

Email response 290420 from Highways England re ECNF letter 170420

From: Hilton, Warren

Sent: 29 April 2020 10:38

To: Michael Kitching; Anne Storah; Tony Blackburn

Cc: Alan Ashworth; Ian Lord; Richard Lester; Paul Williams; Marsh, Kristian

Subject: Highways England Reply - Edenfield Community Neighbourhood Forum - Proposed Residential Allocation to the west of Market Street, Edenfield (site H72)

Dear Michael,

Thank you for your letter dated 17th April 2020, reference 170420/EDENFIELD/MAK, that you have sent us via your email, below.

Highways England is pleased that you have noted our 'very clear and concise comments' in our previous correspondence about the proposed H72 housing site allocation in the emerging Rossendale Local Plan. What your letter fails to appreciate is that those comments, which you have quoted selectively in the body of your narrative, were made in several separate pieces correspondence over a lengthy period of time during which Highways England's position has evolved. Your letter conflates these individual previous statements together to give the impression that they somehow form our current position, which is incorrect. Consequently, both the argument and the points you seek to advance on behalf of the Edenfield Community Neighbourhood Forum (including the basis for the points numbered 1 to 11 in the concluding part of your letter) are presented misleadingly, and are misinformed.

To reiterate, Highways England's stance on site H72 is plainly set out in our latest letter dated 25th January 2019 (and clarified amply in the comments made in the two email responses to Mr Alan Ashworth's queries contained in Appendices D and C respectively of your correspondence). Our letter is comprehensive and unambiguous - in particular (key points emphasised):

We therefore counsel RBC that it would be prudent to ensure that a comprehensive (and intrusive) **site survey and geotechnical assessment is carried out before planning decisions affecting the development layout (and therefore quantum of development)** are taken.

Consequently, we remain content with the statement in our previous letter that there is a *"realistic possibility the disturbance caused by earthworks and loading of the surrounding land by building upon (if not considered and managed correctly) would trigger further land slippage problems along the A56 boundary. This is of course a safety concern, both in relation to the users of the trunk road and the residents of any housing – the results of a sudden land failure would be catastrophic. That is beside any gradual movement to the dwellings themselves"*.

We now comment on proposed allocation of site H72 purely from the perspective of impacts on the safety and integrity of the A56 trunk road, and not in relation to any consequences of developing the land elsewhere within the site.

Overall, we are content that, in principle, the indicative layout outlined within the masterplan drawing referred to above would be unlikely to cause instability

to our asset provided that the development layout, earthworks (e.g. land regrading), site drainage and construction operations are suitably designed, planned for and executed. That way, it is possible that the risk of geotechnical problems within the site can be engineered-out. We would therefore require any development to:

- Be based upon a comprehensive site ground investigation survey and geotechnical assessment incorporating new ground investigation and borehole surveys.
- Submit plans for all earthworks and drainage in the vicinity of the A56 boundary upon a full assessment under the Design Manual for Roads and Bridges standard HD22/08 'Managing Geotechnical Risk'.
- Avoid loading land adjoining the A56, for example with excavated material.
- Demonstrate that the natural form of the slopes within the site along the A56 boundary around the head of Great Hey Clough and along the boundary with the adjoining A56 embankments either remain undisturbed or their stability is improved.
- Demonstrate how both the culverts of the Great Hey Clough watercourse and unnamed brook to the south west of the site (which pass under the under the A56), together with our A56 embankment toe-drainage apparatus, will be protected from damage and blocking-up during construction (Highways England would be happy to provide RBC and any subsequent planning applicant involving this land with copies of our drainage and 'as-built' records for this section of the A56).
- Avoid the use of sustainable urban drainage systems (SUDS) within the site along the boundary with the A56, as indicated in the masterplan. Given the properties of the existing ground material (referred to above as likely to be found in this area) are such that ground stability is significantly reduced by increasing pore pressure. Highways England does not support the use of SUDS within a zone where it could adversely influence the stability of the A56 cutting slopes. Indeed, we would advise that any intention employ SUDS within the wider site should be approached carefully.

In conclusion then, Highways England is now satisfied in principle that the emerging Rossendale Local Plan site allocation H72 could be developed for housing without adverse impact upon the A56 trunk road, provided that a careful approach is taken to its planning and construction.

This is very clear. As a consultee, our view is that, in principle, the site could be developed without any adverse impacts on the A56 provided that it is planned for, approached and executed properly by the developers at planning application stage. That does not equate to us as an organisation having 'a fundamental issue' with the proposed allocation, as you speculate in your letter.

Firstly, your letter misinterprets the first two paragraphs of the extract from ours, above. It is important to recognise that Highways England's concern is only for the A56 boundary zone and not for the site as a whole, and it simply is unlikely to follow (given the scale and topography of the full site) that geotechnical issues in another part of it would automatically affect the A56. In the first paragraph from the extract above, and because of our knowledge of the ground conditions in the Rossendale

valley, we merely advise Rossendale Borough (and therefore the development interests in the land) that it may be prudent for them to have benefit of a full ground survey of the site in general before making planning decisions so as to have a better understanding of how the site as a whole may need to be developed and therefore the potential implications of engineering-out any problems that could exist. Highways England is a highway authority and statutory planning consultee - we are not the promoting authority where this land is concerned. Therefore, the extent to which the promoting authority, Rossendale Borough Council and development interests associated with the land have a detailed understanding of the site's developability as a whole at this stage is a matter for them.

Turning to the summary points at the end of your letter, these are copied below in turn with remarks from us under each:

1. ***HE did not consider there was robust evidence to support the inclusion of this allocation and its removal from the Green Belt in the emerging Local Plan***

The comment you quote was made in our letter of 4th October 2018 and was made a time when it was our understanding that the allocation still included the land above the existing landslip issue at the A56 Woodcliffe cutting. In fact this portion of the site had been removed from the proposed allocation due to the presence of the landslip,0 and our position is clarified in our letter of 25th January 2019.

2. ***you confirmed that the presence of an existing landslip beneath the site dictated that the Council must carry out a geotechnical assessment in order to provide a robust indication of the extent to which the allocation may be developed / contribute towards the housing target***

The proposed land allocation has been amended since then and is no longer above the landslip issue at Woodcliffe - you have you have noted that in your letter. A geotechnical assessment is needed to inform any development proposal, and this is no different in this case. The generally more challenging ground conditions typically found in the area obviously means that a geotechnical assessment would be particularly important.

3. ***you stated the HE had knowledge and experience of the uniquely difficult ground conditions found in the Rossendale Valley, emphasised by the land slip problem that HE were managing at the Woodfield cutting and the presence of similar ground material***

Yes, and we have used this knowledge to inform our comments regarding site H72.

4. ***HE previously confirmed that they could not support the original plans for development north of Blackburn Road due to the cutting there being above the A56 – in the same manner we would be grateful for a response as to whether consideration been given to the levels and cuttings when/if the A56 is extended on the eastern side of this corridor***

There is no such scheme or commitment from Highways England at this time to widen the section of the A56 that passes the proposed land allocation H72. Should Highways England seek to progress any such scheme in the future, then (as with the development of any road scheme) final project approval decision would be informed by a both topographical and geotechnical considerations amongst other things. The angles of the A56 cuttings adjoining the proposed site allocation are not comparable with that at Woodcliffe.

5. ***you stated that HE was content with the statement in previous correspondence that there is a realistic possibility the disturbance caused by earthworks and loading of the surrounding land by building upon (if not considered and managed correctly) would trigger further land slippage problems along the A56 boundary***

We do not say that there is a realistic possibility that development of the site would trigger further land slippage problems alongside the A56 boundary. We say that there is a realistic possibility of problems occurring along the A56 boundary if not considered and managed correctly.

6. ***you confirmed that the potential land slippage issue was a safety concern, both in relation to the users of the trunk road and the residents of any housing, with the results of a sudden land failure being “catastrophic”***

A land slippage on anyone's property would be a safety concern to them. As highway authority for the A56, Highways England's concern is the impact that development of the land in the area adjoining the A56 might have on safety and integrity of our own asset, and as such we have set out the terms under which we feel that a development would need to be approached so as demonstrate that the A56 would not be adversely affected. The bullet points in our letter of the 25th January 2019 and (copied above) set out our requirements in that respect, and so it is for those seeking to develop the land to be able to satisfy themselves on their ability to meet those terms. Incidentally, our interpretation of the meaning of the word catastrophic event is 'extremely unfortunate or unsuccessful', which would be true if the A56 was compromised. That definition would likely also apply should ground movement affect any dwellings built elsewhere within the site (i.e. away from the A56 boundary), although that is not a matter for Highways England. It does not follow (as you appear to believe) that ground movement in any part of the site would automatically affect the A56.

7. ***the developers' solution to any future widening of the A56 was that any future works should be provided on the western side of the existing carriageway, away from the H72 development site***

This is irrelevant. Your letter appears to imply that widening of the A56 is required due to the development of this site, which incorrect. There is no such widening scheme or commitment from Highways England at this time to widen the section of the A56 that passes the proposed land allocation H72.

Therefore, it is difficult to see how the allocation proposal can be formally linked to a scheme that does not exist. Although we stand by our comment that any widening would be more likely to involve the land east of the A56 carriageway, the optimum solution would be determined as part of the scheme development process and subject to public consultation and value management at that time. As a result, if that scheme was granted construction approval, then Highways England would have the right to acquire any land or property needed to construct the scheme through compulsory purchase, with adjoining property. How that is interpreted by Rosendale Borough Council and by the development interests in site H72 is a matter for them.

8. ***the HE's position was that any development proposals were to be based on a comprehensive site ground investigation survey and geotechnical assessment, which to date has not been provided to all interested parties***

Correct – any development proposals would need to be based on a comprehensive site ground investigation survey. This task is not for Highways England to complete as the site allocation is not our proposal. The provision of a ground investigation survey and geotechnical assessment at this time is something that your client will need to discuss with Rosendale Borough Council as the promoting authority. Such information would certainly be required to inform proposals at planning application stage.

9. ***earthwork and drainage schemes in the vicinity of the A56 boundary have to be prepared in line with DMRB geotechnical standards***

Correct, but has no relevance to your argument. Compliance with the Design Manual for Roads and Bridges is a mandatory requirement for *any* works within or adjoining the strategic road network.

10. ***Can you also confirm that HE are aware of the man-made mound in the centre of H72 development site, which would border the A56 when/if it is widened. For information this mound was formed from the spoil during the construction of the A56 and is regularly saturated. Comments from HE on this stability risk matter would be appreciated***

Our comments on this subject are already contained in our response to Mr Ashworth (appendix C to your letter). We advise that you may want to seek your own specialist geotechnical advice as to any implications of this, and make any concerns known to Rosendale Borough Council. The existence of any such man-made mound and the ground conditions that you have stated simply serves to highlight the need for anyone developing the land to have an understanding of the ground conditions there and take necessary precautions if required.

11. ***HE confirmed that culvert and drainage design associated with the development proposals would need to be considered, along with the need to avoid the used of SUDS within the site, due to the risk of affecting the stability of A56 slopes***

This is to ensure that drainage from the site during construction and operation does not compromise the A56 highway earthworks and drainage via the existing watercourses under the A56. In our view, the ground material within the site above and along the A56 boundary is not suitable for the use of SUDS, and also likely across the site in general.

We trust this is helpful.

Kind regards,

Warren Hilton, Assistant Spatial Planner

Highways England | Piccadilly Gate | Store Street | Manchester | M1 2WD

Web: www.highwaysengland.co.uk.