

Our reference: 5200124

Your reference: APP/D2320/W/22/3295556

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Dear Sir / Madam

Appeal Ref. [APP/D2320/W/22/3295556](#)

This letter refers to the 'minded to grant' decision made by Lee Rowley MP, the Parliamentary Under Secretary of State for Local Government and Building Safety, on behalf of the Secretary of State (SoS). The 'minded to grant' decision was outlined within a letter addressed to Cushman & Wakefield on the 19 January 2023 (APP/D2320/W/22/3295556).

In response to the 'minded to grant' decision, Atkins (on behalf of the Ministry of Justice (the Appellant)) produced a report containing additional highways evidence (230301_GW2_Highways Evidence_SoS_2.0). The report was issued on the 01 March 2023 and responded to the specific requests made by the SoS.

The Appellant has subsequently been provided with the following documents submitted by Chorley Council and Ulnes Walton Action Group (UWAG):

- 'WSP technical note – 080323' (on behalf of Chorley Council).
- '230302 R6 PoE Highway Safety (10)' (on behalf of UWAG).

The Appellant would welcome the opportunity to submit additional evidence to comprehensively respond to the information contained within both documents outlined above. However, our initial observations are provided in the following paragraphs of this letter.

Initial Observations

Local Highway Authority Response

The Appellant extensively engaged with Lancashire County Council (LCC) as the Local Highway Authority throughout the pre-application stage and during the Determination Period. Within their statutory consultee comments, LCC confirmed that they had no highways objections to the Hybrid Planning Application and on the 14 June 2022, LCC confirmed that their position remained unchanged ahead of the Public Inquiry.

In response to the 'minded to grant' decision, Atkins (on behalf of the Appellant) has continued to engage with LCC and has actively involved them in the preparation of the additional highways evidence. LCC continue to support the development proposals and have confirmed in the joint statement that they are satisfied with the additional highways evidence provided (including the two Stage 1 Road Safety Audits).

LCC as the Local Highway Authority, has a duty of care to maintain the local highway network and ensure that the development proposals do not have an unacceptable impact on highway safety, or

that the residual cumulative impacts would not be severe. LCC has continued to offer their support for the development proposals and are satisfied with the additional highways evidence considering their local knowledge and extensive experience of the local highway network. This is something both Chorley Council (WSP) and UWAG appear to ignore.

Scope of the Additional Information

It is noted that UWAG has provided further commentary on the following matters:

- Non-Motorised Users (NMUs);
- Accident Records;
- General capacity considerations on Moss Lane and Ulnes Walton Lane; and
- Parking Provision.

As per Paragraph 41 within the 'minded to grant' letter, the SoS states that the request for further evidence is not an invitation for any party to seek to reopen any of the other issues covered in the decision letter. In that decision letter (DL), the SoS stated that he has had regard to the Inspector's analysis at IR13.18-13.36, that analysis includes the following:

- That it is unlikely that the proposals would materially worsen the risk to NMUs (see IR13.25);
- That the evidence indicates that the proposal would not exacerbate any safety issues insofar as Personal Injury Accidents are concerned (see IR13.21);
- Link capacity would not be exceeded (IR13.21);
- The SoS (DL19) agreed with the Inspector's reasoning at 13.37-13.45, and within that the Inspector (IR13.42) found that the size of the car park is predicted by the TA to be sufficient to accommodate the likely maximum number of staff and visitor vehicles on site at any one time (499 vehicles).

UWAG also refer to the new prison adjacent to HMP Full Sutton and the associated construction impacts. To confirm, that prison is being constructed by a different Contractor and is subject to several location specific constraints which are not comparable to HMP Garth Wymott 2. Therefore, it is not considered appropriate to make comparisons between the two developments.

We therefore conclude that a significant majority of the UWAG submission is beyond the scope of the information requested by the SoS and are issues previously addressed at the Public Inquiry.

WSP Statements

WSP (on behalf of Chorley Council) make several statements which are contrary to the Inspector's analysis to which the SoS had regard.

In Paragraph 2.1.6, WSP state that the additional highways evidence submitted by the Appellant does not provide facilities for pedestrians who are required to cross near or at the Moss Lane/Ulnes Walton Lane junction, nor a footway to allow them to walk safely on the southern side of Ulnes Walton Lane. However, the Inspector is clear that the adequate mitigation in this respect only requires that the Appellant provides a footway linking the northbound bus stop to the footway on Moss Lane (see IR13.24). The additional highways evidence presented by the Appellant proposes a new section of footway between the northbound bus stop and Moss Lane (see Appendix B and Appendix G within Atkins Report). Therefore, it is considered that the Appellant has addressed the concerns raised by the Inspector at this location.

In addition, in Paragraph 2.1.7, WSP state that in their opinion, the increased risk for pedestrians, cyclists and equestrians along Ulnes Walton Lane has not been considered. As outlined previously, the Inspector clearly states that it is unlikely the proposals would materially worsen the risk to NMUs (see IR13.25).

Finally, in Paragraph 4.1.3, WSP state that the Inspector agreed with the Council's highway witness and noted that vehicles would still be tempted to speed along Moss Lane. As per IR13.27, the Inspector actually states that the measures (along Moss Lane) would assist with traffic speeds, although given the length of Moss Lane, it remains likely that vehicles would still be tempted to speed further south. The additional highways evidence presented by the Appellant therefore addresses this concern by proposing additional measures to the south and therefore it is considered that the concerns raised by the Inspector have been addressed.

Safety Matters Raised

In Paragraph 5.1.9, WSP underline the following statement:

“Whilst it is noted that the scheme has been designed with capacity in mind, it is WSP’s view that this cannot be done at the expense of safety.”

This statement is wrong. As demonstrated below the scheme has been designed with safety and capacity in mind. Further, it has been demonstrated that there is a betterment for safety over the existing situation. As per Paragraph 5.4.2 in Atkins report, the preliminary highways design for the A581/Ulnes Walton Lane junction includes several measures to reduce vehicle speeds on the approach to the A581/Ulnes Walton Lane junction and support the wider corridor scheme along the A581. These measures include:

- The provision of a raised table;
- The provision of speed cushions along the A581;
- Three new lighting columns on the Ulnes Walton Lane approach;
- Relocated speed limit signs along Ulnes Walton Lane to extend the existing 30mph zone;
- A reduced Inscribed Central Diameter (ICD); and
- Dragons Teeth on all approach arms.

Through the implementation of the above measures it is clear that safety was the primary objective for the scheme. In addition, the proposed improvement scheme is forecast to operate more safely than the existing junction layout. This capacity improvement would reduce vehicle queues and delay, which would reduce the risk of driver frustration and therefore provides additional safety benefits.

Swept Path Analysis

WSP has made several comments in relation to the Swept Path Analysis (SPA) at the A581/Ulnes Walton Lane junction. As outlined in this letter, the Appellant would welcome the opportunity to submit additional evidence to comprehensively respond to the comments raised. The approach taken by the Appellant is robust in that the layouts have been tested using an articulated HGV, which is generally considered to be a robust method of testing, and is normal practice. It should be noted that LCC, as the highway authority, were satisfied with the SPA evidence provided. However, to satisfy the WSP Expert Witness we can of course provide additional SPA.

Construction Route Assessment

In Paragraph 6.1.7, WSP suggest that the Construction Route Assessment undertaken by Explore Transport is not sufficient. This report was commissioned by Laing O’Rourke entirely independently of this appeal process. Laing O’Rourke is the contractor appointed to construct the new prison at adjacent to HMP Garth Wymott 2, subject to the conclusion of this appeal. Laing O’Rourke is an international engineering and construction company with extensive experience in using modern methods of construction to plan logistics and deliver projects. Explore Transport is a specialist supplier of Transport and Plant Hire services to a wide range of industries including construction, rail and aerospace. Their transport division combines over 50 years of construction logistics and haulage expertise. From this perspective there is no reasonable basis to doubt their advice on construction logistics to this site.

Conclusion

The Appellant does not object to the inquiry being reopened, and noting the Council’s formal request for this, is expecting that this will be the case. As such, we look forward to the opportunity to submit additional evidence to comprehensively respond to the information provided by Chorley Council and UWAG. However, our initial conclusions are that:

- LCC, as highway authority did not object to the original application, and remain supportive of the proposals. They have had full sight of the additional information and RSAs
- We are concerned that the other parties are seeking to raise issues that fall outside, and are not relevant to, matters set out in Decision Letter (DL) paragraphs 15 and 16. This is contrary to SoS requests in DL paragraphs 18 and 41.
- The proposed A581/Ulnes Walton scheme is focused on improving road safety, with extensive measures to slow down vehicles and will achieve a betterment of existing in safety terms.

Yours faithfully



Steve Yeates
Technical Director