

LOWER HALL FARM SAMLESBURY

LCC/2021/0012

Response on Behalf of Harleyford Aggregates Limited to Comments by Consultees on the Replies to the Regulation 25 Letter

INTRODUCTION

This Response deals with comments by consultees to the response of Harleyford Aggregates Ltd (HAL) to the Regulation 25 letter produced by LCC.

It specifically deals with the comments of LCC Highways, United Utilities, LCC Rights of Way and The Woodland Trust.

Preston City Council, LCC Archaeology and National Highways made a response but in that have not identified any matter needing further consideration.

South Ribble Borough Council and Natural England have chosen not to consider how the response by HAL to the Regulation 25 letter deals with points they raised. They merely reference back to their previous comments and objections. Neither party therefore acknowledges and/or accepts that any of their concerns have been removed/resolved when clearly the response has removed/resolved objections. No additional comments are however made by either party.

It is the position of HAL that its Regulation 25 response comprehensively satisfies, resolves or meets the concerns raised by those two parties, where material, and that there are therefore no outstanding previously raised matters. Neither are there new matters which need consideration now.

Other comments, including those still awaited, will be dealt with subsequently.

HIGHWAYS

Introduction

In relation to Highways this Response deals with the Highways comments but also sets those highway comments in the context of the Story development and the 'Growth Option' allocation in the Central Lancashire Local Plan Preferred Options.

The NPPF states at paragraph 115 that: "Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe".

It is the position of HAL that the original comments from LCC Highways and the latest comments dated 4 January 2024 do not identify any aspect of the development at LHF which demonstrates "an unacceptable impact" on highway safety or "severe" residual cumulative

impacts on the road network. As such, and in accordance with the NPPF, there is no justification as to why planning permission should not be granted.

Further HAL notes that the comments seek works which are excessive and/or contrary to acceptable standards and thresholds as set out in national technical guidance and thereby seek a level of works both unjustified and onerous, particularly given the insignificant nature of any highways impacts that might arise from the negligible traffic movements arising from the temporary operations at LHF.

No justification is provided in the comments as to the need for those excessive and onerous requirements over and above that deemed nationally acceptable. There are no local specific or other exceptional highway, climate, topographic, environmental, ground conditions or any other matter which might justify more rigorous standards.

Traffic Levels Update

Highways request updated traffic figures. That request needs to be seen in context and totally ignores the fact that traffic levels on the A59 are still significantly (at circa 80%) below pre-Covid levels. As noted by HAL in the response to the Regulation 25 Letter total movements on the A59 were around 31,000 to 33,000 AADF in the period pre-Covid but fell in the Covid Pandemic to some 22,402 in 2020.

Current total movements on the A59 are still around 80% of the pre-Covid level. The traffic figures used in the Highways Statement for LHF are from the Jacobs report for LCC assessing the implications of the Samlesbury EZ development. This used data from a survey undertaken in July 2013 and represent a 'worst case' position.

To substitute those figures and to consider capacity of the network and number and degree of accidents by using recent or current traffic flows would therefore significantly under-assess the traffic impacts, including that related to accidents. It would be wrong and illogical to use current data and unsafe and illogical to assess capacity, junction design, accident risk, etc on that data.

Indeed, it is the position of LCC Highways in relation to application 07/2022/00451/OUT (Cuerdale Garden Village) that recent surveys do not take account of the fall in traffic levels since Covid and as LCC consider, and as HAL agrees, are not acceptable on that basis.

The applicants for 07/2022/00451/OUT were therefore required by LCC to "adjust" their 2021 survey data (see paragraphs 2.3.4 to 2.3.10 in the Transport Assessment). It is on that adjusted (possible 'worst case' basis) that the application is being assessed.

However, and in contrast to the situation at LHF, that 'adjusted' flow could therefore only assess traffic impacts and accidents on a pro-rata basis and not as have actually happened.

I set out below the relevant flows (i) as used in the LHF Highways Statement, (ii) as surveyed by Story in 2021, and (iii) as 'adjusted' by Story to meet LCC Highways objectives, on the eastbound leg of the A59 (where the access proposed by HAL will join the A59) in the morning and afternoon peaks.

| | AM | PM | TOTAL |
|----------------|------|------|-------|
| LHF Statement | 1761 | 1566 | 3327 |
| Story 2021 | 1231 | 1281 | 2512 |
| Story Adjusted | 1778 | 1489 | 3267 |

This clearly shows the inadequacies of any survey since Covid, and shows that the tra•c •ows (and also impacts and accidents) are more realis•cally and properly represented as the 'worst case' scenario in the Highways Statement submi•ed to support the development at LHF. Clearly, that data set is the preferred data set to assess impacts.

The highways advisors to Story note in their submi•ed Transport Assessment (paragraph 2.3.10) that in their view the LCC required 'adjusted' •gures used "provide a par•cularly robust and poten•ally onerous basis upon which to carry out the tra•c impact analysis". In so far as the tra•c •gures used at LHF marginally exceed those used by Story, then the LHF data can equally be considered to be acceptable and "robust". They clearly are a 'worst case' assessment.

In conclusion, the Highways Statement used to support the applica•on at LHF shows no NPPF "unacceptable" or "severe" impacts even though it uses the worst 'worst case' scenario. Further that the data used clearly represents a more cau•ous 'worst case' which is more relevant to decision making and is the preferred data set compared to an 'updated' survey. Most signi•cantly however, LCC Highways do not accept elsewhere that an updated survey provides an adequate basis for assessing NPPF impacts given that the tra•c on the A59 is signi•cantly below pre-Covid levels.

There is therefore no basis for seeking an update to use current tra•c •ows and every reason to use the pre-Covid data.

Infrastructure Changes

The comment s•ll states that infrastructure changes have taken place on the A59 and relevant associated junc•ons since the Highway Statement was undertaken.

However, as the Highway Authority should know, there have been no infrastructure changes at all a•ec•ng the relevant parts of the A59 etc, since the relevant data assessed and submi•ed in the Highway Statement.

Further none are currently planned by the Highway Authority or approved as part of any planning permission on that sec•on of the A59 (but see Story Homes/'Growth Op•on' below).

There is therefore no basis for seeking an update due to infrastructure changes because there have been no infrastructure changes.

Highways should acknowledge this and withdraw the need for an update and any objec•on based on supposed infrastructure changes.

Erroneous Reference to Incinerator

The Highways response continues to erroneously link the Red Scar EfW incinerator traffic to this application at LHF. There is clearly no such link. Traffic to the Red Scar EfW is irrelevant.

Highways should acknowledge this and withdraw any objection related to such traffic.

Visibility Splays

The visibility splays at the new access onto the A59 at 4.5m are to circa 295m in both directions which is well in excess of the 160m required by the DMRB and therefore are more than compliant with the DMRB.

The Highway response fails to acknowledge and accept this, suggesting that visibility splays "appear to be achievable" when, as the submitted plans clearly demonstrate, they actually considerably exceed the minimum required.

The sight lines provided are therefore almost twice that required for both leaving and joining traffic and therefore enable passing traffic on the A59 to take due notice of the negligible traffic leaving or joining the A59 serving the quarry. That therefore ensures no unacceptable disruption to that passing traffic on the A59.

Highways should confirm that the visibility splays considerably exceed the minimum required and that the sight lines so enabled are therefore acceptable.

Access Road Junction

The access road junction is suggested by Highways as having "deficiencies". None are identified. There are no DMRB "deficiencies" and it is unacceptable for Highways to suggest otherwise.

Highways should properly acknowledge that the access complies with and exceeds all relevant requirements and that there are no deficiencies.

Familiarity with Junction

The fact that access will be limited to a few contracted vehicles familiar with the junction should be accepted by Highways as a further factor which will further minimise potential traffic conflicts.

In itself that is not a DMRB compliance point and the application neither relies on that nor seeks any relaxation of design elements due to that. However, given the exceptionally low vehicle movements involved it further demonstrates the acceptable nature of the access design and the traffic movements.

Highways should acknowledge that while this is not a material highways consideration it will further minimise potential traffic conflicts.

Signage

It is perfectly normal to sign 'private' access points to, inter alia, enable other drivers to avoid inadvertently using the access and to inform other drivers of the potential for joining traffic from private access points, be that HGV traffic or otherwise.

The detail of the signage can properly be dealt with by condition and Highways should accept that.

Gradients

The access point is located where the gradient of the A59 is at circa 2.5% grade relaxing further eastwards. Given the traffic speed and the number of vehicles involved this enables the provision of a simple junction without the need for merging tapers, or other works, for joining HGVs (see below).

Tapers

The Highways Officer will erroneously suggest that diverging and merging tapers are required.

The A59 is posted at 50mph and there is no basis to consider a higher speed.

Diverging Taper

The DMRB in CD 123 states in paragraph 5.17 that diverging tapers "**shall not** be provided" (my emphasis) at "(1) simple junctions" or "(2) where the design speed of the major road is less than 85kph".

This is a "simple junction". The design speed (of 80kph) is less than 85kph. On both counts the DMRB categorically states that a diverging taper here would be contrary to explicit guidance and should not be provided on the A59 to serve the access.

Further, at non-simple junctions the criteria for provision of diverging tapers, as set out in CD123 paragraph 5.18, does not require a diverging taper where the left-turning traffic is (i) less than 225 AADT (it is <30) and (ii) less than 45 HGVs AADT (it is <30) and (iii) the gradient is less than 4% (it is 2.5%). As the left-turning traffic will be less than the relevant thresholds a diverging taper is not required.

Merging Tapers

In relation to merging tapers CD123 states in paragraph 5.23 that they "shall be provided" on a dual carriageway where the design speed of that road is in excess of 85kph and also where the volume of left-turning merging HGV traffic exceeds 90 AADT and/or the merging up-gradient exceeds 4% on the major road.

The design speed of the road is below 85kph and therefore CD123 confirms that a merging taper **is not** (my emphasis) required. Further, the HGV traffic at 30 AADT and the up-gradient on the A59 (at 2.5%) do not exceed the parameters that require a taper to be provided.

Conclusion on Tapers

Given the level of traffic joining and the physical conditions of the highway there is no requirement in the DMRB for diverging or merging tapers. Further the joining traffic etc is well below the thresholds that tapers might be required.

Highways should properly acknowledge that the access lies well below the thresholds for the provision of tapers and that the design is therefore acceptable.

HGV Performance

The performance of individual HGVs is not a relevant matter.

Access Road Gradient

The Highways Officer accepts that the access road is level or near level for 20 metres as it approaches the A59. This therefore complies with the required standard.

Highways should confirm that at the approach to the A59 that the access road complies with the required standard.

Summary:

The submitted scheme and Statement complies with, meets or matches all the relevant minimum design standards and overcomes/meets all the relevant comments or objections of Highways within the framework of accepted design standards and the NPPF.

There are no exceptional conditions that require design standards in excess of that normally considered acceptable.

LCC Highways have not produced any grounds or justified a need to update the scheme and Statement. Further, LCC Highways have required applicants to produce traffic assessments which reflect conditions pre-Covid. The submitted scheme is the preferred scheme.

The scheme and Statement represent the 'worst case' conditions and are an accurate representation of traffic flows and impacts in such a 'worst case' including the number of accidents.

There are clearly and demonstrably no NPPF "unacceptable" or "severe" impacts with the submitted scheme.

In accordance with paragraph 115 of the NPPF the development should not therefore be prevented or refused on highways grounds.

STORY HOMES & THE 'GROWTH OPTION'

Story Homes and the Central Lancashire Local Plan 'Growth Option'

However, the Story Homes ('Story') outline application and the 'Growth Option' in the Central Lancashire Local Plan Preferred Options (CLLPO), propose development that would require changes to the highway infrastructure along that part of the A59 in the vicinity of LHF.

The CLLPPO allocation, which subsumes the Story application area and significantly increases the extent of the development area, is promoted by the councils (including South Ribble) as contributing, with other sites, towards the assessed need within the plan period for residential and commercial development. It is not an alternative to developing other sites, nor would development of other sites preclude the need to release the site or a similar area in the Plan area.

The details of those prospective changes to the A59 that flow from the proposed development are either not yet concluded nor permitted and the extent of the impact of those changes cannot be properly identified or concluded now. In any event the relevant planning application might be refused and the relevant proposed allocation might be deleted from any adopted plan.

However, as the Growth Operation is actively promoted by the councils, it does represent the objective of those councils, including South Ribble, and the direction of travel of policy for housing and employment uses in Local Plan area and in this part of the Green Belt.

Consideration is therefore given to those proposals below. Their potential for any 'in combination' relationship with LHF is assessed using the very limited available information.

The Story Homes Scheme Highways Works

This substantial scheme involves housing, employment and other uses over land to the south of the A59. Access to that development is proposed by, inter alia, works to the A59. An adjacent scheme submitted by LOGIK proposes further employment land to the south and east of the Story scheme, but this does not propose further works to the relevant part of the highway infrastructure or lead to any potential 'in combination' impacts to LHF.

The submitted Story scheme includes, inter alia, a new junction to and crossing the A59, serving a 'park and ride' facility and commercial units. This would be located 350 metres east of junction 31 with the M6 and halfway between that junction and the Pothers Lane/Vicarage Lane junction.

The Story scheme also provides amendments to the A59/Pothers Lane/Vicarage Lane junction(s) to manage traffic from other parts of the development.

The New Junction

The proposed new junction consists of a traffic-light controlled junction with turning lanes serving all movements in all directions to both carriageways of the A59. No works are proposed north of the A59.

Vicarage Lane/Pothers Lane Junction(s)

The proposed works at the Pothers Lane/Vicarage Lane junction(s) (which lies a further circa 350 metres to the east of the new junction above) include traffic-lights at the Vicarage Lane/A59 junction and amending the layout of the link from Vicarage Lane to Pothers Lane to 'one-way' inbound to Pothers Lane.

All outbound traffic from Po•ers Lane would be required to turn left onto the A59 and would not be able to cross the eastbound A59 carriageway as at present. It is unclear if traffic lights are to be provided at the Po•ers Lane/A59 junction.

Acceptance of the Story Scheme

The Planning status of the outline application is uncertain. However, as noted, the Story and LOGIK applications form the core of a substantial allocation in the CLLPPO. No 'in principle' policy objectives are identified with the application, although the whole site is in the Green Belt.

In relation to highways, LCC Highways are in discussion with the applicants in respect to various detailed considerations of the Story scheme. However, no objection in principle has been made by LCC Highways to any matter.

Cycle Route

In 2013 LCC adopted a journey to work (Preston to and from Samlesbury EZ) cycle route using, inter alia, Po•ers Lane, Dean Lane, etc. The application at LHF considers the impact of the quarry traffic crossing that route on Po•ers Lane near Seed House Farm. That concluded that the cycle traffic (for journey to work and/or recreation) has remained minimal and the potential conflict between such traffic and traffic on the private access road is negligible.

However, the Story scheme draws attention (paragraph 5.4.4 and Plan 20 of the Transport Assessment) to an LCC proposed cycle route to and from Preston and the Samlesbury EZ which would run immediately adjacent to the north side of the eastbound carriageway of the A59.

This would replace the tortuous and unsatisfactory route of the 2013 scheme and remove the potential, but, in reality, negligible conflict between quarry traffic and journey to work cycle traffic on that route at Po•ers Lane. The potential conflict with the remaining residual negligible recreation cycle traffic would be wholly insignificant.

The new cycle route would appear to impinge on the proposed junction of the access road for LHF with the A59. However, the cycle route can be incorporated by simple design changes to the junction.

The Central Lancashire Local Plan 'Growth Option'

The CLLPPO is being prepared jointly by Chorley, Preston and South Ribble councils. The December 2022 Preferred Options Part One Consultation proposes various site allocations to meet housing, employment and other needs for the period 2023 to 2038.

South Ribble site 26 is described as a 'Growth Option' and is a proposed allocation based on the Story and LOGIK applications, but which substantially extends the development area north of the A59 to encompass roughly the area bounded by Po•ers Lane, Dean Lane, Bezza Brook to Myerscough Smithy and almost doubling the total development site.

The 'Growth Op•on' area thereby includes most of the route of the LHF access road. However, there seems no di•culty in incorpora•ng that access into the overall development scheme for the 'Growth Op•on'.

The Site Assessment concludes that the alloca•on is both "Available" and "Achievable".

In rela•on to highways no details have been set out in the CLLPPO as to the number and form of junc•ons on the A59 required to serve the enlarged alloca•on. Junc•ons might include an improved or enlarged Po•ers Lane/Vicarage Lane junc•on or an enlarged junc•on at the proposed LHF access to the A59, but probably would require addi•onal access junc•ons to the east as well

In rela•on to highways clearly it must follow that the promo•on of the site by the authori•es indicates that there are no over-riding 'in principle' highway or other policy objec•ons and that, as stated in the Site Assessment, any highway issues could be overcome by appropriate mi•ga•on methods.

The 'Growth Op•on' subsumes and extends the Story scheme. Its iden••ca•on in the CLLP is an expression of the desired direc•on of travel of the authori•es for the provision of housing and employment land including the further access points and associated mi•ga•on.

Highway Implica•ons of the Growth Op•on

The works on the A59 required if the Growth Op•on development proposals is taken forward will have implica•ons on the •ow of tra•c on the relevant sec•on of the A59.

These are uncertain at present but would suggest that a number of new or enlarged junc•ons, probably light controlled, will be required including at least two full junc•ons to both A59 carriageways to serve the extra land north of the A59 as iden••ed in the Growth Op•on. There appear to be no over-riding constraint to the provision of such new junc•ons subject to any mi•ga•on.

In this scenario the negligible turning movements from LHF can be incorporated within such junc•ons and will be insigni•cant in rela•on to capacity and impacts associated with the total turning movements.

Sustainable Supply of Construc•on Aggregate

The Story/LOGIK and Growth Op•ons are signi•cant developments, which together with expansion proposed at Samlesbury EZ will create substan•al demand for construc•on materials, notably for use in concrete.

No considera•on has been given in either the Story/LOGIK or the Growth Op•on to the material •ows (volume and distance) thus generated.

The processed aggregate from LHF is on the doorstep of the development for both sites and would represent the most sustainable source of concrete aggregate to enable the sustainable outcome of the development.

Summary:

The access road for LHF is encompassed within the land north of the A59 included within the Growth Op•on. However, the route of that road and the junc•on onto the A59 can be incorporated within the Growth Op•on scheme.

The mineral produced at LHF is ideally placed to serve either project and thereby provide the most sustainable supply op•on in terms of transport and impact on highways in terms of capacity and accidents and would enhance the sustainability of either project.

The highway works proposed or required in either scheme are not known in detail but would not inhibit the development at LHF, or vice versa.

The 'in combina•on' tra•c and highway implica•ons arising from LHF would remain negligible and be subsumed within the more signi•cant development proposed by those schemes and not themselves create any "unacceptable" or "severe" highway impacts.

UNITED UTILITIES

The Comments of United U•li•es relate (i) primarily to the protec•on of the water main which lies within the applica•on area but distant from any works and (ii) secondly to surface water drainage.

The Water Main

The water main lies within the applica•on area. However, works sought by the applica•on are distant from the main and at their nearest (the •e-in point of the access road to the A59) are in excess of 150 metres from the water main. Other works lie at further distance.

Those works are therefore beyond any feasible extent of harm to the main and do not intrude into any de•ned United U•li•es bu•er or easement around the main.

These details are clearly set out in the applica•on and to that extent the United U•li•es suggested condi•on is both unnecessary and redundant.

Surface Water Drainage

As set out in the applica•on surface water drainage will be internalised to in•ltra•on and/or to surface water bodies. No drainage is proposed to the public sewer.

The concerns of United U•li•es on this ma•er have therefore already been incorporated into the applica•on and have been sa•s•ed.

RIGHTS OF WAY

Rights of Way raise an objec•on. However, no Right of Way is to be closed or diverted and there are no proposed works near a Right of Way which materially harm the use of such right of way. There is therefore no material right of way considera•on that would jus•fy that objec•on or in•uence a nega•ve determina•on of the applica•on.

The details of gates, signage etc at the crossing of rights of way can properly be determined via a condition but are outlined in the application.

Some sections of the rights of way in the location are in a poor condition or overhung and difficult to use. HAL provides in the UU funds to manage the relevant Rights of Way.

The concerns of Rights of Way have been comprehensively and adequately dealt with in the application

WOODLAND TRUST

The whole of the Woodland Trust objection relates to its perception that the wood adjacent to the proposed access road is (sic) ancient woodland.

The Trust provides no evidence itself on the point and it sets out onerous and irrelevant requirements which are not justified by any specific local conditions or the status of the woodlands.

There is no evidence to conclusively demonstrate that this woodland is NPPF Ancient Woodland and, for the purposes of determining the application, considerations relating to the protection etc of Ancient Woodland are therefore not relevant.

The works do not affect any Ancient and/or Veteran Tree.

The comments of the Trust in relation to Ancient Woodland point must be disregarded in any determination.

John Cowley

On Behalf of Harleyford Aggregates

27 March 2024