

19/CHE/225/DK/MF/LTR2



9th September 2019

FAO Mike Atherton
Planning & Building Control Manager
Rossendale Borough Council
Room 120
The Business Centre
Future Park
Bacup
OL13 0BB

Dear Mike,

New Employment Site NE3, Carrs Industrial Estate, Haslingden, Rossendale

Following on from our letter dated 15th August 2019 (Ref:19CHE225.MF.LTR1.V1) which was written to address initial comments/concerns from Highways England (HE) regarding the 'Allocation' of the above site.

HE have subsequently provided further comments within their letter 'Rossendale Emerging Local Plan 2019-2034 Examination Inspectors Matters, Issues and Questions' dated 28th August 2019.

Rossendale Borough Council (RBC) have subsequently appointed Betts Geo to provide a response to the above and this letter aims to provide this.

Prior to responding to HE comments we would like to outline planning guidance with HE 'The strategic road network, Planning for the future. A guide to working with Highways England on Planning matters.'

The document states that the regulations relating to Nationally Significant Infrastructure Projects do not specifically require that promoters identify their proposed access arrangements or any proposed highway mitigation works during the consultation stage prior to submitting a Development Consent Order. Furthermore, 'in any case, promoters must provide sufficient detail to allow the assessment of the impact of their proposals on the Strategic Road Network and the suitability and deliverability of their proposed transport arrangements, when they submit their application'. It must be clarified that we are only at the 'allocation stage' and not at the application stage or even the pre-application stage and this should be taken into account when assessing the level of information required.



HE Point 2

‘Preliminary Highway design work is to be commissioned by RBC, however after an initial site walkover and initial assessment by Betts the site layout would indicate that a suitable access road could be constructed along the line of the existing access road with minimal change to the existing topography of the existing access road and the adjoining land.

More substantial earthworks are likely to be required to connect the development site with the proposed access road, however, this is anticipated to be well within the budget of a development of this scale. However, this is anticipated to be located a significant distance from features which concern Highways England. Any embankment associated with this would be appropriately investigated and designed, while going through regulatory approval.

HE Point 3

Outlines HE Position that *‘the land concerned shall remain in tact and not be made available for development purposes.* While we are not in a position to provide comment on the above and the legalities, we would question whether it is appropriate to request RBC to undertake scoping studies, investigation and design work if there is no possibility of the land being released.

HE Point 4

This appears to contradict ‘Point 3’. A judgement on the feasibility of the scheme is being made by HE before a design can be put forward and they have requested that this ‘should therefore be fully understood’ as part of the decision to allocate the land’.

While there are geotechnical constraints which will have to be appropriately investigated and potentially overcome by design, we do not believe there is anything that is out of the ordinary for a development of this size. While we agree a preliminary Highway, design should be progressed, we do not believe this should entail detailed ground investigation and design work at this stage (allocation stage) and this strategy is supported by HE own guidance.

HE Point 5

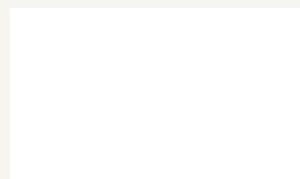
We are not questioning the requirement to undertake detailed geotechnical assessment, however, there needs to be a understanding of the financial implications this imposes on the Local Authority/Promoter and this is not normally imposed at Allocation stage, as confirmed by HE guidance.

HE Point 6

No comment.

HE Point 7

No comment.



HE Point 8

See comments regarding Point 3. HE reiterates ‘this land will not be available for development purposes’ and is ‘not a viable option’. No detailed evidence to support the case that the proposals are not viable have not been supplied by HE.

HE Point 9

Betts cannot confirm this however Betts understanding that initial contact was made by RBC in 2018 regarding the site.

HE Point 10

See detailed response in later sections of this report.

HE Point 11

Its Betts understanding that RBC are not requesting further works on HE land at this stage, a programme of ground investigation and detail design will be sometime in the future. Betts reiterate it is a question of whether there are any significant reasons for the site not to be put forward for ‘allocation’ and Betts believe there is not.

HE Point 12

It was not within Betts scope to provide an ‘Outline Design’ merely to provide comment and an initial assessment on the feasibility of the site to be put forward for ‘allocation’. A preliminary design is to be commissioned in the future and likely to support any outline application.

HE Point 13

No comment.

HE Point 14

No comment.

HE Point 15

No comment.

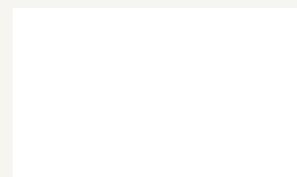
Annex A – HE Comments on Betts Associates Letter 15/08/19

HE Comment 1

No further comment, the statement we believe is irrelevant in the context of this review, other than to re-affirm that other options have been investigated off Hud Hey Road and are not feasible. One option which has not been investigated at this stage is to create a new junction directly off the A56 to mimic the junction off the south bound carriageway.

HE Comment 2

We understand that the road was constructed by creating ‘a ledge’ into the new slope. However, photographic evidence at the time of the construction of the A56, clearly shows a



‘mature hedge line’ running part way down the slope suggesting only minor cut and regrading above the current access road and the slope towards Bridge Street appears to remain untouched with the slope clearly vegetated.

The gradient of the access road and its design is set by Commerce Street and Bridge Street which it links. The route therefore is likely to be as a result of trying to maintain suitable gradients rather than purely slope stability issues as suggested by HE.

While we acknowledge that a slope of 20m is not insignificant, however the slope is principally as a result of a cut rather than significant re-engineering and we would reiterate that the slope above the access road appears to have had only minor regrading works across the majority of the face, given the relatively low angles and varied slope face. Unlike the lower slope which is steeper and generally uniform.

It is worth noting that natural slopes within the vicinity of the site are much greater in both height and slope angle.

The accuracy of historical O.S. maps and the scale of mapping is not sufficient to make an accurate assessment on the extent of the slope works and the only drawing provided by HE does not provide sufficient information to make accurate assessments.

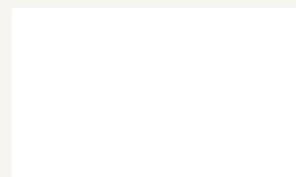
HE confirm that the existing slope is stable and appropriately design. Although we are not in a position to confirm, it is anticipated that in the vicinity of the HE slopes an new access road would generally only require widening by approximately 3-4m and therefore would only require minor alterations to the existing slope profile and any solution would look to do this on the upper slopes where gradients adjacent to the existing road are generally low before increasing. Irrespective of this any scheme would require a detailed assessment and appropriate design which would require pier review and approval. However, we would reiterate that neither party is in a position to make final judgement whether a particular scheme is suitable and we believe HE have not provided sufficient information to confirm that the scheme is not feasible and should not be put forward for allocation.

HE Comment 3

The historical boreholes do not record peat up to 2.5m thickness, instead soft silty clays with bands of peat are recorded, and while these soft silty clays may be weak and potentially compressible, they are not comparable with a ‘peat’ deposit.

HE Comment 4

The comment has no real relevance to our statement which is discussing that it is unclear how the level of the strata within the boreholes relates to present site levels. And so, while it is acknowledged cut works have taken place, it is a fair assumption that the soils recorded deeper within the boreholes is more representative of the soils currently present on site.



Any new design would need to be supported by a new programme of detailed ground investigation.

HE Comment 5

The comment confirms that any engineering challenges can be overcome by appropriate engineering. While the nature, scale and cost of what an ‘appropriated engineering solution is in relation to the construction of an access road from Commerce Street has not been confirmed. We do not believe that the level of detail requested is required at this time, as supported by HE own planning guidance. Instead engineering judgement would suggest a scheme can be designed, which ensures the safety of HE assets and that any scheme would be within the budget of a development of this size and nature.

HE Comment 6

Unsure what the HE comment is suggesting.

HE Comment 7

No comment.

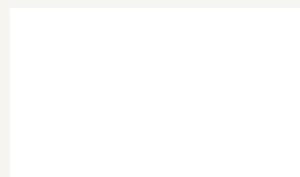
HE Comment 8

The railway slopes although significantly steeper than the slope in question were significantly steeper and it is the steepness of the slope which is the overriding factor in slope stability rather than length.

Betts have made reference to the railway slopes leading to the tunnel, as it provides evidence that the ground conditions in the vicinity could support much greater slope angles than those currently observed. The tunnel was formed in the same ground conditions and the railway track was utilised as a foundation for much of the A56 highway in the vicinity of the site. This would suggest that HE comment is unsupported and irrelevant and again shows a lack of understanding of the history and ground model succession.

Again, to reiterate that the A56 slopes appear stable and state that they ‘were built at an appropriate angle with appropriate drainage’ and this contradicts slightly HE argument and suggests that as a relative soft engineered solution has enabled the construction of an existing access road, it suggests that an appropriate solution could be achieved for any new access road, albeit possibly slightly more complex and possibly harder solution.

The statement that the ‘A56 construction having a significantly greater level of resource at its disposal to ensure that an appropriate engineered solution is achieved’, insinuates that any design/solution as part of the proposed scheme would not be either satisfactory or appropriate, but any design/solution would go through the same peer review and so this argument has no substance or relevance and is not within keeping with HE role to be open and supportive of appropriate development rather than being perceived negative.



HE Comment 9

This relates to the main development site and was included to address the HE comments regarding the feasibility of the main development site, something we have stated is beyond the role of HE.

The ground conditions on the opposite side of the A56 are shown on the BGS 1:50,000 Geological map to be the same as the subject site and therefore it is appropriate at this stage to conjecture the ground conditions and assume that if the eastern side of the A56 can be developed then the western side (subject site) should be able to be developed.

Regardless of the above the feasibility and geotechnical issues involved with developing the main site should not be a concern of HE where they do not impact on HE assets.

HE Comment 10

While we agree that the slope below the current access road has required significant cut earthworks as part of the tunnel removal, the extent of the earthworks to the upper slope is unclear from the OS plans and HE as built drawings. It is clear that the current access road must follow in pre-existing slope contours in part as it ties in with the pre-existing Commence Street and Bridge Street.

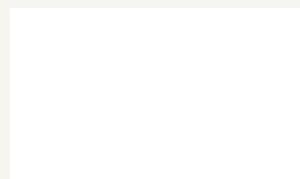
The upper slope is a much lower gradient than the lower slope and with similar ground conditions and would suggest that the upper slope followed existing topography as much as possible, otherwise the slope would be uniform and be at steeper angle to minimise ‘muck shift’.

HE Comment 11

We agree that a solution to establish the required access road off Commerce Street will require appropriate investigation and design and while not ‘a simple’ road construction, we believe a solution would be well within the financial constraints of a development of this size. At this point we would also like to comment that the majority of HE comments are made without providing any detailed evidence.

We fully understand the possible difficulties that may be posed and that this is why it is difficult to understand what an appropriately engineered solution would be and the exact financial costs. However, it is clear that a solution could be achieved, and this would be as a result of detailed investigation, design and pier review/approval through the planning process.

We understand the complexities of the land ownership and HE duty to ensure the safety of its road users. While we agree that an outline design solution is agreed with HE at the earliest possibility, we do not believe that prior to ‘allocation this is justified. It is unfair to put this level of financial burden on the RBC or a prospective developer, with no reassurance that the site would even be included in the development plan.



HE Comment 12

The extent of the re-working of the existing slope is not known, however we have outlined anticipated works to achieve an adoptable access road.

HE have not commented on Betts initial assessment based on a site visit and would suggest HE have not visited site and are not familiar with the detailed site layout.

HE Comment 13

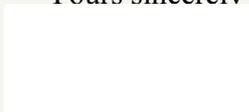
We would make reference back to HE planning guidance referenced at the start of this letter, which outlines that the level of information and work requested by HE is not usually required at this stage and would normally be required post allocation as part of the planning application process.

Instead we would recommend that a statement of comment ground is reached which confirms that any planning application will further investigate the potential access options open to the scheme and progress an outline design.

To conclude, while we are not arguing that the level of information requested by HE will be required, in accordance with HE own guidance this level of information is not usually required until submission of an application.

We trust you will find the foregoing of assistance, however, if you have any queries or require further information please do not hesitate to contact us.

Yours sincerely



David Kitching
Principal Engineer
BETTS GEO ENVIRONMENTAL

