**Norwich Cycling Campaign**
**Verbal Submission**
**On-line Session 20 August 2021**

## Summary

This submission covers several matters which have come to light during the Inquiry process:

- Precedence of Government policy.
- The use of “safe” and “reasonable” by Highways England
- “Designated Funds”; definition, origin, and application
- WCHR process
- Events time table
- B1140 overbridge
- Underpass proposal
- Local opinion.

**Appendices** (supporting documents)

Gear Change
LTN 1/20
Gear Change – one year on
Greater Norwich Local Cycling and Walking Infrastructure Plan
Design Manual for Roads and Bridges:

- CD 195 Design for Cycle Traffic
- CD 143 Designing for walking, cycling and horse-riding
- CD 142 Walking cycling and horse-riding assessment and review
- CD 353, Design criteria for footbridges
- GG 119 Road safety Audit

## 1 Precedence

We have referred to Government and local authority policies in our submission. We ask the Examining Authority to consider to the order of precedence of these policies and the policies of the Highways Agency as set out in the Design Manual for Roads and Bridges and other documents.

We appreciate that policies are not law.

We contend that Government Policies are paramount and overrule other policies. We offer the following as evidence.

### 1.01 Highways England Licence 2015

> **"Government policy**
> **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.
>
> **Standards, specifications and guidance**
> 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."

In 5.30 "been published" indicates that policies are effective and to be acted upon immediately on publication (presumably unless stated otherwise); 5.31 confirms this.

### 1.02 "Gear Change" and "LTN 1/20"

In July 2020 the Government published "Gear Change" – the statement of policy on cycling. Simultaneously Local Transport Note 1/20 "Cycle Infrastructure Design" was also published which sets out the details for the implementation of the policy.

The Government has recently published an update on "Gear Change" – "One Year On".

Highways England seem to acknowledge “Gear Change” as Government policy in their response to Norwich Cycling Campaign’s submission.

### 1.03 Greater Norwich Local Cycling and Walking Infrastructure plan

This document (May 2021) refers to “Gear Change” (page 4) and the six key planning stages; it also refers to the active travel network design standards (page 5) and reprints the DfT design principals (page10) from LTN 1/20.

### 1.04 Design Manual for Roads and Bridges

These documents published by Highways England have not been (as far as we can tell) authorised, approved or endorsed by Department for Transport, and could be considered as internal advice only.

In an email Roger Geffen, Policy Director, Cycling UK, stated that HE had not consulted on the revised edition of sections of these documents that are concerned with cycling.

There are considerable differences between LTN 1/20 and CD 143/ CD 195, in particular with regard to the Core principals.

See LTN 1/20 4.2 (pages 00-00) and CD 143 (pages 00-00)

While here does not appear to be a direct equivalent to GG 142 Walking, Cycling and Horse-riding assessment and review in the Government policy documents the principals are covered by “Gear Change” Theme 2, (page 23).

## 2 General Observations

### 2.01 Assertion

In their responses to other submissions (Vol 9. 9.14), Highways England have referred to “safe” 59 times with regard to the proposed cycling facilities. They have not provided evidence and, as such, these statements are assertions, and are fallacies.

LTN 1/20 sets out the Core Design Principals (4.2); 4.2.9 states, “Not only must cycle infrastructure be safe it should also be perceived to be safe so that more people feel able to cycle.”

### 2.02 “Reasonable”

In their responses to other submissions (Vol 9. 9.14), Highways England have used “reasonable” on 14 occasions.

Some dictionary definitions of “reasonable” are:

- based on or using good judgement and therefore fair and practical [Cambridge]
- not too expensive [Cambridge]

Another definition is relevant in the matter under consideration:

- jargon: special words and phrases that are used by particular groups of people especially in their work [Cambridge]

Critics of jargon believe such language does more to obscure than clarify; they argue that most jargon can be replaced with simple, direct language without sacrificing meaning.

We feel that the use of “reasonable” in the present context, is jargon which tends to exclude members of the public and gives an impression of a special professional understanding between the promoters and the Examining Authority.

Highways England should explain the reasoning behind the use of “Reasonable” in every instance.

## 3 Designated Funds

We have heard (from another IP) in the last few days of an application by Highways England in August 2019 for funding relating to the provision of cycling infrastructure in relation to this scheme, to a “Designated Fund”. We understand that this application was rejected.

This is the first time we have heard about an application to a “Designated Fund” with regard to this scheme. There is no mention in the WCHR review. However, there is no reference to an application to a “Designated Fund” in the “WCHAR process summary” diagram on page 6 of DMRB GG 142 Walking, cycling and horse-riding assessment review.

We assume that whoever administers this Fund has considerable power and influence if proposals based on Government policy and supported by local aspirations can be considered in private without consultation and the outcome withheld from this Inquiry.

We have an email from Roger Geffen, Policy Director, Cycling UK, (16 August 2021):

“HE does have a Designated Fund Stakeholder Advisory Group, which I sit on. However as its name suggests, our role is purely advisory. At our meetings (which happen 3-4 times a year), Highways England provides updates on progress in spending its DF budgets. I have persistently badgered them for better information on whether the schemes they have built with the DFs have achieved their objectives. They have admitted that monitoring was badly overlooked at the start of the DF process 5 years ago.

However, I’d have to say that the DF money should not be used when HE is building a new scheme. When that is happening, it should include walking and cycling infrastructure, designed in accordance with CD 195 and the WCHAR process, and this should come from the scheme’s own budget. ‘‘

We note in “Review of Highways England’s engagement approach with local and regional partners”, June 2020 Office of Road and Rail, page 51, Recommendations:
**[6c] NT -** Highways England should continue to monitor stakeholder awareness and take up of Designated Funds under the revised structure and processes for RIS2, including the communication and transparency of the Designated Funds' process and how interested stakeholders can contribute on the deployment of those funds.

We also note on page 65 - 15 Designated Funds, Desire for more clarity mentioned in response to consultation

It is regrettable that Highways England have not acted on the Recommendation [6c] NT referred to above and in the interest of “communication and transparency” made the fullest information available to the Examining Authority.

**4 Walking Cycling and Horse-riding assessment and review**

We have previously commented (TR010040/TR010040-000446-D2-Norwich-Cycling-Campaign) on the WHCR Assessment and Review submitted by Highways England. HE have responded.
TR010040/TR010040-000466-9.10 WCH Assessment and Review

We refer to the introduction, page 5, GG 142 Walking Cycling and Horse-Riding review: the statements in the third and fourth paragraphs have not been met.

The process is defined as being made of two distinct parts; the process summary diagram (page 6, reproduced as Appendix A) shows how the parts are applied. Why has HE condensed these two distinct parts into one?

There is little evidence of interaction with stakeholders.

We feel that there is much more evidence to be taken into account from the submissions by:

- Norwich Cycling Campaign; TR010040/TR010040-000446-D2-Norwich-Cycling-Campaign
- Lingwood and Burlingham Parish Council; TR010040/TR010040-000474-DL3-Lingwood-and-Burlingham-Parish-Council
- Broadland District Council ;(TR010040/TR010040-000344-D1-Broadland-District-Council-Local-Impact-Report)
- Signatures collected by Mr Chris Gates
- Create Consulting Engineers ; TR010040/TR010040-000473-D2-Burlingham-Cottages-Garden-Association
- The many IP submissions

Norwich Cycling Campaign very much regret that the opportunities presented by the three “aims” of each of the two parts of the WCHR process have not been taken up.

**5 Time-table of events**

We have raised the matter of the time-table of events in order to establish which came first – the design concept or the WCHR assessment. This time-table should be derived from minutes and reports of meeting and should give at least the exact dates of:

- the first meeting about the scheme

- the first concept discussion
- first discussion with Norfolk County Council
- first provisional design assessment
- issue of the WCHR assessment specification and invitation to tender
- contract date for the WCHR assessment
- delivery of the WCHR assessment
- public consultations
- preliminary design
- Safety audit of the preliminary design
- stakeholder input
- WCHR review
- detailed design
- stakeholder input
- Safety Audit of the detailed design
- application to Designated Fund
- any other relevant dates

Further delays in producing this time table will make it difficult for Norwich Cycling Campaign to raise important issues within the Examination schedule.

We have also asked to see the Safety Audit Report stages 1 and 2 which should have been completed shortly after the design stage was completed. We have had not had a response from Highways England.

**6 The B1140 overbridge**

We refer to drawing number HE551490-GTY-EPE-000-DR-CH-3007 /TR010040/TR010040-000480- .4 Rights Way Access Plan 20 202

**6.01 Cycle track over the bridge**

A “New Cycle Track” is shown from North Burlingham Access, SU7, to SU7 on Cox Hill Road, B1140. This is referred to by HE as a route to be used by pedestrians and cyclists to access Lingwood and should therefore be referred to as a “shared-use” path.

It is described as 2 metres wide, the minimum width described in Table E/3.1 page 11, CD 195. Is this appropriate for cycles, buggies, electric delivery cycles, and disability scooters?

In view of the combined use, and the importance that Highways England have attached to this facility, DMRB CD 353, Design criteria for footbridges should apply.

There is also mention of some kind of segregation: the design, purpose and function is not clear. If this segregation is to provide physical protection from HGVs it will have to be substantial. If it is merely a token design feature to provide assurance to walkers and cyclists then it is probably a waste of money. Either way any form of segregation is an admission by HE of the danger, real and perceived, of this plan.

**6.02 The approach to the bridge**

No information has been provided regarding the gradient; CD 353 Design criteria for footbridges, 5.8, page 14, specifies 1/20.

**6.03 Highway crossing at SU8/9**

No information has been provided on this crossing.

**6.04 Highway crossing at SU10/11**

No information has been provided on this crossing. This will be the major route for HVGs accessing and leaving the B1140 for Cantley, as well as traffic to and from Lingwood, joining and leaving the new A47. See Appendix A, on our submission, for dangers of HGVs. (TR010040/TR010040-000446-D2-Norwich-Cycling-Campaign)

**6.05 Abrupt end of shared-use cycle and footway at SU12**

This will dump cyclists and pedestrians on the B1140 to share the space with up to 1,000 HGVs and other vehicles per day. (LTN 1/20, Core Design Principals, 4.2.4 Coherent)

**6.06 Application of LTN 1/20 Cycle Infrastructure design**

This design breaches all of the five Core design principles set out in Section 4, pages 30 and 31 of LTN 1/20 (Appendix B):

- 4.2.4 and 4.2.5 Coherent
- 4.2.7 and 4.2.8 Direct
- 4.2.9 and 4.2.11 Safe
- 4.2.14 and 4.2.2.16 Comfortable
- 4.2.17 Attractive [in particular, noise and air pollution from HGVs]

**7.The underpass proposal**

Create Consulting Engineers on behalf of Mr Chris Gates (TR010040/TR010040-000473-D2-Burlingham-Cottages-Garden-Association) has submitted a proposal for an underpass which is worthy of detailed consideration by the Examining Authority.
This proposal meets the requirements of “Gear Change” and Highways England statement of cycling policy 2016 regarding the separation of communities. It is also less visually intrusive than a second footway/cycleway bridge.

Any argument regarding costs by Highways England should be clear about the difference in costs of construction between works carried out as part of the major scheme and a stand-alone operation.

It may be worthwhile HE submiting detailed costings so that Create Consulting Engineers and others may comment.

## 8. Local opinion

**8.01**
We would like state Norwich Cycling Campaign's support for the submissions by Ms Cathy Pye on behalf of Lingwood and Burlingham Parish Council.

TR010040/TR010040-000474-DL3-Lingwood-and-Burlingham-Parish-Council

We would particularly like to express our admiration for the excellent design work and detailed submission by Create Consulting Engineers which we understand was undertaken pro bono.

TR010040/TR010040-000473-D2-Burlingham-Cottages-Garden-Association

**8.02**
The submissions by:

- Broadland District Council (TR010040/TR010040-000344-D1-Broadland-District-Council-Local-Impact-Report)
- Lingwood and Burlingham Parish Council TR010040/TR010040-000474-DL3-Lingwood-and-Burlingham-Parish-Council)
- Local IP submissions
- Create Consulting Engineers on behalf of Mr Chris Gates (TR010040/TR010040-000473-D2-Burlingham-Cottages-Garden-Association)

represent an expression of local opinion by people who know the area and live here.

Highways England have no local connections or interests; they have conducted a consultation exercise which at best could be described as a "selling operation".
The Walking Cycling and Horse-Riding Assessment and Review is seriously deficient and appears to have been conducted mainly as a map and document-based exercise.

Highways England have no long-term local interest and will transfer responsibility for this project to Norfolk County Council upon completion and move on to the next project.

The local population will have to live with this scheme for 30 – 50 years before another opportunity, such as that before us now, presents itself.

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