

Transport Rebuttal of Public Representations - Application 21/01028/OUTMAJ

HMP Garth and HMP Wymott, Moss Lane, Ulnes
Walton, Leyland

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TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY THE MINISTRY OF JUSTICE

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1. Introduction

1.1. Background

- 1.1.1. This appeal concerns the decision by Chorley Council (CC) to refuse planning permission for a new prison (up to 74,531.71 sqm GEA) (Class C2A) within a secure perimeter fence following the demolition of existing buildings and structures and together with associated engineering works; a replacement boiler house (with all matters reserved except for access); and a replacement bowling green and club house (Class F2(c)) on land adjacent to HMP Garth and HMP Wymott, Leyland.
- 1.1.2. Following the appeal against the decision, a public inquiry was held in July 2022. The Inspector's Report (IR) to the Secretary of State (SoS), dated 20 October 2022, recommended that the appeal be dismissed.
- 1.1.3. Following consideration of the IR, a 'minded to grant' decision was made by Lee Rowley MP, the Parliamentary Under Secretary of State for Local Government and Building Safety, on behalf of the SoS for the Department of Levelling-Up Housing and Communities. The decision was set out in a letter dated 19 January 2023 (Core Document L1).
- 1.1.4. At Paragraph 4 of the letter, the SoS decided to give the Appellant and other parties the opportunity to provide further evidence on highways issues. Following the submission of the additional highways evidence, it was confirmed by the Planning Casework Unit that the Inquiry would be reopened on 19 September 2023.
- 1.1.5. As part of the reopened Inquiry, written representations have been submitted by several interested parties in respect of the appeal process.

1.2. Report Purpose

- 1.2.1. This Rebuttal provides a response (on behalf of the Appellant) to the written representations submitted by the interested parties. I have focussed my evidence within this Rebuttal on the matters where I consider additional evidence would most assist the Inquiry. However, this should not be taken as a concession that I accept the other parts of the written representations submitted on which I do not make specific comments here.

2. Interested Party Representations

2.1. Introduction

2.1.1. Table 2-1 provides a summary of the written representations submitted by the interested parties.

Table 2-1 - Summary of Written Representations

Name	Kind of Representation	Objection Raised?
Susan Ainsworth	Interested Party/Person Correspondence	Yes
Robert Alty	Interested Party/Person Correspondence	Yes
Keith & Vivien Jackson	Interested Party/Person Correspondence	Yes
Jean Noone	Interested Party/Person Correspondence	No
Mary Plunkett	Interested Party/Person Correspondence	Yes
Michael Webb	Interested Party/Person Correspondence	Yes

2.2. Rebuttal Evidence

2.2.1. Table 2-2 provides a response (on behalf of the Appellant) to the written representations submitted by the interested parties.

Table 2-2 – Rebuttal to Written Representations Submitted

Name	Interested Party Comment	Appellant Response
Mrs Noone	<p><i>“Another reason for my acceptance of a Third Prison is that the people who are going to work there will be decent people, both civilian and Officers. They will bring Finance and Families into the Community. It can only be for the good of South Ribble.”</i></p>	<p>Interested party has stated they have no objection to the development proposals. The comments provided are in support of the Appeal.</p> <p>Mrs Noone’s comments support the findings in Mr Cook’s Proof of Evidence in relation to the socio-economic benefits a Third Prison would bring to the area (CD E2a).</p> <p>Further the Inspector (IR 13.70) concluded that the proposal would result in significant employment and investment, and afforded significant weight to the economic benefits.</p>
Mrs Plunkett	<p><i>“Additional traffic on an already overloaded road.”</i></p>	<p>It is not clear which road Mrs Plunkett is specifically referring to, however, the Inspector has concluded (IR 13.21) that <i>“the highway link capacity assessment undertaken by the appellant showed that the highway network would not exceed their link flow capacity in the AM and PM peak periods following the addition of the traffic generated by the proposal.”</i></p> <p>Furthermore, Section 7.3 within the Transport Assessment (CD A35) provides details of the Standalone Junction Capacity Assessment undertaken. The Transport Assessment concluded:</p> <ul style="list-style-type: none"> • The B5248 Dunkirk Lane/School Lane junction, the Ulnes Walton Lane/Moss Lane junction, and the Proposed Site Access/Moss Lane junction would all operate within acceptable thresholds of capacity in all of the assessment scenarios. Therefore, the impact of the additional traffic would not be ‘severe’ in terms of the National Planning Policy Framework (NPPF). • GW2 would have an adverse impact on the operational capacity of the A581/Ulnes Walton Lane junction. <p>However, a junction improvement scheme is proposed at this location in the form of a mini roundabout (see Section 5.4 of Core Document M3). Paragraph 5.5.6 of Core Document M3 provides evidence that the proposed mitigation scheme at this location (with development traffic) would operate better than the existing junction layout (without development traffic).</p>

		The standalone junction capacity assessment therefore demonstrates that the introduction of the proposed mitigation scheme at the A581/Ulnes Walton Lane junction would mitigate the impact of the development at this location to an acceptable degree (in line with Paragraph 110(d) in the NPPF).
Mr Webb	<i>“The traffic into Croston at the moment is terrible and the addition of a major building project so close will turn Croston into a gridlock. Station Road.... Is bumper to bumper already and the town is constant.”</i>	Croston is located approximately 5km south-west of the proposed development. As per Figure 5-1 in the Transport Assessment (CD A35), over 72% of the proposed traffic generation is forecast to avoid Croston. The study area for the proposed assessment was agreed with Lancashire County Council, as the highway authority.
Mrs Ainsworth	<i>“You can’t get out of the lane onto Southport road due to the queues.”</i>	A junction improvement scheme is proposed at this location (A581 Southport Road/Ulnes Walton Lane junction) in the form of a mini roundabout as detailed in Section 5.4 of Core Document M3. This junction improvement scheme will help re-balance the traffic flows through the junction and provide additional highway capacity. Section 5.5, and specifically Paragraph 5.5.6 of Core Document M3 provides evidence that the proposed mitigation scheme at this location (with development traffic) would operate better than the existing junction layout (without development traffic).
Mrs Ainsworth	<i>“Numerous accidents now never mind with increased traffic.”</i>	The Inspector (IR 13.21) concluded that there are no existing safety issues regarding Personal Injury Accidents (PIAs). Furthermore the Inspector (IR 13.21) concluded the proposals would not exacerbate any safety issues insofar as PIA is concerned.
Mrs Ainsworth	<i>“If they build another one the road will be that congested the emergency services would be delayed.”</i>	Please see the Appellant’s response to Mrs Plunkett’s objection (highway link capacity).
Mr Alty	<i>“The roads currently are totally incapable of absorbing further vehicular traffic, already they are causing major hold-ups and certainty in recent times becoming increasingly dangerous.”</i>	Please see the Appellant’s response to Mrs Plunkett’s objection (highway link capacity) and Mrs Ainsworth’s objection (PIAs).

Mr Alty	<i>“Any possibility of using a bicycle to access the area is completely ill-advised.”</i>	<p>As per Paragraph 2.9.2 of my Proof of Evidence (CD E4) a s106 contribution is proposed (£50,000) to resurface the existing carriageway along Nixon Lane and provide improved signage to promote cycling.</p> <p>The s106 contribution was agreed during the Public Inquiry as documented in Paragraph 4.1 of the final agreed S106 Agreement (CD C9).</p>
Mr Alty	<i>“Public transport options, are in the main, extremely limited and not in any way an option for elevating the problems.”</i>	<p>As per Paragraph 2.9.1 in my Proof of Evidence (CD E4), the Appellant is providing a s106 contribution of £100,000 per annum for a period of 5 years to fund the enhancement of the existing Preston-Croston bus service.</p> <p>The s106 contribution for the enhanced bus service contribution was agreed during the Public Inquiry as documented in Paragraph 3.1 of the final agreed S106 Agreement (CD C9).</p>
Mr & Mrs Jackson	<i>“The development will add to the already struggling road network, where drivers appear to think they are on at least a dual carriageway and unable to comprehend that there are parked cars etc, meaning they have to give way. Instead, they attempt to “squeeze” through leading to much road rage and far too many accidents.”</i>	<p>Please see the Appellant’s response to Mrs Plunkett’s objection (highway link capacity) and Mrs Ainsworth’s objection (PIAs).</p>

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