is set out in the adopted (2020) Cherwell Local Plan Partial Review. A different adopted position, outwith of the Local Plan process, would be material in making planning decisions and in responding to consultations.

Comments checked by:
Patricia Bramwell, Planning Solicitor
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Risk Implications

- 7.3 The Council's position on Sandy Lane is set out in the adopted (2020) Cherwell Local Plan Partial Review. A different adopted position, outwith of the Local Plan process, would affect on-going planning discussions and create significant uncertainty. Officers would need to manage a different planning context with stakeholders. These and any further arising risks will be managed within the service area and escalated to the Leadership Risk Register as and when deemed appropriate.

Comments checked by:
Celia Prado-Teeling, Performance and Insight Team Leader
Celia.Prado-Teeling@Cherwell-dc.gov.uk

Equalities and Inclusion Implications

- 7.4 The adopted Local Plan was supported by an Equalities Impact Assessment. Should the Council wish to consider a different policy position outwith of the Local Plan process, it is recommended that such a decision be supported by a Health and Equalities Impact Assessment before that decision is taken.

Comments checked by:
Celia Prado-Teeling, Performance and Insight Team Leader
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Sustainability Implications

- 7.5 The adopted Local Plan was supported by a Sustainability Appraisal which considered the economic, environmental and social effects of the Plan including the

proposals for Land East of the A44 (Policy PR8). Should the Council wish to consider a different policy position outwith of the Local Plan process, it is recommended that Members are advised on the potential implications for achieving sustainable development before that decision is taken.

Comments checked by:

David Peckford, Assistant Director – Planning and Development

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8.0 Decision Information

Key Decision:

Financial Threshold Met: No

Community Impact Threshold Met: No

Wards Affected

All

Links to Corporate Plan and Policy Framework

Business Plan Priorities 2023-2024:

- Housing that meets your needs
- Supporting environmental sustainability
- An enterprising economy with strong and vibrant local centres
- Healthy, resilient and engaged communities

Lead Councillor

Councillor Dan Sames – Portfolio Holder for Planning & Development

Document Information

Appendix number and title

- None

Background papers

None

Report Author and contact details

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