

Norwich Cycling Campaign

Prepared by Anthony F Clarke

Scheme Number: TR010040; 9.22 Applicant's Response to the Examiner's Second Written Questions (ExQ2) A47 Blofield to North Burlingham Dualling

Below is an extract from the questions asked by the Ex/A, and the response by Highways England. It was also directed to Norfolk County Council for some unexplained reason.

The response from Highways England is unsigned. We do not know if this is the official position of Highways England or if it is the work of a junior manager at the project level or somebody more senior at the Bedford Regional Office.

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2.14.2 App NCC

The ExA notes differing advice within DMRB CD 143 'Designing for walking, cycling and horse-riding' and Local Transport Note (LTN) 1/20 'Cycle infrastructure design', relating to recommended widths of shared cycle tracks (2 metres and 3 metres respectively). Can the parties please: a) explain the status of LTN 1/20 and DMRB CD 143; and b) provide a view as to whether the standards of LTN 1/20 can be applied flexibly, given the rural context and likely low usage levels of shared cycle tracks associated with the Proposed Development?

Reply from HE

LTN 1/20 Cycle Infrastructure Design was published alongside "Gear Change: A bold vision for cycling and walking." The Applicant acknowledges that "Gear Change" applies to both urban and rural environments. However, the Applicant is mindful of the statement on page 33 reproduced below: "No "one size fits all" approach – This policy, and the standards, recognise that different levels of provision may be appropriate in different place, both within and between local authorities. For instance, in a shire county, the busy, densely-populated county town may be a higher priority for cycling intervention than a small village. We will require more from local authorities, urban or rural. But our main focus will be on medium-sized towns, larger towns and cities."

LTN 1/20 applies to local highway schemes as indicated in paragraph 1.1.1, which states that: "Local authorities are responsible for setting design standards for their roads. This national guidance provides a recommended basis for those standards on the overarching design principles and 22 summary principles. There will be an expectation that local authorities will demonstrate that they have given due consideration to this guidance when designing new cycling schemes and in particular, when applying for Government funding that includes cycle infrastructure."

Guidance for strategic roads is provided by DMRB standards, namely, CD 143 Designing for walking, cycling and horse-riding (for shared use facilities) and CD 195 Designing for cycle traffic (for cycle only schemes). As the Scheme is providing either footways or shared unsegregated cycle tracks with a right of

way on foot, CD 195 does not apply in this case. The Applicant has been cognisant of guidance provided in LTN 1/20 and DMRB standards when identifying the package of Walking, Cycling and Horse-riding improvements for the Scheme.

However, Highways England does consider it appropriate to adopt the principles of LTN 1/20 for the Scheme on the following points:

- Highways England is not required to adopt the principles of Local Transport Notes. These are advisory documents produced by the Department for Transport and recommended to local highway authorities for use on their roads
- The existing A47 and the local roads to which it connects are not new roads, a status not changed by the de-trunking process.

The scheme is not being funded through a grant to Local Authorities. A47 Blofield to North Burlingham Dualling Applicant's Response to the Examiner's Second Written Questions (ExQ2) Planning Inspectorate Scheme Ref: TR010040 Application Document Ref: TR010040/EXAM/9.22 Page 8 ExQ2 Question to Question Applicant's Response With regard to applying LTN 1/20 guidance flexibly, paragraph 4.4.4, page 33, of LTN 1/20 states, with reference to separation of the facility from the carriageway of a road, that "Although there may be fewer cyclists and pedestrians in rural areas, the same requirement for separation from fast moving motor vehicle applies. A well-constructed shared use facility designed to meet the needs of cycle traffic - including its width, alignment and treatments at side road and other junctions – may be adequate where pedestrian numbers are very low." It goes on to state at paragraph 5.5.3, page 41, that "..... away from the highway, and alongside busy interurban roads with few pedestrians or building frontages, shared use might be adequate..... Such facilities should be designed to meet the needs of cycle traffic....." Paragraph 5.6.1, page 43 references the use of "..... rural shared use facilities where there are few pedestrians ..." in the context of selecting cycle design speed and paragraph 5.9.3, page 45 references the use of ".... Shared use facilities alongside rural highways where there are few pedestrians...." in the context of selecting horizontal curve radii. Additionally, paragraph 6.5.6, page 65 states that "Shared use may be appropriate in some situations, if well designed and implemented. Some are listed below..... Alongside interurban and arterial roads where there are few pedestrians....."

These extracts from LTN 1/20 highlight the fact that Gear Change is not a one size fits all approach and that use of shared use, cycle track, facilities for pedestrians and cyclists are appropriate alongside highways in rural areas where pedestrian flows are known to be low, as is the case in the vicinity of the Scheme.

The Applicant has liaised with Norfolk County Council regarding the standard of the infrastructure to be provided and the Council has confirmed that it supports the provision of shared use cycle tracks. LTN 1/20 focusses primarily on the design of cycle only infrastructure whereas DMRB standard CD 143 provides guidance on the design of shared use routes. CD 143 states that the width of an unsegregated shared use route shall be a minimum of 2.0 metres where there are less than 200 users per hour (paragraph A47 Blofield to North Burlingham Dualling Applicant's Response to the Examiner's Second Written Questions (ExQ2) Planning Inspectorate Scheme Ref: TR010040 Application Document Ref: TR010040/EXAM/9.22 Page 9 ExQ2 Question to Question Applicant's Response E/3.5 refers).

Observed user activity in the vicinity of the Scheme is very low and the volume of users is unlikely to exceed 200 users an hour in the future. A minimum width of 2.0 metres is therefore appropriate for the proposed shared use facilities. The Scheme proposes 2.5 metres wide shared use facilities, although, the Applicant acknowledges that the width may need to reduce to 2.0 metres at pinch-points, e.g. where

there are existing trees. The widths of the proposed facilities will be confirmed as part of detailed design. 2.14.3 App

The response from HE appears to accept the policy of “Gear Change”, but then attempts to undermine it by stressing the primacy of the Design Manual for Roads and Bridges over LTN 1/20

The response does not address the policy statements in “Gear Change”:

Page 9 (Graphic) “Target to double cycling”

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We have today, alongside this document, published new cycling design guidance which sets out the much higher standards we will now require if schemes are to receive funding, along with a number of failings, common in the past, which we will either no longer allow at all, or will strongly discourage. The summary principles are set out in the Appendix to this document. We do not seek perfection – but we do demand adequacy.

We would rather do nothing than do something inadequate. The standards will be enforced by a new inspectorate, Active Travel England, see theme 3, and we will expect Local Authorities and developers to utilise the guidance in the design of their schemes regardless of whether they are seeking Government funding. Well-designed and uncluttered streets benefit everyone.

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We will ensure that new local and strategic A road schemes include appropriate provision for cycling

The new cycling budget is the largest sum ever committed to active travel in this country. But if we are serious about putting cycling at the heart of transport policy, we must further shift the balance between projects for motoring and projects for cycling.

To receive Government funding for local highways investment where the main element is not cycling or walking improvements, there will be a presumption that all new schemes will deliver or improve cycling infrastructure to the new standards laid down, unless it can be shown that there is little or no need for cycling in the particular road scheme. Highways England will deliver even more cycling infrastructure as part of RIS2 published in March 2020 through the new Users and Communities Fund.

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Funding only schemes which meet the new standards

We will not fund or part-fund any scheme that does not meet the new standards and principles described in theme 1 and in the Appendix. We will not allow any other agency or body to fund such schemes using any of our money. This includes schemes delivered through pots such as the Transforming Cities Fund.

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We will set much higher standards

Inadequate cycling infrastructure discourages cycling and wastes public money. Much cycling infrastructure in this country is inadequate. It reflects a belief, conscious or otherwise, that hardly anyone cycles, that cycling is unimportant and that cycles must take no meaningful space from more important road users, such as motor vehicles and pedestrians. It offers little protection from motor traffic and gives up at the points where any difficulty is faced or inconvenience to motorists is risked. These are often, of course, precisely the places where cycling provision is most needed.

We have today, alongside this document, published new cycling design guidance which sets out the much higher standards we will now require if schemes are to receive funding, along with a number of failings, common in the past, which we will either no longer allow at all, or will strongly Discourage.

Norwich Cycling Campaign suggest that Highways England are in breach of their Licence 2015 (attached).

- **Highways England have failed to “go the extra mile” in consulting and taking into account the views of the local communities affected by this scheme as set out in the Foreword.**
- **They have failed to implement Government policies as set out in “Gear Change” and LTN 1/20 as required by 5.29.**
- **They have failed to complied with 3.3 by not informing the Secretary of State of the issues raised in their answers above.**

It may well be that issues concerning Highways England’s licence are outside of the scope of this Inquiry and are more properly to be addressed by the Regulatory Authority, Office of Rail and Road.

Attached: “Holding Highways England to Account”, March 2020

Highways England Licence 2015

Foreword

The Licence emphasises that the role of Highways England is about more than just complying with the letter of the law. We expect the company to go the extra mile in the way it engages with road users and collaborates with other organisations to develop shared solutions. And they must take a lead in promoting and improving the role and performance of roads in respect of broader communal

responsibilities, such as the aesthetics of design, safety and the environment, as well as driving forward wider progress on technology and innovation

2.1 This document includes both statutory directions and statutory guidance issued by the Secretary of State to the Licence holder, as provided for in section 6 of the Infrastructure Act 2015. Directions must be complied with by the Licence holder. In the interests of clarity, in this document the statutory directions are indicated by use of the word “must” (where marked in bold). All other parts of the document should be considered statutory guidance.

3.1 The Licence holder must, without prejudice to the Licence holder’s legal duties or other obligations, comply with or have due regard to (as appropriate) the conditions set out in this document, which constitute statutory directions and guidance issued by the Secretary of State to the Licence holder as provided for in section 6 of the Infrastructure Act 2015.

3.2 It is not intended that these conditions should be incompatible with other legal duties or statutory guidance, though they may affect the manner in which certain functions (including statutory functions) are discharged.

3.3 If the Licence holder becomes aware of any incompatibility between the Licence and its other legal duties, it must notify the Secretary of State and the Highways Monitor immediately.

5.29 In exercising its role as a strategic highways company and complying with the requirements in Part 4, the Licence holder **must** comply with or have due regard to relevant Government policy, as advised by the Secretary of State, with full regard to any implications for the Licence holder's ability to deliver the Road Investment Strategy.

5.30 For the purposes of this section, "relevant Government policy" means all current policies which:

- a. Relate to the activities of the Licence holder, and
- b. Have been:
 - i. Published in England by or on behalf of Her Majesty's Government, or
 - ii. Indicated to the Licence holder by the Secretary of State.

5.31 In carrying out its activities, the Licence holder must have due regard to any guidance, standards or specifications relevant to its statutory or other functions. This includes being mindful of where new standards or specifications are developing and seeking to ensure that new projects are brought into line.

5.32 In the event that the Licence holder departs from relevant statutory guidance, standards or specifications, the Licence holder must clearly record the justification for the departure, explaining why the provisions were not appropriate and (where applicable) how the alternative approach seeks to achieve the same outcomes through different means.

There is an unresolved issue of the application of DMRB GG 142 “Walking, cycling and horse-riding assessment and review”.

- **There is a contradiction in Highways England’s insistence on the importance and supremacy of the details of DMRB CD 195 “Designing for Cycle Traffic”, but are ignoring the detailed requirements of GG 142**
- **GG 142 is a two stage process, but in this matter it has been compressed into one document .**
- **The Process should begin before the earliest design stage and should influence the development of the design through consultation and iteration with Stake Holders. (ref “WCHR process summary”, GG142, page 6)**
- **In this matter there is evidence from the dates of various documents that the basic design was frozen before the WCHR was begun.**
- **The WCHR Assessment and review has been criticized in detail by local stakeholders, including:**
 - **Burlingham and Lingwood Parish Council**
 - **Norwich Cycling Campaign**
 - **Burlingham Cottage Gardeners**
 - **Create Consulting Engineers Ltd**
- **Broadland District Council have criticized the lack of connectivity with Acle**
- **These detailed criticisms have been supported by many personal submissions and signatures.**
- **Some of the criticisms are:**
 - **It is a desk-top, map-based survey**
 - **There are serious omissions from the policy documents considered**
 - **Failure to follow national policy as set out in “Gear Change”**
 - **Low levels of consultation with local stakeholders**
 - **Conclusions based on a flawed presumption of lack of demand for cycling**
 - **Information on traffic omits any mention of the 700-900 HGVs per day traveling to and from the Cantley sugar beet factory for almost six months of the year**
 - **There are gross errors and omissions in the information on potential trips and demand**

Question 2.14.2 “...likely low usage levels of shared cycle tracks associated with the Proposed Development.”

Norwich Cycling Campaign feel that it is regrettable that the EX/A has used this form of words as it implies that the “likely low levels ...” is a fact when it is based on the flawed WCHR Assessment and Review rereferred to above. This undermines confidence in the evenhandedness, or impartiality, of the Inquiry.

The Highways England Cycling e-learning | Module 1 preface states:

“Current levels of demand for cycle trips are not always a good indication of potential future levels of demand. Creation of a comprehensive network of good quality cycle routes has the potential to stimulate demand beyond the incremental change that demand models predict.”

“Gear Change” states in a graphic on page nine that Government policy is to double cycling. This statement means that policy is not limited to satisfying current demand.

The reason for the low levels of cycle usage is in the most part attributable to the policies of Highways England (and their predecessors), and other authorities, over the past 50 years which have made the roads too dangerous for cyclists.

Broadland District Council stated in their response to Deadline 1 – 6 th July 2021, stated:

“28. The A47 acts as a constraint to north-south movement by non motorised users.”

In order to fully understand the background to official policy would like to draw the attention of the Ex/A to the following Government reports:

National Travel Attitudes Study May 2021

Nearly two-thirds (64%) of the sample support the creation of dedicated cycle lanes in their local area.

When respondents, who did not state that cycling is impossible for them due to their disability, were given a list of reasons and asked which (if any) of them would encourage them to cycle more, reasons related to cycling infrastructure and safety were mentioned most often. Off-road and segregated cycle paths (55%) and safer roads (53%) were both mentioned by more than half of the sample.

Other incentives related to infrastructure that were mentioned by a substantial share of respondents include well-maintained road surfaces for cycling (49%), more direct cycle routes (43%) and raising awareness of local cycle routes (36%).

Walking and Cycling Statistics, England: 2019 (August 2020)

Two thirds of adults feel that it is too dangerous to cycle on the roads. In 2020, the third wave of the National Travel Attitudes Study (NTAS) showed that 66% of adults aged 18+ in England agreed that “it is too dangerous for me to cycle on the roads”.

Reported road casualties in Great Britain: pedal cycle. September 2021 (attached).

We would draw the attention of the EX/A to Table 3 which shows the risk that HGVs present to cyclists.

Also Chart 5, which shows how dangerous rural roads are to cyclists.

Finally we would like to remind the EX/A of the Section 4 of LTN 1/20:

“4.2.9 Not only must cycle infrastructure be safe, it should also be perceived to be safe so that more people feel able to cycle.”