



JMW Solicitors LLP
Kings House
36-37 King Street
London EC2V 8BB

DX: 42624 Cheapside
T: 0203 675 7575
W: jmw.co.uk

Our Ref: WIT/WIT/569138C.1/Carrington Group Mains Lane Limited

Your Ref: WHSK-AFP032

1 October 2019

The Planning Inspectorate
A585 Windy Harbour to Skippool Project Team
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

By email to: A585windyharbourtoskipool@planninginspectorate.gov.uk

Dear Sir or Madam

Reference TR010035: A585 Windy Harbour to Skippool Improvement Scheme (the "Scheme")
Objection by Carrington Group Mains Lane Limited ("Carrington")
Reference: WHSK-AFP032

We act for Carrington which is objecting to the application made by Highways England for a Development Consent Order ("DCO") in relation to the Scheme (the "**Application**").

As previously confirmed, Carrington is the registered proprietor of the land shown edged red, blue and green on Plan 1 (the "**Land**"). For the purposes of these representations the land coloured red is "**Parcel 1**", the land coloured blue is "**Parcel 2**" and the land edged green is "**Parcel 3**".

The Land is affected by the proposed route of the Scheme as the Scheme will

- i) stifle development proposed for the Land,
- ii) prevent current use of large parts of the Land and
- iii) have an onerous effect on the value of the Land.

This letter contains further representations in addition to those which have previously been submitted by, or on behalf of Carrington throughout the Application process and examination timetable including, for the avoidance of doubt, the letter dated 24 January 2019 sent by Eversheds on behalf of Carrington to the Planning Inspectorate (the "**January Correspondence**") and all relevant representations submitted.

Preventing Future Development

Parcel 2 has the benefit of planning permission for a 9 unit residential development (with reference APP/M2325/W/17/3174723) and representations have already been submitted in respect of this.

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In your corner

Parcel 3 consists of approximately 5.8 acres immediately to the South of Parcel 2. The route of the new road runs directly through the Parcel 3 and so the Scheme, if implemented, will not only result in the loss of Parcel 3 to Carrington, but will also prevent the proposed development of Parcel 3 by Carrington now or in the future.

As above, Parcel 2 already has the benefit of full planning permission for residential development and full approval of reserved matters with reference 18/0724. In the Inspector's decision a number of significant conclusions are stated regarding the acceptability of residential development off Mains Road and in the locality of Parcel 2. These considerations would logically apply to a residential development on Parcel 3.

Carrington intends to apply for planning consent in the future for a development of Parcel 3 as an extension of the previously consented development on Parcel 2, which would be either residential in nature, or of a nature that is ancillary and beneficial to, the previously consented development.

Parcel 3 is land which clearly has a prospect of residential development, or other forms of development ancillary and beneficial to the previously consented development. It could provide essential housing stock and be naturally attached to the abutting development of residential housing, but for the construction of the Scheme.

Whilst this part of Carrington's land is not allocated for housing, and despite the recent adoption of the local plan and its position in relation to a 5 year housing land supply (that it barely reaches) as required by the NPPF, there is no guarantee that this position is correct or achievable by Fylde Borough Council.

Carrington consider that this land could release at least a further further nine residential dwellings and therefore objects to the route of the Scheme and seeks realignment of the route away from the Southern Land so that it can make more efficient and better use of its land while it co-exists with the Scheme.

Sterilisation of Parcel 1 Due to Insufficient Access

Parcel 1 is shown on the attached plan edged red and is currently let for agricultural purposes.

Parcel 1 is the larger of the sites that make up the Land and comprises a future phase of development which is anticipated to comprise over 150 dwellings. It is not allocated for housing in the adopted local plan but it is clear that it has the potential for a future planning consent for residential development taking into account its position, location and the proximity to recently consented schemes including the planning consent granted to Carrington on Plot 2.

Representations have already been raised to state that Plot 1 will need to come forward for residential development. The increased onus and burden on planning authorities to ensure the supply of five years housing land and the requirement for local authorities to demonstrate through evidence that the sites in their plans are

actually deliverable supports this view particularly considering the recent assessment of only 5.1 years housing supply in the area. This figure only just passes into the minimum target level and so it is entirely conceivable that the supply may not be met and development on Plot 1 be permissible. At the very least, a local planning authority or Planning Inspector could legitimately take the view that a scheme of approximately 9 dwellings would constitute windfall development¹. Our client believes the historic poor performance and failure in relation to housing delivery within this borough council supports the view that Parcel 1 has a realistic prospect of residential development being granted in the future.

At present, Carrington benefits from access to Plot 1 by way of a gated access way from Mains Lane measuring 10.5m in width, which is necessary for the passing of up to two agricultural vehicles at present and for access onto Mains Road from Parcel 1.

The current access way was intended to be used by Carrington as the entrance roadway into a proposed future development of 150 dwellings and for all construction traffic during development. The existence of an access road measuring 10.5m in width was a material inducement to the acquisition of the Site by Carrington.

Plans presented at the outset of the DCO process provided no access to Plot 1 which made it land locked with current and future uses sterilised. The Scheme plans were subsequently changed to provide an access to Plot 1 from the new carriageway to be constructed as part of the Scheme.

The plans to the Scheme have now been varied as can be seen from the attached plan HE548643-ARC-GEN-SZ_ZZ_000DR-D-3065 ("**Plan 2**"). A new access way has been incorporated to provide access to Parcel 1 which is shown as being only 4.5 m in width, some 6 metres narrower than currently exists.

No explanation or reasoning has been given by Highways England (the promoter of the Scheme) as to why Carrington is only being provided with a 4.5m width access to Parcel 1 and why there is no like for like replacement of an access way of the same width as currently exists.

On the current Scheme plans Carrington will lose its 10.5m width access to Parcel 1, (a crucial feature of the Land and an inducement to the original acquisition by Carrington), and have it replaced with the 4.5m wide new access.

The reduction in the access width is concerning and seems to lack discernible justification as no detail as to the reasoning that led to a decision to reduce the access width by 6 metres has been provided by Highways England. There is more than enough land contained within the limit boundary of proposed draft orders shown on Plan 2 for a sufficient like-for-like accessway of 10.5m width and no clear reasoning has been put forward as to why this is not acceptable and what basis in law or policy enables the subsuming and removal of essential access to Parcel 1 and replacement with an insufficient access which results in Parcel 1 being unusable.

¹ Defined as a site which becomes unexpectedly available for residential development, even though it was not included as an allocated housing site within the local planning authority's development plan.

We can find no reference to any technical assessment undertaken by Highways England that would support its conclusion that a 4.5 metre wide access is appropriate for Parcel 1.

The *Manual for Streets* prepared by the Department for Transport provides that carriageway widths should be appropriate for the particular context and uses of the street. Key factors to take into account include:

- the volume of vehicular traffic and pedestrian activity;
- the traffic composition;
- the demarcation, if any, between carriageway and footway (e.g. kerb, street furniture or trees and planting);
- whether parking is to take place in the carriageway and, if so, its distribution, arrangement, the frequency of occupation, and the likely level of parking enforcement (if any);
- the design speed (recommended to be 20 mph or less in residential areas);
- the curvature of the street (bends require greater width to accommodate the swept path of larger vehicles); and
- any intention to include one-way streets, or short stretches of single lane working in two-way streets.

It is apparent from general policy guidelines and roadway design geometry that a 4.5m wide access point to Parcel 1 will prevent any future planning consent for residential development as being of insufficient width and scope to enable the movement of residents and construction vehicles to and from Parcel 1. Minimum guidelines suggest between 5.5m and 8.8m of carriageway in addition to footpath and pavement provisions.

The proposed access way width could also present a danger to roadway users on the carriageway being constructed as part of the Scheme by causing bottlenecking of traffic into and out of Parcel 1.

Furthermore, the new access way also has the effect of preventing the current use of Parcel 1 for agricultural purposes. The width of 4.5m is not sufficient for the continual use of Parcel 1 by agricultural vehicles, particularly where two are seeking to use the access way at the same time. It would also, again result in bottlenecking of traffic into and out of Parcel 1 onto a fast moving carriageway and present a danger to roadway users.

The effect of the proposed new access way shown on Plan 2 would prevent access to and from Parcel 1 for the current use and the proposed future use. The Scheme, as is currently proposed, therefore, continues to sterilise Parcel 1 for its current use and the proposed future use.

There has been no constructive discussions between Carrington and Highways England in which the latter has sought to engage in constructive dialogue or to give significance to Carrington's concerns regarding Parcel 1 and enabling a suitable access to that land. The limit of the land subject to the orders as shown on Plan 2 shows sufficient capacity for a wider access way of at least 10.5 metres to be provided to access Parcel 1 which would preserve the ability to access both the

current and future uses of Parcel 1. Maintaining the current width would also enable a reasonable and fair like for like replacement of the critical and valuable access way which would otherwise be lost by the implementation of the Scheme as currently designed and proposed.

Carrington therefore objects to the Scheme on the basis that it sterilises current and future use and development of Parcel 1.

Carrington remain ready and willing to engage further following these representations and hope that it can work with Highways England to address the issues above and in previous representations made which remain and have still not been addressed.

We look forward to hearing from you as a matter of urgency

Yours faithfully

A handwritten signature in black ink, consisting of the letters 'JMW' in a cursive, stylized font.

JMW Solicitors LLP