

Memorandum

COMMUNITY SERVICES

Highways Development Support

From: Neil Stevens
Extension: 34057
Our Ref: LCC/2014/0101/NJS (update Jan. 2018)
Date: 11th January 2018

To: - Jonathan Haine
Development Control
Your Ref: LCC/2014/0101

APPLICATION: LCC/2014/0101 (Exploration)

Construction and operation of a site for drilling up to four exploration wells, hydraulic fracturing of the wells, testing for hydrocarbons, abandonment of the wells and restoration, including provision of an access road and accesses onto the highway, security fencing, lighting and other uses ancillary to the exploration activities, including the construction of a pipeline and a connection to the gas grid network and associated infrastructure to land west, north and east of Roseacre Wood and between Roseacre Road, Roseacre and Inskip Road, Wharles.

LOCATION:

Agricultural land that forms part of Roseacre Hall, to the west, north and east of Roseacre Wood, and land that forms part of the Defence High Frequency Communications Service (DHFCS) site between Rosacre Road and Inskip Road, off Roseacre Road and Inskip Road, Roseacre

I refer to the above application and would like to thank you for the opportunity to comment further on the proposal. These comments consider all the highways and transport information provided to Highways Development Support Service of the county council by the applicant. This latest information includes the Environmental Statement (ES) update as November 2017 (including the latest update to the Traffic Management Plan) and the Transport Consultation Report (November 2017).

The local highway authority is responsible for providing and maintaining a safe and reliable highway network in Lancashire, working closely with Highways England. With this in mind the present and proposed traffic systems have been considered to highlight areas of concern that, potentially, could cause problems for pedestrians, cyclists, public transport or motorists on or accessing the influenced network.

These comments provide Lancashire County Councils (LCC) Highways latest position to LCC Planning (local planning authority) having considered all the latest information and updates to the ES and associated Traffic Management Plan (TMP). In providing this update I would refer to the previous statutory comments provided to LCC Planning and also LCC Highways detailed Proof of Evidence that was presented at the public Inquiry which opened in 2016.

Background

A planning application for the development of an exploration well site to drill for hydrocarbons at Roseacre Wood near Elswick was originally submitted to the County Council in June 2014. The application provides for the construction of an exploration well pad and access from Roseacre Road, perimeter fencing, the drilling of four boreholes, hydraulic fracturing of each of the boreholes and a period of flow testing to monitor the quantities and flow rates of any gas produced.

The development is proposed (estimated) to be undertaken over a period of 6.25 years. The appellant has proposed a maximum number of HGV's associated with the development of the site to be 50 per day.

The applicant's ES contained proposals for routing of traffic to the site. The traffic routing to the site as proposed in the 'original' planning application was via the A583 then passed through Clifton Village along Clifton Lane and then proceeding northwards using Station Road, Dagger Road, Salwick Road, Inskip Road and then across the DHFCS Inskip site using a private road before crossing Roseacre Road into the application site. Traffic leaving the site would follow this route in reverse.

To support the use of this route, the appellant proposed a traffic management plan to manage two way HGV movements to and from the site. This included some road widening and a system of monitoring HGV arrivals and departures from the site and the use of a tracker system to best manage site related movements.

The planning application was reported to the County Council's Development Control Committee on 24th June 2015. At that meeting, the County Council resolved to refuse the application for the following reason:-

1. The proposed development would be contrary to Policy DM2 of the Joint Lancashire Minerals and waste Local Plan – Site Allocation and Development Management Policies in that it would generate an increase in traffic, particularly HGV movements, that would result in an unacceptable impact on the rural highway network and on existing road users, particularly vulnerable road users and a reduction in overall highway safety that would be severe.

This decision was subject to an appeal which was determined by way of a public inquiry held in February and March 2016.

The Inspector considered the evidence that was presented by the appellant, county council and other parties in relation a number of matters including highway impacts. The Inspector concluded that the volume and percentage increases in traffic combined with the deficiencies of the route would give rise to real and unacceptable risks to the safety of people using the highway including vulnerable road users and that the proposed mitigation measures would not satisfactorily address these impacts. The Inspector therefore concluded that the selected route was unsuitable for its intended purpose and that the development was contrary to paragraph 32 of the NPPF.

Due to the nature and significance of the proposals, the appeals were recovered by the Secretary of State. In his decision, the Secretary of State agreed with the Inspector that the value of the appellants risk assessments was limited and that it had not been adequately demonstrated that the mitigation measures were workable in practice. He therefore agreed with the Inspector's conclusions regarding the safety of the route and impacts on vulnerable road users.

However, the Secretary of State noted that these conclusions largely arose due to the failure of the appellant to provide adequate evidence that they had properly addressed the safety issues and had not demonstrated that the mitigation was workable in practice. He has therefore determined that the public inquiry will be reopened to provide the appellant and other parties with the opportunity to submit further evidence on highways issues. The Secretary of State has concluded that, subject to the issues identified by the Inspector being satisfactorily addressed, he is minded to grant planning permission.

The reopened public inquiry is scheduled to commence on 10th April 2018. The reopened inquiry will only hear evidence relating to highways issues.

The Appellants Revised Highway Proposals

The appellant has revisited the highway impacts of the development and their proposals for mitigating such impacts. This has included reviewing the HGV routing strategy, undertaking further highway/transport surveys and proposing a range of new mitigation measures. The revised proposals are as follows:-

Vehicle routing: The appellant now proposes a multi route strategy to the site to reduce HGV impact on any one route and to enable more than one access route to the site. The proposed routes are as follows.

- Green Route – from the A585 at Singleton to the site via the B5269 Thistleton Road, Elswick High Street and Roseacre Road
- Red Route – from the A585 to the site via B5269 Thistleton Road, Elswick High Street, Lodge Lane, Preston road to Inskip and then Higham Side Road and through the DHFCS facility to reach the application site
- Blue route – from the A583 to the site via Clifton Lane, Station Road, Dagger Road, Salwick Road and Inskip Road and through the DHFCS facility to reach the site.

The applicant proposes that the DHFCS route would be available for use by HGV's during all phases of the project except for the extended flow testing when HGV's would route via Wharles village (the appellant has suggested that there would only be 6 HGV movements per day during this phase). During all phases of the site, the applicant indicates that HGV's would be limited to 50 movements per day (25 in and 25 out). The HGV movements could be split between each of the three route options in any proportion.

In the original planning application, it was proposed that each well would be drilled and hydraulically fractured in turn. The applicant is now proposing to limit the number of times that mobilisation and demobilisation occurs over the duration of the project to no more than twice for the drilling rig and twice for the hydraulic fracturing equipment. This would reduce the number of times that the peak HGV traffic flows are experienced.

HGV's would be limited to normal working hours of 07.30 – 18.30 hours (Monday to Friday). However, the applicant is proposing that special provision be made for up to nine single convoy deliveries outside of normal hours, similar to the facility that has recently been approved via a variation of condition in relation to the Preston New Road site (Application LCC/2014/0096NM1).

The applicant is also proposing that the Red Route (through Inskip) would not be used between the hours of 08.00 – 09.00 and 15.00 – 16.00 in order to avoid school sensitive hours.

The applicant proposes that HGV's associated with the development will be managed so that no two site HGV's should meet each other on the routes proposed, this excludes other HGV's/agricultural vehicles on the network. The applicant is proposing to construct a number of passing places on each of the three routes within the existing verges to somewhat mitigate the issue of two HGV meeting on narrow sections of highway.

In addition temporary traffic signals have been suggested by the applicant on a narrow length of Dagger Rd which would only be activated when two HGV's are traveling on Dagger Road at the same time in opposing directions. At all other times, a green light would operate allowing normal two way working to continue. This element of the strategy has operational and safety issue and is not supported as presented.

Highway and Traffic Impacts and Issues

The highway authority **presented a range of evidence to the public inquiry in 2016 to demonstrate that the development would have unacceptable highway impacts.** These issues were as follows and were raised in relation to the blue route as proposed in the current consultation:-

- Many sections of the rural route to the site are very narrow as highlighted in Table 2 of my original proof of evidence. These narrow sections are inadequate to safely accommodate two passing HGV's. The latest proposals have not overcome this issue, as presented.
- Access to this route could require the use of a layby on the A583 in order that vehicles could be parked up awaiting a call to progress to the site. It is likely with the new routeing strategy that this layby is required however there remains no certainty that it would be available. This excludes layby requirements on the Green/Red routes.
- That the actual levels of traffic would be higher than the levels proposed (daily maximums). I continue to consider this could be the case even with a planning condition restricting movements, when consideration is given to recent experience of the Preston New Road Shale Gas exploration site.
- There would be impacts on vulnerable road users (cyclists, pedestrians and equestrian users) due to the lack of footways, limited width of highways and impacts of additional passing HGV's. The latest proposals, as presented, have not overcome this issue.

The Latest documentation submitted by the appellant seeks to reduce the impacts of the development by:

- Splitting traffic over three routes rather than being concentrated on the blue (Dagger Road) route as was previously proposed
- Restricting the movement of drilling and fracking equipment, such that it is to be undertaken only twice during the project duration rather than four times as was previously proposed

The highway authority consider the revised proposals continue to give rise to a number of highway impacts as highlighted below. Some of these are new impacts as a result of the new routes proposed.

In my opinion there remains a lack of detail in respect to a number of elements of the submitted documentation. The identified highway and transport impacts of concern, and other identified issues are set out under the following headings:

- i) Information;
- ii) Built Environment;
- iii) Sustainable Modes
- iv) Wider Impacts and Highways Issues
- v) Issues with the Environmental Statement, Traffic Management Plan and Proposed Mitigation
- vi) Vehicle Numbers
- vii) Protestor Activity

i) Information

The following sets out where issues have been identified with the information presented or where it is considered that further information is required:

- A Plan is required detailing the location of the surveys;
- All observed data has not been provided;
- There are potential anomalies in some of the data presented (e.g. variation in HGV numbers presented);
- Confirmation is required that DHFCs Inskip can be used outside of 07.30 – 18.30 hours (Monday- Friday)

ii) Built Environment

The following sets out LCC Highways concerns where issues have been identified in regard to the impact on the existing built environment:

- The latest proposals result in new impact on the existing built environment in rural locations such as Elswick, Inskip. Impacts in locations such as Clifton and Salwick would also remain due to the potential number of HGV's. There will be secondary impacts in all these locations on noise and vibration. The potential for night time movements adds to this potential for associated impacts on highway safety and residential amenity.
- Further impacts as a result of parked cars (daytime/night) and in the vicinity of 2 local play areas
- The route through Inskip/Elswick will be impacted by more traffic due to approved housing developments and other businesses. The Cumulative impacts, including recently approved appeals have not been adequately assessed in the latest ES;

iii) Sustainable modes

The following sets out LCC Highways concerns where issues have been identified in regard to the impact on sustainable modes:

- Sections of proposed access routes impact on the Lancashire Cycleway;
- The appellants ES shows cyclists numbers were significant on all three of the routes during weekdays (for example 92 on the B5269, 88 on Roseacre Road and 55 on Higham Side Road). The B5269 between Elswick and the A585 is part of the National Cycle Route. Given the level of cyclist usage identified by the applicant's survey, it can be expected that there would be an impact on this particular user group that is not adequately mitigated. There are a number of cycling clubs using routes impacted on by this proposal;

- The proposals result in impacts on vulnerable road users (potentially day and night);
- Impacts on children walking to/from bus stops (school services)
- ES does not consider risks associated with legal protest and individuals walking/cycling on routes

iv) Wider Impacts and Highway Issues

The following sets out LCC Highways concerns where wider issues have been identified:

- No consideration to Emergency Access to/from the site;
- No consideration has been given to Police requirements on the public highway, whether on each route or at the site including vehicles parking;
- The assessment excludes other impacts such as staff impacts, visitors and other interested parties;
- Under '*exceptional circumstances*' no restriction placed on night time movements (such as route choice or timing);
- The potential increase in HGV movements at the junction of the A585/B5269 is a concern due to volume of traffic on the A585. There is also concern in regard to achievable swept paths and driver risk;
- Wider Cumulative impacts have not been adequately assessed;

v) Issues with the Environmental Statement (ES), Traffic Management Plan (TMP) and Proposed Mitigation

The following sets out LCC Highways concerns where issues have been identified in regard to the ES, TMP and mitigation:

- The use of convex mirrors in the public highway is not supported in general, proposed locations would need to satisfy a highway authority safety audit;
- I do not agree with the proposal to use temporary traffic signals on Dagger Road as presented. It has not been made clear how this would operate effectively and safely in practice. In addition, there is no information on how the traffic lights would be powered and controlled to recognise HGV's (in isolation). It is unlikely that there is an electric supply within the highway that can be used and therefore any lights would have to be powered by onsite generators therefore raising issues about the reliability of the lights and resistance to vandalism.
- The draft TPM highlights dynamic threat assessment with discussions with the police. This creates potential to increase maximum HGV numbers at times (as evidenced at the PNR site) or the potential use of additional routes not currently under consideration. This approach cannot set out whether the outcomes/actions will be in alignment with the current plan (TMP);
- In my initial response on the draft traffic Management Plan, I indicated that I did not agree with the forecast traffic figures provided in the Transport Assessment and that numbers may be significantly higher. However, the applicant has committed to a maximum of 50 HGV's per day to be enforced through an appropriate planning condition. However, these numbers still represent a concern to the LHA;
- The restricted maximum daily flows, proposed above, are at a level that is a significant cause for concern when location and routeing to access the site is considered. The routes proposed (with passing provision) will still result in

conflict compromising the surrounding network and environment used by existing familiar and also unfamiliar users.

- Issues with the Blue (Dagger Road) route remain similarly to previously identified;
- The proposals would allow uncontrolled movement for all permitted site related HGV's (these additional HGV's could all be routed on any one of the three routes as proposed. Two of these routes were previously discounted by the appellant as unsuitable;
- From the latest ES, for most routes, the forecast percentage HGV increases are less than 50%. However, on Roseacre Road, the increase would be at/near a level at which the ES considers significant. It is important to recognise that this level of increase would not take place over the full duration of the project. However, Roseacre Road is a narrow rural lane which is fronted by a number of properties, particularly on the approaches to the centre of Elswick where there is also on street parking thereby requiring HGV's to manoeuvre around parked cars thereby increasing noise impacts. I would also note that the location of survey site and consideration for Cumulative Impact would further influence the ES result;
- Widened roads (passing places) create potential for localised ponding and additional local highway flooding;
- A total of 39 '*potential*' passing places are proposed/suggested. There is no evaluation of the impact of their delivery; it is considered that even with delivery of all passing places this will not result in three suitable routes with no impacts of significance to all modes;
- I disagree with impacts and conclusions as highlighted in the assessment summary (p33 of ES);
- There are issues in regard to enforcement/availability and location of waiting/passing areas
- Movement of larger articulated vehicles to support mobilisation, result in greater impacts and network requirements, limited information is provided;

The following sets out LCC Highways concerns where issues have been identified in regard to vehicle numbers and protestor activity.

viii) Vehicle Numbers

The original planning application proposed that vehicles would be able to access the site on Saturday mornings as well as normal Monday to Friday working hours. In order to address the impacts on vulnerable road users that were identified by the Inspector, the applicant now proposes to restrict HGV movements to Mondays to Fridays with no movements on Saturdays. Whilst this would address issues of conflict with recreational use of the access roads at weekends, it is considered that the inevitable consequence will be more HGV movements on Mondays to Fridays or an extension of the duration of the project.

Analysis of the traffic data at Preston New Road shows that there were 15 days during site construction when HGV's have exceeded a level of 50 per day, at times as high as 90 movements per day. It is not inconceivable that the Roseacre Wood site will be subject to similar levels of protestor activity resulting in significant periods when traffic will be unable to access the site and where greater volumes of HGV's will be required on subsequent days in order to keep the development on schedule. Higher volumes of HGV traffic gives the potential for greater conflict with other HGV's and vulnerable road users and also greater levels of noise and other general amenity impacts.

ix) Protestor Activity

Protestor activity at the applicant's Preston New Road site has taken place ever since development at that site commenced in January 2017; it can be expected that a similar level of protest will take place at Roseacre Wood. The likely impacts of legal protestor activity on the ability to implement the applicant's traffic management proposals as highlighted above should therefore be taken into account in the assessment of the revised proposals.

The applicant investigated a number of means to provide greater flexibility to how HGV's are permitted to access and egress the site post commencement (in reaction to protestor's action). Such means include modifying the approved Traffic Management Plan so that HGV's can enter or leave the site in any direction to avoid protestor activity. At the Preston New Road site, the applicant obtained permission to move convoys of HGV's (up to 30) onto and out of the site outside the normal hours of operation on nine occasions over the remaining life of the site.

The applicant, aware of the likelihood of the potential for similar levels of protestor activity at the Roseacre Wood site, has included a similar provision within the revised Transport proposals for the appeal site. However, it is considered that the access roads to the Preston New Road site are very different in terms of their character compared to the Roseacre Wood site. Preston New Road is served by A class roads where there are regular HGV movements even through the night time period. Access to the Preston New Road site also does not require traffic to pass through the centre of any villages or other residential locations. Whilst it was acknowledged that there may be some impact on residential amenity, the proposal for HGV's to access the Preston New Road during the night time period was considered acceptable.

Conversely, all three of the proposed access routes to the Roseacre Wood Site involve traffic passing through village environments in Elswick, Inskip and Clifton where the impacts of up to 30 HGV's over a night time period would have significantly greater amenity impacts. The relationship of the properties to the access routes in these villages together with the quieter ambient noise levels during the night would mean that such amenity impacts would be unacceptable.

I am aware that the protests at Preston New Road have regularly resulted in the full or partial closure of the A583. It should be recognised that the A583 is the main route between Preston and Blackpool whereas the proposed routes to the Roseacre Wood site use roads of a lower classification where it will be easier for protestors to obstruct the route or create complications in implementing the traffic management proposals.

For example, the applicant's traffic management proposals depend on the ability for HGV's to pass using the passing places that are proposed to be constructed within highway land. The highways affected are not urban clearways and no parking restrictions would be implemented within the passing places. Therefore it is possible that protestors could park vehicles within the passing places on the narrow sections of road therefore making it very difficult for HGV's to pass. This would be a particular issue on sections of all three routes.

Conclusion

I consider the Traffic Management Plan does not overcome the impacts that result from this proposal on the surrounding rural network and rural settlements.

I consider that further information is required with regard to a number of elements of the appellant's latest submitted Transport and Highway documentation.

In regard to accidents and safety, further information has been provided. However, with consideration for the local network in the vicinity of the site, the expected increase in particular of HGV movements, the narrow rural lanes, location of public rights of way, cycle routes and Equestrian activity, I consider there are significant potential safety concerns that would have a material impact on safety on this part of the network if the application was approved as presented.

In regards to the Impact on Vulnerable Road users, Cyclists, Pedestrians, Equestrians, there is an extensive network of PROW on the local network in the vicinity of the site and on the proposed inbound and outbound access routes. There is limited footway provision on this local network. Surveys have shown that there are a high number of cyclist observed on the local network.

The very narrow nature of the lanes on the routes in the local vicinity of the site would suggest that there will be a material impact on vulnerable road users (both familiar and unfamiliar) as a result of the additional traffic and in particular the impact due to a significant increase in the numbers of HGV movements expected.

Recommendation

With consideration for all the latest information provided by the applicant in support of the application, including the additional routing proposals, I consider that the impact of the increase in traffic, particularly HGV movements would be severe. There would be a material impact on existing road users, particularly vulnerable road users and overall highway safety of which the potential is considered severe and therefore I am unable to support this application and would therefore recommend refusal.

Paragraph 32 of the NPPF requires that all developments that generate significant volumes of traffic should ensure that safe and suitable access to the site can be achieved for all people. In addition it requires that decisions should take account of whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Developments should only be refused on transport grounds where the residual cumulative impacts of development are severe. I consider this paragraph has not been satisfied.

I hope the above is of assistance; if you require any further information, please contact me on the above extension.

Yours Faithfully



Neil Stevens
Highways Development Control Manager
Community Services, Lancashire County Council