

23 October 2019  
**Delivered by email**

Mr Tony Blackburn  
FAO. Ms Katie Child and Mr Luke Fleming  
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Dear Ms Child and Mr Fleming

**RESPONSE TO EL4.010 – ‘UPDATED POSITION AGREED WITH HIGHWAYS ENGLAND’ IN RELATION TO THE SAFEGUARDING OF LAND WITHIN ALLOCATIONS H72 AND H73 TO FACILITATE FUTURE HIGHWAY SCHEMES**

Further to discussions at the Hearing Session on Matter 14: Housing Allocations – Edenfield, Helmshore, Irwell Vale and Ewood Bridge, we have been instructed by The Peel Group (“Peel”) to prepare and submit a response to Item EL4.010 in respect of draft allocation H72.

Item EL4.010 has been prepared by Rossendale Borough Council (“RBC”) in response to a request from the Planning Inspectors to provide an update on the agreed position with Highways England in respect of possible future highway schemes in close proximity to draft allocations H72 and H73. It is suggested within the document that possible schemes may include road widening or junction improvements requiring the use of third party land.

Peel owns part of the draft allocation H72 (refer to our Matter 14 Hearing Statement) and has submitted representations to a number of consultation exercises supporting its release from the Green Belt.

Item EL4.010 confirms at the outset that:

*“It should be clarified that no future highways schemes have been developed, nor any funding identified. Any decision to progress a future project involving road widening or junction improvements would first need to be subject to further study work and cost benefit analysis to determine whether it represented a viable solution.”* (paragraph 3)

In relation to the draft allocation H72, Highways England’s comments simply highlight that future network requirements (i.e. road widening, etc) may be needed towards the early 2030’s. The extract of Highway England’s letter dated 25 January 2019 states inter alia:

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*“In theory, as a scheme could be completed within only 10 years of any future dwellings being occupied, RBC and any future developer(s) of the H72 site may wish to consider this when planning the permanent internal layout and landscaping of a ‘new’ development.”*

It is evident from the above that any modification to Policy HS3 in respect of this matter would be unsound. The primary reasons for this are as follows:

- Highways England’s comments do not request a modification of Policy HS3 to include reference to future network requirements. It is clear from the wording of Highways England’s request that it is not an imperative that a buffer zone to the A56 is carried forward within the emerging Local Plan. The Highways England response merely notes that when planning the internal layout at the site, RBC and any future developers “may wish to consider” this matter. Furthermore Highways England will have further opportunity to comment on this matter at the point of consultation on any future planning application, the potential for any highways expansion scheme of the A56 would undoubtedly be clearer at this point in time.
- Highways England have confirmed that there is currently no funding in place or even a highway improvement scheme in preparation. It would therefore be premature to establish requirements or parameters for the possible highway works within the emerging Local Plan. There is a significant risk that this requirement could jeopardise the delivery of new homes at the site, including the projected capacity of the site, and at the very least impact the proposed timescales for the delivery of new homes as it may cause unnecessary delays by virtue of being overly cautious and onerous.

The modification of Policy HS3 to reference potential road widening of the A56 within site specific Policy HS3 of the emerging Local Plan is therefore unjustified and ineffective (in accordance with paragraph 35 of the NPPF).

Item EL4.010 also suggests referencing SUDS and land stability within site specific Policy HS3 – Edenfield. Highway England has provided a number of criteria that development proposals will need to meet (refer to paragraph 11 of Item EL4.010) in order to demonstrate that the site drainage and construction operations are suitably designed, planned and executed. The onus is already placed on the developer to demonstrate that a site can be suitably drained; the specific inclusion of this requirement within a site specific policy is both unnecessary and unjustified.

This is particularly the case in respect of Peel’s land ownership which relates to the northern section of the allocation above the woodland. This part of the site is at grade with the A56, so there will be no excavations required that may impact on land stability; a position accepted by Highways England.

In response to initial comments from Highways England Peel instructed a site walkover and rebuttal to the Highways England comments by BWB (consulting engineers). Within their report, BWB confirmed that there are no weak superficial deposits recorded at or in the vicinity of the site (based on publicly available BGS information) and that the possible risk of ground or slope stability issues associated with the A56, in the context of the proposed development, can be addressed at the time of a planning application submission. BWB conclude there to be no concerns, for slope instability, as a result of development at their parcel of the draft allocation.

Furthermore, Peel has submitted a Preliminary Note on Flood Risk and Surface Water Drainage matters at the site (appended to our Matter 14 Hearing Statement); this demonstrates there are a number of possible drainage solutions that can be explored at the site, including infiltration, run-off to an existing sewer network, and/or the provision of SUDS as either an attenuation basin or underground storage tanks. These measures will be considered at the detailed design stage and Highways England will be able

to comment on the submitted plans within their role as a statutory consultee during the formal consultation period.

In summary, the inclusion of reference to future highway works to the A56 within site specific Policy HS3 is inconsistent with national guidance as it is not justified and could jeopardise the timely delivery of the site. This requirement is wholly unnecessary as there is currently no funding in place or any plans in preparation for such a highway scheme.

Peel considers that issues concerning slope instability have been discussed and resolved with Highways England. Nonetheless, consultants acting on behalf of Peel have dismissed any concerns with slope instability associated with this section of the A56. As noted earlier within this submission, the form and location of any drainage strategy for this site would come forward at the detailed design / planning submission stage – as statutory consultees Highways England would be afforded the opportunity to comment on the submitted proposals. The inclusion of this level of detail in the allocation policy is therefore unnecessary.

I trust this letter is satisfactory however if you have any queries please don't hesitate to get in touch.

Yours sincerely



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