



The Planning Inspectorate

Report to the Secretary of State for Transport

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an Inspector appointed by the Secretary of State for Transport

Date: 9 June 2015

HIGHWAYS ACT 1980
ACQUISITION OF LAND ACT 1981
ROAD TRAFFIC REGULATION ACT 1984

**THE LANCASHIRE COUNTY COUNCIL (BROUGHTON BYPASS CLASSIFIED
ROAD) (SIDE ROADS) ORDER 2014**

AND

**THE LANCASHIRE COUNTY COUNCIL (BROUGHTON BYPASS)
COMPULSORY PURCHASE ORDER 2014**

Inquiry opened on: 14 April 2015

Ref: DPI/Q2371/14/29

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ACRONYMS AND ABBREVIATIONS USED IN THE REPORT

AADT	Annual Average Daily Traffic
AQMA	Air Quality Management Area
AQO	Air Quality Objective
BBRG	The Broughton Bypass Review Group
CIL	Community Infrastructure Levy
CPO	Compulsory Purchase Order
dB	decibel
DfT	Department for Transport
DMRB	Design Manual for Roads and Bridges
EIA	Environmental Impact Assessment
EA	Environment Agency
ES	Environmental Statement
FRA	Flood risk assessment
ha	Hectare
HCA	Homes and Community Agency
km	Kilometres
LCC	Lancashire County Council
LNRS	Low noise road surfacing
LPA	Local Planning Authority
m	Metres; million pounds
mm	millimetre
mph	Miles per hour
NO ₂	Nitrogen dioxide
ODPM	Office of the Deputy Prime Minister
PCC	Parochial Church Council
PM ₁₀	Particulate matter smaller than 10 microns in diameter
PMA	Private means of access
PSED	Public sector equality duty
Sq m	Square metres
SRO	Side Roads Order
SuDS	Sustainable drainage system
TAG	Transport Analysis Guidance
The 1980 Act	Highways Act 1980 as amended
The 1998 Act	The Human Rights Act 1998
The Bypass	Broughton Bypass
The Church	Broughton St John Baptist Church
The Framework	The National Planning Policy Framework
The School	Broughton-in-Amounderness Church of England Primary School

CASE DETAILS

The Lancashire County Council (Broughton Bypass Classified Road) (Side Roads) Order 2014

- The Order was made by Lancashire County Council in exercise of its powers under sections 14 and 125 of the Highways Act 1980 and was sealed on 16 May 2014.
- The Order, if confirmed, would authorise the Council to stop up highways, improve highways and construct new highways, and to stop up private means of access to premises and to provide a new means of access to any such premises.

Summary of Recommendation: That the Order, as modified, is confirmed.

The Lancashire County Council (Broughton Bypass) Compulsory Purchase Order 2014

- The Order was made by Lancashire County Council pursuant to powers under sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and section 40 of the Road Traffic Regulation Act 1984. The Order was sealed on 19 May 2014. An Additional Page alongside the Order, dated 21 July 2014, identified parties who may be qualifying persons.
- The Order, if confirmed, would authorise the Council to acquire compulsorily the land and the new rights over land described in the Schedule to the Order for the purposes of:
 - i. the construction of new highways which will provide a bypass from the A6 to M55 Junction 1 (Broughton Roundabout);
 - ii. the construction of highways to connect to the above mentioned highway (D'Urton Lane Link);
 - iii. the improvement of existing highways in the vicinity of the routes of the above mentioned highways;
 - iv. the provision of new means of access to premises and agricultural land in pursuance of the Side Roads Order;
 - v. the carrying out of drainage works in connection with the construction of highways;
 - vi. the improvement or development of frontages to a highway or of the land adjoining or adjacent to that highway;
 - vii. use of land by the Acquiring Authority in connection with the construction and improvement of highways and the provision of new means of access;
 - viii. the carrying out of works related to a classified road authorised by the Side Roads Order;
 - ix. the mitigation of any adverse effects;

- x. the provision of off-street parking places together with means of entrance to and egress from.

Summary of Recommendation: That the Order, as modified, is confirmed.

1 INTRODUCTION

- 1.1 The proposed Broughton Bypass (the Bypass) would follow a route to the east of the village of Broughton, in the rural area to the north of Preston. The Bypass, 1.95 kilometres (km) in length, would provide a link between the Broughton roundabout at Junction 1 on the M55 motorway and the A6 Garstang Road, north of a junction known as Broughton crossroads. The scheme includes the construction of a spur road linking the Bypass with D'Urton Lane, referred to as the D'Urton Lane Link, the construction of a bridge over Blundel Brook and the provision of a replacement car park. The main purposes of the Bypass scheme are to relieve congestion on the A6 through Broughton and improve the environment of the village, and to assist in the delivery of new development and economic growth in the area.
- 1.2 In 2013 planning permissions were granted for the new classified road and the associated measures to safeguard protected species. As part of the planning process an Environmental Impact Assessment (EIA) was carried out to understand the potential effects that the new road would have on the environment. The results are documented in the Environmental Statement (ES) and are summarised in the Non-Technical Summary¹.
- 1.3 There were 43 objections in response to the publication of the Side Roads Order (SRO) and the Compulsory Purchase Order (CPO). By the start of the Inquiry 6 objections had been withdrawn. The outstanding objections were connected primarily with the southern end of the proposed route, where the Bypass and the D'Urton Lane Link would pass near to residential properties and near to Broughton-in-Amounderness CE Primary School (the School), Broughton St John Baptist Church (the Church) and the Church Cottage Museum. Objections did not include any alternative proposals to the provisions of the SRO.
- 1.4 The Inquiry opened on Tuesday 14 April 2015 at Preston Grasshoppers Rugby Football Club, Fulwood. The Inquiry sat for 5 days and closed on 22 April 2015. The Broughton Bypass Review Group (BBRG) presented the case on behalf of the statutory objectors associated with the School, the Church and Church Cottage Museum. The Vicar of Broughton, a Trustee of the Parochial Church Council (PCC) and the Headteacher of the School addressed the Inquiry. Objections from the owners of Grays Cottage and of

¹ LCC27

Brooklands, two residential properties on D'Urton Lane, were also heard. An alternative route for a bypass was put forward by BBRG but no notification or publicity was undertaken. I will come back to this matter later in the report.

- 1.5 The accompanied site visit took place on Tuesday 21 April. Visits were made to properties along D'Urton Lane, the School site and the Church Cottage Museum. The Bypass route and the surrounding area were viewed from the top of the Church tower. We walked the middle section of the route south of Whittingham Lane and visited Helms Farm at the northern end of the route in order to identify the position of the proposed access arrangements to the agricultural lands. I made unaccompanied visits to see the traffic conditions on the A6 through and near Broughton at peak and off-peak times. I observed the use of the car park off D'Urton Lane and the use of the footways and cycleways, particularly by pupils attending the School and Broughton High School in the village. I walked all public rights of way along and near the proposed route and familiarised myself with the village and the local highway network.
- 1.6 Lancashire County Council (LCC) confirmed that the requisite procedural and legal steps for the planning, compulsory purchase and side road orders were duly followed.
- 1.7 The report contains a brief description of Broughton and its surroundings, the gist of the evidence presented and my conclusions and recommendations. Lists of Inquiry appearances and documents form Appendices 1 and 2. Proofs of evidence and statements are identified but these may have been added to or otherwise altered at the Inquiry by the witness. The report takes account of the evidence as given, together with the points brought out through cross examination or in answers to questions of clarification. Footnotes provide references to documents and points of information and clarification.

2 DESCRIPTION OF BROUGHTON AND ROUTE OF THE BYPASS SCHEME

- 2.1 Broughton is located 6 km north of Preston city centre². The principal route through the village is the A6 Garstang Road, which links Preston with Lancaster. The M6 motorway lies 1.4 km to the east of the village centre, the M55 motorway is located 1 km or so to the south and the west coast main line railway marks the edge of development to the west. A section of the Guild Wheel cycle route runs along the eastern side of the A6 and along D'Urton Lane, providing a link to the northern outskirts of Preston³.

² LCC27 ES Volume 2 Figure 1.1 shows the location of Broughton in relation to Preston and the surrounding area.

³ The Guild Wheel opened in 2012 as a designated route for both cyclists and pedestrians and encircles the city of Preston.

- 2.2 Broughton crossroads is formed by the junction of the A6, the B5269 Woodplumpton Lane to the west and Whittingham Lane to the east. Near to the crossroads development includes tightly knit buildings forming part of the historic core of the village, service stations, a small number of retail outlets and community facilities. Modern residential development has occurred along Woodplumpton Lane and to a lesser extent along Whittingham Lane. The farmsteads at Helms Farm, Keyfold Farm and Old Hall Park are sited not far from the built-up area. The Marriott Hotel and its extensive grounds are located to the south, enclosed by belts of mature trees.
- 2.3 North of the Broughton roundabout (the A6/M55 junction) Church Lane leads east off the A6 to a group of historic buildings. The Church, a Grade II* listed building, forms a local landmark within Broughton and is sited on the banks of Blundel Brook. The value of the Grade II listed school building is enhanced by its close physical proximity and historical association with the Church and Church Cottage, a Grade II listed building now in use as a museum. Public footpaths provide access over and along the brook and then eastwards across farmland to Whittingham Lane. On the south side of the valley, a dispersed group of farms and a small number of dwellings are strung out along D'Urton Lane. Brooklands, a mid 19th century villa, is set within a small parkland on a hill to the south of Blundel Brook.
- 2.4 The surrounding countryside is gently rolling agricultural land, with the field pattern defined by low hedgerows. Trees and a number of small ponds are important features in the landscape.
- 2.5 The Bypass, from a point some 450 metres (m) north of the crossroads, would follow a route mainly through the agricultural land to the north and east of the village⁴. However, on the northern side of Whittingham Lane the road would cut across residential land, resulting in the loss of two dwellings. To the south, the route would be located in the swathe of land between Old Hall Park and the Marriott Hotel. The southernmost part of the Bypass route and the D'Urton Lane spur road would be in the more undulating topography of the Blundel Brook valley, which provides a rural setting for the clusters of development around Church Lane and D'Urton Lane. Most of the farmland there is now used for grazing horses.

3 CASE FOR LANCASHIRE COUNTY COUNCIL

History of the scheme

Planning and Transport Policy Framework

- 3.1 Broughton Bypass has been under consideration since the mid 1980s and

⁴ PI/11 shows the route of the Bypass superimposed onto an aerial photograph.

there is a long history of support at strategic and local policy levels for the scheme⁵.

- 3.2 The Lancashire Structure Plan 1991-2006 identified Broughton Bypass as a road proposal to be included in packages of measures designed to improve the environment and to provide better conditions for public transport, cyclists and pedestrians⁶. During the 1990s consultation took place on alternative routes and a proposed bypass was considered through the development plan process. In September 1998 the Inspector's report on the Preston Local Plan recommended that provision should be made for the construction of Broughton Bypass and the D'Urton Lane/Eastway Link Road in order to relieve traffic congestion at Broughton crossroads⁷. The Joint Lancashire Structure Plan 2001-2016 at Policy 8 included Broughton Bypass as a priority major improvement to the strategic highway network to alleviate congestion on the A6⁸.
- 3.3 The scheme continues to be included in the current development plan for the area⁹. The Preston Local Plan, adopted in 2004, identifies and safeguards an alignment for Broughton Bypass and the D'Urton Lane/Eastway link road through policy T5, which remains a saved policy to the present time. The Bypass proposal was justified by the level of existing and forecast traffic flows through the village and to enable strategic growth at Goosnargh/Whittingham¹⁰. The Bypass now proposed follows the route indicated on the Proposals Map of the Local Plan. The Central Lancashire Core Strategy adopted in July 2012 includes Broughton Bypass as one of the schemes to improve the road network¹¹. The Order Land is consistent with the line of the bypass on the Key Diagram.
- 3.4 The emerging Preston Local Plan 2012-26 is expected to be adopted in July or August 2015. Policy IN2 is included to replace saved policy T5 to safeguard the alignments for the Bypass scheme. The policy was not subject to any objections and has significant weight. A draft modification aims to ensure the construction of the road is not prejudiced by a grant of planning permission.

⁵ A detailed account is set out in LCC/01/01 paragraphs 4.1-4.20 and LCC/06/01 paragraphs 4.1-4.3 and 4.7-4.9

⁶ LCC14 Policy 34

⁷ LCC11 Volume 1 pages 57-82

⁸ LCC15 page 31 and page 33 paragraph 6.2.18

⁹ LCC/04/01 paragraphs 5.1-5.15 details the provisions of the development plan.

¹⁰ LCC09 page 58

¹¹ LCC10 Policy 3 page 65

- 3.5 In addition to the long standing development plan requirement to construct the scheme, there is support from local transport and economic strategies for Lancashire. The Central Lancashire Highways and Transport Masterplan 2013¹² confirmed the priority and importance to delivering congestion relief to Broughton, identifying the Bypass as the only practicable means of removing through traffic out of the village. The timetable for delivery is to commence works in 2015/16, as set out in the published Implementation Plan to the Local Transport Plan¹³. Support and certainty of finance has come from the inclusion of the scheme as a critical road infrastructure project to assist delivery of development and economic growth under the Preston, South Ribble and Lancashire City Deal signed with Central Government in 2013.

Planning permissions

- 3.6 Planning applications for the construction of the Bypass scheme were considered on three separate occasions and found acceptable¹⁴. Planning permission was first granted by LCC in 2001 following an EIA and notification of the scheme to the Secretary of State¹⁵. The planning permission was renewed in July 2008, at which time planning permission was granted for ecological measures required as part of the development.
- 3.7 In July 2013 planning applications were made to renew the permissions and a new ES was produced. The ES reviews the environmental interests in the vicinity of the proposal and investigates the impacts of the scheme in terms of traffic and congestion, noise and air pollution, ecology and landscape, cultural heritage and watercourses. A number of minor changes were made to the design of the Bypass to address impacts identified as part of the environmental assessment process¹⁶. The scheme was subject to extensive consultation and notification. In the representations the main objections related to the availability of alternatives, the impacts on the School and the Church, noise, air quality and traffic levels, impacts on landscape, wildlife and visual amenity, the implications for flooding and a lack of funding. The expressed support, including support from Broughton Parish Council, referred to the improved village environment and assistance to the local economy.
- 3.8 After due consideration, the Local Planning Authority (LPA) concluded on balance that the Bypass scheme constituted sustainable development. The scheme would contribute to building a strong economy, support the supply

¹² LCC08 pages 24 and 36

¹³ LCC/06/01 paragraphs 4.10 to 4.16 details the Transport Policy background.

¹⁴ LCC53 is a summary of the planning history of the Bypass.

¹⁵ LCC/01/01 Appendix MG2 provides a plan of the scheme.

¹⁶ LCC19 page 130 – the last paragraph lists the main changes.

of housing and reduce noise and air pollution and incorporate measures to mitigate the environmental impacts to acceptable levels¹⁷. In December 2013 conditional planning permission was granted for the construction of the Bypass and improvement to existing highways (the 2013 permission). Planning permission was also granted for measures to safeguard European protected species¹⁸.

Need for the Bypass scheme

Traffic conditions

- 3.9 The village of Broughton has developed around the historic crossroads of Garstang Road and Whittingham Lane/Woodplumpton Lane. The village sits on a principal radial transport route, the A6 connecting Preston with its northern parishes and small towns across rural Wyre and Ribble Valley and on to Lancaster. Traffic from the northern hinterland travelling to and from Preston and M55 junction 1 has little alternative other than to travel through Broughton. Therefore the A6 north of Preston is used extensively by commuters and by locally generated longer distance traffic accessing the motorway network. Traffic has increased to over 22,000 vehicles per day. When the M6 motorway between Junctions 32 and 33 is temporarily blocked or under repair the parallel section of the A6 is the only alternative route for the diverted motorway traffic. This section of the A6 is also a designated route for heavy and high abnormal loads.
- 3.10 Garstang Road is of limited width through the middle of the village. At the crossroads junction traffic lanes are narrower than standard and properties abut the back of the very narrow footways. Therefore there is little opportunity to increase traffic flows through the crossroads and the village. This, combined with increasing levels of traffic, results in long traffic queues and congestion on the junction approaches.
- 3.11 Baseline traffic conditions on the A6 through Broughton were established using traffic survey data and standard methodologies described in the Design Manual for Roads and Bridges (DMRB) and Transport Analysis Guidance (TAG)¹⁹. The evidence demonstrates that for southbound trips through Broughton the average speed on the approach to the crossroads is typically as low as 1 mph in the peak hours. Speeds also average 9 and 10 mph in the inter peak period and hence the congestion at the crossroads persists over the whole day. Moreover, speeds on approaches to the crossroads are highly variable in all time periods, leading to very poor levels

¹⁷ LCC/07/01 paragraphs 5.1 to 5.27 sets out the relevant policy framework and paragraph 7.2 summarises the balancing exercise.

¹⁸ LCC18 and LCC19 are the committee reports on the applications. LCC21, the Committee Minute, describes the presentations for and against the proposals, including that by BBRG. Copies of the planning permissions are provided at LCC22 and LCC23.

¹⁹ LCC/03/01 section 2.2 details the survey data methodology and collection.

of journey time reliability. Average delays exceed 23 minutes in the AM (0800-0900) peak and are over 14 minutes in the PM (1700-1800) peak. Taking account of traffic volumes over a year 89,000 hours of vehicle delay is created by the crossroads just in the peak periods²⁰.

- 3.12 The total hourly flow into the crossroads is around 1,500 vehicles per hour in the AM peak, 1,800 in the PM peak and around 1,600 in the inter peak. The capacity at the crossroads is around 750 vehicles per hour from the southern approach arm, which means that the junction operates at or above capacity for those movements. For the approaches from the east and west, junction capacity is around 200-300 vehicles per hour and those arms operate close to capacity during peak hours. Therefore the junction is not capable of effectively handling the current traffic volumes²¹.
- 3.13 Improvements have been made to the traffic signals controlling the crossroads but because of the constraints and layout of the junction there is no straightforward feasible improvement which would significantly alleviate the congestion. Traffic volumes are set to increase further which will exacerbate the current situation and increase delays through the village.

Environmental conditions

- 3.14 The queuing and congestion experienced on the A6 Garstang Road, especially at the Broughton crossroads, leads to elevated emissions from vehicles in close proximity to residential properties. Preston City Council declared an Air Quality Management Area (AQMA) as a result of concentrations of nitrogen dioxide (NO₂) exceeding the air quality objective (AQO)²².
- 3.15 The volumes of traffic on the A6 Garstang Road and on Whittingham Lane result in elevated noise levels in the order of 65 and 67 dB LA10 18hr at residential properties fronting these roads²³.
- 3.16 Under current conditions the A6 corridor and the volumes of traffic effectively separates the village into two parts. There is a perception of severance and in practice there is an actual barrier to movement east to west. The high volumes of traffic and the narrower than usual footways raise safety issues that will worsen with time due to the general increase in

²⁰ LCC/03/01 paragraphs 2.3.2 to 2.3.10 and Table 2-B detail the observed speeds through Broughton. Paragraphs 2.3.11 to 2.3.17 and Table 2-C set out the details on journey reliability and delay.

²¹ LCC/03/01 paragraphs 2.3.18 to 2.3.24 and Figure 2-D describe the observed traffic volumes through Broughton.

²² LCC06 is the Order, which illustrates the AQMA on a plan.

²³ LCC/03/01 Appendix LC2 provides a statement on noise and vibration.

traffic and further demands placed on the network.

Growth and development

- 3.17 The Government's Plan for Growth, supported in planning terms in the National Planning Policy Framework (the Framework), is to support sustainable economic growth, including the provision of new housing and the provision of infrastructure to underpin that growth. The Central Lancashire Core Strategy focuses growth on the urban area of Preston and South Ribble, including a major strategic location for housing development at North West Preston. The forecast significant increase in car journeys will have an impact on the Broughton area.
- 3.18 The congestion and delays associated with the current situation in Broughton village is a significant impediment to the progression of these wider development aspirations in a wide hinterland north of Preston and extending into areas of Ribble Valley and Wyre. The redevelopment of the Whittingham Hospital site represented an early example of the limited capacity available to new development on the existing local road network. The signed City Deal in 2013 noted that residential planning applications were being refused planning permission on the grounds there was insufficient capacity on the highway network and that other imminent applications were at risk of refusal at that time. Delay in the commencement of the Bypass scheme will limit the amount of development that can be carried out.

The Bypass scheme

- 3.19 The objectives of the scheme are:
- To improve the environment, particularly that of the bypassed community.
 - To provide better conditions for public transportation, cyclists and pedestrians, which facilitate and encourage the increased use of transport options other than private vehicles.
 - To enhance road safety.
 - To assist economic growth through an efficient and sustainable transport system and maintenance of accessibility to the trunk road network for the efficient transport of goods.
 - To bring additional capacity to the network and improve accessibility and journey times into and out of Preston and better connectivity to the wider strategic road network, with additional benefit to the delivery of new development and economic growth in the area.
- 3.20 The scheme comprises the Bypass and the D'Urton Lane Link. General

vehicular access onto the route would be limited to its three roundabout junctions and to one limited access priority junction at the southern end of the A6 Garstang Road. The Bypass would replace the part urban/part rural classified single carriageway road currently passing through Broughton with a classified road in a predominantly rural setting. The highway design is compliant with the relevant standards in the DMRB²⁴.

- 3.21 The northern section of the Bypass, from the A6 Garstang Road to a roundabout on Whittingham Lane, would consist of a two lane single carriageway road, following the existing ground profile. At the new northern roundabout on the A6 provision is made in the SRO to stop up a length of the A6 and improve the existing highway, and to stop up four private means of access (PMA) to the adjacent fields. Two new field access points would be provided and an underpass constructed below the Bypass to allow cattle to be moved between the main buildings at Helms Farm and the grazing land. Planning permission was granted for the underpass in September 2014²⁵. The highway improvements at the roundabout would include provision for pedestrians and cyclists.
- 3.22 Towards Whittingham Lane the Bypass would sever and require the stopping up of the southern section of a footpath (FP25 Barton). A new length of footway would be provided along the eastern side of the Bypass to join an existing footway on the diverted section of Whittingham Lane. Highway improvements would allow for access to residential properties, a shared use cycle track, pedestrian and cyclist crossing facilities. Two houses (35 and 37 Whittingham Lane) would have to be demolished and the PMA to those properties would be stopped up.
- 3.23 The southern section of the Bypass, between the Whittingham Lane and the D'Urton Lane junctions, would be a dual two lane carriageway, with the two carriageways separated by a 1 m central reserve to improve safety. Initially the road would follow the existing ground profile and then be in a deeper cutting through to the top of the north escarpment of the Blundel Brook valley. In this section an ecological management plan would be implemented. A new bridge would carry the Bypass over the Brook. The approach to the D'Urton Lane roundabout would be in a shallow cutting. In this section of the route one footpath (FP4 Broughton) would be affected. Provision is made for new lengths of footpath to be created in two locations.
- 3.24 Between the D'Urton Lane junction and the Broughton roundabout the Bypass would be a dual two-lane carriageway, widening to four lanes for southbound traffic on the approach to the roundabout. Two of these lanes will join the M55 east slip road. Buildings at the Church Farm complex

²⁴ LCC35 in sections 5 and 6 provides a general description of the scheme and details of the works proposed in the SRO. LCC/02/01 describes the engineering and construction details.

²⁵ LCC49 includes an explanatory statement and supporting documents, plans and a copy of the planning permission.

would need to be demolished²⁶. Curving south westwards from the D'Urton Lane junction the route would cross land currently used by the School and the Church for car parking. A new, larger car park is proposed north of the Bypass alongside Blundel Brook with a new PMA taken from Garstang Road. The scheme also requires sections of highways to be stopped up and an improvement to form a new left-in, left-out only junction on the A6. The Bypass would sever an existing footway on the A6 Garstang Road east, the Guild Wheel cycle route on the A6 and D'Urton Lane and also FP5 Broughton connecting D'Urton Lane and Church Lane. New crossing facilities for pedestrians and cyclists and the construction of a new length of footway are proposed as alternative provision.

- 3.25 The D'Urton Lane Link would be a two lane single carriageway road, utilising part of the existing D'Urton Lane. An off-road shared pedestrian and cycleway facility will form part of the Guild Wheel. There is provision for a new PMA to the grazing land to the north east. The eastern end of D'Urton Lane would be restricted to through traffic and made a footway/cycleway only by narrowing the carriageway and widening the verge. Access for pedestrians and cyclists will be maintained along the Guild Wheel and across the bypass road via a toucan crossing. There is provision for a new turning head and a new private field access opposite Grays Cottage.
- 3.26 The Bypass, D'Urton Lane roundabout and the D'Urton Lane link road, would serve existing residential properties on D'Urton Lane and, importantly, large scale residential and employment development that has permission or is planned in the area²⁷.
- 3.27 A scheme to improve and increase the capacity of the roundabout at the M55 junction was completed in January 2014²⁸. Provision was made to accommodate the Bypass, thereby minimising future disruption to the roundabout at the time of construction.
- 3.28 The likely landscape and visual impacts of the Bypass scheme have been fully assessed. The response, in the form of a landscape enhancement and mitigation scheme, has undergone numerous refinements since the first planning application in 2000²⁹. In summary the key design principles of the

²⁶ LCC27 Volume 2 of the ES page 14-17 states Church Farm, The Fold, Kyne and Bonarbi were purchased by LCC under Blight Notices in 1992 and 1993.

²⁷ This development includes permission for 300 dwellings and 2.1 ha of employment land (ref 06/2013/0349) in North West Preston. See also LCC/04/01 at paragraph 6.15.

²⁸ LCC/00/01 at paragraph 3.8 details the improvement works.

²⁹ LCC/05/01 Sections 4 and 5 refer to the policy aims and to the landscape and visual impact assessments. Section 6 describes the more recent development of the scheme and details the proposed mitigation measures. PI/05 is a set of plans of the proposed landscape enhancement and mitigation scheme.

scheme are to: match the profile of the route closely to the topography of the land; minimise the amount of excavated material to be removed by using it to form noise attenuation bunds of modest dimensions; develop a landscape character that relates to the patterns, scale and diversity of the existing character of the locality; mitigate visual intrusion and reduce the negative nature of any visual obstructions; ensure proposed mitigation has as much immediate impact as possible; minimise the use of street lighting; and maximise the potential of the road corridor's landscape amenity by providing opportunities for education, recreation and nature conservation³⁰. The landscape scheme is an integral aspect of the Bypass proposal.

- 3.29 The fact that the Bypass scheme has been granted planning permission is significant in landscape terms as it demonstrates an acceptance by the determining authority that the area's landscape is not of the highest sensitivity to the creation of a new bypass of the type proposed. Following enhancement and mitigation the road's residual effects would not compromise the receiving landscape's key characteristics. Furthermore, the landscape elements used to mitigate effects would be visually attractive, typical of those found in the area and would collectively improve landscape character.
- 3.30 The scheme is considered the best technical solution which safeguards and enhances residential and environmental assets. Any adverse effects are, or can be, mitigated to within acceptable limits and such impacts are outweighed by the benefits of the scheme at local and strategic level.

Benefits of the Scheme

Traffic

- 3.31 The traffic forecasts derived from the traffic model demonstrate that with the Bypass in place reductions in traffic of between 66% and 90% would be achieved on the A6 in 2017 and 2032³¹. The new junctions would all operate satisfactorily in 2032. The overall time saving would be a 10 minute benefit southbound in the AM peak, on average, a 5 minute 30 second saving for the PM peak and typically over a minute for all traffic users in the northbound direction. Travel time savings greater than 5 minutes are considered highly significant and represent the highest category offered by the Department for Transport (DfT) in the analysis of the impact of transport schemes. The time savings achieved as a result of the scheme would have a real impact on peoples' lives, their productivity

³⁰ LCC23 Condition 3 of the 2013 permission requires the approval of a detailed scheme and programme for the landscaping of the Bypass route before commencement of development.

³¹ LCC/03/01 at section 2.6 sets out the impact of the Scheme. Forecast flows 2017 and 2032 on the approaches to the crossroads are shown in Tables 2-W, 2-X, 2-Y and 2-Z.

and experiences of traffic delay and congestion³².

Improvements to the environment

- 3.32 The air quality modelling demonstrates a net improvement in air quality with the scheme in place for both NO₂ and fine particulate matter smaller than 10 microns in diameter (PM₁₀), which are the main pollutants in vehicle emissions that are of concern to human health. For example, more properties experience substantial or moderate beneficial impacts (13 and 10 respectively) than there are substantial or moderate adverse impacts (0 and 6 respectively). All exceedances of the AQO in the Broughton AQMA would be removed. There is no exceedance of the PM₁₀ AQO within the study area and the scheme is predicted to show an overall improvement in PM₁₀ concentrations³³. An overall improvement in air quality would be achieved.
- 3.33 A number of operational noise mitigation measures have been incorporated into the design of the scheme in order to reduce noise emissions at properties in close proximity to the alignment. Noise barriers would be provided to the north of D'Urton Lane roundabout and to the east and west of the Bypass to the north of Whittingham Lane. Noise bunds with a barrier on top would be located to the west of Old Hall Park and to the south of D'Urton Lane roundabout³⁴. Overall the proposed scheme would have a net beneficial noise impact, particularly when considering the relative numbers of sensitive receptors in the higher noise exposure categories³⁵.
- 3.34 The scheme will reduce severance by the considerable benefits for road safety and by improving accessibility in the village and to the School and the Church. Further benefits will be realised when public transport, pedestrian and cycle improvements are made to the route of the A6 once the Bypass is open. The public realm improvements, programmed within the Central Lancashire Highways and Transport Masterplan 2013, are especially important because of the number of children who walk, cycle or walk from the bus stops to the two schools in the village³⁶.

³² LCC/03/01 paragraphs 2.7.1 to 2.7.15 detail the evidence to support these conclusions.

³³ LCC/03/01 Appendix LC1 describes the impact on air quality in the construction and operational phases. At paragraph 1.1.20 Table A-1 (as amended in oral evidence) summarises the predicted impacts at each modelled receptor in the air quality study area.

³⁴ LCC/02/01 paragraph 3.3 gives details of the noise bunds and barriers. Condition 3 attached to the 2013 permission requires "details for the noise attenuation fencing including location and heights of fencing and details of design and finish" to be approved by the LPA before commencement of development.

³⁵ LCC/03/01 Appendix LC2 paragraphs 1.1.20 to 1.1.25 provide a breakdown of the numbers of properties experiencing beneficial or adverse impacts.

³⁶ LCC23 Condition 8 of the 2013 planning permission requires a scheme of environmental

Growth and development

- 3.35 The Preston, South Ribble and Lancashire City Deal identifies the Bypass as a major road scheme that will unlock over 1,400 new homes, as well as enabling full development of new and future employment sites in East Preston creating over 5,000 new jobs³⁷.
- 3.36 A significant contribution to the new housing development expected to be delivered through the City Deal will be 1,500 residential units proposed on sites at Whittingham Hospital, Longridge, North West Preston and Barton. The increasing certainty of the delivery of the Bypass scheme was a material factor in permission being granted on appeal for the Higher Whittingham and Longridge sites. In addition, both Ribble Valley Borough Council and Wyre Borough Council have plans for significant development at the key service centres of Longridge and Garstang respectively³⁸.

Funding and delivery³⁹

- 3.37 The estimated total cost of the scheme is £24.3 million (m), to be met from a combination of public and private sector funds. Confidence in the reliability of the estimate has increased as the detailed design has progressed and the level of risk to the scheme has reduced.
- 3.38 The scheme is one of four major highways infrastructure schemes to be delivered within the framework of the Preston, South Ribble and Lancashire City Deal. The delivery of the City Deal is supported by an Infrastructure Delivery Fund totalling some £383m, which brings together funding from a number of sources including a grant allocation from the DfT to Transport for Lancashire, LCC's own capital resources, contributions from developers through the Community Infrastructure Levy (CIL) and the sale of development land by the Homes and Community Agency (HCA). Furthermore, the City Deal funding arrangement does not require the receipt of confirmed funding from developers in advance of major road infrastructure provision. LCC has agreed to underwrite the impact of any timing differences in respect of schemes delivered within the City Deal framework.
- 3.39 Specifically, the HCA is required to contribute £11.4m towards the cost of the construction of the Bypass scheme and an early payment of £4.9m has

enhancement and traffic calming measures for the A6 through Broughton village and its implementation within one year of the Bypass being opened to traffic.

³⁷ LCC13 page 7

³⁸ LCC/04/01 at section 6 details the development proposals and appeal decisions.

³⁹ LCC/00/01 paragraphs 6.22 to 6.27 and P1/01 page 1 details the financing of the scheme.

been made⁴⁰. In addition the Bypass has a £15.5m allocation through the Growth Deal in 2016/17 comprising £8.8m of pre-committed Local Transport Body funding and an indicative £6.7m from the competitive element of the Local Growth Fund.

- 3.40 It is clearly the case that funding is available to deliver the scheme. Planning permission is in place and the time has passed within which a challenge by way of judicial review could be made. No further permission is required. The expectation is that the Bypass will be one of the first schemes for congestion relief to be delivered through the City Deal Infrastructure Fund. There are no impediments to delivery⁴¹.

Justification for the CPO

- 3.41 The planning boundary encloses approximately 18 hectares (ha) of land, the majority of which is agricultural. Plots also include residential properties, garden land and a small area of playing fields and land used by the School⁴². Approximately 1 ha of the total area of land has been acquired by agreement. The Acquiring Authority, as highway authority, is already the owner of the freehold interest in a number of plots or parts of plots and its interests in the various plots or parts thereof are included in the Order under the provisions of paragraph 260 of the Highways Act 1980 (the 1980 Act). A small number of plots are Crown Land. Detailed negotiations have taken place with a number of land owners and occupiers. However, acquisition by agreement is unlikely to occur in all cases or in any event within sufficient time to ensure that the programme for construction of the scheme is met. There are also a few interests, such as where the owner is unknown, where it will not be possible to acquire the interest except by way of compulsory acquisition.
- 3.42 The Order provides for the acquisition of land for the construction of the highway and areas of land required for mitigation through appropriate landscaping and noise attenuation measures (acoustic fencing, mounding and the use of false cuttings) and mitigation for ecological impacts⁴³. These mitigation measures were identified through the EIA and are necessary to ensure that the proposal complies with national and local policy and

⁴⁰ In the documentation reference is made to the HCA contributing 70.5% of the total cost of the construction of the Bypass linked to the Whittingham Hospital site development. However, there is a cap of £11,400,000, as explained by Mr Molyneux in LCC/04/01 paragraph 6.3 and confirmed by Mr Galloway in his oral evidence.

⁴¹ Mr Haine in his oral evidence did not anticipate delay or difficulties as a result of compliance with planning conditions.

⁴² PI/14 paragraph 47 confirms that the land take from the playing field has been expressly granted consent from the Secretary of State for Education. G/06 confirms that Plot 40 is not 'open space' on the basis of information held by LCC and Preston City Council.

⁴³ LCC/07/02 is a plan that shows the extent of the land required for landscape and ecological mitigation purposes.

includes adequate protection for the environmental well-being of the area. The land for ecological mitigation is in the form of two strips down the eastern and western sides of the road and is the minimum that Natural England considered necessary in order to address the likely impacts on European protected species and to secure compliance with the Habitats Regulations 2010⁴⁴. If such measures were not included within the scheme or were not sufficiently comprehensive, it would not be possible to show that the protected species would be retained at favourable conservation status and the necessary licences would not be forthcoming.

- 3.43 The Order also authorises the acquisition of rights over additional land⁴⁵. The type of rights to be acquired include the right for working space and access to construct noise attenuation features and boundary fences; the right for working space to carry out, maintain and inspect landscaping works for a period of 15 years; a right to maintain drainage pipes; and the right for working space and access to improve access to individual properties.
- 3.44 The compulsory acquisition of land inevitably engages with the provisions of the Human Rights Act 1998 (the 1998 Act). The land to be acquired for the scheme has been kept to the minimum necessary to construct the road and associated mitigation measures. As a result the scheme has been designed to minimise interference with the peaceful enjoyment of a person's possessions under Article 1 of the First Protocol. It is conceivable that other rights contained in the Schedule to the 1998 Act may be engaged including the right to life (Article 2) and the right to respect for private and family life (Article 8). In processing the CPO and other related Orders LCC has complied with all relevant legislation and regulations which provide an opportunity for those affected to object to the Orders and have their representations considered at a public inquiry in response to Article 6.
- 3.45 There would be very significant public benefits as a result of the scheme, including the reduction of noise and pollution levels in Broughton, the benefits to the local economy by reducing traffic congestion and delays, and the enabling of economic growth and delivery of housing through additional highway capacity. Such benefits constitute a compelling case in the public interest. The public interest can only be secured by the acquisition of the land identified in the CPO. The interference with the related individual rights would be proportionate to the legitimate aim served and justified by the public benefits.

Alternative solutions

- 3.46 In the ES of 2000 detailed consideration was given to alternative solutions

⁴⁴ The Conservation of Habitats and Species Regulations 2010 (as amended). Natural England's consultation response is found in LCC24.

⁴⁵ LCC38 at paragraph 4.20 identifies the plots and rights involved.

to resolve the traffic problems at Broughton and all five options were rejected. The options were considered again in the ES submitted with the 2013 planning application and the earlier conclusions were reaffirmed. The various options have been rejected by LCC for the following reasons⁴⁶:

- Option 1, on-line improvement to A6 Garstang Road, due to the irrevocable alteration of the appearance and character of the centre of Broughton and retention of high traffic volumes through the village.
- Option 2, park and ride facility in the Broughton area, due to limited use. The traffic remaining on the A6 through the village would remain close to its present levels.
- Option 3, a new junction on M6 in the Garstang/Brock Area, because the use of the motorway as a bypass for local traffic would be inconsistent with the strategic growth test in DfT Circular 01/2013.
- Option 4, bypass to the west of Broughton, because of the visual impact of an elevated route close to the fringes of the village, the substantial impact on the landscape and nature conservation interest of Barton Brook and Blundel Brook, an inadequate connection to Eastway and the substantial extra cost arising from two bridge crossings of the railway and the length of the route.
- Option 5 is an alternative route to the east of the village on an alignment close to the village centre and utilising a widened section of the A6 corridor south of Keyfold Farm. This route would impact on the south eastern fringe of the village, on agriculture and the Preston Marriott Hotel, have adverse effects on many protected trees and the established rural appearance of Garstang Road. The increased severance of the School and the Church from the village, the substantial costs of service diversions and the inadequacy of a link to Eastway also were factors against this option.

Modifications requested to the Orders

3.47 As a result of the assessment by DfT the following modifications are requested in order to improve the precision and clarity of the Orders⁴⁷.

3.48 The Side Roads Order. A definition of "classified road" is required and Sheet 2 of the SRO Plan requires amendment to more clearly identify SU5 and N3 on Inset G. Accordingly the proposed modifications are:

- Delete the text in the right hand column of paragraph 3(c) and substitute

⁴⁶ LCC/01/01 paragraphs 5.1 to 5.9 and Appendix MG3

⁴⁷ G/06 is a copy of the correspondence.

the words “means the highway which the Council is proposing to construct as the Broughton Bypass from a point on Garstang Road (A6) north of Helms Farm and extending in a generally southerly direction to the junction of Garstang Road and the M55 Motorway.”

- Substitute the amended plan with the inquiry document reference LCC34/A for Sheet no. 2 of 2 titled Side Roads Orders Plan.

3.49 The Compulsory Purchase Order. In order to be precise, it is proposed that the word ‘approximately’ be deleted from all the plot descriptions in the Schedule.

3.50 No modifications are proposed in response to the objections to the Orders.

Conclusions

3.51 The Bypass scheme would support the key principles of local and national policy towards economic growth and sustainable development. There is a strong commitment for the scheme within the development plan for the area and through LCC’s transport investment priorities. The scheme carries the support of Preston City Council and LCC, the Local Transport Body and Lancashire Enterprise Partnership and central Government as a priority funded scheme under the Growth Deal and City Deal for the area.

3.52 The scope for arguing alternative routes for a bypass is limited in view of the history of the grant of planning permission, the associated opportunity for public engagement and the policy context in the statutory development plan.

3.53 There is a compelling case in the public interest for the acquisition of land to facilitate the scheme. The participants at the Inquiry did not seriously dispute this. The compelling case justifies the interference with the human rights of those with an interest in the land. The Acquiring Authority has clear plans and intentions as to the use of the land it seeks to acquire for the provision of the Bypass. All necessary resources to carry out the plans are in place and available. The scheme is unlikely to be blocked and all the necessary consents are in place.

4 THE CASE FOR THE SUPPORTERS

4.1 Preston City Council raised no objections to the SRO⁴⁸.

⁴⁸ SUP01 is the email sent by Preston City Council in response to a consultation by LCC on the SRO. No reference is made to the CPO. Mr Molyneux, Planning Policy Manager at Preston City Council, gave evidence in support of LCC’s case at the Inquiry.

5 THE CASE FOR THE OBJECTORS

The Case by BBRG for Broughton-in-Amounderness C.E. Primary School, Broughton St John Baptist Church and Church Cottage Museum (OBJ 03)⁴⁹

- 5.1 The primary objective is to protect the present rural setting of a valued and vibrant Lancashire Community Asset set in the historic centre of Broughton village, as far as it is possible to do so. The objection is not to a bypass but to the route currently proposed. A more cautious and longer term approach is necessary, otherwise existing congestion and environmental problems at Broughton crossroads will be simply transferred to the area of the Church and the School, which are much more highly sensitive receptors.
- 5.2 The initial consultation on a bypass scheme was held in 1991 and 89% favoured a solution to traffic congestion problems at Broughton crossroads. Of the two bypass route options just 52% favoured Route B, a similar route to the present bypass proposal. Broughton Parish Council and the School and Church community favoured Route A, which had a marginally different level of support at 48%. The data is now 24 years old and has never been re-assessed.
- 5.3 In development of the Bypass scheme insufficient attention has been given to engineering design and professional judgement and insufficient effective consultation has taken place with BBRG and its clients. The LCC scheme for the 2001 planning application was significantly amended and the addition of the Eastway link changed its function. There was in excess of 2,000 individual letters of objection. The School, the Church and Church Cottage were not directly consulted during this or subsequent planning applications. Productive and meaningful consultation is necessary prior to LCC's determination of the planning conditions attached to the 2013 permission⁵⁰.

Traffic

- 5.4 Data input to the traffic model has inaccuracies and anomalies and the subjective interpretation of the output is questionable. There would be obvious benefits to the A6 north/south corridor. However, significant increases of traffic on Whittingham Lane and particularly Woodplumpton Lane (up to 49%) would occur on opening in 2017. This corridor encompasses the majority of dwellings in the village. There are no proposals to restrict vehicle access to existing roads within the village to prevent their use as rat runs.
- 5.5 On opening in 2017 the forecast traffic flows indicate an additional 21,000

⁴⁹ The written evidence comprises OBJ/03/01 to OBJ/03/08 inclusive.

⁵⁰ Mr Haine confirmed at the Inquiry that the schemes required by planning conditions would not be the subject of formal planning applications. Preston City Council and internal consultees would be consulted and a report taken to Committee. It would not be normal practice to notify BBRG.

vehicles per day passing the Church and School complex. The Bypass would be effectively approaching operating capacity. The capacity of the network to cope in 2032 and beyond is questionable.

- 5.6 Baseline journey times are based on 40 mph whereas the speed limit along the A6 in Broughton village is 30 mph. Thus estimated journey time improvements would be less than stated in the Jacobs' report. Journey times are presented only for 2017 and not 2032.
- 5.7 The proposed highway is not a simple bypass of the village crossroads and is intended to promote, generate and facilitate future development to the north of Preston. Clearly it would encourage the increased use of motor vehicles. Significant future developments already predicated and predicted on the construction of the Bypass have not been included within the DMRB baseline traffic figures. There are likely to be more such developments generating additional traffic during the remaining Local Plan period and beyond.

Noise pollution

- 5.8 In the noise assessment, measured data does not correspond to predicted noise levels, an incorrect adjustment is applied for wind interaction and long term measurements were all undertaken on the northern area of the route. For these reasons it is likely that an error has been made in the calibration of the noise model. Consequently the noise assessments are flawed and the change in noise levels may result in Major Adverse as opposed to Minor Adverse effects. In turn, more mitigation measures are needed to ensure the receptors are provided with the maximum attenuation available⁵¹.
- 5.9 The proposed noise mitigation comprises a 2 m high fence providing just a nominal one decibel relief. The acoustic fence would extend from the new School car park and terminate a few metres north of the D'Urton Lane roundabout. Consequently there is no provision for noise mitigation at all for the School playing fields or any of the classrooms at the eastern end of the School. All the classrooms except one face south, directly overlooking the proposed Bypass. The statutory outdoor classroom, which borders Blundel Brook, is situated at the closest point (40 m) to the proposed highway.
- 5.10 The Garden of Remembrance at the Church was designed in 1999/2000 and completed in 2002. At the time it was not known that the road would be located in the valley. The Garden is situated in the south east corner of the Churchyard where it is quietest. The proposed road would be approximately 30 m from this location with very little if any screening to

⁵¹ OBJ/03/04 presents the analysis and arguments in detail.

overcome the increased noise and visual intrusion⁵².

- 5.11 The 2013 planning application removed a four metre high concrete wall with an earth slope topped by an acoustic fence proposed in the 2001 and 2006 applications but the necessity for similar noise mitigation remains.

Air pollution

- 5.12 A review of the air quality assessment raises a number of matters to indicate that the levels of air pollution are underestimated. Since the assessment was carried out more up-to-date guidance and information has been issued and data for 2013 and 2014 would now be obtainable for use in the calculations. Concentrations at the School have not been modelled and without air contour maps it is impossible to have a full understanding of the effects on the area around the Church and the School⁵³.
- 5.13 The House of Commons Environmental Audit Committee Report for Action on Air Quality expressed deep concerns about the effect air pollution is having on young and vulnerable people. The Committee Chair Joan Whalley MP commented that new major roads should not be built within 150 metres of existing schools. Increasing evidence from research internationally backs the evidence in the Audit Committee Report.
- 5.14 Annual mean concentrations of NO₂ and PM₁₀ are predicted to increase at the School and the Church as a result of the scheme. The predominant wind direction is from the south, not the south west. Therefore pollution from the most heavily congested part of the Bypass will blow directly into the classrooms, outdoor classrooms and playing fields situated parallel to and within a few metres of the new distributor road. By comparison, the existing position is one where the classrooms and playing fields are at 90 degrees and some 170 m from the A6. The claim in the ES that the effect would be 'slightly adverse' is not considered credible, when the estimate is for approximately 31,365 vehicles daily in the period between 0700 and 1900 hours. Primary schools would not be built next to major highways and nor should major highways be built next to a Primary School.

Safety and effects of the SRO

- 5.15 The School Travel Plan confirms that 76.6% of children travel to and from school from the Fulwood direction, south of Broughton, and 23.4% from the Broughton direction⁵⁴. Children walking to school on the eastern side of the A6 from the south would have to walk alongside and negotiate 6 lanes of

⁵² OBJ/03/01 Appendix III has photographs showing the relationship of the classrooms and the Church to the route of the Bypass.

⁵³ OBJ/03/01 section 1.3 sets out the concerns in full.

⁵⁴ OBJ/03/05 page 3.

traffic and use an extra crossing. When compared to the present arrangement this would increase the risk to their safety and is another serious problem⁵⁵.

- 5.16 For those using a car, the design of the proposed Bypass would require double journeys along the southern section between the A6 Garstang Road and Broughton roundabout when leaving the School and the Church to travel south.

Landscape and visual intrusion

- 5.17 In 2001 the Bundel Brook valley from the A6 Garstang Road heading east was described as a 'parkland setting'⁵⁶. The proposal is for a large scale highway development in a small scale river valley. The Bypass, by reason of its scale and nature, would have an irreversible major impact on the current landscape character. If the Bypass is to be built then the creation of a new landscape fitting the scale of the Bypass is necessary. The Inspector, when approving the inclusion of the Bypass in the Preston Local Plan, did so assuming that protection for the Church and School group would be provided by earth mounding and planting. The 2001 planning application incorporated a bund to preserve their setting and not solely for noise attenuation. The landscape scheme by LCC is not sympathetic to the scale of the proposal.
- 5.18 In LCC's proposed landscape scheme the planting of predominantly deciduous trees and shrubs would offer no effect for 6 months of the year. Wildflower meadows and the proposed 2 m high acoustic fence would make very little difference to screening the views from the School and the Church. The outdoor classroom is situated at the closest point 40 m to the proposed highway. With the School classrooms parallel to the proposed road visual intrusion would be continuous along the whole length of the southern boundary of the School. The mitigation provided against noise and air pollution and visual intrusion between the School playing fields and Blundel Brook bridge would be negligible. Furthermore, the newly proposed picnic area would give rise to security problems. The LCC proposals are completely inappropriate and inadequate in the context of the School, the Church and Church Cottage Museum.
- 5.19 Proposals have been drawn up to illustrate improvements necessary to mitigate the visual, noise and air pollution impacts of the Bypass on the Church/School environs⁵⁷. Objectives include retention of the rural

⁵⁵ Mr Couper (BBRG) in his oral evidence agreed that a toucan crossing would be a benefit but considered the journey would be less safe because of the need to negotiate more lanes of traffic.

⁵⁶ OBJ/03/01 at Appendix II page 2 has photographs of the valley in about 1990.

⁵⁷ OBJ/03/01 Appendix VIII has the plans of the proposals. OBJ/03/03 sets out the rationale, details and response to the LCC rebuttal.

landscape aspect and development of a new river valley landscape to mitigate the major impact of the proposed highway and to enhance the environs. The proposals include mounding of varying height, a dense area of woodland and raising and extending the acoustic fence. Compared to the LCC scheme the improvements include: a reduction of the noise from the Bypass and the M55, immediate screening, a gain of a substantial area of woodland with high habitat value, better drainage for planting to ensure better establishment and the interception and hence reduction of air pollution.

- 5.20 A section of the School playing field is to be compulsorily purchased. The road would be significantly elevated at the point where it crosses Blundel Brook, with very little or no screening. Inadequate consideration has been given to pollution and safety. Also, the plan for the Blundel Brook bridge indicates a major engineering structure that would involve the use of large, heavy construction equipment. The present allowance within the CPO of just a 4 m wide strip for working space is insufficient land for construction operations and equipment, particularly adjoining a school with young children⁵⁸. Two additional areas of land are required to achieve the necessary screening and safety measures for the playing field. The area identified as Area A is necessary for the construction of a bund and planting. The area identified as Area B is also necessary to facilitate planting and the safe construction of bridge abutments and training walls⁵⁹.

Heritage and community asset protection

- 5.21 The complex of ancient and more modern buildings is the historic centre of Broughton village and it continues to support an active, vibrant and busy community. The numerous associated activities include a nationally renowned Choir of 70 men and boys. The School has achieved Ofsted outstanding status, Healthy School status and three Green Flag Eco School Awards and is extremely conscious and active in maintaining that status for the School.
- 5.22 The Trustees and Custodians of the complex of buildings have a duty of care, with a view to the long term. They take this role of stewardship very seriously. Whilst English Heritage⁶⁰ gave its advice as a statutory consultee, the responsibility for maintaining the church buildings and keeping them in repair lies with each individual church, namely the incumbent and the PCC.
- 5.23 The construction activities are likely to severely impact upon the day to day

⁵⁸ OBJ/03/07 sets out the comments and objection in greater detail.

⁵⁹ OBJ/03/06 identifies the additional land parcels on the CPO plan.

⁶⁰ As of 1 April 2015 English Heritage separated into 2 organisations. The planning-related functions are now under the remit of Historic England.

operation of the Church and the School⁶¹. The indication in the ES that construction activities would take place during the school holidays is not reflected in the unrealistic 12 month construction programme provided by LCC⁶².

- 5.24 In view of the proximity of the bypass route there is particular concern about the impact of construction activities upon the structural fabric and foundations of the historic listed buildings, notably from the piling and compaction equipment⁶³. The Church Quinquennial Architect has expressed his concerns for the Church buildings and grounds⁶⁴. He explains that the historic setting of the Church, graveyard and School, set back from the A6 with a quiet agricultural outlook, has been in this position for nearly 500 years. This link with the past and the reason for the location of Church and School, serving the surrounding agricultural parish, will be lost forever should the bypass cut through the land south and east of the site. The proposed route is less than half the distance away from the 1533 building than the present A6. Vibrations from the volume of vehicles and heavy traffic will increase and may cause disturbance of the old foundations.

Flooding

- 5.25 The Blundel Brook valley is a flood plain and a pinch point⁶⁵. Serious flooding problems exist but have been ignored in the location and design of the Bypass⁶⁶. Blundel Brook does break its banks, leading to flooding of Church Lane, the graveyard and the basement of the Church. Lack of drainage on the A6 north of Church Lane exacerbates the situation and the lower School playing field is often waterlogged and unusable.
- 5.26 The water storage has been designed to cater only for the proposed

⁶¹ LCC27 Volume 2 Chapters 7 and 14: In terms of cultural heritage, the ES recognised that during construction the magnitude of impact on the Church would be Major, with impacts of moderate magnitude on the setting of the School and Church Cottage. During operation the same order of magnitude of impacts was identified. When account is taken of the proposed mitigation the significance of the residual impact was assessed as Moderate for the Church and Slight for the School and Church Cottage (paragraph 7.6.2 Table 7.9 and paragraph 7.7.2 Table 7.12). The significance of the effect on School as a community asset was assessed as Slight as a result of the land take from the playing field and the replacement of the car park (paragraphs 14.6.2, 14.8.3, 14.9.3 and Table 14.8).

⁶² PI/07

⁶³ Mr Couper in his oral evidence referred to the knowledge gained about the fabric during recent works of restoration to the Church and the fact that the Church has no foundations.

⁶⁴ OBJ/03/01 Appendix V and also OBJ/00/37

⁶⁵ BBRG confirmed at the Inquiry that a concern was the restriction on flows caused by the existing bridge where the brook flows under the A6, not the proposed new bridge.

⁶⁶ OBJ/03/01 Appendix VI has photographs of flooding near the Church. Mr Couper confirmed at the Inquiry that the photographs were taken on 28 January 2008.

highway drainage run-off. However, the highway would be elevated and would severely restrict and significantly reduce the natural storage area of the flood plain. The result would be potentially serious impacts relating to an increase in the likelihood, frequency and depth of flooding of neighbouring land, including the School, the Church and graveyard and upon highway safety. There is insufficient land available to compulsory purchase to enable the implementation of a proper and effective scheme for flood protection and an acceptable landscape scheme, together with mounding, and screening, to provide the necessary protection for the School and Church. The Bypass is not in the correct location.

Replacement car park

- 5.27 The construction of the existing car park, built in 1990, was funded solely by School and Church members. Additional modifications have improved ease of access and restricted parking to Church and School users. It has been maintained and safely operated over the last 25 years with no financial assistance from anyone else. The car park is used throughout the day 7 days a week for Church and School activities and functions. Consultation with LCC has led to some improvements to the design of the replacement car park, which are more acceptable. The proposed operation is not. Shared use, with LCC and the School co-ordinating its use, would be unmanageable. An acceptable replacement has to be for the sole use of the School and Church communities and at no cost to their members.

Alternative Route

- 5.28 No objection in principle is raised to a simple bypass of Broughton village, which would have potential benefits in terms of air quality, noise and traffic congestion. No objection in principle is raised to an Eastway Link, although the potential benefits are far less obvious and there are other more beneficial alternatives to improve access to the motorway system. The current scheme is not a simple solution to the problem at Broughton crossroads. The Bypass would be distributor road generating traffic, not a bypass.
- 5.29 An alternative route for a simple bypass for the village is put forward to serve the residents of the village rather than generate and attract unnecessary and unwelcome excessive development in the rural northern areas. An Eastway Link is included to provide an additional means of direct access to the M55 motorway⁶⁷.
- 5.30 A new junction on the M6 motorway at Garstang/Brock remains a viable option and is likely to be implemented within the next plan period, justified on the basis of strategic growth to the north of Preston and in Wyre.

⁶⁷ OBJ/03/01 Appendix IX.

Conclusion

5.31 BBRG question whether the human rights of 240+ primary age children are being satisfactorily considered in respect of their right to life, health and well-being, acceptable air quality and noise levels, particularly in the outdoor classrooms and playing fields. It would appear that the schoolchildren are the sacrificial lambs in the project for the benefit of others in the village because the road is simply in the wrong location. BBRG formally request that the CPO and SRO for the Bypass scheme be refused to enable existing and future generations to continue the vibrant community at the School, the Church and Cottage Museum to teach, pray, live and work in a peaceful, healthy and pleasant atmosphere and surroundings as has been the case for nearly 1,000 years.

The case for Reverend Shaun Baldwin, Vicar of Broughton (OBJ 27)⁶⁸

- 5.32 Something has to be done to alleviate the traffic congestion in Broughton village but what is proposed is not the best solution. An alternative is available. Since the original plans were first considered some years ago the scheme has morphed into something far bigger and the proposed bypass is now also an access road for another major artery. There will be a devastating and irreversible impact on the immediate surroundings, which is the historic centre of Broughton. The proposed bypass is in the wrong place. A major objection is the lack of safeguards and protections that are on offer to the Parish Church and its estate to mitigate against the effects of increased air pollution, noise pollution and visual intrusion. The original proposals offered far better protection but they have been unacceptably scaled back to a bare minimum.
- 5.33 There are some 18,000 people living in the Parish of Broughton and Fulwood. The vast majority of parishioners come from the south and have to cross the motorway roundabout. The Church is a vibrant community and the numbers are growing. The Bypass will run at capacity from day one and will dissect the parish even more than at present. There will be a major road to navigate, raising questions about safe access to the land and buildings. A fear is that in the future people will go elsewhere. They are not being given the support and protection they deserve, with much more attention being given to safeguarding the great crested newt population.
- 5.34 The plans of the Bypass give a rosy picture. In reality the experience will be very different because of the lack of space and the proximity of the Bypass to the School buildings and outdoor spaces, the cottage, the Church and the graveyard. The proposals and the prospect of in excess of 30,000 vehicles in a twelve hour period raise health and safety issues for the school children, the staff, parents, visitors and other users of the establishments. The construction of a major bypass on a floodplain will also exacerbate

⁶⁸ OBJ/27 and OBJ/27/01 are the written submissions. The reported case includes evidence given at the Inquiry.

existing flooding problems that affect Church Lane, the Church and Churchyard and the School car park.

- 5.35 The Church, the School and the Church Cottage are living history and they continue to give an invaluable service to the local and wider community. They need adequate protection to remain healthy, safe and vibrant for future generations to enjoy.

The case for Canon Andrea Titterington (OBJ 04)⁶⁹

- 5.36 The Bypass was originally designed for the problems of 20 years ago and not to meet the challenges of today's traffic. The decision to renew the planning permission for the scheme was taken without regard to additional residential development, the redirection of traffic from Eastway or the contours of the land. There is a strong feeling by residents in north Preston that they are not being listened to.
- 5.37 The route will not ease traffic congestion by increasing the number of roads converging on Broughton roundabout. The proposed redirection of the A6 also will require cars approaching or leaving the Church, the School and the Marriott Hotel to drive round the proposed Bypass roundabout to reach the existing Broughton roundabout. The numbers of vehicle movements past the School and the Church will double.
- 5.38 LCC acknowledges that at peak times pollution levels are above acceptable levels. Increasing the number of vehicles and bringing them next to the School and its playing fields will put children and staff at serious risk. The contours of the land are such that the roundabout would be above the level of the School. The land between the School and the new roundabout is in a dip. Therefore the proposed two metre fence between the School and the Bypass would be below the level of the classrooms and would provide no mitigation to either noise or pollution.
- 5.39 The Parish Church (Grade II*) is the oldest building in Preston in continuous use and is central to the life of the community. The School and the Church Cottage are also Grade II listed buildings. Their viability is threatened by the route of the Bypass.
- 5.40 The solution to Preston's congestion and the problems with the Broughton roundabout in particular is on the M6, by increasing the capacity of junction 31a and creating a new junction 32a between the M55 and Lancaster. The role of BBRG is to prevent a costly public sector mistake that risks the health of parishioners.

⁶⁹ OBJ/04 is the written objection, which is accompanied by a booklet to describe the life of the Church and its centrality to the community. The reported case includes evidence given at the Inquiry.

The case for Mrs Jill Brennan (OBJ 43)⁷⁰

- 5.41 As Headteacher of the School, the Bypass proposals raise grave concerns. There are 245 children in school and outdoor learning is very important⁷¹. All teachers deliver lessons outside on a regular basis, in addition to games and P.E. lessons. In the Early Years the outdoor provision is an extension to the classroom and groups of children access it throughout the day. A willow dome is available for teaching and meetings and a school allotment is nearby. The School playing fields are very well used, encouraged by a pro-active sports leader. The top field is used by other schools. There are out of hours activities and the facilities are used by holiday clubs. The School and the Church are very much part of the community and the quality of learning should be maintained.
- 5.42 The Bypass will have a massive negative impact on children working outdoors and a negative impact on children in school. The noise generated by the construction of the Bypass will cause distraction for children and staff in lessons. The noise generated by the additional traffic will have a similar effect, especially when children and staff are working in the outside classrooms and at playtimes. Air pollution will impact on the outdoor classrooms, which will be on the same side of school as the Bypass. These issues will affect generations of school children in the future. It would not be possible to build a new school so close to the Bypass but it seems quite acceptable to build one adjacent to the oldest school in the country.

Related written statutory and non-statutory objections to the CPO & SRO

- 5.43 **Mrs Eves** (OBJ 10). Mrs Eves is a churchwarden at the Church and her views are represented by BBRG. Mrs Eves also submitted her own objection⁷², where she reiterates her view that the scheme will have a significant impact on the historic buildings and the modern additions and on their effective functioning. In addition the proposal would also negatively impact upon the hundreds of people within the community who use the facilities throughout the whole week during the day and in the evenings, both in the short and long term future. Her concern is that the natural rural landscape would be irretrievably altered by the CPO. She considers that air and noise pollution, and the effect on vulnerable young children, have not been recognised and that it is unacceptable to build a major road so close to an existing, well established and successful school. The environment would be severely adversely affected and the present problems at the crossroads transferred to the vicinity of the School, the Church and the Church Cottage Museum. The introduction of the link road to serve

⁷⁰ OBJ/43 and OBJ/43/01 are the written submissions. The reported case includes evidence given at the Inquiry.

⁷¹ The pupils are aged between 4 and 11 years and there are 37 members of staff on site (OBJ/03/05 page 2).

⁷² OBJ/10/01

industrial and housing areas would exacerbate the situation.

- 5.44 Mrs Eves considered a shared car park would be unacceptable because of the high level of use of the existing car park. The proposed replacement car park is criticised for not appearing suitable for the safe collection and dropping off of primary school age children and for the unclear access routes.
- 5.45 **Mr D Millbank** (OBJ 08) is a churchwarden at the Church⁷³. In objecting to the CPO he referred to the same House of Commons Environmental Audit Committee report as BBRG and submitted that LCC as a caring organisation should not build a major road and roundabout carrying over 31,000 vehicles a day so close to classrooms. He believes the children will suffer life long respiratory conditions. His objection also is based on the structural damage to historic buildings and the protection of the historic heritage.
- 5.46 **PCC members:** Mr C Carefoot, Mr J Gibson, Mr P Cross, Mr B Townsend, Mrs A Robson, Mrs D Wilkinson, Mrs P Kay, Mrs K Morris, Mrs P Taylor, Mr J Webster, Mrs S Cherry, Mr B Hurley, Mr D Gaukrodger, Mr P Ward, Mrs G Kerry, Mr A Hardy, Mr R Cross. Additional **statutory objections** were received from Mrs M Baldwin, Mr M Anson Chair of Governors Broughton-in-Amounderness CE Primary School. **Non-statutory objections** were made by Mr J Titterington (PCC Treasurer), Mr I Cherry (Parishoner), Mr M Rayner (Quinquennial Architect).
- 5.47 These objections raised no new issues to those set out above expressed by BBRG, Reverend Baldwin, Canon Titterington and Mrs Brennan. In respect of the SRO, questions were raised about the access arrangements to the Church, the School and the Church Cottage Museum and how traffic, especially pedestrians and small children would travel safely from the area to the south of Broughton roundabout. Details of the replacement car park were considered inadequate. In respect of the CPO, details were requested on a number of matters related to noise and air pollution, visual intrusion, heritage and asset protection, and the loss of land in the playing field.

The case for Mr Simon Watson (OBJ 06)⁷⁴

- 5.48 Mr Watson is the owner of Grays Cottage on D'Urton Lane. The objections made by Andrea Watson (OBJ 42) are essentially the same.

Drainage

- 5.49 The key objection to the CPO is that there is a risk of Grays Cottage

⁷³ OBJ/08 and OBJ/08/01

⁷⁴ OBJ/06 is the original objection. OBJ/06/01 is the statement of evidence and OBJ/06/07 is a closing summary statement. Associated documents are referenced in the document list.

becoming uninhabitable without an acceptable agreement on a drainage solution. The property was built circa 1850 and has enjoyed drainage rights, along with other rights, for most if not all the time it has existed. They are described in the register of title for the property. The existing old drainage system may not comply with current Environment Agency (EA) standards, although this has not been proven nor has the EA claimed an unacceptable discharge. LCC undertook a drainage survey and tests and on this basis LCC has assumed the foul water discharge is unlikely to meet the EA's current standards. LCC has stated that a connection to the new drainage pipework would be allowed provided that the discharge is clean water.

- 5.50 The Bypass scheme limits the solutions because the surrounding land which may be used as a soakaway would become unsuitable or unavailable. An incorporated soakaway system, suggested by the EA, would be the simplest and cheapest solution available. However, the land take for the road makes this solution potentially impossible. Land is potentially available adjacent to the western boundary of the cottage but it is subject to the CPO. LCC stated that it does not have sole discretion to allow such land to be used to house a treatment process. An informal approach by a neighbouring land agent to site a communal treatment plant on adjoining land unaffected by the CPO was not taken up by LCC. Due to the size of the plot at Grays Cottage it is not possible to meet building regulations for a packaged treatment system on the plot.
- 5.51 Extensive discussions with the EA have taken place. The EA is seeking a plan to be in place in 12 months time to show how suitable drainage would be provided and for LCC to contribute to such a plan. Without land available to site a solution Grays Cottage would become uninhabitable and without any compensation offered.
- 5.52 A plan to correct an unacceptable discharge, if this situation exists, would be able to be addressed cost effectively if a new road was not proposed. The Bypass introduces constraints and complexities. The costs of a treatment process that meets all requirements would be significantly increased as a result. Appeals have been made to LCC over many months and years to highlight the issue without success. The CPO should be confirmed only if there is satisfactory provision and assistance to ensure drainage to Grays Cottage not only continues but meets current EA standards. To be made homeless would be a breach of our human rights. Whilst facing the prospect of many adverse impacts, including additional noise and pollution, the key expectation is that the drainage needs of the property would be addressed.

Additional objections

- 5.53 Stopping up the side road will mean longer journeys. No plan has been made to help with access onto the Bypass. Given the amount of traffic going south, it will be difficult to access the Bypass without traffic lights on the new roundabout. Journey times will increase and no one has said how this will be compensated or addressed.

- 5.54 The replacement car park should be available for use by car sharers, otherwise many people who currently park on D'Urton Lane will be disadvantaged.
- 5.55 The environment will not be improved. Pollution will be moved rather than reduced and standing traffic will be moved to a new road. The scheme will be funded by local development which will increase the traffic and be counterproductive. Pedestrian crossings on a new road will not make crossing a dual carriageway safer. Local school children, as well as other residents, will be put at risk due to traffic and environmental pollution.
- 5.56 The chosen solution is the wrong one. Much of the congestion is from traffic bound for the motorway network. A new junction on the M6 would alleviate the problem but has not been adequately investigated.

The Case for Mr Ashanul Haq and Mrs Nasra Haq (OBJ 33)⁷⁵

- 5.57 Mr and Mrs Haq own and live at Brooklands, off D'Urton Lane, an imposing detached dwellinghouse dating from 1902. The house stands in mature grounds in an elevated location. They have worked tirelessly to carefully restore the house and gardens and they value the privacy and visual amenity. They have no intention of moving and an extension is currently being built to accommodate elderly parents. On completion of the work they planned to enhance the landscaping of the property by removal of poorly performing and unsightly conifers that form an understorey on the western boundary and to carry out new planting.
- 5.58 Brooklands will overlook the Bypass, particularly in a westerly direction over the southern section, from the Blundel Brook crossing to the roundabout and junction with D'Urton Lane. The objection is not to the Bypass scheme per se but to the inadequacy of the proposed mitigation measures to protect their reasonable amenity and enjoyment of their home from the visual and noise impact of the scheme. They are disappointed that no-one from LCC visited the property to assess the impact of the scheme.

Visual impact

- 5.59 The residential property has high sensitivity. The 2013 ES assesses the magnitude of impact as Large Adverse during the construction phase and opening year, only reducing to Moderate Adverse by year 15. Mr Brereton in cross examination asserted that the planting close to the Bypass would be the principal element of mitigation. However his statement of evidence made clear that mitigation would be achieved by a combination of existing vegetation to the west of Brooklands and the new planting proposed as part of the scheme. Had a visit been made to the property as part of the design

⁷⁵ OBJ/33 and OBJ/33/02 are the written submissions. The reported case takes into account the oral evidence at the Inquiry.

exercise the limitations of the existing vegetation on the western boundary would have been apparent. Furthermore, the 3 landscape cross section drawings misrepresented the elevational difference between the Bypass and Brooklands and omitted the 10 m high lighting columns along the stretch of the Bypass between the D'Urton Lane junction and the Blundel Brook crossing⁷⁶.

- 5.60 The proposed landscaping will not provide an adequate degree of mitigation for Brooklands until the planting has matured in year 30. To achieve the necessary mitigation sooner will require mounding. Mounding with an appropriate batter would require additional land to that currently subject to the CPO. The proposal is that the CPO should include an additional parcel of agricultural land on the western boundary to Brooklands, where tree and shrub planting could be undertaken in advance of the construction works to provide an immediate effect⁷⁷.

Noise impact

- 5.61 The prediction based acoustic evidence is not convincing. The Bypass will introduce a new noise source closer to Brooklands, which will be of a different nature to the existing background traffic noise from the M55 motorway. Vehicles will be accelerating and decelerating rather than travelling at a constant speed on the motorway. In order to provide an adequate level of noise mitigation that Brooklands warrants a reflective noise barrier should be provided on the eastern side of the Bypass between the Blundel Brook crossing and the D'Urton Lane junction. This form of mitigation would be comparable to the attenuation given to other affected properties and would not compromise the integrity of the landscape mitigation.

*Legal submissions*⁷⁸

- 5.62 The owner of the land adjoining Brooklands would be willing to sell, subject to agreement as to terms, a parcel of land for landscaping purposes⁷⁹. There is no impediment within the 1980 Act (sections 246(1) and 246(3)), or the Crichel Down Rules which would prevent the acquisition of this land by LCC for mitigating the adverse visual impact of the Bypass on Brooklands, or which would prejudice the benefit of such mitigation in the future. In the absence of an agreement between the land owner and LCC to purchase the necessary additional land, pursuant to section 246 of the

⁷⁶ LCC/05/01 Appendix 2B has the first set of cross sections. LCC/05/04 is the amended set of cross sections – note the addition of lighting columns and the reduction in length of the cross section line on the key inset plan.

⁷⁷ OBJ/33/01 shows the maximum extent of the land.

⁷⁸ OBJ/33/02 paragraphs 14 to 22.

⁷⁹ This is the land previously referred to in OBJ/33/01.

1980 Act, the CPO should not be confirmed.

Written statutory objections

- 5.63 **United Utilities Water PLC** (OBJ 35). Within the context of the statutory undertaker's aims and provision of vital water and waste services, United Utilities are seeking to ensure consideration is given to the impact of the project on its assets and that the service they provide is safeguarded for future generations. The initial objection was on the basis that LCC had not provided sufficient information to demonstrate that its statutory obligations would not be impaired⁸⁰.
- 5.64 Subsequent discussions and the provision of information by LCC has not led United Utilities to withdraw its objection. Further information, survey work and advance payments are stated to be outstanding on matters concerning the Hodder Aqueduct⁸¹, the proposed sustainable drainage system (SuDS), demolition of 35 and 37 Whittingham Lane, and plant diversion and abandonment works⁸².
- 5.65 **Mrs Cookson** (OBJ 02) objected to all the work proposed around the Church and the School. The objection is not supported by further explanation.
- 5.66 **A property owner** (OBJ 11) objected to journeys on the Bypass becoming longer in time and distance, spreading pollution over a greater area. Also, the use of a length of D'Urton Lane would direct traffic onto a narrow lane which has speed humps, chicanes and is part of the Guild Wheel. A new junction onto the M6 was suggested as a more sensible solution. Concern was expressed that the proposed mitigation would do little to reduce pollution or protect privacy and light at the property. The lack of assurances over the protection of easements and the failure to provide an estimate of compensation were also of concern.

Written non-statutory objections

- 5.67 **Mrs Hitchen** (OBJ 38) objected to the Bypass being built so close to the Church because it would destroy the local landscape and result in the loss of a long existing right of way from D'Urton Lane to the Churchyard. She explained the footpath affords a view of the ancient Church which has been seen for generations. The scheme also would bring the noise pollution from the M55 much nearer to the Church and the School.

⁸⁰ OBJ/35

⁸¹ The Hodder Aqueduct is a buried piped major water supply located in the northern section of the route – see LCC/02/01 Appendix GL1 plan 2 of 6.

⁸² OBJ/35/01

Withdrawn objections

- 5.68 The objections by Virgin Media (OBJ 01), National Grid (OBJ 05) and P Watson (OBJ 36) were withdrawn early on in the process.
- 5.69 The objections by Redrow Homes Limited (OBJ 31) and by Mrs M Bibby (OBJ 32) were withdrawn by email dated 10 April 2015.
- 5.70 The objections by Gayle Hastings and Karina McCool (OBJ 34) and by Mr and Mrs Barrow, Mrs C Holt and Mrs M Berry (OBJ 30) were withdrawn by emails dated 13 April 2015.

6 REBUTTAL BY LANCASHIRE COUNTY COUNCIL

Broughton Bypass Review Group, Reverend Baldwin, Canon Titterington, Mrs Brennan and related written objections

Traffic

- 6.1 A comprehensive set of traffic survey data was collected in November 2012 according to industry standard practice to produce a base year traffic model. The traffic model produces sufficiently accurate representations of existing traffic conditions to enable it to be used to forecast future traffic flows and journey times accurately. This is demonstrated by the performance of the model against DfT guidelines for model calibration and validation performance against traffic counts and journey times.
- 6.2 Forecast demand for travel was generated using national, regional and local data sets to inform the amount of travel growth that could be expected from the base year. Development data was provided by the local authorities of Preston City Council, Wyre and South Ribble and the likelihood of the development being realised was indicated. This allowed an uncertainty log to be compiled following best practice. The forecast modelling process results in assignments of trips on both the Do Minimum and Do Something networks. The only difference between these networks is the proposed Bypass scheme. Forecast flows are provided for 2017 and the design year of 2032.
- 6.3 Since the traffic forecast modelling was carried out in March 2013 emerging Local Plans have evolved and the City Deal has been signed but the majority of the proposed development up to 2032 is incorporated in the traffic forecasts. The additional development associated with the Local Plans would create further congestion at Broughton without the scheme. The need for and the benefits associated with the Bypass become greater. The traffic model also allowed for slightly more development and growth than forecast by Government. At a local level, the routing for trips exiting the School and going south was captured in the model forecast response. Therefore the forecast traffic flows are not a minimum level and the

forecast is robust.

- 6.4 The Bypass is one of a number of highway schemes identified in the Central Lancashire / City Deal Master Plan that are coming forward to support future growth. Development would not come forward without such traffic mitigation proposals. The traffic model did not allow for these or other required highway improvements associated with new development, nor did it take account of signal optimisation. Therefore the forecast traffic flows are a worst case assessment.
- 6.5 The 2-way annual average daily traffic (AADT) at the D'Urton Lane roundabout is 38,000 vehicles on opening in 2017. This compares with a 2-way AADT figure of 26,000 vehicles for the A6 at Broughton crossroads in the do minimum situation in 2017. In terms of scheme benefits the correct comparison to be made is between the situation on the A6 through Broughton with and without the scheme in 2017, not the existing traffic figure recorded at Broughton crossroads. The average traffic flow reduction on the A6 would be approximately 80% (19,000 AADT) with the scheme. A genuine time saving (1 minute quicker) would be sufficient to ensure traffic diverts onto the Bypass. The physical restraints proposed in the improvement scheme on the A6 through the village would be more for the benefit of pedestrians and cyclists. A 30 mph speed limit through the village has no effect on the forecast journey time savings in the peak hours because of the congestion. At other times it would enhance the performance of the Bypass.
- 6.6 A volume/capacity analysis of the D'Urton Lane junction in the traffic model shows that the junction would not be at its absolute capacity or indeed at a lower 90% threshold of capacity. Standing traffic would not be expected at the junction for any significant duration. In the design process an hourly flow of 1,825 vehicles was forecast at the Broughton roundabout, above the capacity of 1,700 vehicles per hour. In response, the junction capacity was enhanced by increasing the number of approach lanes. All junctions at roundabouts associated with the Bypass are forecast to operate within their respective capacities in the AM and PM peaks in 2017⁸³. Therefore the new road will ease traffic congestion by maintaining continuous flows and junctions will operate effectively. The Bypass is forecast to be just as effective in 2032, with traffic continuing to transfer to the route. By the School the 2-way AADT is forecast to be 42,000 vehicles.
- 6.7 The traffic forecasts show that with the proposed Bypass in 2017 and 2032 flows in both directions on Woodplumpton Lane west of Broughton crossroads would increase by 35% on average in both directions. In absolute terms the increase represents 100 to 150 vehicles per hour in each direction, depending on the time period. It is due to the scheme reducing congestion and therefore journey times, making the route to and from the south via the Bypass more attractive. There is an increase in traffic of

⁸³ LCC/03/01 paragraphs 3.1.29 – 3.1.36.

- 5,200 AADT (2017) on Whittingham Lane because traffic that previously typically routed along Houghton Green Lane is reassigned to Whittingham Lane and the Bypass route⁸⁴. The scheme offers the opportunity for the traffic signals at the Broughton crossroads to be re-prioritised in favour of pedestrians and cyclists.
- 6.8 The traffic reduction along the existing A6 of 19,000 AADT will make the village centre a more pleasant environment for walking and cycling. The better conditions for crossing the road will assist more vulnerable groups in particular. Bus journey times also will benefit from the reduction in queuing and delays. These conditions will encourage walking, cycling and use of public transport.
- 6.9 As part of the A6 Broughton Options Study April 2012 a number of different options were assessed in a consistent, standardised and proportionate manner using a 'problem' and 'objective' driven approach. A key element of the study was to identify new interventions as well as review historic ones. The study included 3 different bypass options and an additional junction on the M6. The results showed that the proposed Bypass was the highest performing scheme and therefore the best for solving existing problems. All other options delivered either less benefit or cost more or were harder to deliver.
- 6.10 The study acknowledged the public support for the M6 junction option since 1990 but found that such a scheme would be costly because of the engineering and environmental issues. It recommended the option should not be considered further because it could not be implemented in the short term. More recently in October 2014 the then Highways Agency confirmed that there were currently no plans for a new motorway junction on the M6 at Garstang and outlined the constraints on such a project. An explanation was given as to why the planned new junction on the M55 conforms with Government policy and is a justified exception to the presumption against new motorway junctions⁸⁵.

Access to the School and the Church

- 6.11 The objection to the SRO assumes that all of the school children coming from the south walk to school, which is not the case⁸⁶. In the ES it was assumed that most children, being of primary school age, would travel by car. The objections also make no reference to additional safety and walking and cycling benefits brought about by significantly reduced traffic volumes

⁸⁴ LCC/03/01 paragraphs 2.6.13 and Figures 2-T, 2-U and 2-V.

⁸⁵ PI/06

⁸⁶ OBJ/03/05 In the stated method of travel from all origins, 13% of pupils walk and 86% travel by motor vehicle (car, taxi and car share). The travel plan comments that children who do walk to school, mainly walk along the A6 from roads within Broughton.

and lower traffic speeds within Broughton along the A6 and at the crossroads. This is where there is the greatest level of population.

- 6.12 Those children currently walking from the south currently have the choice of using the western footways and crossing at the toucan crossings provided on the M55 roundabout. They can then continue north up the western footway of the A6 and cross at the pedestrian crossing by Church Lane. Alternatively they can use the eastern footways and subways under the M55 and cross D'Urton Lane at its junction with the A6, which is uncontrolled⁸⁷.
- 6.13 Following the completion of the Bypass the eastern footway approach retains the subways but introduces a staggered toucan crossing across the four lanes of the new road. This crossing replaces the uncontrolled crossing of D'Urton Lane. Pedestrians will then be able to use the footpath link to the Church/School adjacent to the new car park or Church Lane. The western footway approach remains unchanged although there will be less traffic on the bypassed A6.
- 6.14 An independent safety audit raised only minor issues on the toucan crossings and they have been addressed as part of the design process⁸⁸. There will be an improvement in safety, particularly reducing conflict between pedestrians and vehicles turning at D'Urton Lane.
- 6.15 The eastern route will be similar in distance to the current arrangements and remains as convenient. It will tie in with the route of the Guild Wheel and access to D'Urton Lane. The location of the proposed toucan crossing also ties in with the location of Footpath 5 that is adjacent to the car park and provides access to the Church and the School.
- 6.16 By car, access to the Church/School site from the south would remain unchanged, although turning into the car park would be easier via a direct access off Garstang Road. On return, drivers would have to loop around the new roundabout to go south. For traffic gaining access to the site from the north, current arrangements would remain the same. On return, turning right out of Church Lane would be easier due to the reduced amount of traffic on Garstang Road. Access to the new car park would be direct from Garstang Road. Inconvenience to car users is considered minimal and would only affect vehicles travelling south in terms of distance. There is not expected to be any significant difference in journey times. The additional distance for southbound vehicles would be approximately 500 m in total, equating to about 40 seconds of journey time.
- 6.17 Access from the new car park into the Church/School site will be adjacent to the drop off point within the car park via Footpath 5, similar to existing

⁸⁷ LCC/01/02 responds in detail to the objection.

⁸⁸ LCC/03/01 Appendix GL2

arrangements. Pedestrians coming from D'Urton Lane, who currently use Footpath 5, will cross to the west side of the bypass via the toucan crossing. They would then walk north west to the remaining section of the footpath or follow the shared use cycle track westwards to Garstang Road and Church Lane. Cyclists travelling west along D'Urton Lane will be able to use the severed section of the highway. Footpath 4, to the north of the car park, is to be widened, fenced off from the car park and generally cleared of vegetation.

- 6.18 The Bypass will reduce the volume of traffic using the A6 between the village and the School making this journey safer as well as improving the environment.

Noise

- 6.19 The technical case presented by BBRG purported to be a critical analysis of the ES leading to a conclusion that the noise measurements are likely to be underestimated and unreliable. However, the analysis in the ES and ES Addendum was consistent with DMRB methodology and standards. Existing noise levels in the area, including the area around the Church and the School, are strongly influenced by road traffic noise from the A6, the M55 and M6 motorways. On this basis, the DMRB guidance (using HD 213/11 Rev 1) is to compare predicted noise levels in determining the noise impacts of a road scheme⁸⁹. There is no requirement to use measured data or to calibrate predicted noise levels against measured data. The application of a statement in ISO 9613-2, as advocated on behalf of BBRG, has to be placed in context. It is considered invalid when comparing short term meteorological conditions that apply in the current assessment. The noise analysis was robust and sound⁹⁰.
- 6.20 Without noise mitigation Moderate Adverse noise impacts were predicted on scheme opening at the School and the Church. Minor Adverse impacts were predicted in the long term. A 2 m high reflective noise barrier has been included in the scheme design. Design of the noise mitigation measures was an interactive process and involved liaison between the professional teams. Increasing the height and extent of the barriers would lead to slight benefits but with greater adverse visual impacts. The final proposal represented an effective compromise. With the 2 m high barrier in place the magnitude of the impact is reduced to Minor Adverse on scheme opening at the Church and the School. Minor Adverse impacts would remain in the long term, although the predicted noise levels have been reduced with the barrier in place⁹¹. The likely noise effects would be

⁸⁹ Mr Faulkner, for BBRG, accepted these points in cross examination.

⁹⁰ LCC/09/01 paragraphs 4.1 to 4.34 sets out the response to the objections on methodology in detail.

⁹¹ LCC54 provides the predicted noise level changes compared to the Do Minimum. At the School the change in the opening year would be +3.8 dB, and in 2032 + 4.1 dB (Tables 7.1 and 7.2). With the mitigation the changes would be +2.8 dB in 2017 and +3.2 dB in 2032 (Tables 8.1 and 8.2).

acceptable.

- 6.21 The effect on the playing field in the vicinity of Blundel Brook bridge in the short term has been shown to be Moderate Adverse, reducing to Minor Adverse in the long term. No mitigation is proposed. On the basis of the predicted noise levels the playing field would continue to be capable of being used for that purpose.
- 6.22 The use of a low noise road surfacing (LNRS) material is proposed, which is likely to provide some additional noise reduction. Any noise reduction associated with LNRS is not included in the assessment. The likely beneficial effect of a LNRS was accepted by BBRG⁹².
- 6.23 The predicted noise levels during the construction period are within the parameters of the relevant standards and no significant adverse noise impacts should occur. The ES also drew attention to the scope of programming construction activities to minimise any effects on teaching⁹³.

Heritage assets

- 6.24 English Heritage, with responsibility as an advisor on heritage assets to the Government, was consulted on the planning application⁹⁴. Its consideration would have been meticulous given the presence of a Grade II* listed building. The advice noted the existing effects of the M55 junction and the high noise levels. The advice also recognised that due to the topography and tree cover around the Church it was unlikely that the bypass would be visible behind the Church in views from the north on Garstang Road. Even though the wider setting of the Church would become more urban as a result of the road, there would be little impact on the immediate setting within the Churchyard. English Heritage concluded that although the proposal would fundamentally change the agricultural nature of the fields to the south of the Church, the scheme would have limited impact on the ability to appreciate the significance of the Church from an historic environment perspective. No objection was taken to the scheme in terms of either harm to the significance of the heritage asset or to its setting.
- 6.25 There is no dispute that the running surface of the road at its nearest point would be approximately 44 m from the Church and around 63 m from the

At the Church the relevant figures are +4.1 dB and +4.5 dB and with mitigation in place +2.8 dB and +3.1 dB. LCC/09/02 illustrates the free field noise levels under the various scenarios, including for the playing field.

⁹² Mr Faulkner in cross examination.

⁹³ LCC26, LCC27 ES Volume 2 Main Statement Chapter 9 paragraph 9.3.2 sets out the assessment methodology for construction noise and vibration. Paragraph 9.6.1 and Table 9.8 examines the impacts.

⁹⁴ LCC25 includes the consultation response.

School. With reference to the DMRB guidance operational vibration would not be considered to be perceptible at either property. Structural damage during construction would be very unlikely⁹⁵. BBRG's witness accepted that in view of the distances involved there is no realistic prospect of vibration harming the heritage assets.

Air quality

- 6.26 The air quality assessment reported in the ES did not include the School playing fields because there was not considered to be a reasonable risk of exceedance of the AQO or significant impact. This approach is in accordance with best practice guidance on selection of receptors. However, additional modelling has been undertaken at two transects across the School playing fields, which include the closest point of the playing field boundary. The methodology is considered to be conservative or worst case⁹⁶.
- 6.27 The results show that at the playing field boundary NO₂ concentrations are well below the AQO and decrease further into the playing field. Slight Adverse impacts are predicted for the closest 15 m of the playing field with negligible impacts beyond and at the School buildings. PM₁₀ concentrations are well below the AQO and decrease further into the playing field. Negligible impacts for PM₁₀ are predicted at all receptor locations.
- 6.28 The AQOs are concentration based thresholds set to provide protection for all members of society, including vulnerable groups such as the very young. The predicted levels of NO₂ are very low and negligible in terms of the potential to impact on the health and well-being of the community.
- 6.29 The BBRG reference to the Parliamentary Environmental Audit Committee is a misrepresentation of the detail of what was actually said. The Committee Chair stated as a matter of fact that well over a thousand schools around the country are 150 m away from major roads. This does not equate to a requirement that all future schools and roads must be separated by at least a distance of 150 m. The Government in its response to the Report did not consider that additional planning guidance or Building Regulations was required given the current level of protection but that the matter would be kept under review.

Visual intrusion

- 6.30 One of the key objectives for the Bypass scheme has been to minimise likely adverse effects of the proposed road on the area's landscape. A

⁹⁵ LCC/09/01 paragraphs 4.46 to 4.52.

⁹⁶ LCC27 Volume 2 Chapter 8 sections 8.1-8.3 detail the background on policy, legislation and methodology. LCC/10/01: The plan attached to the document illustrates the results of modelled NO₂ concentrations with the scheme (2017).

robust and transparent procedure was followed in developing an appropriate landscape enhancement and mitigation scheme.

- 6.31 There would be extensive landscape mitigation planting between the Bypass and the Church, the School and the Church Cottage Museum. Collectively the proposed native deciduous and evergreen shrubs, trees and hedgerow in areas up to 20 m wide, together with the existing trees and shrubs along Blundel Brook, would reduce the visual effect from Moderate Adverse to an acceptable Slight Adverse level in the design year⁹⁷. More than half the trees planted would be evergreen Oaks, which would be planted at relatively close spacing to maximise the screening effect. This year round screen would be enhanced by Holly planting to fill in the gaps below the tree canopies. In addition the filtering effects of the densely planted belts of native deciduous trees and shrubs in their leafless period should not be discounted. The proposed multi-function wildflower meadow, with scattered tree planting, would maintain the parkland feel and produce gains for the area's biodiversity.
- 6.32 In comparison with the landscape enhancement and mitigation scheme approved in 2001, the amounts and location of mitigation planting in the 2013 are broadly similar. A decision was made to remove the high embankment and retaining wall. There was concern about sound being reflected off the retaining wall and affecting residences to the south and east. It was found vehicle noise mitigation could be achieved by an acoustic fence rather than a high embankment. Extensive tree and shrub planting at 'ground level' would be a more appropriate and just as effective form of mitigation. The size and height of the embankment, the steep slope profiles and the corridor effect were deemed to be visually intrusive and inappropriate for the area's landscape character. The revised scheme is an improvement on that proposed in 2001.
- 6.33 The centre of the Garden of Remembrance would be approximately 46 m from the centreline of the proposed road. In this large intervening area a substantial screen of evergreen and deciduous trees and shrubs would be provided. The decision on the location of the Garden of Remembrance was made when the position of the Bypass in relation to the Church was known.
- 6.34 The landscaping principles proposed by BBRG are seriously flawed in landscape and visual terms. In particular the bund would be of varying height up to 8 m, some 12 to 39 m wide and with steep slope profiles. These dimensions would combine to create a large and incongruous, engineered landscape feature, out of scale with the proposed bunds in the Bypass scheme. To create the bund would in all probability require the importation of a very significant amount of fill and the establishment of tree and shrub planting would be a challenging task. Its location in a flood plain

⁹⁷ LCC/05/01 paragraph 8.3 sets out an extract from the ES with the relevant findings on visual impact. A summary of the effects of the landscape character areas is provided in LCC27 Volume 2 of the ES at Table 5.2a on page 5-31. In the design year the significance of the effect on the local landscape character of the Blundel Brook valley was assessed as Moderate Adverse.

ignores the constraint relied on by BBRG in relation to flooding. A further consequence would be the loss of the proposed wildflower meadow.

- 6.35 The additional area of land identified by BBRG to be acquired under the CPO for a new woodland lies immediately north of the School playing field⁹⁸. The purpose of the woodland is to screen the playing field from Blundel Bridge northwards. At the north side of Blundel Bridge the carriageway is on an embankment, 2.5 m above field level at the bridge. The road then climbs up the valley escarpment away from the playing field and goes into cutting. Therefore the angle of view from the playing field to the Bypass becomes more oblique as the Bypass proceeds northwards.
- 6.36 The landscape plan provides for a band of planting around 15 m wide with a mix of trees and shrubs. Trees would range from 0.6 m to 3.5 m in height at the time of planting. Due to the oblique view from the playing field to the Bypass the effective width of the proposed landscaping increases up to 40 m as the Bypass proceeds northwards. When combined with the uphill view from the playing field the landscaping would provide more than adequate screening. The acquisition of the additional land cannot be justified.
- 6.37 The additional planting suggested in the area marked B is also considered unnecessary⁹⁹. The users of the playing fields as visual receptors would not be regarded as having the highest sensitivity. Whilst the bridge will be elevated there is mature vegetation that will act as a filter to views. As the playing field sits within an open green area the limited views of the bridge, as an engineered structure, will not be significantly detrimental to the local landscape character.

*Flooding*¹⁰⁰

- 6.38 There was no evidence of reported flooding incidents in the area in the vicinity of the Church and within the Blundel Brook catchment. The perceived risk from surface water flooding is classed as low. However, it is accepted that in the past surface water flooding incidents have affected the open areas of grassland and the graveyard. The purpose of the Bypass scheme is not to address existing catchment wide fluvial flood risk and local drainage issues. The Bypass is designed to ensure that such issues are not made worse.
- 6.39 The construction of the Bypass will influence future overland flows by

⁹⁸ LCC/02/03 provides a detailed response to the proposal.

⁹⁹ LCC27 Volume 2 paragraph 14.8.3 where the ES concluded that the land take under the CPO represented only a small proportion of the total area of the playing field, was not part of the structured play area and that no mitigation was required.

¹⁰⁰ LCC/08/01 The rebuttal of the objections was confirmed in oral evidence at the Inquiry.

utilising engineered storage and a SuDS designed to alleviate peak flow rates during times of extreme rainfall events. The highway drainage is sized to account for highway run-off in accordance with standard practice. The bridge structure has been designed to be above the level for the 1 in 100 year plus climate change event, plus a 600 millimetre (mm) freeboard, in accordance with the requirement of the EA. It would not restrict flows along the Blundel Brook floodplain.

- 6.40 The planning application was subject to a flood risk assessment (FRA) that set out the flood risk mitigation required in relation to the overall scheme and measures to improve water quality¹⁰¹. The EA reviewed the FRA and raised no objections to the proposed scheme. The EA has reaffirmed that the FRA demonstrated that the proposed development would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere provided that the flood risk mitigation measures identified within it are implemented¹⁰². The planning permission is conditional on the detailed drainage arrangements being agreed prior to commencement of development to make sure they comply with the FRA, in accordance with the EA's recommendation.

The CPO: Bridge crossing

- 6.41 LCC bridge engineers have considered the adequacy of working space adjacent to Blundel Brook and confirmed that a distance of 4 m will be required to facilitate bridge construction¹⁰³. The footpath and embankment would be constructed after the bridge. There is more than enough space to put in the embankment. LCC is satisfied that Plots 18 and 40 in the CPO secure sufficient land and rights to enable the necessary width to be available during the works¹⁰⁴.

Replacement car park

- 6.42 The principle of a replacement car park is not seriously questioned. The management of the car park is for further discussion as LCC wish to explore community benefits. A car park provided under section 40 of the Road Traffic Regulation Act 1984 is a car park which can have provisions made by the authority as to its use, in particular the vehicles or class of vehicles able to use it and the conditions on which it may be used. LCC will seek to ensure that appropriate provisions are made in connection with its use.

¹⁰¹ LCC26 LCC27 ES Volume 3 Technical Appendices Appendix I.2

¹⁰² PI/13 Letter from the EA dated 17 April 2015.

¹⁰³ LCC/02/03 and LCC/02/07 provide the detailed response.

¹⁰⁴ The relevant plots in the CPO are Plot 18 amounting to 61 square metres (sq m) and Plot 40 which is 186 sq m.

Alternative route

- 6.43 The potential for the route to reduce traffic at the crossroads is less and the scheme is not designed as such to physically direct north-south traffic onto the bypass scheme. This reduces its effectiveness at mitigating traffic impacts at the Broughton crossroads, which is the key congestion pinch point. The alignment proposed by BBRG would not resolve severance issues at the School and the Church and traffic would increase significantly on the A6. Air quality and noise benefits would be less. Public transport, cyclist and pedestrian benefits along the A6 would not be realised to the same degree as with the proposed Bypass. The scheme would not connect directly with the Eastway link resulting in longer journeys for this traffic. The BBRG scheme has not been consulted on but a similar option received less favourable responses at a previous consultation.
- 6.44 BBRG's alternative route for the A6 Eastway link road offers in landscape and visual terms no improvements to the proposed scheme. In some respects the alternative is inferior, principally for two reasons. The proposed road would be very close to the properties north of D'Urton Lane. There would be very little scope to undertake any form of effective mitigation of landscape and visual effects for the properties remaining. Secondly, the proposed road would not be moved far enough to the south to achieve any significant reduction of the slight adverse visual impacts that would be experienced by the Church, the School and Church Cottage Museum as a result of the Bypass scheme.
- 6.45 The Alternative route between Keyfold Farm and Helms Farm would remove the opportunity to enhance the appearance and landscape tranquillity of the A6 corridor between the war memorial and Broughton Bridge and to create a more peaceful setting for the war memorial. Large mature specimen trees would be lost and the proposed road would be within close proximity of outdoor recreation facilities. There would be no reduction of the residual slight adverse effects on Broughton's historic core around the Church and no reduction on the landscape and visual impacts on the heritage asset of Broughton Hall/Old Hall Park.
- 6.46 Overall the alternative route would not deliver the same level of benefit on the scheme objectives as the proposed Bypass.

Objections by Mr Watson

Drainage

- 6.47 As part of the design process LCC carried out investigations of the existing drainage system¹⁰⁵. An inspection of Mr Watson's property identified a primary settlement system but no evidence of secondary biological

¹⁰⁵ LCC/02/02 provides details of the investigations and the possible alternative drainage solutions.

treatment to the household foul drainage. The investigations indicated a high likelihood that the outfall from the septic tank connected into the highway drainage system through the field to the west of Grays Cottage. The EA was informed of the possibility of potentially foul water entering Blundel Brook via the highway drainage system. The EA confirmed that it is the responsibility of the owner of a septic tank to prove that any discharge from the tank is suitable for discharge into a watercourse. The EA gave Mr Watson 12 months to produce a plan to improve or replace the current septic tank arrangement to achieve an acceptable discharge¹⁰⁶.

- 6.48 As to possible alternatives, investigations suggest that the field to the rear of Grays Cottage would not be suitable for a leachate drainage system. The land to the west is being acquired under the CPO for landscaping purposes and LCC has advised Mr Watson to seek the landowner's consent to allow a drainage facility to be provided there. Land to the rear of Church Hall Farm was proposed for a communal treatment plant but the suggestion was not pursued further when LCC refused to pay for the installation. The level of the bypass drainage system adjacent to Grays Cottage has been lowered below the originally designed levels as far as possible to enable greater flexibility for connections from the property.
- 6.49 It is unlawful for a public authority to spend public money without proper authority to do so. Mr Watson has not identified the legal rights enjoyed by the property and communicated them to LCC. There is no evidence of a soakaway on adjoining property or any right over adjoining land to provide one. It is the responsibility of the property owner to ensure the provision of an effective treatment system to Grays Cottage. It is not the case that LCC can make provision where none exists and where the responsibility for provision lies with the landowner. LCC is willing to permit the discharge from Grays Cottage into the proposed drainage system (for which there has been a failure to demonstrate a legal right of connection) provided that the foul discharge meets the required standards to outfall into a watercourse. LCC is not depriving Mr Watson of any rights.

Traffic

- 6.50 The traffic assessment considers the overall demands on the network and not individual journeys. There may be a small number of vehicles that would have to travel slightly longer distances or have a marginal increase in travel time. However, the overwhelming impact for the 19,000 AADT removed through Broughton would be a very significant journey time reduction.
- 6.51 A comprehensive set of traffic, turning, manual counts and journey time surveys were undertaken. No stop and go surveys were carried out but the same level of information required for accurate forecasting was derived from alternative data sources.

¹⁰⁶ LCC/02/04 confirms that this represents the correct position.

Objection by Mr and Mrs Haq

- 6.52 The option being pursued by Mr and Mrs Haq is that LCC acquires “rights” over additional land to provide and maintain a landscape belt. This is not a case of acquiring temporary rights or rights to lay equipment, where the power is most commonly used. In effect, the right acquired would deny the landowner any realistic degree of control over the land because it would have to be maintained as a landscape buffer in perpetuity. However, the crucial question is the extent to which Brooklands would be so detrimentally impacted that it would be necessary to facilitate a greater degree of landscape planting.
- 6.53 The objection is the views currently enjoyed from the property will be changed by the construction and use of the Bypass. Therefore there is a fundamental misconception at the heart of their case because English law recognises no right to a view. No right is being interfered with. The issue raised is a planning issue and planning permission has been granted and remains extant. It is not the case that the use of Brooklands would become intolerable and unacceptable if the Bypass is constructed. If the value of the property is reduced as a consequence of the use of the Bypass, compensation is provided for under the Land Compensation Act 1973.
- 6.54 In designing the landscape scheme the sensitivity of Brooklands and the need for a robust mitigation scheme was recognised¹⁰⁷. The proposed mix of deciduous and evergreen shrubs and trees at a high density up to 17 m in depth close to the bypass would produce year round screening. A reason for the choice of plant species was their large size at maturity and their dense canopies. The aim is to maximise the mitigating effect at eye level when viewed at close distance and in broader panoramic views at greater distances. Assuming an average to good growth rate, the beneficial effects of the planting would be experienced between 5 to 10 years after completion of the scheme. The fact that the carriageway surface would be some 2.8 m below the boundary of the CPO area would assist. A degree of noise attenuation would be provided from the planting in areas greater than 10 m in width and where the foliage would be dense and consistent for the full height of the vegetation.
- 6.55 When the planting becomes fully established, views across open land would remain, with the carriageway hidden behind a green wall some distance from the property. The vast majority of the mitigating effect would be from planting within the CPO area because of the width, the mix and density of the species and the hedgerow on the boundary. The elevated position of Brooklands was taken into account through the use of contour data, aerial photographs and visual assessments from nearby fields.
- 6.56 Planting of adjacent land with shrubs and an understorey layer, as proposed

¹⁰⁷ LCC/05/01 paragraphs 8.6 to 8.9 and oral evidence at the Inquiry inform the summary of the rebuttal on landscape grounds.

by Mr and Mrs Haq, would not make an improvement on what is currently proposed, nor would it not address the lighting columns along the Bypass. The view across the open space would be lost. The planting would be cosmetic, rather than a landscape feature. The introduction of mounds would be alien to the topography and would require additional land. In conclusion, the landscape impact cannot justify the acquisition of third party land for planting that is not required when account is taken of the distance, existing and proposed vegetation.

- 6.57 The provision of additional noise fencing on the eastern edge of the new road in the vicinity of the D'Urton Lane roundabout would not have significant landscape and visual effects. This is primarily due to the modest scale of the fencing within its local context, the use of natural rustic material for its construction and the filtering of views by the existing and proposed planting¹⁰⁸. Considering operational noise, the predicted short term noise impact at Brooklands amounts to a Minor Adverse +1.3 dB change, whilst in the long term (2032) the day time noise impact is predicted to be Negligible Adverse +1.6 dB change¹⁰⁹. There is no necessity for any noise mitigation other than landscape.

Written objections

- 6.58 **United Utilities** (OBJ 35). The majority of information requested, such as excavation and compaction techniques and details of the proposed programme of works, will only become available when a contractor has been appointed to carry out the scheme. It would be imprudent of LCC to make any advance payment for diversionary works until the CPO/SRO are confirmed. As it stands the letter is not an objection to the Orders but more a request for further details of the implementation of the scheme. LCC has committed to continue to work closely with United Utilities to finalise the details and to provide the necessary information when it becomes available¹¹⁰.
- 6.59 **Un-named** (OBJ 11). LCC is prepared to facilitate the connection of pipes carrying clean water to new drainage under the Bypass. In the area north of D'Urton Lane a 2.5 m high bund is proposed. The bund will be planted with native trees and shrubs and have a 2.5 m high acoustic fence on top¹¹¹.

¹⁰⁸ LCC/05/05 is the considered rebuttal response.

¹⁰⁹ LCC54 Table 8.1 and Table 8.2. The results were confirmed by Mr Clarke in his oral evidence.

¹¹⁰ LCC/02/06

¹¹¹ LCC43, LCC44 has the full response.

7 INSPECTOR'S CONCLUSIONS

Introduction

- 7.1 The essential framework for considering the objections is derived from the tests relevant to confirmation of the Orders. The merits of the scheme require to be assessed in so far as it is necessary for the purposes of the CPO. I then set out my conclusions on the statutory and non-statutory objections, which focus on the southern section of the Bypass route in the area near the Church, the School and the Church Cottage Museum and also D'Urton Lane. My comments on the Alternative route put forward by BBRG are directed at whether the route would merit further investigation. The final sections conclude on the acceptability of the proposed Modifications and each of the Orders, leading to my recommendations. Where appropriate the reference to earlier paragraphs, including related footnotes, is given in square brackets [].
- 7.2 The conclusions take account of the ES and all other environmental information submitted in relation to the scheme. I also have had regard throughout to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 and the relevant provisions of the 1998 Act. In this context Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of the children shall be a primary consideration in all actions by public authorities concerning children.
- 7.3 Points were taken by BBRG on the lack of direct and effective consultation during the planning application process in 2000/01, 2006/08 and 2013. LCC, as the relevant LPA, was the body responsible for processing and carrying out the necessary notification and consultation on the applications in accordance with the Town and Country Planning General Regulations 1992. In respect of the 2013 application LCC has confirmed that the requisite procedural and legal steps were duly followed. Members of BBRG were able to address the Committee meeting when the application was determined. Planning permission, subject to conditions, was granted by LCC on 18 December 2013. [1.6, 3.8, 5.3, 5.36]
- 7.4 No legal challenge was made to the validity of the decision or the planning permission. The time period for doing so has expired. Consequently a planning permission for the construction of the Bypass is in place. The adequacy of the consultation process carried out on the planning application or the validity of the planning permission are not matters before the Secretary of State in deciding whether to confirm the SRO and the CPO. Equally, the fact that there is an extant planning permission does not pre-determine the decisions the Secretary of State must make on the Orders. The question of weight to be attached to all the various considerations is, of course, for the decision maker. [3.40]

The tests for confirming the Orders

Side Roads Order

- 7.5 The tests are derived from the statutory provisions set out in sections 14 and 125 of the 1980 Act, which require that:
- before any highway is stopped up another reasonably convenient route shall be available or will be provided;
 - no Order for the stopping up of a PMA shall be made unless either no access to the premises is reasonably required, or another reasonably convenient means of access to the premises is available or will be provided;
 - provision shall be made for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs affected by the scheme.

Compulsory Purchase Order

- 7.6 The policy guidance continues to be that set out in ODPM Circular 06/2004 Compulsory Purchase and the Crichel Down Rules. A CPO should only be made where there is a compelling case in the public interest and the purposes for making the Order sufficiently justify the interference with the human rights of those with an interest in the land affected. The 1998 Act reinforces that basic requirement. The acquiring authority must have a clear idea of how it intends to use the land it seeks to acquire. It must also show that all necessary resources to carry out its plans are likely to be available within a reasonable timescale, the acquisition would not be premature and the scheme is unlikely to be blocked by any impediment to its implementation.

Objections to the CPO and SRO

The Bypass scheme

- 7.7 The need to improve highway infrastructure to tackle traffic conditions in and around Broughton village was accepted by all the objectors. BBRG and everyone represented by them, together with Mr and Mrs Watson, did not accept that the Bypass scheme is the correct solution. [5.1, 5.28, 5.31, 5.32, 5.40, 5.56, 5.58, 5.65]
- 7.8 The A6 Garstang Road through Broughton village carries high volumes of local and longer distance traffic. The junction at Broughton crossroads does not have the capacity to cope with the traffic, resulting in congestion and delays throughout the day. No improvements to the junction are possible because of the physical constraints of existing development. [3.9-3.13]

- 7.9 The Bypass scheme, including the D'Urton Lane Link, merits being a priority infrastructure project, not only to relieve existing congestion but also to improve the environmental quality of the village of Broughton, encourage travel by means other than by the private car and to enable future residential and economic growth in the north Preston area. A particular benefit is the potential to achieve local air quality objectives for the designated Broughton AQMA. [3.5, 3.14-3.18, 3.26, 5.7, 5.28]
- 7.10 The need for a bypass for the village and a link to Eastway has been recognised and identified for many years. An essential need remains. The Bypass scheme and the route of the highway are confirmed by the Central Lancashire Core Strategy and the Preston Local Plan, which have the statutory force accorded to the development plan. The Local Transport Plan and the Central Lancashire Highways and Transport Masterplan 2013 also provide strong support for the scheme. Delivery of the congestion relief project is an integral aspect of the Preston, South Ribble and Lancashire City Deal programme that aims to accelerate housing delivery. The Bypass scheme is one project in an overall package of measures to improve the infrastructure to serve the Preston area. [3.1-3.5, 3.17, 3.18, 4.1, 5.1, 5.7, 5.32, 5.36, 6.4]
- 7.11 The proposed scheme has been subject to a rigorous design and environmental impact assessment process since planning permission was first sought in 2000. The most recent planning application allowed for a review of engineering design and environmental mitigation, amendments to the scheme where necessary and a re-evaluation of alternative options. There were no objections to the proposal from statutory consultees. The evidence indicated that the Bypass scheme would achieve its objectives. In addition the Broughton Options Study 2012 showed that the proposed Bypass scheme was the highest performing scheme and the best for solving existing problems. The grant of planning permission in 2013 demonstrates that the LPA considered that the route of the Bypass and the D'Urton Link is acceptable in land use terms. [3.6-3.8, 3.19, 3.28, 5.3, 6.9]
- 7.12 The traffic forecasts by LCC for the opening and design years have been produced in accordance with national guidance, using accepted modelling techniques and software. The traffic model is based on comprehensive survey data. The validation process confirmed the reliability of the model. Future development proposals have been taken into account in forecasting traffic conditions, again in accordance with national guidance. Therefore the traffic data and analysis produced by LCC provide the best available information for the assessment of the performance of the proposed Bypass. [3.11, 5.4, 5.7, 5.16, 5.37, 6.1-6.3, 6.51]
- 7.13 The Bypass would achieve the objective of substantially reducing the volume of traffic on the A6 Garstang Road through Broughton village both in 2017 and 2032. The Bypass has been designed with sufficient capacity to ensure the road and junctions operate effectively through to the design year. The forecast increase of traffic on Woodplumpton Lane and Whittingham Lane is an indicator of the success of the Bypass. The additional traffic in that corridor would not be at a level to cause highway or

- amenity problems. [3.31, 5.4, 5.5, 6.5-6.7]
- 7.14 As a consequence of fulfilling its intended function the Bypass would carry high volumes of traffic throughout the day. The junctions have been designed with sufficient capacity to avoid queuing and standing traffic in close proximity to the community buildings in the opening and design years. There is no technical evidence to support the view that the congestion problems currently experienced on the A6 and at the Broughton crossroads would be transferred to the Bypass. [5.1, 5.7, 5.14, 5.55, 6.6]
- 7.15 LCC has demonstrated that the Bypass would lead to highly significant travel time savings and provide the necessary capacity to accommodate forecast traffic growth. The quality and safety of the environment along the A6 corridor through Broughton would see a very significant improvement. The scheme would facilitate planned economic and housing developments in the area. There is the potential for all the scheme objectives to be met. [3.19, 3.31-3.36, 5.6, 5.7, 5.66]
- 7.16 On the evidence available, the proposed Bypass performs the best in terms of benefits, cost and delivery when compared to alternative options. A new junction on the M6 motorway in the Garstang area is not proposed in the development plan and is unlikely to be an acceptable solution to the existing traffic problems. [3.46, 5.30, 5.40, 5.56, 5.66, 6.9, 6.10]
- 7.17 For all these reasons my initial conclusion is that there is a compelling case for the Bypass scheme to proceed. The necessary planning permissions are in place to enable the Bypass scheme to be taken forward to implementation, programmed to start in 2015/2016. Work is taking place to ensure compliance with the relevant planning conditions prior to commencement of development. Funding is available and secured through a combination of public and private sector funds. [3.5, 3.8, 3.37-3.40]

Impact on the Church, the School and the Church Cottage Museum

- 7.18 There are three main categories of objections. The first group centres on a range of potential environmental impacts and are similar to those objections submitted to and considered by the decision-making authority when determining the 2013 planning application. Conscious of the extant planning permission and the policies in support of the Bypass in the development plan and emerging Local Plan, I consider the issue is whether the evidence now brought forward by BBRG weakens the compelling case for the proposed Bypass scheme. In addition there are certain objections to the SRO that particularly question whether the proposed alternative routes would meet the statutory test. The third category concerns the extent of land acquisition in the CPO in the vicinity of the proposed Blundel Brook bridge. [3.3, 3.4, 3.7, 3.8]

Environmental impacts

Noise

- 7.19 I am satisfied that the noise analysis in the ES and ES Addendum was carried out in accordance with DMRB methodology and standards. The purpose of the guidance is to ensure that the assessment is undertaken in an appropriate and consistent manner using best practice and which is compliant with the relevant legislation. Any adverse or beneficial impact that results from the use of the guidance is not expected to discriminate any defined group in society. The possible errors identified by BBRG were demonstrated to be without foundation. Therefore the noise assessment relied on by LCC is sound. [5.8, 6.19]
- 7.20 The noise environment in the area around the School and the Church is affected by traffic noise from the A6 and from the M55 and M6 motorways. Nevertheless the noise is not unduly intrusive and the Blundel Brook valley provides a relatively peaceful setting. Quiet reflection may be enjoyed in the Churchyard, including the Garden of Remembrance. The School is able to make excellent use of the outdoor classrooms and playing fields for learning and a wide range of activities. [5.10, 5.41, 6.19]
- 7.21 The Government's Noise Policy Statement for England notes that a broad aim of noise management has been to separate noise sources from sensitive noise receptors. The School and the Church are sensitive receptors. The playing fields are not used solely for sports but for other learning activities. I have concern about the relationship and proximity of the proposed new road to the indoor and outdoor learning areas and the Garden of Remembrance, bearing in mind that any increase in noise levels would be in an area already experiencing traffic noise. [5.9, 5.10, 5.34, 5.43, 5.45, 6.33]
- 7.22 The Bypass would result in a perceptible increase in noise levels, which on the basis of the relevant guidance are categorised as Moderate Adverse in the opening year decreasing to Minor Adverse impacts in the long term. The Headteacher described the likely effect as causing a distraction for staff and pupils. Whilst using the phrase 'a massive negative impact' there were no specific submissions that the noise would result in the avoidance of certain activities, that windows would have to be kept closed most of the time or that outdoor spaces would no longer be useable. Therefore the evidence indicates the noise impact may be categorised as noticeable and intrusive, resulting in small changes in behaviour or attitude, as opposed to being noticeable and disruptive. In such circumstances national policy indicates the appropriate response is to mitigate and reduce the noise to a minimum, rather than to avoid the situation occurring.¹¹² [5.42, 6.20]
- 7.23 The proposed mitigation comprising a 2 m high acoustic fence would reduce

¹¹² Reference is made to the Noise Policy Statement for England, the Framework and DMRB.

the magnitude of the impact to Minor Adverse in the short term. Minor Adverse effects would remain in the long term, albeit the actual noise level would be reduced. The use of LNRS would result in additional benefit. There would be a limited deterioration in the quality of the noise environment but adverse effects on health would be unlikely. [3.33, 5.38, 6.20-6.22]

- 7.24 The noise mitigation measures were reconsidered for the purposes of the 2013 planning application. The previously proposed high embankment and retaining wall were removed for good reasons, both to protect nearby residents and to achieve a more sympathetic visual outcome. Provision of acoustic fencing further north of the D'Urton Lane roundabout to protect classrooms and the School playing fields is a matter for resolution through the planning process in approval of the details of the noise attenuation fencing. The Bypass scheme would have a net beneficial effect and reduce noise pollution in the wider area. [3.33, 5.9, 5.11, 5.32, 6.20, 6.32]
- 7.25 During the temporary construction phase the noise would be of a different nature and have the potential for greater disruption because of the likelihood of sudden increases in noise level. Nevertheless the forecast impact has been shown to be within the relevant standards. Management of the construction programme has been recognised as a necessary form of mitigation and this would be particularly important in view of the sensitivity of the receptors. My expectation is that the overseeing organisation would follow best practice to ensure appropriate contract conditions, contractual working constraints and a construction environmental management plan are all put in place. [5.23, 5.42, 6.23]
- 7.26 In conclusion, the area around the School and the Church would be affected by perceptible increases in noise levels. A consequence would be to erode the quality of the learning environment and the amenity of the Garden of Remembrance, more especially on the short term. When assessed against national guidance the outcome would be acceptable.

Air quality

- 7.27 Air pollution can have an adverse effect on human health and the main pollutants in vehicle emissions in this respect are NO₂ and PM₁₀. The Bypass would result in large volumes of traffic being brought into close proximity to community buildings and their outdoor spaces. Understandably there is concern, expressed by BBRG and others, about impacts on health, particularly for pupils and the renowned choir. The analysis of air quality, which formed part of the EIA, was in accordance with national best practice guidance and took full account of the legislative and policy framework. [3.14, 5.1, 5.12, 5.14, 5.34, 5.38, 5.42, 5.43, 5.45, 6.5, 6.6, 6.26]
- 7.28 The results of the air quality modelling exercise have to be assessed against EU limit values and national objectives for pollutants, which are set to protect all members of the community. The predicted concentrations of NO₂ and PM₁₀ for the playing field and outdoor classrooms would be at a

level to have a negligible impact on health and well-being. In contrast, the scheme would lead to significant improvements in air quality along the A6 Garstang Road corridor. Without the scheme the ability to achieve objectives in respect of the AQMA would be placed at risk. [3.32, 5.13, 5.14, 5.45, 6.27-6.29]

Historic heritage

- 7.29 The agricultural nature of the fields to the south of the historic building group would fundamentally change and the urbanisation of the motorway network would be extended close to the immediate setting of the group. The historic relationship between the buildings and a quiet agricultural outlook across the Blundel Brook valley would be lost to the community and future generations. The strength of feeling about this very harmful impact on the much valued designated heritage assets has been very sincerely expressed in the objections to the Orders. [5.21, 5.22, 5.24, 5.32, 5.39, 5.43, 5.45, 5.67, 6.24]
- 7.30 The magnitude of the adverse impact during construction and operation of the Bypass has been detailed in the ES. When account is taken of the proposed mitigation the significance of the residual impact was assessed as Moderate for the Church and Slight for the School and Church Cottage. The considered conclusion of the former English Heritage was the level of harm to the significance of the Church would be less than substantial. The consultee was content for the LPA to weigh any harm to the significance of the heritage asset against other public benefits that may be considered to result from the proposal. These conclusions of the statutory consultee would have taken full account of the statutory duty to have special regard to the desirability of preserving a listed building or its setting. They have substantial weight. The LPA concluded the benefits would be wide ranging and important in respect of social, environmental and economic factors and permission was granted. There is not the evidence to call into question that conclusion. [2.3, 3.7, 3.8, 5.22, 6.24]
- 7.31 With reference to national guidance in DMRB, the evidence has conclusively shown that there is no realistic prospect of vibration harming the heritage asset, given the distance of the Church to the running surface of the proposed road. [5.24, 5.45, 6.25]

Landscape character and visual intrusion

- 7.32 The Bypass scheme by its inherent nature would create a new and uncharacteristic element within the immediate landscape. This impact on the local landscape character of the Blundel Brook valley is identified by the ES, where the magnitude of change is assessed as Major and the significance Large Adverse. The design principles adopted by LCC aim to work with the existing landscape pattern, reflect local character and to create appropriate new features. This approach of integrating the scheme into the receiving landscape is consistent with national and development plan policy. In contrast, the creation of a new river valley landscape and the formation of extensive mounding, as proposed by BBRG, would be alien

to landscape character and is not an approach I support. Inevitably the proposed mitigation would take time to be effective but I do not take issue with the assessment of an impact with Moderate Adverse significance in the design year. [3.28, 3.29, 5.17-5.19, 5.24, 5.43, 6.30-6.32, 6.34]

- 7.33 Similar considerations apply to the visual impact of the Bypass on the Church, the School and the Church Cottage Museum as receptors. I appreciate that a purpose of the proposed mounding in BBRG's landscape scheme is to provide immediate screening but the scale of the mounds would be out of all proportion to the surroundings and to the noise bunds proposed as part of the scheme. The sense of visual enclosure would be oppressive, even with the planting indicated. The principles of LCC's proposal are carefully considered and offer the more appropriate form of mitigation. There is the prospect of Slight Adverse effect in the design year. [3.28, 3.29, 5.17-5.19, 6.30-6.33]
- 7.34 Matters primarily to do with the detail of the landscape scheme, such as the appropriateness of a picnic area, are for resolution through compliance with the condition on the planning permission, not confirmation of the CPO and SRO. Similarly, the accommodation of an extension of the proposed acoustic fence within the landscape scheme is a matter that falls within the scope of the planning condition. [3.28, 5.18, 6.31]

Flood risk

- 7.35 At the Inquiry it became clear that the flooding objection was based on a fear that the existing surface water flooding incidents at the Church and on Church Lane would be made worse by the road structure taking up land and forming a barrier in a flood plain. [5.25, 5.26]
- 7.36 The FRA submitted with the planning application for construction of the Bypass was scrutinised by the EA. The EA has confirmed that it remains satisfied that the proposed development would not exacerbate flood risk elsewhere, provided that the flood risk mitigation measures identified are implemented. The planning permission, by way of a condition, requires the detailed drainage arrangements to be agreed prior to the commencement of development. The BBRG brought forward evidence of the occurrence of surface water flooding near the Church but on its own this evidence is insufficient to question the conclusions on the FRA by the LPA in determining the planning application. [5.25, 5.26, 5.34, 6.38-6.40]

Conclusion on environmental impacts

- 7.37 The quality of the environment in the vicinity of the Church, the School and Church Cottage Museum would be seriously affected, particularly during construction and during the early years of operation. The impacts were fully assessed in the design process and were reported on fairly in the ES.
- 7.38 The objections pursued by BBRG based on the effectiveness of the operation of the Bypass and its effects on air quality, the noise

environment, the historic fabric of the buildings and flood risk are not supported by the technical evidence.

- 7.39 The key design principles of the landscape enhancement and mitigation scheme proposed by LCC are consistent with national and development plan policy. The scheme has the potential to provide effective mitigation by the design year in 2032.
- 7.40 There is general agreement that the problems and constraints associated with Broughton crossroads have to be addressed. The adverse effects on the use and immediate surroundings of the Church, the School and Church Cottage Museum have to be balanced with the substantial benefits that would be achieved as a result of the proposal. The Bypass scheme has been shown to be the highest performing scheme when compared against alternative options.
- 7.41 I conclude that the evidence now brought forward by the BBRG on environmental impacts does not weaken the compelling case for the proposed Bypass scheme.

The SRO: Access arrangements to community buildings

- 7.42 The SRO provides for new vehicle, pedestrian and cycle arrangements to the community buildings. The test to be applied is whether reasonably convenient routes will be available as a result. I suggest that to be convenient a route has to be suitable for the needs and purposes of all types of user. Journey length, time and safety are matters to be taken into account. The exact same level of convenience as currently exists need not be demonstrated. No alternative access arrangements were proposed by BBRG for consideration.
- 7.43 The School travel plan shows that some 76% of pupils live in the Fulwood area and therefore travel from the south, rather than from Broughton village. The main mode of travel is by car. Access arrangements into and out of the replacement car park from Garstang Road would be safe, especially with the forecast lower volume of traffic. The route, with a greater degree of regulation in traffic movement and turning provision, would have advantages over the existing right turn into traffic at the D'Urton Lane junction with the A6 Garstang Road. The introduction of a loop around the proposed D'Urton Lane roundabout for the return journeys south would add little to the length of the route or to journey time. Pedestrian access between the car park and school would be similar to the current route. Similar considerations would apply to people using the car park to attend the Church. [3.24, 5.15, 5.16, 5.33, 5.47, 6.11, 6.16, 6.17]
- 7.44 Pedestrians using the route on the eastern side of the A6 would have a greater number of lanes of traffic to cross in comparison to the existing single lane carriageway on D'Urton Lane. However, the Bypass scheme is designed with toucan crossing facilities to enable pedestrians to safely cross the carriageway. The location of the crossing point would be conveniently

sited and well integrated with the footways. Even allowing for the increased number of traffic lanes, the proposals would be safer than the existing uncontrolled crossing at the D'Urton Lane junction. Cyclists would benefit from controlled crossings and cycleways segregated from the traffic. [3.24, 5.15, 5.33, 5.47, 5.55, 6.12-6.15]

- 7.45 In conclusion, the alternative routes to be made available would be reasonably convenient to serve all users of the community buildings.

Replacement car park

- 7.46 The SRO makes the necessary provision for new means of pedestrian and vehicle access to the proposed car park. The details of the car park layout would be resolved through the submission of a landscape scheme in response to the planning condition attached to the 2013 planning permission. The outstanding concerns relate to the use and management arrangements of the car park, on which there are differing views. In the absence of any submissions to the contrary, I consider these matters are outside the scope of the confirmation process for the CPO and SRO and are unlikely to be an impediment to the Bypass scheme. [5.27, 5.44, 5.54, 6.42]

The CPO: Need for additional land

- 7.47 Objections to the CPO concern the adequacy and appropriateness of the proposed landscape enhancement and mitigation scheme. The approval by the LPA of a detailed landscape scheme and programme, including details of noise attenuation fencing and the formation of any mounds, is required by a condition imposed on the planning permission. Therefore I focus on whether the CPO includes sufficient land to carry out appropriate mitigation and whether objections would be an impediment to the implementation of the Bypass scheme. [3.8, 3.28]
- 7.48 The playing fields have an open character compared to the more enclosed spaces around the School buildings. Tree cover and planting along Blundel Brook becomes thinner, although hedgerow definition is good. The site visit was helpful in indicating how the lower playing field is used for informal outdoor activities and teaching as well as sport. The forecast magnitude of noise impact in the short term is Moderate Adverse and in the long term Minor Adverse, both without and with mitigation. As may be expected the area of playing field affected by the highest noise levels would be near to the bridge over Blundel Brook. [5.41, 6.21]
- 7.49 The proposed two parcels of additional land identified by BBRG are directed at providing additional protection to the users of the School playing fields. Considering Area A (to the north east), BBRG has produced no evidence to demonstrate any possible reduction in noise impact from the suggested mounding and tree planting that may be weighed positively in the balance. There may be adverse implications for the approved ecological mitigation scheme. LCC has explained how the topography, the vertical alignment of the highway and the extensive landscaping would adequately mitigate the

visual impact of the Bypass. On the basis of these factors I conclude that mounding and additional new woodland planting, necessitating additional land, would not be justified. [3.23, 3.42, 5.19, 5.20, 6.35, 6.36]

- 7.50 Area B is currently a corner of the lower School playing field. BBRG proposed its inclusion in the CPO in order to facilitate safe construction, more especially the bridge structure across Blundel Brook, and also to facilitate planting to mitigate the visual effects once the Bypass is operational. The amount of space identified for acquisition under the CPO (Plots 18 and 40) is small and the area for working appears tight. However, I attach considerable weight to the advice from LCC's bridge engineers. They may reasonably be expected to have the expertise and knowledge of the details of the project and be aware that an underestimation would have serious consequences for the overall scheme. An explanation has been given as to why LCC is of the opinion the amount of space would be sufficient. The contractor would be responsible to ensure site safety and security. I conclude on the balance of the evidence that no additional land should be subject to compulsory purchase to facilitate construction. [5.20, 6.41]
- 7.51 The proposed wide swathe of landscaping along the Bypass would be interrupted at the Blundel Brook bridge crossing, where planting would be limited to a hedgerow in association with a new section of footpath. Area B would allow for supplementary tree and shrub planting as part of the landscape proposals submitted by BBRG. I have explained above why I disagree with the underlying concept of the BBRG scheme. Even though the bridge and the traffic on the Bypass would be elevated, the view would be within the wider valley context against the backdrop of LCC's proposed landscape scheme. The sensitivity of receptors and the relationship to Footpath 4 are also relevant. Weighing up all these various factors I conclude that the landscape mitigation measures as currently proposed are adequate and that the inclusion of the additional parcel of land within the CPO is not justified. [3.23, 5.20, 6.37]

Alternative route

- 7.52 Section 258(2) and (3) of the 1980 Act makes provision for an objector to a CPO to suggest an alternative route. DfT Circular No. 2/97 advises on procedural matters¹¹³. BBRG submitted an alternative bypass option and Eastway Link in accordance with the timescale set out in the Inquiry Notice. No publicity was undertaken on the proposal by LCC and the people who would be affected by the route were not notified. The public consultation carried out in 1991 is so long ago that it would not necessarily represent the views of the community now. The lack of notification and publicity and the limitation this places on the evidence base needs to be taken into account in any consideration of the Alternative. However, LCC had an

¹¹³ Department of Transport Circular No. 2/97 Notes on the preparation and drafting of CPOs for highway schemes and car parks for which the Secretary of State for Transport is the Confirming Authority at paragraph 86.

opportunity to consider the Alternative and a rebuttal was submitted. BBRG's statement of evidence, which identified the Alternative, was made available for public view and was posted on LCC's website. [3.2, 3.52, 5.2, 6.43]

- 7.53 The Bypass route and alternative options have been subject to scrutiny through the planning process, both through the grant of planning permissions and in context of the statutory development plan. At the Inquiry I directed that attention should concentrate primarily on the proposed Bypass, the CPO and SRO and the objections to the Orders. This approach allowed for reference to the Alternative in the oral evidence and cross examination. [3.52]
- 7.54 In view of the above considerations I confine my attention to whether the Alternative would merit further investigation and whether it adversely affects the strength of the public interest case for the Bypass.
- 7.55 The alternative simple bypass solution would not achieve the stated objectives set for the Bypass scheme. In particular, the necessary journey time savings would not be realised to attract north south traffic off the A6 onto the alternative route. As a result the problem of congestion at Broughton crossroads would not be resolved. This factor alone is a decisive failing of the alternative route. It follows that environmental improvements and better conditions for public transport, pedestrians and cyclists would not be secured. The ability to deliver new development and economic growth in the area would be much reduced. The link to Eastway, as indicated on the submitted plan, would have a severe impact on the living conditions for residents of properties on D'Urton Lane. [5.29, 6.43-6.46]
- 7.56 For these reasons I conclude that the Alternative does not provide the advantages that would merit its further investigation. The Alternative route does not detract from the strength of the public interest case for the Bypass scheme.

Human rights and the PSED

- 7.57 The School is primarily a place for education and community activities. It is not a home for any of the pupils. There is no claim that the proposal would deny any child access to the educational system. Therefore the operation of Article 8 (right to respect for private and family life and the home) and Article 2 of the First Protocol (the right to education) is not engaged in respect of any child. BBRG raised objections associated with the adverse effects on the health and safety of the pupils but I have concluded that these objections are not supported by the technical evidence on air quality, noise, flood risk or highway safety. Article 2 the right to life is not engaged. For the purposes of human rights considerations, any adverse affects on the quality of the environment around the School are more appropriately taken into account when weighing up the overall public benefits/disadvantages of the scheme. [3.44, 5.31]

- 7.58 Turning to the PSED, children of primary school age (4 to 11 years) are a vulnerable group, bearing in mind the best interests of children is a primary consideration. Age is a relevant protected characteristic. Objectors have emphasised that in their opinion generations of school children would suffer harmful effects. They are aggrieved that the proposed Bypass will have an unduly harmful impact on the functioning of and the high standards attained by the School. Therefore, in my view, the issue is not one of having due regard to the need to remove or minimise disadvantages currently experienced by pupils, rather the concerns are about potential future disadvantages that may be experienced and whether equality of opportunity may suffer. [5.21, 5.31, 5.35, 5.41, 5.42, 5.43, 5.45]
- 7.59 Objectives, national methodologies, guidance and standards are set to protect all members of the community. The Bypass scheme would have an adverse impact on the pupils at the School in so far as the evidence, including the ES, indicates there would be deterioration in the quality of the learning environment, more especially during the construction phase and early years of operation. Nevertheless where adverse impacts are likely to occur they have been shown to be within acceptable limits. Young children, including pupils at the School, would benefit from improvements to environmental conditions within the village and along the A6 corridor. [3.32, 3.34, 6.8, 6.18, 6.28]

Community impact

- 7.60 The fact that the existing A6 corridor is regarded as causing severance supports the view that the Bypass, with a concentration of new roads, junctions and volumes of traffic, would lead to a perception of and actual severance of the Church and School from the parish to the south. The vibrancy of the local community may suffer, especially in the construction phase and in the short term when the scale of change would be most obvious and have the most impact. [3.16, 5.21, 5.23, 5.31-5.33, 5.43]
- 7.61 The probability is that the village community would benefit from greater ease of movement and improved environmental quality. There would be an opportunity to strengthen the physical links along Garstang Road to the Church, the School and the associated activities. [3.32-3.34]

Conclusions

- 7.62 The case made on behalf of the School, the Church and the Church Cottage Museum is based on detailed knowledge of how the community functions, a desire to protect the peaceful rural setting for future generations and a deeply felt duty of care and responsibility to the local and the wider community. The great concern over the prospective scale of change is understandable. I have found that severance from the parish to the south, the erosion of local heritage and the urbanisation of the setting would be adverse consequences of the Bypass scheme.
- 7.63 My overall conclusion is that in the absence of acceptable alternatives the

Bypass is necessary to resolve the current severe traffic and environmental problems along Garstang Road and to bring forward planned growth for the area. The mitigation proposed responds to the community uses, landscape and heritage assets and would offer appropriate protection of a sufficient standard. The fundamental changes that will affect the immediate area are very regrettable but the scheme contributes to achieving wider economic, social and environmental objectives. The adverse impacts identified do not significantly and demonstrably outweigh the benefits. Having considered the objections I remain of the view that there is a compelling case in the public interest for the Bypass.

Grays Cottage and D'Urton Lane

Household drainage

- 7.64 Matters of fact have not been conclusively established on the legal rights enjoyed by the property, the existing drainage system or the standard of the quality of the discharge into the highway drainage system and the watercourse. The probability is that the existing drainage system to Grays Cottage does not comply with the current EA standards. It is the responsibility of the property owner, not LCC, to ensure that it does so. By reason of the size of the residential plot a soakaway system or a treatment plant would in all probability have to be sited on adjoining land. The position on these matters would be the same without the Bypass scheme. [5.49, 5.50, 6.47, 6.49]
- 7.65 The acquisition of land under the CPO, and the landscape proposals, would not prevent the physical provision of an appropriate drainage solution in the vicinity of the affected property. Provision is made within the design of the drainage system to accept discharge from existing properties provided that it is of an acceptable standard. There is no evidence to indicate that the Bypass scheme prevents a technical solution being achieved. Consequently Grays Cottage and other affected property would be able to remain habitable as a home. There would be no interference with the Article 8 rights of the occupiers. [5.50-5.52, 6.48, 6.49]
- 7.66 In order to provide a drainage solution the likelihood is that third party land and negotiations with the landowners would be necessary. Costs would necessarily be incurred. Whether or not compensation would be available to objectors is not a matter to be resolved through the current examination of the Orders. [5.50, 5.52, 6.48, 6.49]
- 7.67 In conclusion, the Bypass scheme makes adequate provision to accommodate household drainage from existing residential properties on D'Urton Lane. An impediment to the progress of the scheme has not been demonstrated.

Access

- 7.68 D'Urton Lane is proposed to be stopped up at its western end, to the extent

that it would cease to be a through route for motor vehicles. The amount of vehicular traffic on this section of the highway would substantially decrease. There would be some slight increase in journey length, more especially between Grays Cottage, at the western end of D'Urton Lane and the M55/A6 junction. Journey time would not necessarily increase because of the increase in highway capacity and improvements to junction design. Safety would be enhanced through the removal of the uncontrolled A6/D'Urton Lane junction and by safer conditions for use of the private access serving Grays Cottage. The convenience of journeys by foot and by cycle would be improved by the retention of pedestrian and cyclist access at the western end of D'Urton Lane, the introduction of controlled crossing points and the provision of routes segregated from vehicular traffic. In conclusion, the provisions made by the SRO for all modes of travel on D'Urton Lane meet the statutory test and are satisfactory. [3.25, 5.53, 5.66, 6.50]

Amenity

- 7.69 The bund and acoustic fence to be provided south of D'Urton Lane roundabout would be an appropriate form of noise mitigation. The relationship of the new bypass and link road to residential properties would not lead to a harmful loss of privacy or light having regard to proposed ground levels, separation distances and planting. [5.52, 5.66, 6.59]

Brooklands

- 7.70 Mr and Mrs Haq's case involves consideration of how the visual impact of the scheme would affect the enjoyment of their home. As to whether the objection is soundly based, the ES includes a detailed consideration of the visual impact of the development on a large number of receptors. There is no dispute that Brooklands would experience a Large Adverse impact during the construction phase and in the opening year and a Moderate Adverse impact in year 15. Therefore I disagree with LCC that the objection is able to be dismissed on the basis that it concerns the right to a view. The issue is whether the proposed mitigation is adequate. [5.57-5.60, 6.53]
- 7.71 Brooklands is in an elevated position. The principal habitable rooms of the house and the private garden area overlook the Blundel Brook valley. The presence of the M55 motorway, despite its proximity, is not intrusive. The Bypass scheme would introduce a major highway into the countryside setting that currently makes a valued contribution to the amenity of the home. The D'Urton Lane roundabout and its approaches would become the main focus. These sections of the highway would be lit, increasing the adverse impact and degree of change. The site visit confirmed that the existing tree planting on the western boundary is thin. This is in contrast to the small woodland at the back of the property which would do much to soften and filter views of the Bypass route north of the proposed Blundel Brook bridge. [5.57-5.59]
- 7.72 The proposed landscape mitigation in the scheme would become

- increasingly effective after 15 years or so. This is a long period of time for the occupiers of Brooklands, a family home with a high sensitivity to adverse change. Mr and Mrs Haq put forward two proposals to improve mitigation. I consider mounding would be contrary to the design principles of the landscape scheme and is likely to be difficult to accommodate sympathetically in the local topography. No proposal has been put forward to illustrate what is envisaged or to identify the additional land that would be required. Mounding is not a measure that merits support. [5.57, 5.59, 5.60, 6.54-6.56]
- 7.73 The second proposal, involving the use of land on the western boundary for additional planting, would have the advantage of providing an area that could be planted at the start of the project. Consequently plant growth and the associated beneficial visual effect would be a year or two in advance of planting near the route. The new planting would offer some visual relief and interest in the foreground of views. For these reasons it would offer an improvement on the current proposals. Depending on the choice of mix of species the area has the potential to consolidate the existing landscape feature on the elevated edge of the residential property and positively contribute to the landscape as a resource and visual asset. [5.60, 6.56]
- 7.74 Considering whether the land is essential to the scheme, no structured assessment has been made by the objectors on the whether the proposal would be sufficient to reduce the significance of the adverse impact. LCC explained why in its opinion the planting within the CPO area would be adequate mitigation. In my judgement the additional land would to a small degree improve the quality and standard of the landscape mitigation and reduce the immediate and short term adverse impact on the quality of life at Brooklands. The benefit would be constrained by the time needed for plants to become established, in a similar way to the planting within the CPO area. I do not regard it as essential mitigation. [5.60, 6.54, 6.55]
- 7.75 The relevant available statutory power is section 246(1) of the 1980 Act, which enables a highway authority to acquire land for the purpose of mitigating any adverse effect which the proposed construction of a highway would have on its surroundings. At the present time the acquisition of the land is the only means of ensuring that the land is available for mitigation, even though the owners are reportedly willing to sell the land subject to acceptable terms. This is not a case of temporarily acquiring 'rights' over the land because to use the land for a landscape buffer would require control of the land and deny the owner of the ability to put the land to any other purpose. [5.62, 6.52]
- 7.76 The main benefit of the landscape buffer would be to year 15, after which time the planting adjacent to the Bypass would increase in effectiveness. The primary purpose of the buffer would not be undermined in the event it was considered necessary to offer the land back to the original owner after 15 years in order to comply with the Crichel Down Rules. [5.62, 6.52]
- 7.77 There is no written confirmation on the behalf of the landowner of the acceptability of the loss of the land in question and no information on the

consequences for the landholding as a whole. This factor weighs against the strength of the case of the objectors. The serious interference with the rights of an owner from whom the land would be acquired has to be necessary and proportionate. Weighing up all the considerations I am not satisfied that this test is met. [5.62, 6.52]

- 7.78 The evidence demonstrates that the noise impact of the Bypass on Brooklands would be small – the significance initially being Minor Adverse reducing to Negligible Adverse in the longer term. The provision of additional noise fencing is a matter for final determination through the approval of a scheme in compliance with the planning condition imposed on the 2013 planning permission. There are no implications for the Orders under consideration. [5.61, 6.57]

Statutory undertaker rights

- 7.79 There is one outstanding objection. The impact of the project on water and waste water infrastructure and essential service provision by United Utilities is subject to detailed consideration and ongoing work by LCC in progressing and developing the scheme design. A reasonable expectation is that the level of detail currently sought by the service provider would not be forthcoming and advance payments would not be made until the Orders are confirmed and a contractor appointed. The objection fails to demonstrate that the statutory requirement would not be met and there are no grounds to believe otherwise. [5.63, 5.64, 6.58]

Proposed modifications

- 7.80 The Orders require to be modified to improve clarity and precision. The proposed modifications to the Orders are of a minor nature and may be made without causing prejudice or injustice to anyone. Therefore in the event the Orders are to be confirmed they should be modified as set out below. [3.47-3.50]
- 7.81 Modifications to the SRO:
- Delete the text in the right hand column of paragraph 3(c) and substitute the words “means the highway which the Council is proposing to construct as the Broughton Bypass from a point on Garstang Road (A6) north of Helms Farm and extending in a generally southerly direction to the junction of Garstang Road and the M55 Motorway.”
 - The plan with the Inquiry document reference LCC34/A be substituted as Sheet no. 2 of 2 titled Side Roads Orders Plan.
- 7.82 Modifications to the Compulsory Purchase Order: Delete the word ‘approximately’ from all the plot descriptions in Table 1 of the Schedule.

Conclusions on the Orders

Side Roads Order

- 7.83 The proposals for improving, constructing or stopping up the highways in question and for the stopping up of PMAs are necessary to carry out the Bypass scheme and to ensure the highway design is compliant with the relevant standards.
- 7.84 Where a PMA is to be stopped up and access to the premises is reasonably required another reasonably convenient means of access is available or will be provided before each stopping up takes place.
- 7.85 In all cases involving the stopping up of highways another reasonably convenient route will be available or will be provided, principally through the construction of the new road and by the provision of new public footpath links.
- 7.86 Provision is being made to maintain any rights of statutory undertakers in respect of any apparatus of theirs affected by the Bypass scheme.
- 7.87 Therefore the statutory tests are met, enabling the SRO as proposed to be modified to be confirmed.

Compulsory Purchase Order

- 7.88 Examination of the Schedule and plans accompanying the Order produces no evidence of any proposal to purchase land or rights other than those necessary to implement the Bypass scheme. There have been no assertions to the contrary. I am satisfied that the Order includes no more land than is necessary and that the acquiring authority, LCC, has a clear idea of how it intends to use the land. Sufficient land is included in the Order for the purpose of mitigating any adverse effects resulting from the proposed construction of the highway on its surroundings. No additional land is necessary. [3.41-3.43]
- 7.89 Funding is available and no impediments to the implementation of the Bypass scheme have been identified. In the event the Orders are made, works are programmed to start soon after in 2015/2016. Accordingly, no land is proposed to be acquired ahead of time.
- 7.90 Every person has an entitlement to the peaceful enjoyment of his possessions by way of Article 1 of the First Protocol, a Convention right under the 1998 Act. Article 8, also a qualified right, entitles everyone a right to respect for his private and family life, his home and correspondence. There is a compelling case for the scheme to be implemented in order to overcome congestion and improve journey reliability and conditions for travel by all modes of transport, to enable the quality of the environment to be improved in the village centre and along

the A6 and to deliver future housing and economic growth in the area. The public benefit will outweigh the private loss. Therefore the purposes for which the CPO is promoted are in the public interest and justify interfering with the human rights of those with an interest in the land. Appropriate measures have been taken in the design of the scheme to mitigate adverse effects as far as possible. Any residual interference with human rights is proportionate and necessary to achieve the legitimate objectives of the Bypass scheme.

8 RECOMMENDATIONS

- 8.1 I recommend that:
- 8.2 The Lancashire County Council (Broughton Bypass Classified Road) (Side Roads) Order 2014 be modified as set out in paragraph 7.81 above and that the Order as modified is confirmed.
- 8.3 The Lancashire County Council (Broughton Bypass) Compulsory Purchase Order 2014 be modified as set out in paragraph 7.82 above and that the Order as modified is confirmed.

Diane Lewis

INSPECTOR

APPENDIX 1: APPEARANCES**FOR LANCASHIRE COUNTY COUNCIL**

Mr John Barrett	Barrister, instructed by Legal and Democratic Services, Lancashire County Council
He called:	
Mr Martin Galloway BSc MSc C Eng MICE	Project Manager, Lancashire County Council
Mr Graeme Leathard BSc(Hons) C Eng MICE	Principal Engineer Roads, Lancashire County Council
Mr Leighton Cardwell BA(Oxon) MSc MCIHT TPP	Technical Director, Transport Planning, Jacobs
Mr Michael Molyneux BA(Hons) MSc BTP MRTPI	Planning Policy Manger, Preston City Council
Steven Brereton BA(Hons) Dip LA CMLI	Senior Landscape Architect, Lancashire County Council
Marcus Hudson BA(Hons) BPI MRTPI	Head of Planning, Lancashire County Council
Jonathan Haine BA(Hons) BTP	Principal Planning Officer, Lancashire County Council
Michael Symons BA MSc CWEM MCIWEM	Technical Director, Jacobs
Nigel Bellamy CSci MIAQM, MIEEnvSc BSc(Hons)	Divisional Director - Air Quality, Jacobs
Andrew Clarke BSc MIOA	Technical Director – Acoustics, Jacobs

OBJECTORS TO THE ORDERS

Broughton-in-Amounderness CE Primary School, Broughton St John Baptist Church, Church Cottage Museum BBRG called:	Represented by Broughton Bypass Review Group: Mr Christopher Couper, Mr Robert Sparks, Mrs Jean Miller
Mr Lee Faulkner BSc(Hons) AMIOA	Acoustic Consultant, Resource & Environmental Consultants Ltd
Mr Ian Dibben DipLA CMLI	Landscape Architect
Reverend Shaun Baldwin Canon Andrea Titterington	Vicar of Broughton Lay Minister and Trustee of PCC, Broughton St John Baptist Church
Mrs Jill Brennan	Headteacher, Broughton-in-Amounderness CE Primary School
Mr Simon Watson	Resident
Mr Ashanul Haq and Mrs Nasra Haq	Represented by Mr Simon Mair BSc FRICS FAAV ACI Arb, P Wilson & Company LLP

APPENDIX 2: DOCUMENT LIST**Core Documents**

LCC01	Highways Act 1980 sections 239, 240, 246, 250 and 260
LCC02	Road Traffic Regulation Act 1984 section 40
LCC03	Acquisition of Land Act 1981
LCC04	National Planning Policy Framework 2012
LCC05	Preston, South Ribble and Lancashire City Deal Infrastructure Delivery Plan 2014/2015
LCC06	Air Quality Management Area Order Number 3 – Broughton – May 2012
LCC07	Broughton Bypass Forecasting Report Final with Appendices April 2014
LCC08	Central Lancashire Highways and Transport Masterplan March 2013
LCC09	Preston Local Plan adopted April 2004
LCC10	Central Lancashire Core Strategy adopted July 2012
LCC11	Preston Borough Local Plan Inspector's Report on Objections
LCC12	Central Lancashire Authorities Core Strategy DPD, Inspector's Report June 2012
LCC13	Preston, South Ribble and Lancashire City Deal September 2013
LCC14	Lancashire Structure Plan 1991-2006 adopted 1997
LCC15	Joint Lancashire Structure Plan 2001-2016 adopted March 2005
LCC16	Preston Local Plan 2012-2026 Publication Version July 2013
LCC17	Preston Local Plan 2012-2026 Publication Version with Proposed Changes
LCC18	Report to Lancashire County Council's Development Control Committee 27 November 2013 item 12 Planning application 06/13/0527
LCC19	Report to Lancashire County Council's Development Control Committee 27 November 2013 item 13 Planning application 06/13/0528
LCC20	Minutes of Lancashire County Council's Development Control Committee 27 November 2013 item 12 (confirmed and signed 15 January 2014)
LCC21	Minutes of Lancashire County Council's Development Control Committee 27 November 2013 item 13 (confirmed and signed 15 January 2014)

LCC22	Planning permission reference 06/13/0527 dated 27 November 2013
LCC23	Planning permission reference 06/13/0528 dated 18 December 2013
LCC24	Consultations received on planning application reference 06/13/0527
LCC25	Consultations received on planning application reference 06/13/0528
LCC26	Planning application reference 06/13/0527, comprising the application form and supporting documents including Volumes 1-3 of the Environmental Statement dated 29 July 2013
LCC27	Planning application reference 06/13/0528, comprising the application form and supporting documents including Volumes 1-3 of the Environmental Statement dated 29 July 2013
LCC28	Classification of highways plan March 2001
LCC29	Classification of highways September 2001
LCC30	Side Road Order Key Plan January 2014
LCC31	Side Road Order Notice May 2014
LCC32	Side Road Order and Schedules May 2014
LCC33	Side Road Order Plan Sheet 1 of 2 March 2014
LCC34	Side Road Order Plan Sheet 2 of 2 March 2014
LCC34A	Side Roads Order Plan Sheet 2 of 2 Proposed Modification
LCC35	Side Road Order Statement of Reasons April 2014
LCC36	Compulsory Purchase Order Notice 23 May 2014
LCC37	Compulsory Purchase Order Sealed Order and Schedule 19 May 2014
LCC38	Compulsory Purchase Order Statement of Reasons May 2014
LCC39	Compulsory Purchase Order Location Plan May 2014
LCC40	Compulsory Purchase Order Plan Sheet 1 of 2 May 2014
LCC41	Compulsory Purchase Order Plan Sheet 2 of 2 May 2014
LCC42	Compulsory Purchase Order additional page 21 July 2014
LCC43	Responses to objections raised to Compulsory Purchase Order
LCC44	Responses to objections raised to Side Roads Order

LCC45	School Travel Plan Broughton CE Primary School
LCC46	Broughton Business and Enterprise College School Travel Plan
LCC47	Planning application reference LCC/2014/0112: Application form and supporting documents
LCC48	Planning application reference LCC/2014/0112 consultation received
LCC49	Planning permission reference LCC/2014/0112 dated 3 September 2014
LCC50	Proposed Landscape Enhancement and Mitigation Scheme Sheets 1 to 5
LCC51	Planning site notice for planning applications 06/13/0527 and 06/13/0528
LCC52	Notification letter for planning applications 06/13/0527 and 06/13/0528
LCC53	Broughton Bypass planning history
LCC54	Broughton Bypass 2014 Noise and Vibration Assessment – Jacobs November 2014

Evidence submitted by Lancashire County Council

LCC/00/01	Statement of case by LCC
LCC/01/01	Statement of Evidence of Mr Martin Galloway and Appendices
LCC/01/02	Rebuttal to BBRG objection on SRO
LCC/02/01	Statement of Evidence of Mr Graeme Leathard and Appendices
LCC/02/02	Rebuttal of objection Mr Graeme Leathard
LCC/02/03	Rebuttal to BBRG objections to CPO
LCC/02/04	Clarification of position of Environment Agency in relation to potential foul drainage solution for Grays Cottage
LCC/02/05	Brooklands (Blundel Brook) Bridge General Arrangement Drawing No. 6020/B2237403/BB/T/01
LCC/02/06	LCC response to United Utilities letter dated 21 April 2015
LCC/02/07	LCC response to objection by BBRG on land acquisition at Blundel Brook Bridge
LCC/03/01	Statement of Evidence of Mr Leighton Cardwell and Appendices
LCC/03/02	Rebuttal of objections Mr Leighton Cardwell

LCC/04/01	Statement of Evidence of Mr Michael Molyneux and Appendices
LCC/05/01	Statement of Evidence of Mr Steven Brereton and Appendices
LCC/05/02	Rebuttal of objections Mr Steven Brereton
LCC/05/03	Cross sections on area between Parish Church and proposed Bypass
LCC/05/04	Cross sections sheets 1 to 3: landscaping 5 years, 15 years and 30 years after planting Drawing No. CHA1E0252-600-03
LCC/05/05	Comments on additional noise fencing opposite Brooklands
LCC/06/01	Statement of Evidence of Mr Marcus Hudson and Appendix
LCC/07/01	Statement of Evidence of Mr Jonathan Haine
LCC/07/02	Plan showing extent of land required for landscape/ecological mitigation purposes
LCC/08/01	Rebuttal of objections Flood Risk and Drainage
LCC/09/01	Rebuttal of objections Mr Andrew Clarke
LCC/09/02	Plans showing noise levels near the School buildings and at the lower playing field
LCC/10/01	Additional air quality modelling at the School playing fields

Objection Documents

OBJ/00	Folder of statutory and non statutory objections, objections 02 to 43.
OBJ/03/01	Broughton Bypass Review Group Inquiry Statement and Appendices
OBJ/03/02	BBRG Supplementary Statement
OBJ/03/03	BBRG Landscape submission
OBJ/03/04	Proof of evidence - Noise Mr Ian Faulkner on behalf of BBRG
OBJ/03/05	School travel plan for Broughton C E Primary School
OBJ/03/06	BBRG objection to CPO
OBJ/03/07	BBRG objection to CPO (Blundel Brook Bridge)
OBJ/03/08	BBRG closing statement

OBJ/06/01	Mr Simon Watson Inquiry Statement
OBJ/06/02	OS Map 1890 with modern overlay and Aerial Photo 1940 D'Urton Lane End
OBJ/06/03	Porosity/percolation test photographs
OBJ/06/04	Additional evidence submitted by Mr Watson, including note on meeting
OBJ/06/05	Letter of support regarding human rights
OBJ/06/06	Correction of statement made by LCC
OBJ/06/07	Summary statement by Mr Watson
OBJ/08/01	Mr Derek Millbank Inquiry Statement
OBJ/10/01	Mrs Eves Inquiry Statement
OBJ/27/01	Reverend Shaun Baldwin Inquiry Statement
OBJ/33/01	Mitigation landscape area: Brooklands
OBJ/33/02	Closing submissions on behalf of Mr A Haq and Mrs N Haq
OBJ/35/01	United Utilities current position 21 April 2015
OBJ/43/01	Mrs Jill Brennan Inquiry Statement

Support Document

SUP01	Preston City Council
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Inquiry documents

PI/01	Inspector's questions for clarification and response by LCC
PI/02	Email correspondence confirming withdrawal of objections by Ms Hastings and Ms McCool
PI/03	Email correspondence confirming withdrawal of objections by Mr J Barrow and Mrs G Barrow, Ms C Holt and Ms M Berry
PI/04	Opening on behalf of the Acquiring Authority
PI/05	Proposed landscape and enhancement mitigation scheme: plans 1 to 5 Drawing No. CHA1EO252-3000-01

PI/06	Correspondence on new junction on M6 motorway at Garstang submitted by LCC
PI/07	Indicative construction programme submitted by LCC
PI/08	Expected service life of different surfacings submitted by LCC
PI/09	Proposed housing sites in Broughton area
PI/10	Plan of proposed footpath connection to open space
PI/11	Aerial photograph with line of Bypass
PI/12	LCC note of discussion with Mr P Ward MBE, representing local cyclists
PI/13	LCC note on impact to flood plain and letter from Environment Agency dated 17 April 2015
PI/14	Closing on behalf of the Acquiring Authority

General Inquiry Documents

G/01	Appearances on behalf of the Acquiring Authority
G/02	Email correspondence on attendance at Inquiry
G/03	Accompanied site visit arrangements
G/04	LCC note on distance of the Church from the A6
G/05	Confirmation of posting of public notices about the Inquiry
G/06	Correspondence on Modifications to the Orders