



CPO and SRO Report to the Secretary of State for Transport

by Philip J Asquith MA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Date: 23 January 2019

THE LANCASHIRE COUNTY COUNCIL (PRESTON WESTERN DISTRIBUTOR, EAST WEST LINK AND COTTAM LINK ROADS) COMPULSORY PURCHASE ORDER 2018, THE LANCASHIRE COUNTY COUNCIL (PRESTON WESTERN DISTRIBUTOR, EAST WEST LINK AND COTTAM LINK CLASSIFIED ROADS) (SIDE ROADS) ORDER 2018, THE LANCASHIRE COUNTY COUNCIL (LEA VIADUCT) SCHEME 2018 AND THE LANCASHIRE COUNTY COUNCIL (SAVICK BROOK VIADUCT) SCHEME 2018

Inquiry opened on 20 November 2018
Inspections were carried out on 11 December 2018

File Ref: DPI/Q2371/18/14

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File Ref: DPI/Q2371/18/14
Land to the west of Preston, Lancashire

- The Compulsory Purchase Order (CPO) is made under sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and all other enabling powers. The Side Roads Order (SRO) is made under sections 14 and 125 of the Highways Act 1980. The Schemes for the crossing of the River Lea and the Savick Brook are made under section 106 of the Highways Act 1980.
- The purposes of the CPO and related SRO and Schemes are to enable Lancashire County Council (LCC), as acquiring and promoting authority, to acquire land and rights compulsorily and to allow for the construction of new highways that are to be highways maintainable at the public expense.
- When the inquiry opened there were 27 remaining objections. Prior to the close of the inquiry 22 objections had been withdrawn.

Summary of Recommendation: That the Orders be confirmed subject to modification and that the Schemes be confirmed.

Procedural Matters and Statutory Formalities

1. In order to ensure the smooth and efficient running of the inquiries¹, which were originally scheduled for three weeks, a Pre-inquiry meeting was held on 31 July 2018, with a note of the meeting being subsequently circulated². The inquiry sat on three days (20 and 21 November and 4 December 2018). Both accompanied and unaccompanied site visits took place on 11 December 2018.
2. By letter of 19 October 2018 on behalf of the then Objector, The Trustees for Tom Barron (1978) Pension Fund, Tom Barron Limited and Tom Barron Estates Limited, and Robertsons (TBFL), a request was made to delay the opening of the inquiry³. This was on the basis of the intending launch by TBFL of a High Court challenge to seek leave for a declaratory ruling on whether the development proposal for the road scheme⁴ (to which the Orders and Schemes relate) should be considered through a Development Consent Order under the Planning Act 2008, rather than by means of a planning application made under the Town and Country Planning Act 1990.
3. At that time no permission existed for the Scheme, the planning application having twice been withdrawn from consideration by the relevant planning committee in September and October. The views of the promoting authority, LCC, were sought. LCC resisted the proposal to delay the opening of the inquiry principally on the basis that a delay could put the Scheme at severe risk by jeopardising funding arrangements⁵. I responded on 26 October to TBFL's request, indicating that as at that point no High Court challenge had yet been submitted, although such challenge was said to be 'imminent', it would

¹ It is correct to refer to inquiries in the plural. However, as there was one event, and for the sake of convenience, 'inquiry' is used in the singular hereafter

² Misc/1

³ Misc/2

⁴ 'Scheme' is hereafter used as a shorthand for the combined Preston Western Distributor, including the Lea and Savick Brook viaducts, and the East West Link and the Cottam Link Roads except where context demands

⁵ Misc/3

not be in the overall public interest to delay the opening of the inquiry and allow a timely report to be provided to the Secretary of State⁶.

4. On 14 November 2018 the LCC planning committee resolved to grant planning permission for the road scheme (LCC/2016/0046)⁷. The permission was subsequently issued on 19 November 2018.
5. TBFL made an application for Judicial Review of LCC's failure to apply for a Development Consent Order in respect of its proposed alterations to the M55⁸. However, in light of its subsequent withdrawal of objections to the CPO and SRO the application for Judicial Review was also withdrawn⁹.
6. In withdrawing its objection on behalf of TBFL it was requested that its evidence in relation to the objection and the Judicial Review be also withdrawn. Such a request was also made verbally at the inquiry on behalf of Redrow and Wainhomes following withdrawal of their objections. I queried the reason for this at the inquiry with the remaining advocate for Redrow as this appeared to be a novel request at a CPO inquiry. I see no purpose in the formal withdrawal of the relevant evidence though, clearly, as the objections to which the evidence related have been withdrawn, I have not taken the evidence into account in considering the Orders and Schemes.
7. LCC has proposed a number of amendments to both the CPO and SRO which the Secretary of State is asked to take into account. These are principally drafting and updating modifications and followed correspondence from the Department for Transport of 31 October 2018¹⁰.
8. Certificates have been issued in respect of Exchange Land under Section 19(1) of the Acquisition of Land Act 1981. These relate to Plots 219, 219a and 220 at land at Cottam Way¹¹ and land to the south of Melbourne Estate relating to Plots 123, 124, 125 and 129¹².
9. LCC, as acquiring authority (AA), indicated at the time of the inquiry that it had agreement to finalise matters with the Duchy of Lancaster in respect of

⁶ Misc/4

⁷ LCC479 ('Development of new highways including Preston Western Distributor, Cottam Link Road and East West Link Road. The development includes a new motorway junction to the M55 together with temporary soil storage and contractor areas, cycle track alongside all highways, water attenuation ponds, diversion/stopping up of public rights of way, landscaping and ecology mitigation areas, construction of two bridges, two viaducts, two underpasses, a cattle creep and diversion of the Hodder Aqueduct at land at Lea, Cottam and Bartle and to the West and North of the existing built up area of Preston')

⁸ LCC472

⁹ LCC484 Objection 4

¹⁰ CPO modifications are listed at LCC029.1 and LCC029.2, with modified CPO at LCC029.3 (with tracked changes) and LCC029.4 (clean copy), and with modified plans at LCC029.5 – LCC029.5.6. The modified SRO is at LCC030.2, the modified SRO Schedule with tracked changes at LCC030.1 and SRO modified plans at LCC030.2.1 – LCC030.2.8. The DfT letter is at LCC480.

¹¹ LCC480

¹² LCC481

rights over Crown Land¹³. The Secretary of Education's consent or confirmation was awaited that the AA was within the general consent for the taking for the Scheme of a small triangle of land at Lea Endowed School (Plot 223)¹⁴.

10. Some 34 objections were initially made to the CPO and SRO. Either before or during the inquiry negotiations between LCC, as the acquiring and promoting authority, and individual objectors, resulted in all but five objections being withdrawn.
11. LCC, as acquiring and promoting authority, confirmed at the inquiry that all statutory formalities had been complied with. There were no questions arising.
12. As some documentation which had been promised was still awaited following the AA's closing submissions, I indicated that I would formally close the inquiry once this had been received. On its receipt the inquiry was subsequently closed in writing on 19 December 2018.
13. Ms Yvonne Parker was appointed as Programme Officer for the inquiry and thanks are extended for her efficient organisation, administration and liaison.

Nature of the Proposals

14. The Scheme to which the CPO and SRO relate lies to the west and north-west of Preston¹⁵. It comprises the three elements of the Preston Western Distributor Road (PWD), the East West Link Road (EWLR) and the Cottam Link Road (CLR)¹⁶.
15. The PWD would provide connectivity between the M55 motorway in the north and the A583 Riversway/A5085 Blackpool Road to the south. The route passes the settlements of Lower Bartle to the north, Cottam and its linear eastern residential expansion, Lea Town to the south-west and Lea to the south-east. The road would be approximately 4.3km in length and 30m in width consisting of a dual all-purpose carriageway with an adjacent 3m-wide combined cycle track for most of its length. It would have a speed limit along its length of 70mph. The road would link to the M55 motorway via a grade-separated new double roundabout junction (Junction 2).
16. The PWD would cross both the Lancaster Canal and the Preston to Blackpool railway on the Lea Viaduct and, further south, on a viaduct over the Savick Brook. The route of the PWD passes through predominantly open farmland of pasture fields within which are isolated farmsteads, and residential properties.
17. The EWLR would provide a predominantly east-west connection and spine road through an area allocated for residential development for approximately 5,000 homes within the Preston Local Plan¹⁷ (which is supported by the

¹³ LCC480

¹⁴ LCC/INQ/002 and LCC480

¹⁵ See LCC029.5 for the general location. See LCC454-P1 – P6 for CPO and SRO overlay plans showing the detailed road layouts in relation to the CPO lands and SRO proposals

¹⁶ A detailed description of the road proposals is provided in the Statement of Reasons for making both the CPO and the SRO (LCC485 and LCC487)

¹⁷ LCC/03

Supplementary Planning Document 'North West Preston Masterplan')¹⁸. Over 2,000 homes have been so far constructed during the past 3-4 years within this area. The EWLR would be approximately 3.4km in length and 15m in width, comprising a 7.5m-wide two-lane single carriageway, adjacent verges and 3m-wide shared-use footway/cycle tracks on both sides. The road would connect to Lightfoot Lane (B6241) at its eastern end and to a roundabout junction with the PWD at its western end close to the Saddle public house. From this junction to that with Sandy Lane the road would be subject to a 40mph speed limit, and 30mph thereafter to the east.

18. The CLR would provide a connection from the existing Cottam Way to the PWD, with the connection provided by means of an intermediate roundabout to Sidgreaves Lane to the north and provision for a future access south from this junction to a proposed Cottam Parkway Station. The CLR road would be approximately 0.8km in length and 15m in width. It would consist of a two-lane single carriageway with an adjacent 3m-wide combined cycle track to the south side and verge to the north. From the road's junction with the PWD to Sidgreaves Lane it would be subject to a 40mph speed limit and 30mph thereafter.
19. In addition to the construction of the lengths of highway, a number of structures would be required to be constructed. The drainage system has been designed to provide attenuation prior to outfall into surface water courses by using ten attenuation ponds and five underground storage systems. An allowance of 30% additional capacity has been made for climate change. This has been agreed with the Environment Agency and the Flood Risk Authority¹⁹. On the PWD, street lighting is only to be provided on the approaches to and at junctions. Because of its residential nature, the EWLR would have street lighting provided for its full length. There would be two major diversions of statutory undertakers' apparatus. One involves a 6.6KV electricity supply and the other at the Hodder Aqueduct maintained by United Utilities. The Highways England Design Manual for Roads and Bridges²⁰ has set the standard for the design of the Scheme.
20. The Scheme requires approximately 88ha of permanent land-take, of which over 7ha is public highway. Approximately 72ha of land is required over which both permanent and temporary rights are sought. Of this, about 4ha of permanent rights are sought for drainage and electricity diversions and access to inspect and maintain the proposed viaducts, and the necessary sheet piling to the Lancaster Canal. Some 68ha of temporary rights are required for works compound and soil storage areas, temporary haul roads and access, temporary diversions of Public Rights of Way and the construction of new accesses for those affected by the Scheme²¹.

¹⁸ LCC/04

¹⁹ LCC/INQ/001

²⁰ LCC051

²¹ LCC485, Section 6

The Case for Lancashire County Council (as Acquiring and promoting authority)

General background

21. The CPO is made under sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and all other enabling powers. The powers in the 1980 Act enable the AA to acquire land and rights compulsorily for the following purposes:
- the construction of new highways that are to be highways maintainable at the public expense, these comprising the PWD, EWLR and the CLR;
 - the creation of new lengths of footpaths;
 - the improvement of existing highways in the vicinity of the new routes;
 - the carrying out of drainage works in connection with the construction of the highways; and
 - the mitigation of any adverse effects, including such adverse effects caused by the removal of an existing footbridge that crosses the M55.
22. The SRO is made under sections 14 and 125 of the Highways Act 1980. These powers authorise the Council in relation to a classified road:
- to stop up, divert, improve, raise, lower or otherwise alter a highway that crosses or enters the route of the road or is or will otherwise be affected by the construction or improvement of the road;
 - to construct a new highway for the purposes concerned with any such alteration; and
 - in the case of section 125 of the 1980 Act, allows the Council to authorise the stopping up of private means of access to premises adjoining land comprised in the route of the classified road.
23. Under section 106 of the 1980 Act the authority of the Secretary of State is required to construct bridges over navigable waters. Lancaster Canal and the Savick Brook are navigable waters. The Lea Viaduct is proposed as part of the PWD because it is necessary for the road to cross over the Lancaster Canal. The Savick Brook Viaduct is proposed to span over the Savick Brook and its associated flood plain²².
24. The CPO is made to ensure that LCC, as the AA, may acquire without unreasonable delay all the land needed for construction of the three roads. In promoting and progressing the CPO and SRO the AA has complied with all relevant legislation and regulations that provide an opportunity for those affected to object to the Orders and have their representations considered at a public inquiry. The land to be acquired that is the subject of the CPO has been kept to the minimum necessary to facilitate the construction of the road and associated mitigation measures.

²² LCC488 and LCC489 – Statements of Reasons for the making of the Lea Viaduct and the Savick Brook Schemes. Note: LCC488 refers to the proposed highway crossing the Lancaster Canal to the east of Preston. This should read to the west of Preston.

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25. All owners and occupiers with an interest in the land have been approached and enquiries made of them whether they would be prepared to enter into negotiations with the AA for the acquisition of their interest. The process of negotiation continued, including during the course of the inquiry, such that only five of the original 34 objections remained by its close. There are some interests where the owner is unknown and it would not be possible to acquire interests other than by way of compulsory acquisition²³.
26. The AA has had regard to the Human Rights Act 1998 and Articles 6 and 8 and Article 1 of the First Protocol of the European Convention on Human Rights. Consistent with the test in law and policy, it is considered that there is a compelling case in the public interest for the making of the CPO and associated SRO and Schemes. The justification for the construction of the underlying roads proposal has been established and is in the wider public interest. This outweighs the harm caused by the use of compulsory acquisition and interference with the rights enjoyed by those affected by the Scheme.
27. LCC has ensured that all of the components of the Scheme accord with current policy and practical guidance.

Reasons for making the Orders

28. Preston has grown considerably over the past 40 years, with a buoyant housing and employment market servicing a wide hinterland. Whilst public transport in the urban area is comprehensive, the car is still the dominant travel choice for most journeys, with commuter movements taking place on a highway network which is reaching, or is at, capacity. Congestion in the morning and evening peaks causes lengthy travel times and poor journey time reliability for strategic east-west and north-south traffic through Preston. This is preventing ease of access to/from key employment sites, as well as causing delays and frustration for motorists, and increased CO₂ emissions.
29. The existing highway network exhibits a number of problems associated with the absence of capacity²⁴. These include:
- average speed of traffic at peak times along several key arterial routes is below 20mph;
 - the present access to/from Warton from Junction 3 of the M55 is a major constraint to accessing the strategic road network from one of the fastest growing Enterprise Zones and core centres of advanced manufacturing in the country;
 - peak hour queues and delays at Junction 1 of the M55;
 - peak hour congestion on the A6 along its whole length;
 - 'rat-running' between the A6 and the Eastway/Lightfoot Lane junction;
 - peak hour queues and delays at the Tom Benson Way/Tag Lane roundabout;

²³ See for example LCC485 - Statement of Reasons for the making of the CPO, para 6.62

²⁴ Details of current and predicted transport-related problems are found at LCC/4/A

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- the west coast mainline railway provides a constraint to east-west movement on the B6241 Lightfoot Lane²⁵;
 - key routes in the north and west of Preston have higher than national accident rates; and
 - congestion in and on the approach to/from central Preston causes concentrations of pollution above standards set out in national guidance and policy. Levels of nitrous oxide in particular exceed thresholds. Four Air Quality Management Areas (AQMAs) are in place in central Preston and, without intervention, forecast increases in traffic and development will exacerbate issues within them²⁶.
30. In addition, the proposed Scheme represents an essential infrastructure component that requires being in place to deliver the large-scale housing development planned in north-west Preston. The Central Lancashire Core Strategy, adopted in July 2012, identified the North West Preston Strategic Location to provide for housing delivery of over 5,000 new homes in the area. It also identified the need for significant improvements to the road network before there could be substantial development²⁷.
31. The Central Lancashire Highways and Transport Masterplan²⁸ recognised the need to create new highway capacity to serve the suggested new development, with consideration given to a route for a PWD as part of a major package of integrated transport improvements. The Masterplan also identified a route for a new road serving the proposed housing in the Strategic Location to take pressure off Lightfoot Lane and Tom Benson Way and the local road network. This was also to ensure that the roads within individual planning applications would link to form a coherent route. The Masterplan was approved in March 2013 and presented the PWD search corridor and an indicative line for the EWLR as major improvement schemes, and as a basis for subsequent plan-making, funding, and programming activity²⁹.
32. Policy IN1 of the Preston Local Plan 2012-2026, adopted in July 2015³⁰, safeguards a preferred route for the PWD, whilst Policy MD2 requires development proposals to provide or financially support the provision of an EWLR with a connection from the PWD in the west to Lightfoot Lane in the east.
33. A small part of the route of the PWD (what would be the roundabout adjacent to the Saddle public house at Bartle) would be within Fylde Borough. The Fylde Local Plan to 2032³¹, adopted in October 2018, confirms that Council's support for the Scheme, with Policy T1 safeguarding the provision of the PWD from development which would prejudice its construction.

²⁵ LCC/INQ/001

²⁶ LCC486

²⁷ LCC002

²⁸ LCC006

²⁹ LCC/1/A

³⁰ LCC003

³¹ LCC458

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34. The revised North West Preston Masterplan³², adopted in March 2017 as a Supplementary Planning Document (SPD), provides a comprehensive framework to guide development in the Strategic Location. It expands on Policy MD2 of the Local Plan. The Masterplan explored the function and line of the EWLR to ensure ready and convenient access to and from the PWD for both local and long-distance journeys. The purpose of the EWLR was also to deter through traffic and locally-generated traffic from using already congested routes to the east towards the A6, Preston city centre and Junction 1 of the M55.
 35. The Local Transport Plan for Lancashire represents the first step in the commissioning and delivery of new transport schemes across Lancashire. The PWD would deliver additional capacity that would remove traffic from the local network, providing access onto the M55 and the A583 whilst supporting the delivery of housing needed in the area³³.
 36. The planning application for the combined Scheme, for which full permission has now been granted³⁴, was accompanied by an Environmental Impact Assessment. This considered the effect of the Scheme on a range of issues. These included air quality, noise and vibration, cultural heritage, ecology, landscape, impact on travellers, drainage and the water environment, soil, geology and hydrology and the overall impact. Whilst there would inevitably be some environmental impacts associated with the construction and use of the roads, the balance of considerations led to the conclusion that the Scheme was acceptable.

Overall impact

37. The Scheme would deliver a number of key benefits to the local area. There would be a net reduction in traffic flow on the currently congested network across North-West Preston in the vicinity of the M55. There would also be flow reductions on the A6. A number of local roads surrounding the Scheme would experience a reduction in flow of 30% or greater in the peak periods. The Scheme represents a critical piece of transport infrastructure necessary to deliver the strategic housing site shown in the North-West Preston Masterplan. There would be improvements in air quality, including the AQMAs, and the facilitation of improved access to the Warton Enterprise Zone and Westinghouse Springfield's Works at Salwick, whilst also improving access to Preston city centre.
38. Access for pedestrians and cyclists would be enhanced by the creation of a combined cycle track along the route, with a range of crossing facilities for users.
39. Extensive landscaping and habitat creation is a critical part of the Scheme in order to mitigate any landscape, visual and ecological impact and to screen the road from local residents and receptors. There would be a net gain in habitat within the survey area and the species planted would be of a superior quality to the baseline that currently exists.

³² LCC/1/A, paras 5.82-5.89

³³ LCC486

³⁴ LCC479

40. Adverse impacts are identified during the construction phase of the Scheme in respect of ecology, landscape, effect on travellers and private and community assets. These would be managed through a range of measures to be implemented throughout the construction period. In the longer term, whilst there would be some residual adverse impacts, these would be such as to be insufficient to outweigh the significant public benefit identified with the construction of the Scheme.

Delivery of the Scheme

41. The PWD was first mooted as a strategic route in a Government Green Paper 'Roads for the Future' in 1969, and then described as a westerly bypass for Preston. The PWD and the Scheme as a whole is a central tenet of local strategic policy. The Scheme as a whole benefits from development plan backing and an extant planning permission, as described above.
42. The Preston, South Ribble and Lancashire City Deal of September 2013³⁵ sets out a ten-year programme of work to address strategic infrastructure challenges which would deliver new jobs and housing to boost economic growth in the area. The Scheme is identified as the largest of four major road schemes proposed for delivery under the City Deal Infrastructure Delivery Fund.
43. The City Deal formalises the funding arrangements for the Scheme. Full funding of the approximate £189m cost is available to it through the City Deal and third party sources including Highways England and the Government's 'Growth Deal' funding. Specifically, conditional approval has been given for a £58m grant to the PWD through the Government's Local Growth Fund that is accessed through the growth deals agreed with the Lancashire Local Enterprise Partnership. A further £25m grant has been confirmed through Highways England's Road Investment Strategy towards the cost of a new Junction 2 on the M55³⁶. Both these grants are subject to specific time limits to spending³⁷.
44. The remainder of funding is available through the City Deal Infrastructure Delivery Fund which, under the terms of the City Deal Agreement, derives its funding from a number of national and local streams. These include the pooling of developer contributions generated through the Community Infrastructure Levy³⁸. The release of City Deal Funds does not require receipt of confirmed funding from developers in advance of major infrastructure provision. LCC has agreed to underwrite the impact of any timing differences in relation to receipt of funding for schemes delivered within the City Deal programme. Any scheme cost increase above the level of grant already agreed would be met through the City Deal Infrastructure Fund underwritten by LCC³⁹.

³⁵ Signed by the Lancashire Enterprise Partnership, Preston City Council, South Ribble Borough Council, Lancashire County Council and central Government (LCC/1/A, para 5.50)

³⁶ LCC463

³⁷ LCC/1/A paras 5.57 – 5.60

³⁸ The PWD is a named project on the Preston City Council CIL Regulation 123 list

³⁹ LCC464

45. The Scheme's delivery programme anticipates a start to works in October 2019 and a construction phase lasting 36-42 months, completing in 2023⁴⁰. It is considered there is a high degree of funding certainty for the Scheme working to LCC's delivery programme.

Conclusion

46. The roads scheme and associated SRO and viaduct schemes would address the existing unacceptable situation in terms of congestion especially during the peak hours, access to the strategic highway network and worsening AQMA environmental conditions. They would provide essential infrastructure to enable the delivery of much needed market and affordable housing. The AA recognises that the acquisition of land directly engages Human Rights considerations. However, it is considered that the interference with such rights is justified in the wider public interest. The AA considers that:

- there is a compelling case in the public interest for the acquisition of land and rights in order to facilitate the Scheme;
- the compelling case justifies the interference with the Human Rights of those with an interest in land;
- there are clear plans and intentions as to the use of the land that is sought to be acquired for the provision of the Scheme;
- the AA can demonstrate that all necessary resources to carry out the Scheme are likely to be available; and
- there is no impediment to the implementation of the Scheme in the event of the confirmation of the CPO and SRO.

The Objections⁴¹

Reference No 01

Address Land at Darkinson Lane, Lea Town (Plots 292, 293 and 301)

Name of Objector – Ernesto Coret (owner)

Case for the Objector⁴²

47. Construction of the PWD would result in the loss of part of the Objector's residential garden extending to approximately 0.3ha. A new vehicular access would be constructed through Plot 292 opposite the house to access a neighbour's stables. The road scheme would be a permanent blight on his retained property in which much time and expense has been invested in extending it over the years. There would be road noise and LED lighting would be clearly visible even following the proposed landscaping.

⁴⁰ LCC/1/A, para 5.60

⁴¹ All the remaining objections were in writing and there were no appearances at the inquiry

⁴² See EC/1/A and EC/1/B. (Although the Council's closing submissions refer to EC/1/A – EC/1/C there are only two substantive documents, which are those referred to as EC/1/A and EC/1/B)

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48. Three years of construction would be an impossible situation to live with given the additional land required as temporary works compounds etc and with associated heavy plant, lorries, and contractor movements on a daily basis. The section of Darkinson Lane immediately east of his property would be closed to vehicular traffic by the Scheme. This would result in a major inconvenience in accessing north Preston until the PWD was opened.
49. The Council has been unwilling to consider any modification to the route of the road since its inception. Whilst compensation would be payable, this would not come close to quantifying the suffering, loss of important garden and permanent loss of the rural surroundings.

Response by the Acquiring Authority

50. The Objector's concerns about the potential issue of LED lighting for the road have been addressed on the basis of confirmation that the PWD would be unlit other than at the proposed roundabouts⁴³.
51. Darkinson Lane requires to be stopped up to vehicular traffic⁴⁴ and this necessitates the provision of a turning head to allow larger vehicles to safely turn rather than undertake long reversing manoeuvres. This, together with the necessary earthworks for the PWD, requires the use of Plot 301⁴⁵. This plot is not part of the garden curtilage of Highfield (the Objector's dwelling) but is land held with the dwelling. This land was acquired by the Objector in 1989 and until recently had been held as a separate grassed area/paddock. It is not known whether the Objector has a Certificate of Lawfulness to incorporate this land into the dwelling curtilage. The loss of this land would form part of any future compensation considerations⁴⁶.
52. Noise and vibration, and air quality impact assessments, were carried out as part of the planning application process and planning permission now exists for the Scheme. A scheme of noise and vibration monitoring would be agreed with the local planning authority (Preston City Council) and, together with construction dust mitigation measures, would be considered for inclusion in a Construction Environmental Management Plan⁴⁷.
53. The landscape impact assessments have been considered, with the conclusion being that, following mitigation landscaping at the future assessment year (15 years from opening of the road), there would only be a 'slight adverse' impact on the Objector's property. This would be achieved through tree and shrub

⁴³ EC/1/B and LCC/INQ/003, para 21

⁴⁴ Because of the constraints on the alignment of the PWD, in particular the clearance that would be required between the carriageway and high voltage overhead cables, to have Darkinson Lane remain open to vehicular traffic would have meant the significant lowering of the lane as it passed beneath the PWD. Whilst this would be feasible, the scale of earthworks associated with this would result in a significant impact on properties and this needs to be seen within the context of the lightly-trafficked nature of Darkinson Lane. See LCC/2/G, section 4.2 and appendix (LCC/2/H).

⁴⁵ LCC/5/D, para 4.1

⁴⁶ LCC/9/D, para 4.1

⁴⁷ LCC/6/D, paras 4.1 – 4.12

growth that would form a screen to filter views of the road on its embankment as it crosses the viaducts to the north and south⁴⁸.

54. There was a robust process to determine the alignment of the PWD. The constraints upon the development of the route included the residential properties and the overhead power lines which are specific to the vicinity of Lea Town and Darkinson Lane. Consideration of the identified constraints avoids all residential properties in the area whilst negotiating the routes of the overhead lines and pylons and their safety restrictions in both horizontal and vertical planes⁴⁹.

Description

55. Plots 292 and 293 are a grassed field lying to the north of Darkinson Lane, to the opposite side of the road to the Objector's house, Highfield, and garden. Plot 301 is a triangular grassed enclosed paddock to the south side of Darkinson Lane. It is separated from the garden associated with Highfield by a tall evergreen hedge through which is a pedestrian access.

Reference No 03

Land to the north of Lightfoot Lane (Plots 148, 151 and 152)⁵⁰

Name of Objectors – Graham Barry Birkenhead, Ewen Angus McGowan, Philip Norman Robinson (as executors to the estate of Paul Cyril Watson) (owners)

56. Land that is owned amounts to about 12ha and is subject to an Option Agreement with Redrow Homes Limited for residential development. Of this, some 1.5ha is required to be acquired permanently for the construction of the EWLR. This would leave land to the south of Plot 151 land-locked, potentially for a prolonged period. Also, the CPO takes Plot 145 (part of the existing access road to Lightfoot and Houghton House Farms), the only access to the Objectors' land. No indication has been given as to how long this would be for, nor any indication as to if or how access would be maintained during construction works. The uncertainty created, potentially over a prolonged period of time, is untenable. In the absence of satisfactory arrangements and agreements confirmation of the CPO would be premature⁵¹.
57. Part of the owned land would become isolated as a result of the EWLR and its size would mean it would have no practical benefits, being too small to be developable⁵². The land should be acquired as the impact of the road scheme makes this land unworkable.

⁴⁸ LCC/7/D, paras 4.4 – 4.7

⁴⁹ LCC/2/G, para 4.1

⁵⁰ The objection also includes objection to the SRO

⁵¹ LCC/2/K, Objectors' original letter of objection, dated 3 April 2018

⁵² LCC/2/K, land marked 'A' on the accompanying plan with the Objector's letter of 11 December 2018

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58. Part of the land required appears to be needed for engineering and drainage works⁵³. This would be lost to development, with no guarantee that the housebuilder with whom there is an option agreement would purchase the land, leaving the Objectors with another land-locked area. A further area to the south of the EWLRL would be inaccessible for development⁵⁴. There would be no guarantee that the housebuilder would purchase this and, if they did not, this would leave the Objectors with a further land-locked area.
59. It was understood that land to the north of the EWLRL, part of which is owned by the Objectors, was to be allocated entirely for residential development in the North West Preston Masterplan though now is allocated as a 'recreational area'⁵⁵. There has been no dialogue with the Objectors regarding the size of this recreational area or the purchase mechanism for the land. The Objectors' concern is that the EWLRL and the recreation land have wiped out the development potential of their land. In light of the potentially high percentage of land take for the recreation area and the road, the AA is asked whether it would be prepared to acquire all of the Objectors' land in order to provide them with certainty.

Response by the Acquiring Authority

60. Having regards to the concern that land to the south of Plot 151 would be left land-locked, the AA has requested that the SRO be modified to include a new private means of access⁵⁶. This would be directly from the EWLRL whereas currently the Objectors' land is only accessible from a track off Lightfoot Lane over which they have a right of way but no direct access onto a public highway. This addresses the concerns about access to 'Area A'. Furthermore, Area A is approximately 0.27ha and so would be capable of being developed for a use other than the existing agricultural use shown on the plan appended to the Objectors' letter of 11 December 2018. In any event, this relates to a matter of compensation⁵⁷.
61. There appears to be a misunderstanding on the part of the Objectors in relation to 'Area B'. This is included within the CPO and is to be acquired to provide drainage attenuation ponds for the EWLRL. It would not result in a land-locked area for the Objectors⁵⁸.
62. 'Area C' is currently accessible from the track off Lightfoot Lane over which the Objectors have a right of way. It would continue to be accessible from this track during and after construction of the EWLRL⁵⁹.

⁵³ LCC/2/K , land marked 'B' on the accompanying plan with the Objector's letter of 11 December 2018

⁵⁴ LCC/2/K , land marked 'C' on the accompanying plan with the Objector's letter of 11 December 2018

⁵⁵ LCC/2/K , land marked 'D' on the accompanying plan with the Objector's letter of 11 December 2018

⁵⁶ This relates to the land shown as 'A' on the plan appended to the Objectors' letter of 11 December 2018 and is referenced PA58 on Sheet 4 of LCC030.2.5

⁵⁷ LCC/2/J , paras 2.1 – 2.2

⁵⁸ Ibid, para 2.3

⁵⁹ Ibid, para 2.4

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63. Having regards to 'Area D' and concerns that the development potential of this land would be lost, the North West Masterplan SPD⁶⁰ shows an indicative framework with proposed new residential neighbourhoods in this area north of the EWL. The EWL effectively opens up Area D for development, whereas currently it has no direct access to a public highway⁶¹.
64. The CPO is to acquire land required for the EWL and no further land belonging to the Objectors other than that which is subject to the CPO is required to deliver the road. The CPO has been drawn on the basis that the land take for the Scheme is minimised, consistent with national policy. The purchase of further land could not be justified and therefore the Objectors' request that the whole of their interest in their land be purchased is rejected⁶².
65. A modification is proposed to Table 2 of Schedule 1 of the CPO to include the Objectors' right of access over Plot 145⁶³. Access to 'Area C' will continue to be available from the track off Lightfoot Lane prior to, during and after construction of the EWL⁶⁴.

Description

66. The land is open agricultural land lying to the north of Lightfoot Lane/Sandyforth Lane and is partly adjacent to a site currently being residentially developed.

Reference No 05

Land and premises at Brewer House Farm, Darkinson Lane, Lea Town (Plots 302 and 302a)

Name of Objector – Mr Ahmed Bhayat (owner)

67. Whilst generally supportive of the need for, and requirement of, the proposed new roads, there is concern as to the detrimental impact on the Objector's property⁶⁵. There is thus a specific concern in relation to this as well as more general objections in terms of the justification for the PWD. Each is set out in turn.
68. The Objector's property includes the main residence of Brewer House Farm together with a further 2.4ha of paddock land to its east. Some 0.6ha of land is sought to be acquired for the delivery of the PWD. This would sever the direct access from the main house and its ménage from the associated paddock land and six-horse stable block and tack room. By severing the paddock land this would render the stable block and ménage useless.
69. Further, by stopping up Darkinson Lane to vehicular traffic, for the Objector to access the stable block with a horse box or vehicle would entail a 4.8km trip, with significant implications for keeping horses on the site. Additionally, the

⁶⁰ LCC004

⁶¹ Ibid, para 2.5

⁶² Ibid, para 2.6

⁶³ LCC029.2

⁶⁴ Ibid, paras 2.7 and 2.8

⁶⁵ As set out in the original letter of objection from Roger Hannah & Co of 10 April 2018

proximity of the PWD to the ménage could create health and safety issues for horses (a flight animal). Relocation of horses involving significant livery and travel costs would be likely. The land to the east of the PWD would be rendered unusable for the purposes it is presently held for as paddock, leading to a claim for severance. There would also be significant injurious affection in respect of the retained property.

70. There has been limited engagement by the AA in respect of the impact on the Objector's property. The CPO is premature and the use of such powers should in all cases be a matter of last resort. This has not been demonstrated in respect of the Objector's interests. There has been inadequate justification for interfering with the Objector's Human Rights, with the balance between individual rights and the wider public interest not being struck.
71. Having regards to the PWD, one of the objectives is to improve access to the strategic road network from the Enterprise Zone at Warton. The Objector is of the view that a more direct route running north to Junction 3 of the M55, or improvements to the existing road system, would be more beneficial. Further evidence, justification and reasoning are required to demonstrate how the PWD would enhance the Enterprise Zone and stimulate economic growth.
72. The proposed Scheme would fail to tackle the relief of congestion by increasing highway capacity and would be simply a short-term measure. A more productive use of resources would be to re-focus attention on improving public transport, making the use of private vehicles less appealing. Reduction in use of private vehicles would result in fewer accidents. In justifying the PWD more up-to-date accident figures should have been used rather than those for 2010 to 2014.
73. Whilst one of the key objectives of the Scheme is to improve air quality in Preston's AQMAs, it would simply move the problem from one area to another, with carbon emissions likely to increase as the Scheme would deliver increased capacity. The additional capacity and subsequent increase in residential development would together lead to increased air and noise pollution. Whilst improvements to public transport are identified as an objective of the scheme, other than reference to the development of the Cottam Parkway Park and Ride, no further information is provided as to how greater use of public transport would be encouraged.
74. No narrative has been provided as to how a Benefit Cost Ratio (BCR) has been arrived at. Certain costs and benefits may have been omitted, creating uncertainty and inaccurate analysis.
75. There would appear to be a significant element of risk and uncertainty as to whether the Scheme as a whole can be delivered in terms of funding. It is understood that a Full Business Case was only recommended to be submitted to the Local Growth Fund in January 2018. Further information should be provided as to whether the BCR has been determined using an incremental BCR or Net Present Value.

Response by the Acquiring Authority

76. In relation to the specific objection regarding impact on the Objector's property, a track from the ménage and residence provides pedestrian and

equestrian access between them and the stable block, whilst vehicular access to the latter is directly off Darkinson Lane. The PWD would sever the direct link on the Objector's land between the two. However, both pedestrian and equestrian access would remain via Darkinson Lane as it passes beneath the PWD. Discussions have been held with the Objector regarding the Scheme⁶⁶.

77. Improving access of the Warton Enterprise Zone to the strategic road network and wider labour market catchment was a primary objective of the Scheme but not the only one. The PWD preferred option was selected through a multi-stage process. The option of improving access between Warton and existing Junction 3 of the M55 was discarded at the initial sift stage. This was because it was neutral in respect of the other primary objectives of the Scheme of unlocking housing development in north-west Preston and reducing congestion and delays in the Preston urban area. Traffic modelling clearly indicates that the PWD would reduce journey time between Warton Enterprise Zone and the strategic road network in the morning and evening peak hours in both the opening and design year of the Scheme⁶⁷.
78. The assessed benefits of the Scheme, in terms of congestion and capacity, between the opening and the design year indicate that there would be a positive long-term impact on travel times in the study area. Bus service users would benefit from reduced journey times, better reliability and potential new bus and cycle routes. The proposal for a new rail station, with a strong focus on Park and Ride, would also benefit from a strategic highways intervention. Public transport measures should be seen as an outcome of the PWD scheme.⁶⁸
79. The 2010 - 2014 accident figures represent the latest complete five-year period of observed accidents at the time when the Scheme objectives were defined. Addition of the 2015 - 2016 accident data do not change the conclusions of the accident analysis undertaken in 2015⁶⁹.
80. The Cost Benefit analysis for the PWD has been undertaken in full compliance with Department for Transport guidance and WebTAG and was reported in the Outline Business Case.⁷⁰ The Outline Business Case and Economic Assessment Report have been signed off by the Local Enterprise Partnership Independent Assurer, with Conditional Approval having been granted⁷¹.

Description

81. The land subject to the CPO is part of a grassed field lying to the south side of Darkinson Lane and abuts land to the west associated with Brewer House Farm.

⁶⁶ LCC/INQ/003

⁶⁷ LCC/4/D, paras 4.2 – 4.9

⁶⁸ Ibid, paras, 4.11 – 4.18

⁶⁹ Ibid, para 4.20 – 4.23

⁷⁰ LCC465

⁷¹ LCC/4/D, paras 4.25 – 4.28

Reference No 07⁷²

Land to the south of Maxy Lane, Cottam (Plots 123, 124, 125 and 129)

Name of Objectors – Taylor Wimpey UK Limited (owner⁷³)

82. The Objector is the developer of Haydock Grange, a residential estate of 470 dwellings on land to the east of Sandy Lane and north of Hoyles Lane. The EWLR would pass to the north of the development but at the site's north-east corner the road would pass through part of an area of public open space (the 'Paddock'⁷⁴) which has been laid out in connection with the residential development⁷⁵. The AA now proposes an area of Exchange Land (falling within Plots 123, 124 and 125) in exchange for that part of the public open space that falls within Plot 129.
83. The Objector is concerned that the AA has paid scant regard to the effects of the EWLR on the amenity standards and quality of the residential scheme. In particular, no serious thought appears to have been given to the consequences of the compulsory acquisition until long after the making of the CPO; not until the proposed Exchange Land was initially tabled at the Pre-inquiry meeting was there any meaningful engagement by the AA. It appears that the AA had not realised until too late in the day the requirements to satisfy Section 19 of the Acquisition of Land Act 1981 and provide the Objector with land in exchange for part of the Paddock open space that is required for the EWLR.
84. The land required within Plot 129 is integral to the open space scheme that has been provided. It contributes to the formation of an acoustic bund, the layout of the equipped play area, provides ecology enhancement and adds to the overall amenity value of the open space⁷⁶.
85. The proposed Exchange Land in its current form is not as 'equally advantageous' as the Paddock open space. It is beyond the northern boundary of the committed development, could not be used for public open space purposes in the same manner as the Paddock and would offer no benefit to the residents of Haydock Grange. The intention to provide Exchange Land was not made known until very recently. As a consequence, an approved phase 2 layout for the housing development has not been designed to have a spatial relationship with this land. Dwellings would be orientated so that their gable ends and gardens face this land such that there would be no natural

⁷² The objection letter of 12 April 2018 refers to not only land being developed by the Objector and known as Haydock Grange (lying to the southern side of Maxy Lane) but also to land to the northern side of Maxy Lane. The Objector, Taylor Wimpey UK Limited, has an option to purchase the land to the north of Maxy Lane jointly with Bloor Homes, which is also a remaining Objector. The following summary of objection relates solely to Taylor Wimpey's interests at Haydock Grange. Objection Ref. 32, relating to land north of Maxy Lane, is considered separately.

⁷³ According to Schedule 1 of the CPO Taylor Wimpey UK Limited is the owner of Plots 125 and 129, and the owner in respect of subsoil fronting agricultural land north-west of Haydock Farm, Sandy Lane for Plot 124

⁷⁴ Plot 129

⁷⁵ The Objector's case is set out in TW/1/A and accompanying Appendices (TW/1/C)

⁷⁶ TW/1/A, para 4.4

surveillance, attractiveness or amenity value of public open space. It would be no more than a functional buffer between the edge of the Haydock Grange development and the EWL. There would be no positive contribution to the quality of place in the same way as the Paddock has been designed into the layout of the development⁷⁷.

86. There is an acceptable alternative to the proposed Exchange Land that would be advantageous to the development of Haydock Grange. This is the use of highway land beyond the boundary of the development site that could be used to deliver an amended highway arrangement at the Sandy Lane/Hoyles Lane junction⁷⁸. Such a revised arrangement would free up land for additional open space to bolster the 'village green' public open space planned into the development in this location. Council officers have accepted the principle of amending the Sandy Lane/Hoyles Lane junction to facilitate the creation of additional public open space⁷⁹.
87. The AA indicated that this matter could not be resolved because there was no time to amend the Section 19 certificate application. However, this is an impediment that is entirely self-inflicted on the part of the AA because of lack of meaningful engagement with the Objector. The AA's further point is that there was no certainty that the Objector could amend its planning permission to ensure that alternative public open space at the Sandy Lane/Hoyles Lane junction could be delivered. To the contrary, there are no legal, procedural or planning impediments that would prevent a fresh reserved matters permission for that part of the phase 2 development affected by the amended highway/junction arrangement⁸⁰. The Objector would have been willing to accept this alternative solution as a compromise and this would have allowed it to withdraw its objection.

Response of the Acquiring Authority

88. A certificate under Section 19(1)(a) of the Acquisition of land Act 1981 has been granted by the relevant Secretary of State. This indicates that the proposed Exchange Land for that part of the Paddock subject to the CPO (Plot No.129) is not less in area and is equally advantageous⁸¹.

Description

89. Plot 129 forms part of a laid-out area of public open space at the north-east corner of the ongoing residential development of Haydock Grange, lying adjacent to Maxy Lane and south of Melbourne Grange. The Exchange Land is a triangular area comprising part of the public highway of Maxy Lane (part of Plot 124), a section of agricultural land to the north of Maxy Lane (part of Plot 123) and a very small section (about 40m²) of agricultural land south of Maxy Lane (part of Plot 125).

⁷⁷ Ibid, paras 4.5 – 4.7

⁷⁸ Ibid, see paras 3.14 – 3.31 and accompanying Appendices 16- 24 at TW/1/C

⁷⁹ Ibid, paras 4.8 – 4.9

⁸⁰ Ibid, paras 4.10 – 4.20

⁸¹ LCC481

Reference No 32

Land to the north of Maxy Lane, Cottam (Plots 117, 122, 123, 124, 126 and 127)

Name of Objectors – Bloor Homes Limited and Taylor Wimpey UK Limited (potential agreement in respect of an option to purchase Plots 122 and 123 and Unilateral Notice in respect of an Option Agreement on Plots 126 and 127 (Taylor Wimpey UK Limited) and potential agreement in respect of an option to purchase Plots 126 and 127 (Bloor Homes Limited))

90. The principle of construction of the EWLK is supported but its design has taken place in isolation from development planned to the north and south of Maxy Lane. More land than is necessary to construct the road is sought and, as a consequence, this would fetter the delivery of the surrounding development⁸².
91. Land is required to deliver landscape mitigation for the road. The mitigation was established in the context of a road without development on either side. This would prevent accesses onto the road by the creation of an intervening strip of land in separate ownership, whereas such accesses would be necessary and would be likely to be acceptable.
92. The alignment of the EWLK unnecessarily erodes the land available for development. Because a secondary school and other infrastructure is envisaged on land to the north this would impact on the viability and deliverability of the development of the wider land. The delivery of the main local centre as envisaged by Local Plan policy and the SPD would also be fettered.
93. Land is sought to be acquired for a drainage scheme to serve the road. This does not consider the wider development. The delivery of the envisaged drainage scheme is unclear, and unnecessarily sterilises part of the site envisaged for residential and retail development. It would prevent the provision of alternative drainage mitigation. The Order has failed to provide for the retention of rights of drainage and servicing, creating additional hurdles and costs that would fetter the delivery of development in the wider area.
94. The permanent acquisition of land should be limited to the extent of the final adopted highway. Rights should be safeguarded for landowners and successors in title to allow rights and access as well as the ability to lay infrastructure and conduct other works necessary to allow development of the adjoining land. There is no objection in principle to the SRO providing the above rights are safeguarded.

Response by the Acquiring Authority

95. Land adjacent to the proposed EWLK is required for landscape mitigation purposes. The purpose of the EWLK is to provide a spine road through the North West Preston Strategic Housing Site. With land interests to both the north and south of Maxy Lane, between Sandy Lane in the west and Tabley

⁸² The objection is set out in the original objection letter of 13 April 2018

Lane in the east, it is inevitable that the road would pass through this area requiring a width in accordance with highway design standards. The route of the EWLR has used that of Maxy Lane to minimise the requirement of developable land⁸³.

96. Local Plan policy and the SPD have been recognised in making the planning application for the Scheme and which has now been granted permission. The Design and Access Statement notes that the EWLR does not preclude the introduction of the Design Guide's principles at the appropriate time in the change in character of the area and the highway⁸⁴. No planning permission yet exists for development to the north side of the proposed road.
97. Having regards to drainage, the AA is seeking to acquire only land that it can justify to deliver the development of the Scheme. In a letter to the Objectors of 3 July 2018 it was pointed out that if a deliverable development proposal was to come forward from a developer the AA would welcome discussions about accommodating the implications of such development. This would be subject to them being jointly beneficial and not putting the delivery of the road at risk⁸⁵.
98. The CPO would not affect drainage or servicing rights. The highway would maintain all existing drainage courses or channels at the current rate of flow. The Order would lead to the establishment of a public highway and servicing rights would be protected by this status⁸⁶.

Description

99. Plots 122, 123, 126 and 127 comprise parts of open agricultural land lying to the north of Maxy Lane. Plots 117 and 124 comprise sections of the existing highways of Sandy Lane and Maxy Lane.

Unopposed Lands

100. There are some 399 Plots within the Order lands. The majority comprise open agricultural land. Also included are airspace plots over the Lancaster Canal, the Preston-Blackpool railway line and the Savick Brook where the PWD would cross on viaducts, together with associated land for construction, and sections of existing highway. The AA's general case applies to these.

⁸³ LCC/2/1, para 4.2.2

⁸⁴ Ibid, para 4.3.1

⁸⁵ Ibid, para 4.4.2

⁸⁶ Ibid, para 4.6.2

Inspector's Conclusions

The numbers in parentheses [] refer to paragraphs in the preceding part of this report on which the conclusions below have been based.

101. The CPO, SRO and the two schemes for the provision of viaducts over navigable waters are made for the purpose of securing the provision of the three road proposals of the PWD, the EWLK and the CLR. The concept of the PWD has been mooted for some 50 years and the Scheme as a whole is a central tenet of local strategic and development plan policy. The Scheme would increase highway capacity, easing currently-experienced congestion problems, would lead to improvements in air quality and would aid access to important areas of employment. [28, 29, 41]
102. In addition, the Scheme would provide an essential infrastructure component in the delivery of the large-scale housing provision planned for north-west Preston. The collective Scheme now benefits from a full planning permission. There are clear plans and intentions to use the land that is sought to be acquired for the Scheme's provision.[30 - 36, 41]
103. There is substantive evidence that there is adequate funding in place and available to ensure the delivery of the Scheme within its programmed construction phase, which is anticipated to start in October 2019. This accords with paragraphs 13 and 14 of the CPO Guidance⁸⁷. All of the lands within the CPO are necessary for the delivery of the Scheme to which the Order relates. [41 - 44]
104. The CPO has been made to ensure that land and rights might be acquired without unreasonable delay to allow the timely construction of the three proposed roads. I am satisfied that the land to be acquired has been kept to the minimum in order to facilitate the construction of the roads and any associated mitigation measures. [45]
105. By the close of the inquiry the Acquiring Authority's negotiations had allowed all but five of the remaining objections to the Order to be withdrawn. [10]

Remaining objections

106. *Ernesto Coret*. The principal objection relates to the construction of the PWD, which would require the purchase of Plot 301. The road scheme has the benefit of planning permission and in respect of which the visual and other environmental impacts have been considered; with necessary mitigation the benefits of the scheme have been considered to outweigh the harm. The choice of alignment of the PWD at this point is constrained and Plot 301 is necessarily required to allow its provision. The loss of Plot 301 would be subject to normal compensation provisions. [47 - 54]
107. *Executors to the estate of Paul Cyril Watson*. The EWLK would pass through Plots 148, 151 and 152. The acquiring authority has put forward a modification to the SRO. This would overcome concerns about access to land

⁸⁷ 'Guidance on Compulsory purchase process and The Crichel Down Rules' MHCLG 2018

to the south of the EWLR that the Objectors feared would become land-locked if the road was built. Access to other land would continue. The provision of the road would deliver the means by which other land within the Objectors' ownership could be subsequently developed. No more land than is necessary for the EWLR is sought to be acquired. [56 – 64]

108. *Ahmed Bhayat*. The PWD scheme requires the acquisition of Plot 302 and 302a. This would result in a severing of a direct link between the Objector's dwelling with associated ménage, and paddock land and a stable block that are within his ownership. However, pedestrian and equestrian access would still exist via Darkinson Lane. Vehicular access would still be possible albeit via a longer and less convenient route. Whether use of the stables and paddock would become unusable, and the issue of potential injurious affection, are matters of compensation. Environmental impacts have been taken into account in the grant of planning permission, when the balance of harm and benefits have been weighed. [67 – 75]
109. In terms of objection to the principle of the PWD, the selection of the preferred option has been subject to considered study. Cost Benefit analysis has been undertaken in accordance with accepted guidance and the preferred scheme found to be acceptable. There is a considerable degree of certainty regarding funding for the realisation of the Scheme. [76 – 80]
110. *Taylor Wimpey UK Limited*. The EWLR would require the acquisition of Plot 129 which currently forms part of a laid-out public open space in connection with the Objector's Haydock Grange housing development. Because of the constrained nature of the route at this point between existing development it is clear that this land is necessarily required to permit the construction of the EWLR. Exchange Land has been proposed in proximity to that land which would be lost to the road scheme. Although the Objector considers this land to be not 'equally advantageous', a certificate under Section 19 of the Acquisition of Land Act 1981 has been issued indicating that the Secretary of State considers it is. [82 – 87]
111. It is apparent that negotiation between the Acquiring Authority and the Objector has taken place. This has identified a potential alternative solution to the provision of public open space to compensate for that lost to the road scheme. At the time of the inquiry this matter had not been advanced far enough for it to be considered as an alternative to allow the objection to be withdrawn. [85 – 87]
112. *Bloor Homes Limited and Taylor Wimpey UK Limited*. The EWLR would principally occupy Plots 123 and 126 which lie to the north side of Maxy Lane. The Objectors accept the principle of this road's provision. Land is included within these plots to allow also for mitigation landscaping for the EWLR for which planning permission exists. Although land to the immediate north is shown within the North West Preston Masterplan SPD for housing and associated development and therefore might reasonably be expected to come to fruition at some point, no planning permission yet exists. I consider it is therefore reasonable that sufficient land is acquired to ensure for the possibility of mitigation planting at this stage and that the land that is sought is necessary. I am satisfied that only land necessary to deliver the EWLR and its associated drainage implications is sought to be acquired. The acquiring

authority also indicates that drainage and servicing rights would not be affected. [90 – 98]

113. No proposals have been submitted to the inquiry as to how land to the north of Plots 123 and 126 might be developed. Nor is there substantive evidence as to how the proposed land acquisition would impact on the potential viability and deliverability of future development on the land. It is apparent that the acquiring authority would be willing to discuss the implications of development proposals and how these might be accommodated in terms of relationship with the EWL. [90 – 98]

Overall conclusion

114. Having regards the above remaining objections, I am satisfied that the land to be acquired is reasonably required and necessary in order to allow the proposed Scheme to be realised.

115. I have had regard to the Human Rights Act 1998 and, in particular, Articles 6 and 8 and Article 1 of the First Protocol of the European Convention on Human Rights. The purposes for which the CPO was made sufficiently justify what would be the proportionate interference with the human rights of qualifying persons under s.12(2A) of the Acquisition of Land Act 1981.

116. In conducting the inquiry and in producing this report due regard has been paid to the Public Sector Equality Duty contained in the Equality Act 2010 (section 149).

117. Modification of the Orders in line with those put forward by the acquiring and promoting authority are appropriate and necessary for correction, clarification and accuracy. [7]

118. Confirmation of the CPO, SRO and the viaduct schemes would enable the realisation of the Scheme in its entirety, which would have clear economic and social benefits. In accordance with paragraph 15 of the CPO Guidance there are no obvious impediments to the development which compulsory purchase would seek to facilitate.

119. Overall, there is a compelling case in the public interest for confirmation of the Orders and Schemes.

Recommendations

120. I recommend that the Lancashire County Council (Preston Western Distributor, East West Link and Cottam Link Roads) Compulsory Purchase Order 2018 be confirmed subject to the modifications referred to in paragraph 7 and footnote 10 of this report.

121. I recommend that the Lancashire County Council (Side Roads) Order 2018 be confirmed subject to the modifications referred to in paragraph 7 and footnote 10 of this report.

122. I recommend that The Lancashire County Council (Lea Viaduct) Scheme 2018 be confirmed.

123. I recommend that The Lancashire County Council (Savick Brook Viaduct) Scheme 2018 be confirmed.

Philip J Asquith

INSPECTOR

APPEARANCES

FOR LANCASHIRE COUNTY COUNCIL (LCC)

John Barrett and Constanze Bell
Of Counsel

instructed by LCC solicitors

They called:

Phillip Wilson BSc

Project Manager, City Deal
Infrastructure Delivery Team, LCC

Christopher Blackburn BSc MSc
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Planning Policy Team Leader, LCC

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John Jones BA(Hons) MSc CEcol
MCIEEM

Senior Ecologist in the Design and
Construction Service, LCC

The following were represented at the inquiry but did not call any witnesses

FOR THE TRUSTEES FOR TOM BARRON (1978) PENSION FUND, TOM BARRON
LIMITED AND TOM BARRON ESTATES
LIMITED, AND ROBERTSONS

Paul Tucker QC and John Hunter of Counsel

FOR REDROW AND WAINHOMES

Philip Robson, of Counsel

FOR VARIOUS INDIVIDUAL AND GROUPS OF OBJECTORS

Simon Mair BSc(Hons) FRICS FAAV
ACIA and Andrew Coney MRICS FAAV
REV

Partners, P Wilson & Company,
Chartered Surveyors

INQUIRY DOCUMENTS

LCC1/A	Statement of Evidence submitted by Marcus Hudson on the evolution of the scheme within the transport, economic and development plan policy framework and the mechanism for its funding and delivery.
LCC1/B	Summary to the Statement of Evidence submitted by Marcus Hudson.
LCC1/C	Not allocated
LCC1/D	Rebuttal Statement of Evidence submitted by Marcus Hudson - Richard Purser for Objector 4
LCC2/A	Statement of Evidence submitted by Phillip Wilson on the proposed route for the scheme.
LCC2/B	Summary to the Statement of Evidence submitted by Phillip Wilson.
LCC2/C	Appendices to the Statement of Evidence submitted by Phillip Wilson.
LCC2/D	Rebuttal Statement of Evidence submitted by Phillip Wilson - Objector 31
LCC2/E	Rebuttal Statement of Evidence submitted by Phillip Wilson - Objector 4
LCC2/F	Rebuttal Statement of Evidence submitted by Phillip Wilson - Objector 7
LCC2/G	Rebuttal Statement of Evidence submitted by Phillip Wilson - objectors 1, 7, 16, 17 and 19
LCC2/H	Appendices to the Rebuttal Statement of Evidence submitted by Phillip Wilson - Appendix to LCC2/G
LCC2/I	Rebuttal Statement of Evidence submitted by Phillip Wilson - Rebuttal of Objector 32
LCC2/J	Rebuttal Statement of Evidence submitted by Phillip Wilson - Rebuttal of Objector 3
LCC2/K	Rebuttal Statement of Evidence submitted by Phillip Wilson - Rebuttal of Objector 3
LCC3/A	Statement of Evidence submitted by Chris Blackburn on planning policy context from Preston City Council.
LCC3/B	Summary to the Statement of Evidence submitted by Chris Blackburn
LCC3/C	Appendices to the Statement of Evidence submitted by Chris Blackburn.
LCC4/A	Statement of Evidence submitted by Sergey Macov on an overview of the traffic and economic appraisal relating to the Scheme.
LCC4/B	Summary to the Statement of Evidence submitted by Sergey Macov.
LCC4/C	Not allocated
LCC4/D	Rebuttal Statement of Evidence submitted by Sergey Makov – Rebuttal- objector 5
LCC5/A	Statement of Evidence submitted by Alan Eastham on Highway engineering matters.
LCC5/B	Summary to the Statement of Evidence submitted by

	Alan Eastham.
LCC/5/E	Not allocated
LCC/5/D	Alan Eastham - Rebuttal Statement – objectors 1, 4, 17, 18, 20, 22, 24, 27, 30 and 31
LCC/6/A	Statement of Evidence submitted by Niamh O’ Sullivan on planning policy framework, consequences of scheme construction and compliance with the habitat regulations.
LCC/6/B	Summary Statement of Evidence submitted by Niamh O’ Sullivan.
LCC/6/E	Not allocated
LCC/6/D	Rebuttal Statement of Evidence submitted by Niamh O’Sullivan- Noise impact – objectors 1 and 17
LCC/6/E	Rebuttal Statement of Evidence submitted by Niamh O’Sullivan - Future Development – objector 4
LCC/6/F	Rebuttal Statement of Evidence submitted by Niamh O’Sullivan - Consideration of alternatives - objector 4
LCC/6/G	Rebuttal Statement of Evidence submitted by Niamh O’Sullivan - Ecology - objector 4
LCC/6/H	Rebuttal Statement of Evidence submitted by Niamh O’Sullivan - Construction period - objector 4
LCC/6/I	Rebuttal Statement of Evidence submitted by Niamh O’Sullivan - Hodder Aqueduct- objector 4
LCC/7/A	Statement of Evidence submitted by Steven Brereton on Landscape & visual impacts.
LCC/7/B	Summary Statement of Evidence submitted by Steven Brereton.
LCC/7/C	Appendices to the Statement of Evidence submitted by Steven Brereton.
LCC/7/D	Rebuttal Statement of Evidence submitted by Steven Brereton - Landscape – objectors 1, 4, 7, 15, 18, 20, 21, 24, 25, 26, 27, 29, 30 and 31
LCC/8/A	Statement of Evidence submitted by John Jones on Ecological matters.
LCC/8/B	Summary of the Statement of Evidence submitted by John Jones.
LCC/8/E	Not allocated
LCC/8/D	Rebuttal Statement of Evidence submitted by John Jones – Ecology - objectors 4, 10, 17, 18, 20, 21, 24, 25, 26, 27, 28, 29, 30 and 31
LCC/8/E	Response to DPP for clarification
LCC/9/A	Not allocated
LCC/9/B	Not allocated
LCC/9/E	Not allocated
LCC/9/D	Rebuttal Statement of Evidence submitted by Margaret Whitmore – objectors 1, 4, 17 and 19
LCC/9/E	Appendices to Rebuttal Statement of Evidence submitted by Margaret Whitmore - Appendix to LCC/9/D
LCC/10/A	Not allocated

LCC/10/B	Not allocated
LCC/10/C	Not allocated
LCC/10/D	Rebuttal Statement of Evidence submitted by Richard Askew - non-motorised user
LCC/10/E	Rebuttal Statement of Evidence submitted by Richard Askew - Traffic modelling
LCC/10/F	Appendices to Rebuttal Statement of Evidence submitted by Richard Askew - Appendix to LCC/10/E
LCC/11/A	Not allocated
LCC/11/B	Not allocated
LCC/11/C	Not allocated
LCC/11/D	Rebuttal Statement of Evidence submitted by Jonathan Haine – Planning Matters – Objector 4
LCC/INQ/001	LCC Opening submissions
LCC/INQ/002	LCC Update note regarding Lea Endowed School
LCC/INQ/003	LCC Closing submissions

Trustee of the Tom Barron (1978) Pension Scheme and Pensioners Trustees Limited (TBFL)

TBFL/1/A	Statement of Richard Purser on behalf of TBFL on Planning Matters.	
TBFL/1/B	Summary statement of Richard Purser on behalf of TBFL on Planning Matters.	
TBFL/1/C	Appendices to the statement of Richard Purser on behalf of TBFL on Planning Matters.	
TBFL/2/A	Statement by Mr Neil Leeming on behalf of TBFL for the landowners.	
TBFL/2/B	Summary statement by Mr Neil Leeming on behalf of TBFL for the landowners.	
TBFL/2/C	Appendices to the statement by Mr Neil Leeming on behalf of TBFL for the landowners.	
TBFL/3/A	Statement of Mr Richard Holloway on behalf of TBFL on Highway Matters.	
TBFL/3/B	Summary statement of Mr Richard Holloway on behalf of TBFL on Highway Matters.	
TBFL/3/C	Appendices to the statement of Mr Richard Holloway on behalf of TBFL on Highway Matters.	
TBFL/4/A	Statement by Mr Toby Hart on behalf of TBFL on ecological Matters.	
TBFL/4/B	Summary statement by Mr Toby Hart on behalf of TBFL on ecological Matters.	

Taylor Wimpey UK Limited (TW)

TW/1/A	Statement of Evidence on behalf of Taylor Wimpey UK Limited.	
TW/1/C	Appendices to the Statement of Evidence on behalf of Taylor Wimpey UK Limited.	
P Wilson & Company clients (PWC)		
PWC/1/A	Statement of Evidence on behalf of: Andrew Watson Taylor, Barbara Alice Taylor, David Alexander John Taylor, Helen Margaret Foster, Lorraine M Kirkham, Alan John Webster.	

PWC/1/B	Appendices to the Statement of Evidence on behalf of: Andrew Watson Taylor, Barbara Alice Taylor, David Alexander John Taylor, Helen Margaret Foster, Lorraine M Kirkham, Alan John Webster.	
PWC/2/A	Statement of Evidence on behalf of Timothy Hall and Audrey Alice Hall	
PWC/2/B	Appendices to the Statement of Evidence on behalf of Timothy Hall and Audrey Alice Hall.	
PWC/3/A	Statement of Evidence on behalf of Norah Nickson and Stuart Nickson.	
PWC/3/B	Appendices to the Statement of Evidence of Norah Nickson and Stuart Nickson.	
PWC/4/A	Statement of Evidence on behalf of Arthur Cross.	
PWC/4/B	Appendices to the Statement of Evidence of Arthur Cross.	
PWC/5/A	Statement of Evidence on behalf of David Barry Scott Coupe, Christine Eccles, Lynn Fearn, John Brian Wiggins.	
PWC/5/B	Appendices to the Statement of Evidence of David Barry Scott Coupe, Christine Eccles, Lynn Fearn, John Brian Wiggins.	
PWC/6/A	Statement of Evidence on behalf of Linda Christine Melling and Paul Anthony Melling.	
PWC/6/B	Appendices to the Statement of Evidence of Linda Christine Melling and Paul Anthony Melling.	
PWC/7/A	Statement of Evidence on behalf of John Brian Wiggins, Deborah Wiggins, Northern Dairy Equipment Ltd.	
PWC/7/B	Appendices to the Statement of Evidence of John Brian Wiggins, Deborah Wiggins, Northern Dairy Equipment Ltd.	
PWC/8/A	Statement of Evidence on behalf of Iris Mary Mason, Glenn Kenneth Mason & Ruth Elizabeth Mason, Nicola Iris Mason	
PWC/8/B	Appendices to the Statement of Evidence of Iris Mary Mason, Glenn Kenneth Mason & Ruth Elizabeth Mason, Nicola Iris Mason.	
PWC/9/A	Statement of Evidence on behalf of Diana Edwards, The Executors of Geoffrey Edwards (Deceased), Stephen John Edwards.	
PWC/9/B	Appendices to the Statement of Evidence of Diana Edwards, The Executors of Geoffrey Edwards (Deceased), Stephen John Edwards	
PWC/10/A	Statement of Evidence on behalf of The Executors of Estate of June Rushton Deceased.	
PWC/10/B	Appendices to the Statement of Evidence of The Executors of Estate of June Rushton Deceased.	
PWC/11/A	Statement of Evidence on behalf of James Taylor Goodier.	
PWC/11/B	Appendices to the Statement of Evidence of James Taylor Goodier.	

PWC/12/A	Statement of Evidence on behalf of The Administrators of Estate of G R Collinson.	
PWC/12/B	Appendices to the Statement of Evidence of The Administrators of Estate of G R Collinson.	
PWC/13/A	Statement of Evidence on behalf of George Henry Sanderson & Elsie Christine Sanderson.	
PWC/13/B	Appendices to the Statement of Evidence of George Henry Sanderson & Elsie Christine Sanderson.	
PWC/14/A	Statement of Evidence on behalf of Frederick Shears & Lilian Shears.	
PWC/14/B	Appendices to the Statement of Evidence of Frederick Shears & Lilian Shears.	
PWC/15/1/A	Statement of Evidence on behalf Redrow Homes Ltd and Wainhomes (North West) Ltd (Mr Mair).	
PWC/15/1/B	Appendices to the Statement of Evidence of on behalf of Redrow Homes Ltd and Wainhomes (North West) Ltd (Mr Mair).	
PWC/15/2/A	Statement of Evidence on behalf of Redrow Homes Ltd and Wainhomes (North West) Ltd (Mr Todd).	
PWC/15/2/B	Appendices to the Statement of Evidence on behalf Redrow Homes Ltd and Wainhomes (North West) Ltd (Mr Todd).	
PWC/16/A	Statement of Evidence on behalf of Stephen Raymond Scurr & Paula Ann Scurr.	
PWC/16/B	Appendices to the Statement of Evidence of Stephen Raymond Scurr & Paula Ann Scurr.	
Mr Ernesto Coret – Written submission		
EC/1/A	Statement of Evidence on behalf of Mr Ernesto Coret.	
EC/1/B	Appendices to the Statement of Evidence on behalf of Mr Ernesto Coret.	
Miscellaneous Documents		
Misc/1	Pre-Inquiry note.	2 August 2018
Misc/2	Letter from TBFL to the Inspector requesting an adjournment of the Inquiry.	19 October 2018
Misc/3	Response to the Inspector by LCC.	24 October 2018
Misc/4	Response from the Inspector regarding the adjournment.	26 October 2018
Misc/5	Further letter from TBFL regarding the adjournment.	26 October 2018
Misc/6	Further Response from the Inspector regarding the adjournment.	26 October 2018
Misc/7	Letter from Andrew Taylorson Eckersley to the Chief Executive at LCC (dated 14 November)	14 November 2018
Misc/8	Letter from Marcus Hudson (LCC) to Andrew Taylorson Eckersley (dated 16 November)	16 November 2018
Misc/9	Letter to the Inspector dated 18 November with concerns regarding rebuttal statements of evidence	16 November 2018
Misc/10	Letter to the Inspector requesting clarification from LCC (dated 16 November)	16 November 2018
Misc/11	Email to John Francis (Richard Purser) with response	16 November 2018

	from the Inspector via the Programme Officer regarding the programming situation.	
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Core Documents

Reference	Name of Document
LCC001	National Planning Policy Framework (NPPF) Ministry of Housing, Communities and Local Government, 2012
LCC002	Central Lancashire Adopted Core Strategy Local Development Framework, Preston City Council, Chorley Borough Council, South Ribble Borough Council, July 2012.
LCC003	Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies) Preston City Council, July 2015
LCC004	North West Preston Masterplan Preston City Council February 2015
LCC005	Local Transport Plan 3 (2011-2021) and Implementation Plan, Lancashire County Council, 2013.
LCC006	Central Lancashire Highways and Transport Masterplan, Lancashire County Council, 2013.
LCC007	Central Lancashire Biodiversity and Nature Conservation SPD, Preston City Council, Chorley Borough Council, South Ribble Borough Council, July 2015.
LCC008	The City Deal Infrastructure Delivery Plan 201-2018, Preston South Ribble and Lancashire City Deal.
LCC009	Preston Local Plan Inspector's Report, The Planning Inspectorate, 2015.
LCC010	Fylde Borough Local Plan 1996-2006 and the Fylde Borough Local Plan Alternatives Review 2004-2016, Fylde Borough Council, October 2005.
LCC011	Reference number not used.
LCC012	Report to County Council's Development Control Committee on 4 October 2017 Item 4.
LCC013	Planning Application 06/2016/0942 Officer Report
LCC014	Planning Application 06/2016/0552 Officer Report
LCC015	Planning Application 06/2016/0291 Officer Report
LCC016	Planning Application 06/2014/0351 Officer Report
LCC017	Planning Application 06/2014/0442 Officer Report
LCC018	Planning Application 06/2017/0757 Decision Notice
LCC019	Planning Application 06/2012/0822 Planning Inspector Appeal Decision (Appeal Ref: APP/N2345/A/13/2193377)
LCC020	Community Infrastructure Levy Regulation 123 List, Preston City Council, 2013.
LCC021	Lancashire Enterprise Partnership Limited Board Meeting Minutes, 30/01/2018, Lancashire Enterprise Partnership.
LCC022	Planning Application LCC/2016/0046 Environmental Statement Volume 2 Chapter 5, Chapter 6, Chapter 7, Chapter 8, Chapter 9, Chapter 10, Chapter 11, Chapter 12, Chapter 13, Chapter 14
LCC023	Planning Application LCC/2016/0046 Environmental Statement Volume 3, Appendix 11 Flood Risk Assessment, Water Framework Directive, Appendix 14 Agricultural Assessment
LCC024	Biodiversity 2020: A strategy for England's Wildlife and Ecosystem Services, DEFRA, 2013.
LCC025	Interim Advice Note 130/10, Highways Agency, 2010
LCC026	DMRB HD 213/11, Noise Methodology, Highways Agency, 2011.
LCC027	Sections 14, 125 239, 240, 246, 250 and 260 of the Highways Act 1980
LCC028	Article: 1, 6, 8 of The Human Rights Act 1998.:
LCC029	The Lancashire County Council (Preston Western Distributor, East West Link and Cottam Link Roads) Compulsory Purchase Order 2018, Lancashire County Council,

	2018.
LCC029.1	List 1 of CPO Modifications
LCC029.2	List 2 of CPO Modifications
LCC029.3	Proposed modified CPO with tracked changes
LCC029.4	Proposed modified CPO – clean copy
LCC029.5	Proposed modified CPO plans - Key Plan
LCC029.5.1	Proposed modified CPO plans 1
LCC029.5.2	Proposed modified CPO plans2
LCC029.5.3	Proposed modified CPO plans 3
LCC029.5.4	Proposed modified CPO plans 4
LCC029.5.5	Proposed modified CPO plans 5
LCC029.5.6	Proposed modified CPO plans 6
LCC030	The Lancashire County Council (Preston Western Distributor, East West Link and Cottam Link Roads) (Side Roads) Order 2018, Lancashire County Council, 2018.
LCC030.1	Proposed modified SRO Schedule with tracked changes
LCC030.2	Proposed modified Side Roads Order
LCC030.2.1	Proposed modified Side Roads Order including plans - Key Plan
LCC030.2.2	Proposed modified Side Roads Order including plans - Plan 1
LCC030.2.3	Proposed modified Side Roads Order including plans - Plan 2
LCC030.2.4	Proposed modified Side Roads Order including plans - Plan 3
LCC030.2.5	Proposed modified Side Roads Order including plans - Plan 4
LCC030.2.6	Proposed modified Side Roads Order including plans - Inset details 1
LCC030.2.7	Proposed modified Side Roads Order including plans - Inset details 2
LCC030.2.8	Proposed modified Side Roads Order including plans - Inset details 3
LCC031	LCC/2016/0046 comprising the application form and supporting documents, including Volumes 1-3 of the Environmental Statement dated 4 May 2016.
LCC032	LCC/2016/0046 comprising the application form and supporting documents, including Volumes 1-3 of the Environmental Statement dated 3 March 2017.
LCC033	LCC/2017/0062 comprising the application form and supporting documents, dated 26 July 2017.
LCC033	Report to County Council's Development Control Committee on 4 October 2017 Item 5.
LCC035	North West Preston Masterplan East West Link Road Design Guidance (draft) Preston City Council (February 2016)
LCC036	Town and Country Planning General Regulations 1992
LCC037	Town and Country Planning (Environmental Impact Assessment) Regulations ('The EIA Regulations') (2011)
LCC038	Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations (2015)
LCC039	The Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015; Available online at:
LCC040	National Planning Policy Guidance Paragraph: 029 Reference ID: 14-029-20140306; Paragraph: 034 Reference ID: 26-034-20140306
LCC041	National Planning Policy Guidance Paragraph: 001 Reference ID: 4-001-20150326; Paragraph: 002 Reference ID: 4-002-2014030; Paragraph: 035 Reference ID: 4-035-20140306; Paragraph: 043 Reference ID: 4-043-20140306
LCC042	National Planning Policy Guidance Planning Practice Paragraph 079 Reference ID: 7-079-20150415
LCC043	Lancashire County Council Validation Checklist Guide- Section 6 2012
LCC044	House of Commons: Written Statement (HCWS161) Department for Communities and Local Government Written Statement made by: The Secretary of State for Communities and Local Government (Mr Eric Pickles) on 18 Dec 2014 Sustainable drainage systems
LCC045	Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD (February 2009)

LCC046	Joint Lancashire Minerals and Waste Development Framework Site Allocations and Development Management Policies Local Plan (September 2013)
LCC046.1	Joint Lancashire Minerals and Waste Development Framework Site Allocations and Development Management Policies Local Plan (September 2013) - Part 2
LCC047	The Conservation of Habitats and Species Regulations 2010 (as amended).
LCC048	Wildlife and Countryside Act, 1981 (as amended), HMSO, London
LCC049	Countryside and Rights of Way (CROW) Act 2000
LCC050	Natural Environment and Rural Communities (NERC) Act 2006,
LCC051	Design Manual for Roads and Bridges Volume 0 -15
LCC052	Manual of Contract Documents for Highway Works Volume 1 - 6
LCC053	Interim Advice Note 43/02: Cantilever and Portal Gantry VMS Highways England, 2002.
LCC054	Interim Advice Note 93/10 (Revision 1) Driver Location Signs - Interim Requirements, Highways England, 2010.
LCC055	Interim Advice Note 149/11 Existing Motorway Minimum Requirements, Highways England, 2011.
LCC056	Interim Advice Note 144/16 Directional Signs On Motorway And All-Purpose Trunk Roads Grade Separated Junctions, Highways England, 2016.
LCC057	Interim Advice Note 195/16, Cycle Traffic and the Strategic Road Network, Highways England, 2016.
LCC058	Local Transport Note 1/94 The Design And Use Of Directional Informatory Signs, DFT, 1994.
LCC059	Local Transport Note 1/09 Signal Controlled Roundabouts, DFT, 2009.
LCC060	Local Transport Note 2/08 Cycle Infrastructure Design, DFT, 2008.
LCC061	Local Transport Note 1/95 How to plan pedestrian crossings, DFT, 1995.
LCC062	Local Transport Note 2/95 How to design and install pedestrian crossings, DFT, 1995.
LCC063	Traffic Advisory Leaflet 3/03, Equestrian Crossings, DFT, 2003.
LCC064	Residential Design Guidance Lancashire County Council
LCC065	Design and Construction of Roads and Accesses, Newcastle CC, 2015.
LCC066	Guidance on the Use of Tactile Paving, DETR, 1998.
LCC067	Fluvial Design Guide, Environment Agency, 2004.
LCC068	Sewers for Adoption 6th Edition, WRC.
LCC069	Trash Screen Guide, Environment Agency, 2009.
LCC070	Suds Manual, CIRIA, 2011.
LCC071	Culvert Design and Operation Guide, CIRIA, 2010.
LCC072	Sustainable Drainage Systems – Local Specifications, Standards & Policies Lancashire County Council, 2015.
LCC073	Drainage Design Manual, Lancashire County Council, 2011.
LCC074	Common Toads and Roads – Guidance for planners and highways engineers in England, Amphibian and Reptile Conservation, December 2009.
LCC075	Traffic Signs Manual (TSM) - All
LCC076	Traffic Signs Regulations and General Directions 2016.
LCC077	BS EN 12767:2007 Passively Safe Posts (Calculated by Signplot), British Standards Institution, 2007.
LCC078	BS EN 1991-1-4 Detailed Method for Calculating Wind Pressure on Signs (Calculated by Signplot), British Standards Institution, 1991.
LCC079	BS EN 1997-1:2004 Spread Foundation Design for Signs (Calculated by Signplot) – using soil types as defined in BD94/07, British Standards Institution, 2004.
LCC080	Provision of Road restraint Systems for Local Authorities – UK Roads Liaison Group, 2011.
LCC081	Lancashire – the cyclists' county – A code for planning, designing and maintaining roads and tracks for cyclists, Lancashire County Council, 2005.
LCC082	Handbook for cycle-friendly design, Sustrans Design Manual, 2014.
LCC083	Advice on Road Crossings for Horses, The British Horse Society, 2016.

LCC084	Development near overhead lines – Planning and amenity aspects of high voltage electricity transmission lines and substations, National Grid, 2008.
LCC085	Technical Specification 43-8 Issue 3 Overhead Line Clearances, ENA, 2004.
LCC086	Appendices for design guideline NG6, National Grid, 2016.
LCC087	Avoiding danger from overhead power lines - GS6 (Fourth Edition), HSE, 2013.
LCC088	Special Details, Lancashire County Council, 2011.
LCC089	Record drawings – statutory undertakers (including sag-swing drawings and pillar of support drawings for overhead electricity cables).
LCC090	Record Drawings – Highways England
LCC091	Record Drawings – Lancashire County Council
LCC092	Existing Drainage Condition Survey Lancashire County Council
LCC093	New Roads and Streetworks Act 1991,.
LCC094	Planning Application 06/2012/0822 and 06/2014/0351.
LCC095	Planning Application 06/2011/0473
LCC096	Planning Application 06/2014/0442.
LCC097	Planning Application 06/2012/0145.
LCC098	Planning Application 06/2013/0428.
LCC099	Planning Application 06/2013/0140.
LCC100	Planning Application 06/2014/0786.
LCC101	Planning Application 06/2014/0987.
LCC102	Planning Application 06/2014/0932.
LCC103	Planning Application 06/2015/0085.
LCC104	Planning Application 06/2012/0094.
LCC105	Planning Application 06/2013/0019.
LCC106	Planning Application 06/2013/0195.
LCC107	Planning Application 06/2015/0739.
LCC108	Planning Application 06/2014/0351
LCC109	BS 5489 / BS EN13201 Code of Practice for the design of Road lighting Parts 1, 2, 3 and 4, British Standards Institution, 2007.
LCC110	BS7671 IET Requirement for Electrical Installations Wiring Regulations Seventeenth Edition, British Standards Institution, 2015.
LCC111	GP03 Code of Practice for electrical safety highway electrical operation near overheads, ILP, 2011. (NO LINK AVAILABLE)
LCC112	GP10 Electrical Association Engineering recommendation G39/1 – near overheads, ILP, 1995.
LCC113	TR30 Guidance on implementation of passively safe lighting columns and sign posts, ILP, 2011. (NO LINK AVAILABLE)
LCC114	Interim Guidance to Artificial lighting and Wildlife, Bat Conservation Trust, 2014
LCC115	Guidance to Bats and Lighting in the UK, ILP, 2012.
LCC116	BS EN 1990:2002 Basis of structural design & UK National Annex, British Standards Institution, 2002.
LCC117	BS EN 1991-1-1:2002 Part 1-1: General actions – Densities, self-weight, imposed loads for buildings & UK National Annex, British Standards Institution, 2002.
LCC118	BS EN 1991-1-3:2003 Part 1-3: General actions – Snow loads & UK National Annex, British Standards Institution, 2003.
LCC119	BS EN 1991-1-4:2005 Part 1-4: General actions – Wind actions & UK National Annex, British Standards Institution, 2005.
LCC120	BS EN 1991-1-5:2003 Part 1-5: General actions – Thermal actions & UK National Annex, British Standards Institution, 2003.
LCC121	BS EN 1991-1-6:2005 Part 1-6: General actions – Actions during execution & UK National Annex, British Standards Institution, 2005.
LCC122	BS EN 1991-1-7:2006 Part 1-7: General actions – Accidental actions & UK National Annex, British Standards Institution, 2006.
LCC123	BS EN 1991-2:2003 Part 2: Traffic loads on bridges & UK National Annex, British Standards Institution, 2003.

LCC124	BS EN 1992-1-1:2004 Part 1-1: General rules and rules for buildings & UK National Annex, British Standards Institution, 2004.
LCC125	BS EN 1992-2:2005 Part 2: Concrete bridges – Design and detailing rules & UK National Annex, British Standards Institution, 2005.
LCC126	BS EN 1997-1:2004 Part 1: General rules & UK National Annex, British Standards Institution, 2004.
LCC127	BS EN 1997-2:2007 Part 2: Ground investigation and testing & UK National Annex, British Standards Institution, 2007.
LCC128	GC/RT5212 Requirements for Defining and Maintaining Clearances, RSSB, 2003.
LCC129	NR/L3/CIV/020 Issue 1 Design of Bridges, Network Rail, 2011.
LCC130	NR/L3/CIV/071 Issue 4 Geotechnical, Network Rail 2011.
LCC131	GE/RT8025 Issue 1 Electrical Protective Provisions for Electrified Lines, RSSB, 2001.
LCC132	GEGN8573 Issue 3 Guidance on Gauging and Platform Distances, RSSB, 2015.
LCC133	GC/GN5612 Issue 1 Guidance on Loading Requirements for the Design of Railway Structures, RSSB, 2014.
LCC134	GIRT7073 Issue 1 Requirements for the Position of Infrastructure and for Defining and Maintaining Clearances, RSSB, 2015.
LCC135	BS EN 15273-3:2013 Railway applications. Gauges. Structure gauges, British Standards Institution, 2013.
LCC136	BS EN 50122-1:2011 Railway applications. Fixed installations. Electrical safety, earthing and the return circuit. Protective provisions against electric shock, British Standards Institution, 2011.
LCC137	IAN 124/11 Eurocodes: Implementation of Eurocodes for the design of new and existing highway structures, Highways England, 2011.
LCC138	The Construction (Design and Management) Regulations 2015, HSE, 2015
LCC139	Composite Highway Bridge Design, P356, SCI, 2014
LCC140	Code of Practice for Works Affecting the Canal and River Trust, Canal and River Trust, 2012
LCC141	Towpath Design, Canal and River Trust, 2013.
LCC142	Bats and Road Construction, Rijkwaterstaat, Weg-en Waterbouwkunde, Delft, the Netherlands and the Vereniging voor Zoogdierkunde en Zoogdierbescherming, Arnhem, the Netherlands, Limpens H. J. G. A., Twisk P., & Veenbaas G, 2005.
LCC143	Interim Advice Note 116/08 Nature Conservation Advice in Relation to Bats, Highways Agency (2009)
LCC144	Standard Conditions for Works Adjacent to Pipelines, Document Ref. 90048 Issue 3.1, United Utilities Water Ltd, July 2015.
LCC145	Third-party guidance for working near National Grid Electricity Transmission equipment Technical Guidance Note 287 National Grid Electricity Transmission
LCC146	Overhead line clearances, Technical Specification 43-8, The Operations Directorate Of Energy Networks Association, 2004.
LCC147	Appearance of bridges and other highway structures, Highways England 1996 (NO LINK AVAILABLE)
LCC148	Local Transport Note 1/12 Shared use routes for pedestrians and cyclists, DFT, 2012.
LCC149	Advice on Specifications and Standards recommended for equestrian routes in England and Wales, The British Horse Society, 2013.
LCC150	Report of the study group on dimensions of Agricultural Bridges & Underpasses, DFT, 1985.
LCC151	Groundwater control: design and practice, second edition, CIRIA C750, April 2016.
LCC152	HS2 Design Principles for Waterway crossings, Canal River Trust.
LCC153	Guidance Notes on Best Practice in steel bridge construction, Steel Bridge Group: Sixth Issue, November 2015.
LCC154	Bridge Detailing Guide, CIRIA C543, 2001.

LCC155	Safe access for maintenance and repair, Guidance for designers second edition, CIRIA C686, 2009.
LCC156	Embedded Retaining Walls – Guidance for Economic Design, CIRIA C580, 2002.
LCC157	Guidance on embedded retaining wall design, CIRIA C760, 2017
LCC158	Weathering Steel Bridges, Corus Construction & Industrial, 2005.
LCC159	BS EN 1536:2010+A1:2015 Execution of special geotechnical works — Bored piles, British Standards Institution, 2010.
LCC160	Practice Note 27: Dairy Farm Infrastructure, Version 1, IPENZ Engineers New Zealand, September 2013.
LCC161	Construction Information Sheet 59 Provision of welfare facilities during construction work HSE
LCC162	HSG150 Health and Safety in Construction (third Edition) HSE2006
LCC163	CLHTM Local Model Validation Report (LMVR), Oct 2013.
LCC164	CLTM Appraisal Specification Report (ASR), Nov 2013.
LCC165	NW Preston Aimsun Microsimulation Model Modelling Report, October 2016.
LCC166	NW Preston Aimsun Microsimulation Model – Additional Modelling Report, July 2017.
LCC167	Sustrans Design Manual Chapter 1 -16
LCC168	Traffic Advisory Leaflet 1/06, General Principles of traffic Control by Light Signals Part 1 of 4, DFT, 2006.
LCC169	Traffic Advisory Leaflet 1/06, General Principles of traffic Control by Light Signals Part 2 of 4, DFT, 2006.
LCC170	Traffic Advisory Leaflet 1/06, General Principles of traffic Control by Light Signals Part 3 of 4, DFT, 2006.
LCC171	Traffic Advisory Leaflet 1/06, General Principles of traffic Control by Light Signals Part 4 of 4, DFT, 2006.
LCC172	Traffic Advisory Leaflet 2/03, Signal-control at junctions on high-speed roads, DFT, 2003.
LCC173	Traffic Advisory Leaflet 5/05, Pedestrian Facilities at Signal-controlled junctions Part 1 of 4, DFT, 2005.
LCC174	Traffic Advisory Leaflet 5/05, Pedestrian Facilities at Signal-controlled junctions Part 2 of 4, DFT, 2005.
LCC175	Traffic Advisory Leaflet 5/05, Pedestrian Facilities at Signal-controlled junctions Part 3 of 4, DFT, 2005.
LCC176	Traffic Advisory Leaflet 5/05, Pedestrian Facilities at Signal-controlled junctions Part 4 of 4, DFT, 2005.
LCC177	European Landscape, Convention Council of Europe, European Treaty Series - No. 176, 20 October 2000.
LCC178	National Planning Policy Guidance Reference ID: 18a-001-20140306 to Reference ID: 18a-063-20140306
LCC179	National Planning Policy Guidance Reference ID: 26-001-20140306 to Reference ID 26-042-20140306
LCC180	Interim Advice Note 172/13, Ash dieback – Chalara fraxinea Department for Transport, January 2013
LCC181	Interim Advice Note 135/10, Landscape and Visual Effects Assessment, Department for Transport, November 2010
LCC182	A Landscape Strategy for Lancashire – Lancashire Character Assessment, Lancashire County Council, 2000.
LCC183	A local List of Lancashire’s Unregistered Historic Designed Landscapes, Lancashire County Council, June 2013.
LCC184	Manual for Streets, Department for Transport, 2007.
LCC185	Manual of Streets 2, Wider Application of the Principles, Chartered Institution of Highways and Transportation, September 2010.
LCC186	BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations, BSI Standards Publication, British Standards Institution, 2012.

LCC187	BS 4428:1989 Incorporating Amendment No, 1, Code of practice for general landscape operations (excluding hard surfaces), BSI Standards Publication, British Standards Institution, 1989.
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LCC454-P1	Side Roads Order and Compulsory Purchase Order overlay plan 1 of 6
LCC454-P2	Side Roads Order and Compulsory Purchase Order overlay plan 2 of 6
LCC454-P3	Side Roads Order and Compulsory Purchase Order overlay plan 3 of 6
LCC454-P4	Side Roads Order and Compulsory Purchase Order overlay plan 4 of 6
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LCC474	Supplemental information to 'LCC457 - Further information provided to DM'
LCC475	Letter from LCC to DPP dated 14 November 2018 with associated email trail
LCC476	Objector 3 – LCC response
LCC477	Jacobs Traffic Forecasting Note
LCC478	Jacobs Variable Demand Modelling Assessment
LCC479	Planning Permission LCC/2016/0046
LCC480	LCC480 - correspondence between Lancashire County Council and Sara Roberts of the National Transport Casework Team, Department for Transport

LCC480.1	Amended Lea Viaduct s106 bridge scheme plans at the request of NTCTDfT
LCC480.2	Amended Savick Brook s106 bridge scheme plans at the request of NTCTDfT
LCC481	Section 19 Certificates in relation to the scheme
LCC482	Environment Agency response to Planning application LCC/2016/0046
LCC483	Section 19 certificates for public open space
LCC484	Composite list of objectors with updated information on status of their objections
LCC485	Statement of Reasons for making the Compulsory Purchase Order
LCC486	Statement of Case for making the Compulsory Purchase Order
LCC487	Statement of Reasons for making the Side Roads Order
LCC488	Statement of Reasons for making the Lea Viaduct Scheme
LCC489	Statement of Reasons for making the Savick Brook Viaduct Scheme