

## Section 78 of the Town and Country Planning Act 1990

Appeal by Baxters Construction Ltd against decision of Lancashire County Council to refuse to grant planning permission for the extraction and processing of sand and gravel including the construction of new site access roads, landscaping and screening bunds, minerals washing plant and other associated infrastructure with restoration of leisure end uses, agricultural land and biodiversity enhancement using imported fill

LPA Ref: LCC/2023/0030

Appeal Ref:6002168

# Highways Rebuttal Statement

Mytax Farm, Bourbles Lane, Poulton-le-Fylde

**MARCH 2026**



## SCP GENERAL NOTES

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**Project No.:** 260086-Rebuttal

**Title:** Highways Rebuttal Statement, Mytax Farm, Bourbles Lane, Poulton-le-Fylde

**Date:** 30 March 2026

Date	Status	Prepared by	Issued by
30 <sup>th</sup> March 2026	Issue	Jim Budd	Jim Budd

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Rebuttal Statement

Highways Rebuttal Statement, Mytax Farm, Bourbles Lane, Poulton-le-Fylde

260086-Rebuttal (0.0)

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## Background

- 1.1 This rebuttal statement has been prepared following my review of the Proof of Evidence prepared by Ryan Derbyshire of Lancashire County Council (LCC) who is representing LCC Highways in the appeal against the refusal of planning permission for a mineral extraction and reinstatement scheme at Mytax Farm, Poulton-le-Fylde (planning application reference LCC/2023/0030).
- 1.2 The main case for the Appellant is included within my Proof of Evidence. This includes a detailed review of the highways matters that underpin LCC Highways' reason for refusal of the planning application, which is related to road safety. I conclude in my Proof of Evidence that the proposals are appropriate and are not contrary to national or local policies as they relate to highway safety (Paragraph 116 of the National Planning Policy Framework, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy CDMP6 of the Wyre Local Plan).

It is confirmed that this rebuttal statement comments solely on the representations contained within Ryan Derbyshire's Proof of Evidence with no new evidence introduced.

## Existing Vehicular Use of B5270 Lancaster Road

[Mr Derbyshire 2.16 – 2.23]

- 1.3 Mr Derbyshire provides a description of the characteristics of Lancaster Road including the fact that it is used by non-motorised users. However, he omits any reference to the existing vehicular use of Lancaster Road that includes use by HGVs and buses. This has been established via traffic surveys on Lancaster Road that are included in the Statement of Common Ground on Highway Matters.
- 1.4 It is important for the sake of the context within which any non-motorised trips are made to note that Lancaster Road is already used by HGVs and buses and my Proof of Evidence includes reference to the survey data that recorded 16 HGV movements along Lancaster Road during the course of an average weekday.
- 1.5 Mr Derbyshire highlights that there is evidence of non-motorised users using Lancaster Road however the extent of this activity is unknown as no non-motorised user surveys have been undertaken. My assessment of Lancaster Road acknowledges that there will be some non-motorised users travelling along the road at times. It also acknowledges that there is no evidence within the accident database of any personal injury accidents involving non-motorised users on Lancaster Road. This is important since interactions between HGVs and non-motorised users must already occur along Lancaster Road with some regularity.

## Proposed Site Access Visibility Splays

[Mr Derbyshire 5.1 – 5.9]

1.6 Mr Derbyshire states that:

*‘To date no evidence has been provided to demonstrate the necessary visibility splays can be achieved.’*

I would highlight that the Local Highway Authority has vacillated in their position with regards to the visibility splay ‘x-distance’ that they consider appropriate in this context. Initial advice to the Appellant’s transport consultant was that a 1.2m x-distance would be sufficient given, presumably, how much further forward an HGV driver sits in the cab than a driver of a private car. LCC then updated their requirement to a 2.4m x-distance. Furthermore, the 52m ‘y-distance’ requirement of LCC Highways was only confirmed by Mr Derbyshire to the Appellant’s transport consultant in February 2026. Speed data for Lancaster Road (upon which LCC have based the visibility requirement) has been available to them since October 2023 when LCC commissioned the survey.

1.7 Notwithstanding, I have demonstrated in my Proof of Evidence that a 2.4m x 58m visibility splay can be achieved at the proposed site access without crossing third party land. This exceeds the length of splay that Mr Derbyshire considers is required (2.4m x 52m) in both directions and is drawn to the edge of the carriageway as per Mr Derbyshire’s specification.

1.8 I have contacted Mr Derbyshire since the exchange of proofs to ask whether the suitability of the site access visibility splays can now be an agreed matter however his response was that the extent of the adopted highway in this area isn’t agreed and therefore the access is still a matter of dispute. I have clearly set out in my proof of evidence the adopted highway extents plan provided by LCC and how this translates onto the topographical survey. I therefore do not believe that there is a justifiable cause for disagreement on this matter.

## Road Safety Audit

[Mr Derbyshire 6.8, 6.19, 6.26, 6.28, 6.44, 6.47]

1.9 Mr Derbyshire presents a Stage 1 Road Safety Audit (RSA) at Appendix 15 of his proof of evidence. The Road Safety Audit addresses the highway mitigation proposal that has been proposed by TLA along Lancaster Road (carriageway widening and new signage) and on the A588 at the Fold House Farm bend and the junction with Cemetery Lane (new signage). The RSA was undertaken in February 2026 by engineers from LCC.

1.10 A Road Safety Audit is a systematic process for checking the road safety implications of highway improvements and new road schemes. The objective of the process is to minimise future road collision occurrence and severity once the scheme has been built and the road comes into use.

- 1.11 Stage 1 of the RSA process is based upon preliminary drawings. In this instance the TLA drawings produced as part of the planning application.
- 1.12 It is normal practice for the design organisation (in this case TLA) to prepare the RSA brief and commission the RSA which should be undertaken by auditors independent of the design organisation.
- 1.13 In this instance, LCC are not the design organisation and the RSA brief (presumably prepared by LCC) has not been included in Mr Derbyshire's proof of evidence and therefore cannot be scrutinised. Indeed, there is no explanation in Mr Derbyshire's proof of evidence for why the RSA has been undertaken.
- 1.14 In the light of the RSA process which Mr Derbyshire has commenced, however, it is notable that the agreed junction improvement scheme at the Lancaster Road / A588 junction has not been included. This is the most significant single proposed highway intervention forming part of the highway mitigation proposals for the scheme.
- 1.15 In relation to each of the problems raised by LCC's auditors, however, it is clear that each one is capable of being very easily addressed through the ongoing detailed design process. A designer's response to each problem would take the following form:-

#### Problem 5.1.1

Location: Lancaster Road, Vine House bend and approaches

Summary: Insufficient carriageway width for large vehicles to pass each other

Recommendation: It is recommended that the carriageway is further widened to facilitate the safe passing of large vehicles, or if there is no possibility of widening the carriageway sufficiently, alternative routes to the site offering separated access and egress routes are provided to avoid large vehicles meeting on Lancaster Road.

Response: Sufficient widening of the carriageway along Lancaster Road can be achieved within the adopted highway boundary to allow large vehicles to pass each other, as I have demonstrated in my Proof of Evidence.

#### Problem 5.1.2

Location: Lancaster Road, site access

Summary: Poor visibility for right turning vehicles

Recommendation: It is recommended that all vehicles egressing the site are prohibited from turning right.

Response: Visibility at the proposed site access is more than sufficient for the recorded speeds on Lancaster Road, as demonstrated in my Proof of Evidence. The site access road is sufficiently wide to allow drivers of non-HGVs to position for a right turn out of the junction in one movement. There is therefore no need to prohibit non-HGV traffic from turning right out of the junction.

#### Problem 5.1.3

Location: Lancaster Road, Vine House bend and approaches

Summary: Lighting columns and BT poles present strike hazard

Recommendation: It is recommended that sufficient lateral clearance between the edge of carriageway and the existing street furniture is maintained through the bend and throughout the scheme.

Response: It is agreed that sufficient lateral clearance between the edge of carriageway and the existing street furniture should be maintained. This would be a consideration as part of the detailed design stage and S278 process.

#### Problem 5.1.4

Location: Throughout the scheme

Summary: Proposed signs may present strike hazard

Recommendation: It is recommended that all signs are mounted with sufficient lateral clearance to prevent strikes, however existing vegetation would need be removed to allow permanent clear forward visibility and to prevent future vegetation growth obscuring all signs.

Response: It is agreed that sufficient lateral clearance between the edge of carriageway and signs should maintained. This would be a consideration as part of the detailed design stage and S278 process. The removal of vegetation to ensure suitable visibility of highway signage is the responsibility of the Local Highway Authority.

#### Problem 5.1.5

Location: Throughout the scheme

Summary: Signs damaged or obscured by vegetation

Recommendation: It is recommended that all existing and proposed signs are mounted with sufficient lateral clearance to prevent strikes and with clear forward visibility.

Response: It is agreed that sufficient lateral clearance between the edge of carriageway and signs should maintained and this would be a consideration as part of the detailed design stage and S278 process. The removal of vegetation to ensure suitable visibility of highway signage is the responsibility of the Local Highway Authority.

## Accident Record at the A588 / Cemetery Lane / Park Lane Junction

[Mr Derbyshire 6.8]

- 1.16 In the context of discussing the potential for large vehicles to meet each other at the bend of this junction, Mr Derbyshire states that:
- “To date, four personal injury collisions have been recorded in the last five years, two of which involved an HGV, including one collision between an HGV and a pedestrian.”*
- 1.17 I would disagree that the accident record shows 4 accidents having occurred at this junction as one accident occurred 50m south of the junction on the A588 and one occurred 41m to the north of the junction, on Park Lane. Official UK road accident reporting guidelines (STATS19) state that an accident is officially classed as occurring *“at a junction”* if it takes place within 20 metres of the junction.
- 1.18 Clearly two of the accidents did not occur within 20 metres of the junction therefore should not be included in the accident record for this junction. There was only one accident on the A588 close enough to this junction to be classed as having occurred at the junction. The other accident that occurred within 20m of the junction was on the Cemetery Lane arm of the junction.

## Swept Path Analysis

[Mr Derbyshire 6.34]

- 1.19 Mr Derbyshire has provided drawings showing swept path analysis of a 16.5m articulated vehicle using Lancaster Road and states that this has been done because larger articulated tipper vehicles, than the one used by the Appellant within the swept path drawings, are available in the UK.
- 1.20 As has been made clear by the Appellant’s transport consultant, the Appellant does not use such vehicles and the longest vehicle type used by the Appellant is circa 13m long. It is this type that has been used in the TLA swept path assessments to demonstrate the movement of articulated vehicles. I consider this approach to be appropriate as it is not the purpose of transport assessments to test and design for a worst-case scenario, but to assess reasonable and realistic transport scenarios (NPPF paragraph 116).
- 1.21 While I accept that some contractors may use articulated HGVs longer than the appellant’s 13m tipper trucks, Mr Derbyshire’s own evidence is that examples of larger articulated tipper type vehicles are 14.2m in length. In my proof I have used 14.6m long tipper vehicles for the swept path analysis. These are 0.4m longer than the longest examples Mr Derbyshire cites in his evidence.
- 1.22 In my view, using two 16.5m length articulated vehicles as the basis to form judgements regarding the effect of the development upon the highway network does not constitute a reasonable assessment and is contrary to the requirements of national policy.

## Servicing Management Plan

[Mr Derbyshire 6.50 – 6.55]

- 1.23 Mr Derbyshire questions the 'feasibility, practicality, and enforceability' of the proposed Vehicle Management Plan / Servicing Management Plan that has been proposed as part of the mitigation package.
- 1.24 The purpose of the management plan is to minimise the effects of development HGVs upon the surrounding highway network through the control of HGV routeing and the timing of HGV movements in and out of the site. The provision of a management plan of the type proposed in this case is by no means unusual.
- 1.25 It is proposed that the management plan is secured as part of a unilateral undertaking and a draft of this document has been prepared. I understand that the matter may also be controlled by a condition.
- 1.26 With regards to the routeing of HGVs, drivers of HGVs under the direct control of the Company lawfully entering and leaving the Site, are to complete a Journey Management Induction setting out and requiring compliance with the permitted HGV Routeing Scheme.
- 1.27 To ensure compliance, the requirements of the HGV Routeing Scheme will be incorporated into the conditions of contract of all haulage contractors employed by the Company.
- 1.28 This will include an escalating sanctions regime whereby a warning will be issued for a first breach, a written warning issued for a second breach, and a notice suspending a contractor's haulage contract for a period of not less than 5 Working Days for a third breach.
- 1.29 In the event that a contractor or its drivers fail to comply with the restrictions on four or more occasions, a contractor's haulage contract will be terminated. All reasonable endeavours will be used to enforce such contractual requirements where any breaches come to the attention of the Owner and the Operator and to notify the Council of such breaches as soon as reasonably practicable or within 48 hours whichever is the sooner.
- 1.30 To monitor the routeing of HGVs travelling to and from the site, random spot checks at the exit to the site and on local roads are to be conducted not less than four times per calendar year and evidence of which shall be provided to the Council within one month of a written request from the Council. All drivers including HGV drivers are to be issued the HGV Routeing Scheme Map indicating the routes to be used. The physical arrangement of the site access junction also helps to enforce the restriction of HGV movements out of the site.
- 1.31 This addresses the feasibility, practicality and enforceability of the routeing management element of the management plan.
- 1.32 With regards to the timing of HGV movements in and out of the site, the intention is to minimise the effects of development HGVs at school pick up and drop off times (08:00 – 09:00 and 15:00-16:00 on school days) however I do not consider that this is a necessary measure as I do not consider that the presence of development HGVs on the road network during these times would pose an unacceptable risk to safety.

- 1.33 Notwithstanding, such a timing restriction on movements would form part of the proposed Routeing Scheme Map and drivers would be made aware as part of their journey management induction. The sanctions regime described above for the routeing would also apply to the timing restrictions.
- 1.34 The Appellant has the ability to control movements out of the site by holding vehicles back at the weighbridge.
- 1.35 The Appellant would use reasonable endeavours to ensure that inbound drivers were aware of the restrictions. The Appellant would know their customers and therefore have a reasonable degree of control over drivers of HGVs that are not owned by the company.
- 1.36 Similarly, with regards to the proposal to manage inbound and outbound HGV movements to prevent them meeting along Lancaster Road, I do not consider this to be a necessary measure but if it is considered to be required then it can form part of the management plan such that drivers exiting the site would need to check visually for inbound HGVs on Lancaster Road before undertaking their exit manoeuvre.
- 1.37 Again, the purpose of the management plan is to minimise the effects of development HGV movements on the surrounding network. Perfection isn't required but it is clear in my view that there is a viable strategy that can exert a high degree of control and that is practicably enforceable.

## Summary

- 1.38 This rebuttal statement has addressed Mr Derbyshire's Proof of Evidence and I conclude that there is nothing in Mr Derbyshire's Proof of Evidence that justifies a refusal of the appeal scheme on highway safety grounds.