



## **TOWN & COUNTRY PLANNING ACT 1990: SECTION 78**

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEAL MADE BY THE MINISTRY OF JUSTICE ON LAND  
ADJACENT TO HMP GARTH AND HMP WYMOTT,  
LEYLAND, LANCASHIRE**

**SUMMARY PROOF OF EVIDENCE OF  
G EVES BSc CEng MICE MCIHT**

**AUGUST 2023**



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## **1. PERSONAL BACKGROUND, QUALIFICATIONS AND SCOPE OF EVIDENCE**

- 1.1. My name is Graham Eves. I hold the Degree of Bachelor of Science in Civil Engineering. I am a Chartered Engineer, registered with the Engineering Council, and I am a corporate member of the Institution of Civil Engineers. I am also a member of the Chartered Institution of Highways and Transportation.
- 1.2. I am employed by PFA Consulting Ltd, a firm of consulting engineers specialising, inter alia, in transport and highway matters as well as flooding, drainage and other infrastructure-related matters associated with residential, commercial and industrial development schemes. I have been actively engaged in the construction industry generally and, in the development sector specifically, in UK for over 45 years. I have given evidence as an expert witness on highways, traffic, transportation and other engineering infrastructure-related matters at a variety of different tribunals including planning and compulsory purchase inquiries, magistrates, county, and crown courts. I was a Director of PFA Consulting for 20 years but as part of my “retirement” strategy have now stepped down from that role but remain in a senior “consultancy” role mentoring junior staff and advising on strategic matters.
- 1.3. I have been involved with all aspects of the development industry and have been instructed to act for a wide-ranging variety of clients that includes housebuilders, land developers, commercial and retail operators, educational establishments, oil companies, government agencies and local authorities in addition to private companies and individuals.
- 1.4. I have been engaged by the Ulnes Walton Action Group (UWAG) to provide expert evidence at this re-opened Inquiry in respect of highways and traffic -related matters.
- 1.5. The evidence that I have prepared, and provide, for this re-opened Inquiry in this proof of evidence is true and has been prepared, and is given in accordance with, the guidance of my professional institutions and I confirm that the opinions expressed are my true and professional opinions irrespective of by whom I am instructed.

## **2. THE APPEAL PROPOSALS**

- 2.1. Details of the appeal proposals and a description of the highway network adjacent to, and leading to, the appeal site were set out during the initial appeal proceedings and there is therefore no need for me to repeat those details.
- 2.2. Similarly, the Policy Framework against which this re-opened appeal needs to be considered has also been well rehearsed and I do not need to repeat that.
- 2.3. I note that the MoJ and UWAG have agreed a Statement of Common Ground ahead of the re-opened Inquiry (Core Document P1), which comprises an introduction, matters agreed and matters in issue. I do not repeat that here.

## **3. THE MAIN ISSUES FOR FURTHER CONSIDERATION**

- 3.1. The main issues which I set out in my main proof of evidence are the appropriateness of the highway improvements proposed by the Appellant to address the impact of the additional

increase in traffic, and the level of increase in traffic, particularly during the construction phase, and the effect this will have on the operation of the highway network and its use by vulnerable road users.

- 3.2. To inform my evidence two additional automatic traffic count surveys have been commissioned by UWAG.

## 4. THE APPELLANTS HIGHWAY IMPROVEMENTS

- 4.1. The Appellants highway improvements comprise three elements.

### **Moss Lane Junction**

- 4.2. In order to address a major visibility deficiency for right turning traffic and to mitigate the impact of the additional traffic the Appellant proposes new and additional signage at this junction.
- 4.3. The Appellant contends that the new and additional signing will address the visibility deficiency by reducing vehicle speeds (although vehicles are already travelling at less than the speed limit in the vicinity of the junction). There is however no justification for this contention.
- 4.4. The development will give rise to a significant increase in right turning traffic, particularly during the AM construction peak, which will result in additional delays and queues for traffic waiting to turn right which, combined with the visibility deficiency, will result in an increase in the risk of collisions occurring.
- 4.5. The proposals also include the provision of a new footway and bus stop improvements at the nearby north bound bus stop. However, there is insufficient detail to demonstrate that there is sufficient highway land available to be able to provide a new footway of adequate width taking into account the need to accommodate new and existing street furniture in the vicinity; and the proposals do not include any improvements to a bus stop in the south bound direction.
- 4.6. The highway improvement proposals are therefore not sufficient to mitigate the potential impact of the additional traffic at this junction.

### **Ulnes Walton Lane/A581 Southport Road Junction**

- 4.7. The Appellant proposes to provide a mini-roundabout at this location, but accepts that such an arrangement will require a "Departure" from (highway design) standards in respect of a critical visibility requirement. The Road Safety Audits commissioned by the Appellant have identified this visibility deficiency, and, despite the mitigation proposed by the Appellant by way of speed reduction measures, have identified the deficiency as "problem". My evidence notes that the Appellant provides no justification that the proposed speed reduction measures will reduce speeds to a level commensurate with the achievable visibility.
- 4.8. There is no evidence that the Highway Authority has, in fact, granted a "Departure", nor indeed has been provided with appropriate traffic flow information and the operational characteristics of the new arrangement to enable the required Departure to be granted.
- 4.9. My evidence identifies that, on the basis of the Appellant's own traffic predictions, at the Appellant's identified assessment year the junction will be operating above its desirable maximum capacity. However, the assessment year for the junction analysis appears to take no account of

the construction period, or the delays as a result of the reopening of this Inquiry and the assessment year is therefore incorrect.

#### **Moss Lane Traffic Calming**

- 4.10. Moss Lane, which is a straight road subject to a 30mph speed limit, already has measured traffic speeds considerable in excess of the speed limit despite its poor road surface.
- 4.11. The principal element of the Appellant's proposed traffic calming measures comprises road markings, which are unlikely to result in any significant reduction in the speed of most traffic.

## **5. VULNERABLE ROAD USERS**

- 5.1. A significant number of cyclists use Ulnes Walton Lane (mainly during the normal working day) together with equestrians and pedestrians (and people using mobility scooters) using the Lane, both as part of their ordinary daily life, and when using the Sustrans Route which runs along the southern part of the lane.
- 5.2. Ulnes Walton Lane is not wide enough to allow HGVs to pass cyclists and equestrians safely (indeed the Appellant's Logistics Report Notices that HGVs could only pass each other with care along the lane).
- 5.3. The risks of fear and intimidation to vulnerable road users will therefore increase significantly as a result of the significant increase in traffic (particularly HGVs) arising from the development.

## **6. TRAFFIC SURVEY DATA**

- 6.1. UWAG has commissioned additional surveys to update the Appellant's 2021 Traffic Surveys. The new surveys indicate that the present-day flows are some 20-30% greater than the 2021 flows which informed the Appellant's traffic analyses.
- 6.2. My evidence demonstrates that committed developments in the area (which the Appellant's contends can be accounted for in its traffic growth assumptions) are significant, and I provide my own analysis of traffic flows at the Appellant's baseline year (which in any event may not be correct as I believe that proper regard has not been had to the length of the construction period and delays which result from the reopening of the Inquiry).
- 6.3. My analysis identifies that the Appellant significantly under-estimates some of the traffic flows which are used in the traffic analyses.
- 6.4. Using my own assessment of baseline traffic flows (but utilising the Appellant's own construction traffic forecasts) I identify that the queues and delays at both the Moss Lane junction and the A581 junction, will increase significantly.

## 7. CONSTRUCTION TRAFFIC

- 7.1. I identify that there is a major contradiction between the Appellant's assessment of the timing of the peak construction traffic and the assumptions made in the original noise and vibration assessment which supports the application.
- 7.2. It may be reasonable to assume that there may be a standard planning condition attached to any planning permission which restricts site working hours to standard day time work hours. This being the case it is likely that peak construction traffic flows will coincide with peak network flows which will then result in a predicted queue of around 600m in length at the Moss Lane junction and 300m in length at the A581 junction, with drivers experiencing delays of up to 12 minutes. Such delays will amount to a severe impact.
- 7.3. I then go on to identify that the Appellant's own logistic report suggests that all HGV traffic should arrive and depart the site via the A581 and UWL (S), and should not use UWL (N) towards School Lane. Such routing will require careful monitoring and a penalty regime if there is breach of such an arrangement. This may require the installation of an ANPR system.
- 7.4. Notwithstanding this I identify that, during the peak months of construction there will be an increase of 15% in traffic flows along UWL (N) and 27% along UWL (S) with an 81% increase in HGV flows along UWL (S), which will increase fear and intimidation for all vulnerable road users.
- 7.5. I also identify that there may be a requirement to amend/rescind the present weight restriction order (TRO) which applies to Ulnes Walton Lane to allow HGV access to the site.

## 8. SCHEME COSTINGS

- 8.1. The Inspector at the earlier proceedings was concerned that the Appellant had not demonstrated that the financial contribution proposed towards the A581/Ulnes Walton Lane junction improvement was sufficient (or appropriate). The statement at Paragraph 7.1.2 of the Additional Evidence simply does not address the Inspector's concerns.

## 9. CONCLUSIONS

- 9.1. My evidence examines the highway, traffic, road safety implications of the proposals.
- 9.2. It concludes that, irrespective of the appropriateness of the traffic flows used in the analysis, the mitigation proposals for the Moss Lane junction do not address the existing underlying visibility deficiency at the junction, nor is the ability to provide adequate pedestrian provision at the junction been demonstrated. Nor do the proposed bus stop improvements include any provision for southbound bus passengers
- 9.3. The proposed mitigation at the A581 junction relies on a (very significant) "departure" from highway standards, which has been identified as a problem in the Appellant's own Road Safety Audits, and it does not appear that such a departure (which must be informed by correct traffic flow predictions) has been formally agreed.

- 9.4. The traffic calming in Moss Lane itself seems unlikely to have any meaningful impact on the speed of vehicles along the lane (which are presently traveling above the speed limit).
- 9.5. These omissions and deficiencies are such that, without rectification, the impact of the development will be severe.
- 9.6. Most importantly however my evidence throws doubt of the traffic data used by the Appellant to support the mitigation works. In particular the assumptions used regarding the timing of peak construction traffic flows appears to contradict assumptions in the original Noise Assessment and would necessitate any planning permission having a “non- standard” construction working hours condition. If standard working hours are to be adhered to, the impact that construction traffic will have on traffic queues and delays on the road network will be very substantial indeed – which can then adversely affect road safety.
- 9.7. I have also examined the implications that the additional traffic will have on the use of Ulnes Walton Lane by vulnerable road users and conclude that the impact on these users will be significant.
- 9.8. Overall, my evidence enables me to conclude that there would be an unacceptable impact on highway safety, and the residual cumulative impacts on the road network would be severe such that planning permission should not be granted.