

Challenge to Appellant's Highways Proof of Evidence (SCP, March 2026)

Paragraphs 3.2, 3.7, 4.46, 4.53–4.55, 4.54 and 5.10, and Associated Access Drawings

Challenge

The Appellant's proposed highway case relies on claimed benefits and mitigation measures which are not supported by evidence, are internally inconsistent, and are not deliverable in practice. The assessment relies on assumptions regarding driver behaviour, hedgerow control, carriageway widening, access geometry and user behaviour, none of which are secured or demonstrated to be reliable.

Claimed Reduction in HGV Mileage (Paragraph 3.2)

At paragraph 3.2, the Appellant states that the development would result in reduced HGV mileage by supplying local markets and avoiding longer-distance transport of aggregates.

This claimed benefit is not supported by robust evidence and relies on a selective comparison.

The Appellant assumes that aggregates would otherwise be sourced from more distant locations, such as Cheshire, resulting in significant mileage savings. However:

- No evidence is provided of the actual current or likely supply routes
- No justification is given for the selection of comparator distances
- No assessment is made of alternative, closer existing quarries

The Appellant does not account for the presence of existing quarries significantly closer to the site, including:

- Bradley Sandpit, Lightfoot Lane, Fulwood (Preston)
- Ellel Cragg Quarry, Lancaster
- Sandons Farm Quarry, Adlington
- Heidelberg Materials Quarry, Ingleton
- Quarries at Carnforth

In addition, there is an application at:

- Lower Hall Farm, Salmesbury – for approximately 3 million tonnes of sand and gravel

All of these sources are materially closer than the Appellant's referenced source in Cheshire.

These alternative sources would reduce or negate the claimed mileage savings.

Even if some reduction in overall mileage were to occur, the proposal would:

- Introduce a substantial number of HGV movements onto Lancaster Road
- Concentrate impacts on a constrained rural route

- Increase conflict with vulnerable road users

Employee Travel Plan – Internal Contradiction (Paragraph 3.7)

At paragraph 3.7, the Appellant states:

“the appellant is willing to commit to the implementation of an Employee Travel Plan... to encourage sustainable commuting including walking, cycling and public transport use.”

However, elsewhere in the same document, the Appellant states that:

- Lancaster Road is rarely used by pedestrians
- The lack of footways reflects its remoteness from everyday use

The Appellant therefore:

- Relies on their perception of **low level of pedestrian activity** to support the safety of the road
- Whilst simultaneously proposing to **increase walking and cycling activity**

These positions are directly contradictory.

Encouraging additional vulnerable road users onto a route that is:

- Constrained in width
- Subject to increased HGV movements
- Reliant on vehicles slowing, stopping and manoeuvring

would increase the likelihood of conflict between HGVs and vulnerable users and expose those users to close passing distances and unpredictable vehicle movements.

The Appellant cannot rely on the absence of vulnerable road users to demonstrate safety, whilst simultaneously proposing measures that would increase their presence.

Reliance on Driver Behaviour (Paragraph 4.46)

At paragraph 4.46, the Appellant states:

“drivers can, and do pull in their wing mirrors... HGV wing mirrors... would be likely to oversail on the vehicle’s nearside.”

The suggestion that HGVs will routinely slow, stop, and adjust mirrors to pass introduces clear hazards:

- Repeated stopping and manoeuvring of large vehicles on a narrow road increases risk to following traffic
- It creates uncertainty for oncoming vehicles and vulnerable users
- It relies on driver behaviour rather than providing a safe and suitable highway environment

This is not a controlled or reliable mitigation measure.

The assertion that vehicles can “oversail” hedgerows is also problematic:

- Where hedgerows form the boundary to private property, oversailing would result in encroachment into private land and gardens
- There is no right for vehicles to rely on repeated physical overhang into private property

The Appellant’s position also fails to account for fixed constraints along Lancaster Road, including:

- Lamp posts
- Road signage
- Other highway infrastructure

These features prevent consistent oversailing and further undermine the practicality of the manoeuvre described.

Impact on Vulnerable Road Users – Equestrians

The Appellant’s reliance on HGVs slowing, stopping, and manoeuvring to pass each other presents particular risks to vulnerable road users, including pedestrians, cyclists but also equestrians on a stretch where there are 5 equestrian properties (and also wider use).

Horses are highly sensitive to:

- Sudden braking, air brake noise and engine noise
- Large vehicles stopping and restarting in close proximity
- Unpredictable vehicle movements

The repeated stopping and starting of HGVs on a narrow road, combined with close passing distances, materially increases the risk of horses becoming startled, placing riders, carriage drivers, pedestrians, and other road users at risk.

A highway environment that depends on heavy goods vehicles stopping, starting, and manoeuvring in close proximity cannot be regarded as safe for these vulnerable road users.

Dependence on Hedgerow Maintenance (Paragraphs 4.53–4.55)

At paragraph 4.53, the Appellant accepts:

“if hedgerows are not maintained then they could encroach into the carriageway and reduce the effective width regardless of widening.”

This is a clear admission that the effectiveness of the proposed mitigation is dependent upon ongoing hedgerow maintenance.

However, at paragraph 4.55, the Appellant confirms:

“For any hedgerows that lie within private land... their maintenance is the landowner’s responsibility.”

No evidence has been provided that the Appellant controls all relevant hedgerows or has secured any agreement with the landowner(s).

The Appellant seeks to address this by asserting that:

“The long-term maintenance of boundary hedgerows could also be secured by condition, or within a clause to the s278 agreement.”

This approach is fundamentally flawed:

- A planning condition cannot bind third-party landowners
- A s278 agreement cannot secure third-party compliance

Reliance on highway authority powers is also misplaced:

“the Local Highway Authority can issue a notice... if it is causing a safety problem...”

These powers are discretionary and apply only where an existing obstruction or safety hazard is present. The Appellant’s own evidence confirms that the highway currently operates safely with only one recorded accident on Lancaster Road in 2023..

Therefore the need for hedge reduction arises solely from the proposed development.

Assumed Deliverability of Widening (Paragraph 4.54)

At paragraph 4.54, the Appellant states:

“there is sufficient adopted highway to deliver carriageway widening given the removal of the hedgerow...”

This assertion is not supported by robust or deliverable evidence.

The Appellant’s conclusion is dependent on the removal of hedgerows, yet:

- No detailed design has been provided
- No assessment is provided of the extent, ownership, or legal status of the hedgerow – residents dispute ownership and have historic evidence of sole maintenance back to the 1950’s.
- It is assumed, without evidence, that the hedgerow lies entirely within adopted highway

No assessment is provided of:

- Drainage impacts
- Verge stability
- Existing infrastructure constraints

Access Road Width – Misleading Measurement in Drawings

Across a number of drawings (Appendices JRB 5 and 6) , the proposed access road is consistently shown to appear as having a width of **7 metres measured to the hedge line**.

This is misleading and does not reflect the actual available access road carriageway width.

The hedge line is not the edge of the usable carriageway:

- A **post-and-rail fence** is to be installed on the access road side
- A corresponding boundary fence placed on the Hillfield House side
- The hedge sits between these boundaries

When measured correctly:

- The available carriageway width between the fences is approximately **6.7 metres**, not 7 metres
- Again wing mirrors being at risk of over sailing private land.

Vine House Bend – Physical Constraints (Paragraph 5.10)

At paragraph 5.10, the Appellant states:

“there is sufficient space within the adopted highway to widen Lancaster Road to provide a 7m road width at the Vine House bend.”

This assertion is not supported by the physical constraints on the ground.

The Vine House bend represents the narrowest point, with an existing carriageway width in places of approximately **5.1 metres**. Achieving 7 metres would require a substantial increase.

Critically drawings in Appendices : JRB1 ‘Highways Data Response is incorrect and should be updated to reflect that

- Land in front of the Vine House gate is not within the adopted highway
- This land is in private ownership (Pointer Farm / Vine House)

As a consequence Appendices JRB2, JRB3, JRB10, JRB11, JRB14, Drawing nos. SCP/260086/D06, SCP/260086/D07, SCP/260086/D04, 220503/10, 220503/12 are all shown incorrectly.

In addition no boundary confirmation or landowner agreement is provided.

Overall Conclusion

The Appellant’s highways case relies on:

- A selective and unsubstantiated mileage benefit
- Internal contradictions regarding road use
- Driver behaviour rather than design
- Encroachment beyond the highway boundary
- Unsecured hedgerow control
- Overstated carriageway widths
- Assumptions regarding land availability

None of these elements are secured or reliable.

Accordingly, the proposed mitigation is:

- **Not enforceable**
- **Not certain**
- **Not deliverable in practice**

The Appellant's case depends on controlling land, vegetation, vehicle behaviour, and road use that it neither owns nor can guarantee.