

Major Casework
The Planning Inspectorate,
3rd Floor, Temple Quay House,
2 The Square,
Temple Quay,
Bristol,
BS1 6PN

Email Claire.pegg@cushwake.com
Direct +44 (0)161 235 7638
Mobile +44 (0)7877 661883

05 March 2024

[Via email]

Dear Leanne,

Appeal Ref. APP/D2320/W/22/3295556

We write in response to letters received from Chorley Borough Council ('the Council') and Ulnes Walton Action Group ('UWAG') on 1st March 2024, in which each party has requested that:

- a. The alternative highways mitigation submitted in evidence by the Appellant on 26th February 2024 should not be allowed to form part of the inquiry; and
- b. In the event it is allowed, that the Inquiry due to open on 25th March 2024 is adjourned until 23rd April 2024.

We note and support the response from the Inspector dated 4 March 2024 confirming that he is minded to accept the Appellant's addendum evidence on the basis that the Appellant's recent negotiation for the acquisition of land for highways mitigation amounts to 'exceptional circumstances'. The fact that the position has recently changed such that the Appellant now has control of land beyond the limits of the highway to enable an alternative highways mitigation design is obviously a material change in circumstances and it is plainly in the public interest for it to be considered at the Inquiry. Indeed it would be procedurally unfair and irrational for it not to be taken into account.

For completeness, we also wish to record the Appellant's position that the Council's and UWAG's submissions are in any event misconceived; there is no reasonable basis for refusing to admit the Appellant's evidence on the alternative highways mitigation:

In terms of the first of the two key questions arising under the case law (see *R (Holborn Studios Ltd) v. LB Hackney* ([2020] EWHC 1509)), the alternative highways mitigation design does not constitute an alteration to the scheme applied for, let alone a *substantial* alteration. The addendum evidence sets out an alternative means of mitigating an element of off-site highways impact; it does not alter the nature of the development applied for, which is a new prison, replacement boiler house and replacement bowling green and club house.

Further, even looking at just the context of the design of the highways mitigation itself, it is worth noting that whilst the alternative design is materially different, there is no fundamental change from that submitted in



evidence in 2023. Both highway designs are mini roundabouts of comparable size and both include the provision of a raised table and speed cushions.

In terms of the second key issue, procedural fairness, we confirm that the Appellant does not object to the grant of extended time for rebuttals and given the urgent need for prisoner places, we welcome the Inspector's intention to re-open the Inquiry on the planned dates, keeping the reserve dates as contingency.

Yours sincerely

A handwritten signature in black ink, appearing to read "Pegg".

Claire Pegg MRTPI MRICS
Partner, Cushman & Wakefield Planning