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**63855 – Salesbury
View**

**Highways and
Transport Review**

July 2026

**Ian Millership /
John Lowe**



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1. Introduction

- 1.1 CTS Traffic and Transportation were appointed by Mr Jonathan Finch to produce a Highways and Transport Review of the supporting information, and local Highway Authority responses, to a proposed development of homes on a site at Salesbury View, Wilpshire, Blackburn.
- 1.2 The application site lies to the west of Whalley Road in Wilpshire and the proposed development would take access from Salesbury View.
- 1.3 The site is located within Ribble Valley Council and the highway authority of Lancashire County Council (LCC). The current proposals have been accepted in highway impact terms by LCC but this acceptance appears to be primarily based on the assumed acceptance of earlier schemes on the site, which as will be demonstrated we are not in agreement with. There is also wide opposition to the proposal by local residents and highway users who are concerned that it cannot provide safe highway access.
- 1.4 This review therefore considers the issues of concern to the local residents who use the highways in this area on a daily basis.
- 1.5 As will be seen there is one issue which is very serious and we believe would require a major alteration to the design of the scheme to address. This would be described as the site's sustainable transport and / or inclusive mobility characteristics, but in layman's terms would be the effects of the severe gradients of the carriageways and footways that would be involved within the site.
- 1.6 There is also a further issue regarding the visibility at the junction of Whalley Road and Salesbury View that may or may not be critical and requires further information.
- 1.7 Finally, there are matters that have been raised as concerns by local residents and highway users, but which should not present issues serious enough to warrant refusal of the planning application.
- 1.8 The review also considers the consequences for the local authority should planning consent be granted for the scheme as it currently stands, as it is clear that there would be a strong probability of a judicial review of any consent by other house-builders or land owners being successful, as would a claim for non-compliance with the Equalities Act 2020. Any such judgements would be highly likely to involve cost awards against the authority. Finally it considers how similar schemes have been judged in planning appeal decisions when all the relevant information has been provided.
- 1.9 The development site has seen two other recent past planning applications. The latest which has triggered this review (ref 3/2025/0801) has been put on hold whilst further evidence was obtained about the significant concerns that had been expressed to the planning authority, including those relating to the highway design and access elements. In order to provide a full review it is necessary to consider the previous applications as well as the current application.

Site Location and Highway Context

- 1.10 As above the site is located on the western side of Whalley Road and would take access from a continuation of Salesbury View through the site.
- 1.11 Whalley Road is part of the A666 running northwards from Blackburn through Wilpshire and northwards to join the A59 to the north of Langho. Salesbury View is a minor access road leading steeply away from Whalley Road to service a small number of houses, and the rears of several houses on Whalley Road who cannot have frontage highway access on to the A666.
- 1.12 The current gradient of Salesbury View is around 1 in 8 for approximately 70m starting directly at the continuation of the back of footway line of Whalley Road across the Salesbury View carriageway.
- 1.13 The proposed development would extend Salesbury View with the access road splitting into 3 once within the site. Each of the 3 routes would be culs-de-sac with no alternative emergency access. The longest of the culs-de-sac would be around 390m (measured in a horizontal plane – considerably longer when the actual road length to accommodate the change in levels is considered). In addition to the 70m long 1 in 8 existing section detailed above, much of the length of the new sections would have long lengths with gradients of 1 in 12 (and lengths with an even greater gradient).

Content and Structure of this Review

- 1.14 This Highways and Transport Review considers all the information that attempts to detail all the highway and transport aspects of the development that would be relevant to the planning authority when determining the application, and the information considered to be lacking.
- 1.15 In the case of information requested by the Highway Authority but not provided by the applicant, this information has been prepared by CTS as part of this review in order that it is a complete review and not a partial review to be continued when essential information is provided by the applicant.
- 1.16 The Review also considers what current National Planning policies require from new development and again highlights the supporting information's deficiencies.
- 1.17 To further assist the Planning Authority, the risks associated with approving the scheme as it currently stands and relevant planning appeal decisions are provided.

2 Sustainable Transport and Inclusive Mobility Planning Policy

- 2.1 In order to understand the seriousness of the potential issues in the current scheme it is necessary to consider the standards and guidance to which any new development must be compared. Extracts of the relevant information for the main issues in relation to the past and proposed developments for this site are set out below.

National and Local Planning Policies

National Planning Policy Framework (NPPF) Dec 2024

- 2.2 Section 9: Promoting Sustainable Transport advises:

"109. Transport issues should be considered from the earliest stages of plan-making and development proposals, using a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places. This should involve:

- a) making transport considerations an important part of early engagement with local communities;*
- b) ensuring patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places;*
-*
- e) identifying and pursuing opportunities to promote walking, cycling and public transport use."*

- 2.3 In considering development proposals, sections 115 and 116 advise:

"115. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflect current national guidance, including the National Design Guide and the National Model Design Code; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.*

116. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios."

Ribble Valley Local Development Framework

- 2.4 The site is allocated for residential development in the Ribble Valley Local Development Framework (LDF) Housing and Economic Development DPD Site and Policy HAL2.

- 2.5 Whilst allocated for residential use, any development proposals must comply with the policies of the LDF and in particular Key Statement DM12: Transport Considerations, which states:

"New development should be located to minimise the need to travel. Also it should incorporate good access by foot and cycle and have convenient links to public transport to reduce the need for travel by private car"

- 2.6 Policy DMG3: Transport and Mobility adds:

"10.6 IN MAKING DECISIONS ON DEVELOPMENT PROPOSALS THE LOCAL PLANNING AUTHORITY WILL, IN ADDITION TO ASSESSING PROPOSALS WITHIN THE CONTEXT OF THE DEVELOPMENT STRATEGY, ATTACH CONSIDERABLE WEIGHT TO:

3 THE AVAILABILITY AND ADEQUACY OF PUBLIC TRANSPORT AND ASSOCIATED INFRASTRUCTURE TO SERVE THOSE MOVING TO AND FROM THE DEVELOPMENT

4 THE PROVISION MADE FOR ACCESS TO THE DEVELOPMENT BY PEDESTRIAN, CYCLISTS AND THOSE WITH REDUCED MOBILITY

...

6. PROPOSALS WHICH LOCATE DEVELOPMENT IN AREAS WHICH MAINTAIN AND IMPROVE CHOICE FOR PEOPLE TO WALK, CYCLE OR CATCH PUBLIC TRANSPORT RATHER THAN DRIVE BETWEEN HOMES AND FACILITIES WHICH THEY NEED TO VISIT REGULARLY."

- 2.6 Correctly so in the current day and age, "sustainable development, sustainable and active transport, and sustainable infrastructure" seems to be quoted in virtually every paragraph and policy.

Lancashire County Council Consultation Draft Local Transport Plan (LCC LTP)

- 2.7 Policy SV4: "Embed placemaking in new developments" advises:

"We will support and promote a vision-led approach to planning for new developments that puts the transport needs of people and communities first, by prioritising access to amenities and services, nature, and public spaces, and achieving well-designed places. This will ensure that transport and land use planning are fully integrated and will support thriving, sustainable communities.

We need to ensure that new developments are good places to live and work, which are well connected and sustainable. We support a vision-led approach to planning for new developments: planning with a clear vision in mind means focusing on the results (outcomes) we want to achieve, and taking proactive steps to get there.

To ensure that walking, cycling, wheeling and bus are a natural choice for most local journeys, sites should be mixed use and located to facilitate sustainable travel movements. Residential, employment and retail sites should be designed and built with sufficient, dedicated space for active travel and efficient public transport movements, so that these are safe and convenient, with active travel providing access to proximate amenities and transit, and public transport providing onward connections."

2.8 Policy SV5: "Alleviate adverse impacts of travel on communities" advises:

We will expect accommodation of the Manual for Streets and consideration of best practice, such as bus operator guidance on 'bus friendly development' and Sport England's Active Design guide. This will ensure that our new developments put the needs of people and communities first and prioritise sustainable access to amenities and services, nature, and public spaces.

Working with local communities, stakeholders and highways authorities, we will reduce and proactively design out the potential adverse impacts that transport can have on our communities.

These impacts can be experienced in different ways by different individuals. Those members of society who may be more vulnerable due to factors such as age, health, ethnicity, sex or income, or who have protected characteristics under the Equality Act 2010, may potentially be impacted in different ways or to a different degree than other members of society. It is therefore essential that we reduce the current adverse impacts of transport on communities and plan any new schemes carefully to minimise the possible negative impacts of anything we plan to deliver.

This could include ensuring our scheme design and development processes assess and minimise the potential negative impacts on different groups of people".

2.9 The local Highway Authority clearly, therefore, expect access for pedestrians, cyclists, wheelchair users, etc., to be fully considered in development proposals, and for such development proposals, compliance with the DfT's Manual for Streets and best practice guidance, with specific reference to the Equalities Act 2010.

Guidance and Best Practice

Inclusive Mobility: A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure. DfT Dec 2021

2.10 The main Best Practice Guidelines for footways is contained in the "Inclusive Mobility: A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure" Department for Transport. Dec 2021.

2.11 Whilst described as a best practice guide this sets out requirements to ensure that any infrastructure works comply with the requirements of the Equality Act 2010.

2.12 Section 4.3 advises:

"4.3 An environment that appears to be relatively flat might nevertheless present problems for some. For example, a continuous shallow slope that runs for a considerable distance might be an obstacle for users of a manual wheelchair, or people who can negotiate gradients over a short distance only, before experiencing pain, breathlessness or fatigue. If a level route is not feasible, then gradients should not exceed 1 in 20.

Even if a pedestrian route has no slopes in excess of 1 in 20, it is important that there are level sections, or 'landings', at regular intervals. This is to provide people with an opportunity to rest; where possible accessible seating should be provided on such landings. A level landing should be provided for every 500mm that the route rises. The length of each landing should be equal to at least the width of the ramp. Gradients steeper than 1 in 20 can be managed by some wheelchair users, but only over very short distances (1000mm or less), for example on a ramp between a bus entrance and the pavement.

Even over these short distances the maximum gradient used should be no more than 1 in 10. As a general rule, however, 1 in 12 should be the absolute maximum. Not only is the physical effort of getting up a steeper gradient beyond many wheelchair users, but there is also a risk of the wheelchair toppling over."

2.13 Section 5.2 repeats many of the requirements of 4.3 but adds:

5.2 A ramp should have the lowest practicable gradient. 1 in 20 is the preferred gradient and 1 in 12 is the absolute maximum acceptable.

BS 8300-2 explains that the preferred gradient should only be used up to a maximum length of 3000mm, and that the maximum gradient of 1 in 12 should only be used to a maximum length of 2000mm. It also provides detailed guidance on the relationship between the run, gradient and rise of ramps.

A slightly steeper gradient of 1 in 10 is acceptable over very short distances, for example a ramp covering a distance of 600mm. Gradients steeper than 1 in 10 are physically difficult to manage for some wheelchair users, and may cause a wheelchair to over-balance.

If more than one flight is needed, there must be rest places between the flights. These should be level if under cover (1 in 50 gradient if outside, to drain surface water) and their length should be at least 1500mm and at least equal to the full width of the ramp. The landings at the foot and head of a ramp should be at least 1200mm long, and should be the full width of the ramp. Each individual flight of a ramp should have a length of no more than 10 metres and a rise of no more than 500mm."

Traffic Advisory Leaflet 6 / 02: Inclusive Mobility: A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure. DfT 2002.

2.14 Confirmation that the advice of "Inclusive Mobility" needs to be followed to ensure compliance with the Equalities Act 2010, is provided in Traffic Advisory Leaflet 6 / 02: Inclusive Mobility: A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure. 2002, issued after publication of the pre-cursor to the 2021 Inclusive Mobility guidelines, (same title Jan 2002), this DfT guidance advises that the Inclusive Mobility Guidance should be followed to ensure compliance with the then corresponding legislation, the Disability Discrimination Act 1995.

British Standard 8300 - 1 Design of an Accessible and Inclusive Built Environment.

Part 1: External environment — Code of Practice

2.15 Whilst "Inclusive Mobility" refers to BS 8300 – 2, that advice relates to the approaches to buildings (which a footway on the highway serving the development certainly is and it is therefore correct for "Inclusive Mobility to refer to it), BS 8300 – 1 refers to the surrounding environment. The advice in connection to ramps is the same so there is no conflict between advice. Section 9.2 (Ramps) advises:

"If a change in level along pedestrian routes is unavoidable, it is necessary to provide gently sloping or ramped options. However, as some people with an ambulant mobility impairment have difficulty using ramps, it is undesirable for a ramp to be the only route.

The key issues in the design of gently sloping or ramped access routes are the gradients of flights and the distances between landings. Where the gradient is too steep or an individual flight too long, a wheelchair user might not have sufficient strength to use the slope. In the same situation, a companion who is pushing a wheelchair user is also likely to encounter the same difficulties. If the gradient is too steep, there is also the danger of a wheelchair user falling out forwards when going downhill, or of a wheelchair tipping over backwards when going uphill. Control and braking are also difficult on steep gradients.

9.2.2 No individual flight of a ramp should have a rise greater than 10 m or a rise of more than 500 mm.

Maximum Length of Ramp and Change in Levels

1 in 20	Max height change 500mm.	Length between landings 10m
1 in 17.5	Max height change 430mm.	Length between landings 7.5m
1 in 16	Max height change 375mm.	Length between landings 6.1m
1 in 15	Max height change 335mm.	Length between landings 5m
1 in 14	Max height change 285mm.	Length between landings 3.9m
1 in 13	Max height change 215mm.	Length between landings 2.9m
1 in 12	Max height change 150mm.	Length between landings 2m

9.2.4 Landings

Landings should be provided at the foot and head of a ramp. They should be at least the width of the ramp and not less than 1500 mm long, clear of any door swing or other obstruction. Any intermediate landings along a series of flights in a straight line should be at least 1500 mm long, clear of any door swing or other obstruction. If an intermediate landing is a quarter-turn or half-turn landing, the width of the ramp should be maintained throughout the turn or turns. Intermediate landings at least 1800 mm wide × 1800 mm long should be provided as passing places where there is no clear line of sight between one end of the ramp and the other, or where there are three or more flights".

Building Regulations Approved Document M: Access to and Use of Buildings
Volume 1 (Dwellings) 2015 Edition, 2016 Amendments

2.16 Section 1.2 advises:

".... the provisions apply to the approach route between the nearest point at which a visitor, including a disabled person, would expect to get in and out of a car. This point of access may be within, or outside the plot of the dwelling.

The gradient of pedestrian routes should ideally be no more than 5% (1 in 20), although topography or other circumstances may make this difficult to achieve. However, as a general rule, 8% (1 in 12) should generally be considered as a maximum, which is the limit for most wheelchair users, as advised in "Inclusive Mobility" (DfT)

External Ramps Forming Part of an Approach Route

1.7 A Ramped Approach should comply with all of the following:

- a, For gradients up to 1 in 15, no more than 10m long. For gradients up to 1 in 12, no more than 5m long.*
- b, Every flight has a minimum width of 900mm.*
- c, Every flight has a top and bottom landing.*
- d, An intermediate landing is provided between individual flights and at each change of direction,*
- e, Every landing is a minimum of 1200mm long".*

2.17 It should be noted that:

British Standard 5906: Waste Management in Buildings - Code of Practice. 2005,

Building Regulations Approved Document B: Fire Safety Vol 1 Dwellings (Versions up to 2006 Edition), and

Building Regulations Approved Document H: Drainage and Waste Disposal 2015 Edition - H6 Domestic Developments:

all refer to maximum approach gradients of 1 in 12. This advice is, however, in the context of other British Standards and Building Regulations advice which assumes a 1 in 12 gradient would only exist over a 2 m length with flat areas at each end, not, as will be seen later, a long continuous ramp at 1 in 12 or steeper.

2.18 As will further be seen later it is strongly advised that the Building Regulations and Environmental Heath Refuse Collection Departments of the local authority and the County Fire and Rescue Service be consulted with the drawings produced in this review which indicate the true effects of the development.

Manual for Streets DfT 2007

2.19 In the case of Pedestrian Routes section 6.3.20 advises that these should comply with the guidance of "Inclusive Mobility"

2.20 Section 6.3.27 advises that:

"Designers should attempt to keep pedestrian (and cycle) routes as near to level as possible along their length and width, within the constraints of the site. Longitudinal gradients should ideally be no more than 5%, although topography or other circumstances may make this difficult to achieve"

2.21 The Manual for Streets also provides advice on Cycling infrastructure as below. There appears to be no shared footways to be provided as part of the development and cyclists will, therefore use the access road carriageways. This guidance therefore applies to the proposed carriageways, not as in the case of the above guidance, the footways.

"6.4 Cycling Guidance

6.4.11 The maximum gradients should generally be no more than 3%, or 5% (1 in 20) maximum over a distance of 100 m or less, and 7% (1 in 12) maximum over a distance of 30 m or less."

Manual for Streets 2 Chartered Institute of Highways and Transport 2010

2.22 Section 5.4.4 repeats the advice of the Manual for Streets:

"The gradient of pedestrian routes should ideally be no more than 5%, (1 in 20) although topography or other circumstances may make this difficult to achieve. However, as a general rule, 8% (1 in 12) should generally be considered as a maximum, which is the limit for most wheelchair users, as advised in "Inclusive Mobility" (DfT) "

Guidelines for Providing for Journeys on Foot. Institution of Highways and Transport 2000

2.23 The IHT Guidelines for Providing for Journeys on Foot advise:

"5.13 On any pedestrian route, longitudinal gradients should not exceed 1 in 20 (5%) generally. In exceptional circumstances ramps can be as steep as 1 in 12 (8%), but this gradient will cause an evident nuisance to people with a mobility impairment. Handrails should be provided on both sides if an even steeper ramp cannot be avoided."

Revised Guidelines Reducing Mobility Handicap. Institution of Highways and Transport 1991

2.24 The IHT Guidelines for Reducing Mobility Handicap advise:

"2.4 Any external slope with a gradient of more than 5% should be regarded as a ramp. Every effort should be made to keep longitudinal slopes as shallow as possible, and whenever practical to achieve a slope of 5% or less. Where this cannot be achieved, the maximum gradient should never exceed 8% (1 in 12), and even this gradient causes difficulties for many disabled people including those in powered wheelchairs. Ramps should be provided with handrails along both sides and should be not more than 6m long between level resting platforms."

Health and Safety Executive: Roadways / Site Traffic Control / Immobilisation of Vehicles August 2025

2.25 The HSE advise that during construction:

"The maximum longitudinal gradient should be 1 in 12 and the minimum channel gradient should be 1 in 125."

Local Transport Note 1 / 20 Cycling Infrastructure DfT 2020

2.26 As above, cycling infrastructure guidance will apply to the proposed carriageways. Local Transport Note 1 / 20 advises:

"Longitudinal Gradient

5.9.7 Unlike motor traffic, human physiology means that people can cycle steep gradients that are fairly short but are not capable of maintaining high levels of effort for longer distances. Cycle routes should therefore, where possible, be designed in such a way that the steepness and maximum length of longitudinal gradients meet the requirements of Table 5-8.

Table 5-8: Maximum length for gradients

<i>Gradient %</i>	<i>Maximum length (m)</i>
<i>2.0 (1 in 50)</i>	<i>150</i>
<i>2.5 (1 in 40)</i>	<i>100</i>
<i>3.0 (1 in 33)</i>	<i>80</i>
<i>4.0 (1 in 25)</i>	<i>50</i>
<i>5.0 (1 in 20)</i>	<i>30</i>

5.9.9 As well as the length of the gradient, the speed of travel is another important factor to consider. Steep gradients can lead to high speeds for descending cyclists or low speeds for climbing cyclists, which can create hazards for all users of the route. Stopping distances also increase on down gradients in excess of 3% (1 in 33).

5.9.10 Where height differences at new build sites suggest longer lengths of gradients than those given in Table 5-8 earthworks designs should be adjusted or the horizontal alignment adjusted to limit the length or severity of the gradient. Level sections of 5.0m minimum length can be used between gradients to achieve compliance with Table 5-8."

Creating Civilised Streets Lancashire County Council 2010

2.27 Finally the Highway Authority's own guidance; Creating Civilised Streets, advises:

"5.6 Designing for Walking

5.6.4 Reasonable gradients for comfort should follow guidance set out within "Inclusive Mobility" (DfT). Although the local topography may determine steeper gradients, ideally gradients should be no greater than 2.5% (1 in 40). Gradients in excess of this result in most wheelchair users experiencing mobility difficulties.

5.7 Designing for Cycling

5.7.4 Gradients should be a maximum of 3% (1 in 33), although where topography dictates, the limiting gradient is 7% (1 in 12) over 30m."

- 2.28 It should be noted that the original and the application preceding the current application for development on this site pre-date the current NPPF and Consultation Draft Lancashire Local Transport Plan but the equivalent documents at the times of these applications did not advise anything materially different to the current versions.
- 2.29 There has also been no change in any advice since the time of the current application's submission.
- 2.30 In conclusion, there appears to be a strong requirement that the issue of gradients on streets and footpaths is reviewed and remediated in order that the layout can be accepted as safe and secure, and consistent with Inclusive Mobility.

3 Site History and Highway Matters

- 3.1 Against the background of the relevant documents (and the standards and best practice guidelines the LCC LTP requires to be adopted) the various applications that have been made for development of this site, and highway authority responses will now be considered.

Planning Application 3/2022/0015

- 3.2 This application used a broadly similar internal arrangement as the current proposal but was for 106 dwellings. There would be a single access point from the continuation of Salesbury View which split into 3 cul-de-sac within the site.
- 3.3 The Highway Authority responded to the application on the 12 April 2022, advising that further information was required, which was then detailed in a letter.
- 3.4 In the case of the Whalley Road / Salesbury View junction to be considered in the next section, the safety of the junction was dependent upon appropriate visibility splays for emerging traffic. The proposed visibility splays shown in the 2022 application were based on a traffic speed survey undertaken on the 20 October 2019. The Highway Authority response rejected this survey and required a new survey before they could conclude their response.
- 3.5 With regard to the internal layout of the site, the response advised that the acceptability of an adopted road layout is subject to a Section 38 Agreement in accordance with the Highways Act (1980). In order for the site to be suitable for adoption, the internal layout must be designed fully in accordance with the LHA guidance (which we have seen, is compliance with the DfT's "Inclusive Mobility")
- 3.6 A new development is required to comply with the DfT's "inclusive Mobility" regardless of whether a scheme is adopted or not (which is purely a future maintenance matter), and as the consultee on highway matters, a response from a Highway Authority should be considered relevant regardless of whether the layout is to be adopted or not.
- 3.7 In the case of the gradients of the access roads (and therefore the footways adjacent to the carriageways) the response states:

"We require further information regarding the gradient at the site. The LHA require long section drawings of the gradient through the estate road and require on a revised site layout plan a label to state whether any gradient is steeper than 1 in 20. This is to enable the LHA to ensure that the site complies with the document "Inclusive Mobility".

The LHA also advise the Agent that the maximum gradient can accept within the carriageway is 1 in 12. This is only acceptable over short sections of the estate road."

- 3.8 The response is precisely what would be expected based on the submitted information. The Agent is directed to the Inclusive Mobility guidance, which makes it clear how important it was to comply with it. The author of this response has been redacted on the planning authority portal version.
- 3.9 Some further information was submitted and the Highway Authority updated its response on the 20 July 2022. The Highway Authority advise that this additional information consisted of an email dated 1 July 2022, and a revised site plan.

- 3.10 The response advises that whilst the traffic survey from which the visibility splay at the Salesbury View junction with Whalley Road was determined was considered to be flawed and not fit for purpose in the 12 April response, its use had been accepted by another officer in pre-application discussions in 2020, and now appears to be acceptable as being suitable for determining the appropriate visibility splay.
- 3.11 This seems to be a concern, as if the data was not considered fit for purpose and is stated so in a formal Highway Authority document in the public domain, then should there be an accident where visibility could be considered to be a factor, then the Authority would undoubtedly be found negligent, even if others involved in the accident had contributory negligence. This will be considered further later in this review.
- 3.12 In the April response the Highway Authority required the site layout plan being labelled to indicate where the gradients of the access roads would be greater than 1 in 20 to confirm that the layout complied with "Inclusive Mobility". Compliance requires gradients of 1 in 12 to be over only "short" sections of highway, which when "Inclusive Mobility" is referred to, is a maximum of 2m length.
- 3.13 The new response refers to an updated site layout drawing and it would be reasonable to conclude that this drawing has the required labels, and as no issues appear to remain, many consultees could conclude that the gradients of the various access roads were all in accordance with the standards.
- 3.14 The conclusion of the response is "No Objection subject to conditions" which implies there is no longer anything that was not in accordance with the standards. If anything had been in doubt, the Planning Authority would surely have been made fully aware by the LHA so this could be taken into account in its consideration of the application.
- 3.15 The original site layout was drawing P21-0362-002 Rev C. The updated drawing the Highway Authority refer to is Revision F of the same drawing. This and a further update (Rev G) are still on the planning portal and can be examined to prove the following statement. As can be seen there is no labelling to indicate areas with gradients greater than 1 in 20.
- 3.16 The response refers to an email. This is not in the public domain and so we cannot comment on any statements made in it. The fact that this is a document which apparently demonstrates that there are no highway issues but which has not been made available to interested parties is a serious omission.
- 3.17 From our knowledge of the area, we can safely say that it would not be possible to access this site with the current general arrangement without long lengths of the access roads being at 1 in 12 or steeper, which not only does all the advice says would not only be unacceptable in planning terms, but which would be dangerous to highway users and completely in conflict with the Equalities Act 2020.
- 3.18 As a labelled drawing had been requested and then either considered unnecessary or the only drawing prepared which showed no labels was thought to indicate that there was nothing to be labelled, it was concluded that one should be prepared as part of this review to indicate what was actually being proposed as the author of the original Highway Authority response had required.

- 3.19 There is, however, insufficient information for this to be provided in the case of this 2022 application. As the same issues are relevant to the next application, which again did not provide any indication of where the gradients would be greater than 1 in 20 other than on a long section that is near impossible to relate to the proposed layout by a layperson, but there is the necessary information to prepare a labelled layout for that scheme, a labelled layout drawing has been produced for that scheme (and also the current scheme – see later).
- 3.20 These labelled drawings are discussed later but both show very similar situations to what would have been the case had the requested drawing been prepared for the 2022 scheme. As will be seen, the areas with gradients less than 1 in 20 are few and far between and the majority of the roads are steeper than 1 in 20, with long sections at 1 in 12, and some sections even steeper. This would be the case also for the 2022 application which the Highway Authority would have seen if it had not been decided that the requested drawing was no longer necessary.
- 3.21 The scheme could have resulted in wheelchair users tipping over, cyclists losing control, and even for the able bodied an access route that would have been unusable on foot.
- 3.22 What is further of concern, however, is that having stated that there is now “No objection subject to conditions”, the response goes on to say again that the maximum gradient that will be accepted is 1 in 12 over short sections. There is no mention of this in the listed conditions the Highway Authority recommended be attached to any consent.
- 3.23 This gives the situation whereby the evidence we can find appears to show that the Highway Authority had no objection to a scheme which it states can only have gradients of 1 in 12 over short lengths (all the standards stating this is 2m long), when it does not appear to know what the gradients would be, and over what lengths, and on the basis of the information provided (which was not what was requested – which there is no evidence of being provided) it was inevitable that this could not be achieved.
- 3.24 There was then a further revision of the site layout to which the Highway Authority responded to on the 23 November 2022. The scheme had been amended reducing the number of proposed dwellings to 99. The revised drawings still give no indication of the gradients of the footways and carriageways that would be necessary to achieve the proposed layout.
- 3.25 This final response on this application again repeats:
- “The LHA advise the agent that the maximum gradient the LHA can accept within the carriageway is 1 in 12. This is only acceptable over short sections of the estate road”*
- 3.26 Whilst the layout had been amended the vehicle swept path plots for manoeuvre within the turning areas had not been. This response therefore concluded:
- “Should the revised swept path analysis clearly show the internal carriageway and provided turning areas are suitable for the development, the LHA, like in the previous comments dated 20 July 2022, will have no objection to the proposal subject to suitable conditions and contributions are placed on the application”.*
- 3.27 None of the recommended conditions referred to a maximum gradient of 1 in 12 over short lengths only, despite this again being referred to in the response.

3.28 The Fire and Rescue Service responded on the 24 March 2022 advising:

"It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'"

3.29 At that time the Fire and Rescue Service would have only seen what would have appeared to be a typical housing layout which would be assumed to follow basic standards. That was still the case for the second and now the current application, neither of which have information which shows how inaccessible the site would be. As above it is strongly recommended that the Fire and Rescue services be re-consulted, along with the Refuse Collection and Building Regulations sections using the labelled drawing prepared as part of this review (or an equivalent drawing the applicant should provide).

3.30 The Officers Report on the application advised Members that:

"LCC Highways have considered and fully assessed the highway impact. Following the submission of further information LCC Highways raised no objections subject to appropriate conditions and contributions."

As above, none of the conditions related to the gradients of the roads and footways.

3.31 That was clearly incorrect as they did not have any idea as to what the gradients would actually be. The Case Officer had, however, no way of knowing this.

3.32 What would be the inaccessibility of the site was raised in the Parish Council objection to the scheme along with representations from members of the public. The Officers report states:

"5.7.6 The strong concerns raised by nearby residents with regards to the access to the site have been fully considered, however, in order for a development to be refused on highway safety grounds the impacts must be severe and, in this case, the professional advice of LCC Highways is that the proposal is acceptable in principle subject to appropriate contributions and conditions relating to construction management, phasing, access arrangements, site access and off-site highway works, off-road pedestrian links, parking and turning facilities, electric charging points and cycle storage."

3.33 Once again, there is no mention that the Highway Authority have stated that the maximum gradient of the access would be 1 in 12 over short distances only, but this is not a recommended condition. Having acknowledged the concerns raised over the gradient of the access road there is not even a simple statement as to what the gradients would actually be.

3.34 Regardless of the lack of a Highway Authority objection, the application was recommended for refusal on visual amenity and poor standard of internal residential amenity grounds. Obviously as there was no highways objection, which all of the above demonstrates that there should have been, the concerns of the existing residents and Parish Council were not used to provide further reasons for refusal.

3.35 In the light of the recommendation, the application was withdrawn by the applicant.

Planning Applications 3/2023/0614

- 3.36 This application was submitted on the 4 August 2023. The application was similar to the previous application with a slightly different internal access road arrangement and now proposing 84 dwellings.
- 3.37 Further information was provided for this application in the form of the longitudinal sections requested for the 2022 application, but not the labelled plan clearly indicating areas that would have gradients steeper than 1 in 20.
- 3.38 The Highway Authority responded on the 8 September 2023. Their response states that further information is required.
- 3.39 The response states:

"The LHA have reviewed ... drawing number (etc) ... and are aware that the gradient along the internal carriageway is extremely steep, with the gradient being roughly 1 in 12 for the full duration of the site. Even then, the gradient in places gets even steeper, with some of the internal carriageway being 1 in 7.

The LHA are unable to accept a gradient steeper than 1 in 12 and even then, the maximum gradient can only be accepted over short sections. Therefore, given that the majority of the site is or steeper than 1 in 12, the LHA require amendments to be made to ensure that the internal carriageway and internal pedestrian links do not exceed this limit.

Should these changes be made, the LHA request that (amended) long section drawings of the internal carriageway is provided to support the internal layout and ensure that the site complies with the "Inclusive Mobility" document."

- 3.40 No such changes appear to have been made. In an email dated 28 March 2024 the applicant's planning advisor set out comments to what appears to be all the issues that had been raised at that time. In the case of the internal gradient issue, however, the response would lead one to believe that apparently all the issues had been addressed and there is no longer anything to worry about when in fact there is no evidence that anything had been done to address the requirements of the Highway Authority as set out in the 8 September response.
- 3.41 In the extract below what the response effectively said has been added:

"Issue: Require a plan to be submitted showing the gradient of the internal carriageway where it exceeds 1 in 20. The plan, where the internal carriageway exceeds 1 in 20m should highlight the gradient. This is required for clarification.

Response: Not Provided.

Issue: The maximum gradient the internal carriageway can be is 1 in 12 and this is only acceptable over short sections.

Response: Ignored. Longitudinal Section Drawings still show very long lengths at 1 in 12 or steeper.

Issue: The junctions and the turning areas need to be relatively flat.

Response: No response and junctions and turning areas are still at 1 in 12.

Issue: Proposed footways also need to be a maximum of 1 in 20

Response: No mention that the scheme still involves some footways at 1 in 8, with the majority at 1 in 12.

Issue: Please show on the drawing where the internal network exceeds this gradient and the value.

Response: Not provided"

3.42 The overall response was:

"Please see Longitudinal cross sections of the site for the gradients & notes on the drawings."

3.43 The only information that appears to have been provided is a note added to the longitudinal section (which shows the access road to be 1 in 12 over a very long length) stating:

"Note. In areas where the vertical gradient is steeper than 1:20 an increased aggregate PSV value will be used"

3.44 With very serious concerns over a scheme that was totally unacceptable still remaining, one would have assumed, therefore, that there would now be a highways objection to the scheme. There is, however, no further response from the highway authority on the public access portal. The Officer's report on the application again refers only to the matters raised in the 8 September response so this would support this conclusion.

3.45 There does not, therefore, appear to be the equivalent final response from the Highway Authority, as there was for the 2022 application, that there was no highways objection (subject to conditions) to the scheme, which given the above would be expected.

3.46 The officers report however, uses the same wording as was used in the 2022 application, advising that the Highway Authority has fully considered the concerns of residents and:

"the professional advice of LCC Highways is that the proposal is acceptable in principle subject to appropriate contributions and conditions".

3.47 The scheme was refused on visual amenity issues.

3.48 The applicant appealed the decision.

3.49 The Statement of Common Ground for the appeal states that the Highway Authority response was that there was "No Objection", subject to conditions and Section 106 Contributions.

3.50 This was simply incorrect, or if there was such a conclusion, there is no evidence of it along with the essential information that was previously requested to enable the Highway Authority to complete its response ?

3.51 As the Inspector was advised that there was no Highway Authority objection, the concerns raised by local residents were simply not considered by the Inspector, who limited his deliberations to the single reason for refusal.

- 3.52 As the requested plan labelled to indicate sections of the access road which would have a gradient greater than 1 in 20 has not been provided, as mentioned above, such a plan has been prepared based on the information available.
- 3.53 With no access to the CAD drawings this has been a simple tracing exercise but should be good enough for the purpose of this review.
- 3.54 The labelled site layout for the 2023 application is reproduced in Appendix A.
- 3.55 In addition to labelling the gradients of each section, they have been coloured according to the gradient. Sections with gradients no greater than 1 in 20 are shaded green. Sections with gradients between 1 in 20 and 1 in 12 are shaded amber. The length of such sections should be no more than 10m for gradients of just over 1 in 20 to 2m for sections approaching 1 in 12. Areas at 1 in 12 are shaded pale red and should be no more than 2m long. Gradients greater than 1 in 12 are shaded blood red and should not exist.
- 3.56 The drawing should therefore show the access road shaded green. There should only be amber areas of lengths between 2m to 10m. Any pale red areas should be no more than 2m length. There should be no blood red areas.
- 3.57 As can be seen, the design is far removed from the required standards (which the Highway Authority have repeatedly stated as being required to be followed).
- 3.58 Following the 65m length of the existing Salesbury View at the Whalley Road end which highway users have to negotiate at 1 in 8 (too steep to comply with "Inclusive Mobility", but in place well before that) the proposed design would continue at 1 in 16 for around 90m (18 x the 5m length that should be considered the maximum for such a gradient).
- 3.59 The road then continues with a centreline gradient of 1 in 12 for around 120m (60 x the maximum 2m).
- 3.60 When a road goes around a bend, the gradient on the footway on the inside of the bend increases as there is not the same footway length to accommodate the change in levels at the start and finish of the turn.
- 3.61 In this case there is a 16m length of footway at 1 in 8.6, and further along the road a 17m length at 1 in 11. Further to the north there is a 34m length of footway at 1 in 11, and a 18m long footpath at 1 in 10. At the far end of the access road there is a 15m section of carriageway and footways at 1 in 11.
- 3.62 In total there would be around 230m of carriageway following on from the 1 in 8 gradient of Salesbury View before there is a section flatter than 1 in 20. This is despite the Highway Authority stating in every response that gradients steeper than 1 in 20 are only permitted "over short lengths", and "Inclusive Mobility" stating that for 1 in 12 this short length is 2m.
- 3.63 The new side roads are no better with long sections at 1 in 12 terminating in sections at 1 in 15.
- 3.64 The Inspector dismissed the appeal. As above, no consideration was given to the representations made by residents as the Inspector considered only the single reason for refusal.

- 3.65 On a closing point regarding this application, the application was made on the 4 August 2023. Since 1 June 2023, Active Travel England (ATE) has been a statutory consultee on certain categories of planning applications that meet defined thresholds, including development that is:
- 150 dwellings or more; or
 - more than 7,500 square metres of floorspace; or
 - **five hectares or more in site area.**
- 3.66 ATE advise that as a statutory consultee, they work with local planning authorities to ensure that active travel is considered early in the design process, helping to shape development that supports walking, cycling and wider transport objectives.
- 3.67 ATE works alongside local planning authorities to ensure new infrastructure and developments are designed with active travel at the forefront. This includes providing provision for high quality cycling and walking networks, green spaces and green routes, and supporting facilities such as cycle parking.
- 3.68 The original scheme had a site area of 6.23 Hectares (Design and Access Statement). The land allocated in the LDF DPD is indicated as 5.28 hectares. The 2023 application has it's site area indicated as 4.99 hectares. As far as we are aware ATE was not consulted over the 2023 application.
- 3.69 Regardless, given the purpose of the government setting up ATE to ensure that developments meet their sustainable access requirements, we strongly believe that the Planning Committee Members deserve to hear the comments of ATE on the current application, once they have seen the true effects of the development.

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- 3.70 This application was submitted on the 1st October 2025.
- 3.71 The Highway Authority responded on the 8th December 2025 advising that the previous application was appealed and dismissed, and:
- "Highway matters were not discussed by the Inspector, as they were not matters listed on the decision and the Highway Authority were satisfied that the development traffic can be adequately mitigated on the highway network".*
- 3.72 There is no mention of the suitability of the internal road layout, which the Highway Authority has repeatedly stated must not exceed a gradient of 1 in 12 and at that rate, only for short distances. There is no apparent confirmation that the LHA had been satisfied that the previous scheme was acceptable as there is no such response in the public domain, and the officers report on the previous application repeats the statements that are in the public domain requiring further information.
- 3.73 As in the case of the previous application, as the applicant has not produced a labelled drawing clearly indicating where gradients would be in excess of 1 in 20, this has been produced for this review. Also as in the case of the previous scheme this has been a simple tracing exercise, but it does indicate the information that should have been seen necessary by the Highway Authority, and we firmly believe needs to be provided to the Planning Committee Members as well as the local population. This drawing is reproduced in Appendix B.

- 3.74 As in the case of the previous scheme the access road should be entirely green. Any amber areas should be no longer than 2 to 10m long depending upon the gradient. There should be no pale red areas longer than 2m and there should be no blood red areas whatsoever.
- 3.75 Finally in the comparison with the previous scheme there would be a continuous length of around 190 m with a gradient greater than 1 in 20, 90m continuous at 1 in 12 (45 times the maximum), and 23 m at 1 in 8 (not permitted regardless of length).
- 3.76 No explanation can be found as to why there is not a highway authority objection to the scheme, or even advice to the Planning Authority that the proposal is far removed from "Inclusive Mobility's" requirement to ensure compliance with the Equalities Act 2020.
- 3.77 In a telephone conversation with the LHA officer making this response on Monday 6th July, they commented that the topography of the site, alongside many others in Lancashire, meant that steep gradients were inevitable and were often difficult to remediate suitably.
- 3.78 As in the case of the previous scheme Active Travel England should be consulted regarding this scheme along with the Fire and Rescue Service and the Building Regulations and Environmental Heath Refuse Collection service with the drawing produced for this review or the applicant's version should one be provided, which clearly indicates what is actually being proposed.
- 3.79 As part of the latest application, a large number of representations were made, with many referencing concerns about the steepness of the Salesbury View access and implications of this for access to the estate. There were in the order of 41 representations.
- 3.80 Some very specific examples of the issues with the existing Salesbury View during icy and adverse weather conditions were detailed, and that was only the case of the 70m or so existing length.
- 3.81 Some comments stated that the local refuse department refused to collect bins on many occasions. Attempt was made to corroborate this, but no response had been received by the time of the submission of this Report (see below).

4 Whalley Road / Salesbury View Junction Issue

4.1 The original Highway Authority response to the 2022 application states:

"The LHA are aware that a traffic survey has already been undertaken by the Transport Consultant on 30th October 2019 between the hours of 07:30- 09:30 and 15.30- 18.30. However, LHA are unable to accept the traffic survey submitted because the survey was not conducted during a neutral month and the sample size of the traffic survey is insignificant with it only being undertaken for one day during peak times. Therefore, to ensure that the true traffic flows and speeds are assessed at the junction, a new traffic survey is required".

4.2 The traffic survey is mentioned in the original Transport Assessment but it does not give the above details of the time of day that the speed measurements were taken. If this is true, therefore, this information must have been provided in some other source.

4.3 Since November 2019 (and therefore before the 2022 application), the Design Manual for Roads and Bridges standard CA 185: Vehicle Speed Measurement requires at 2.8.1 and 2.8.2:

2.8.1 The minimum two individual speed measurement periods should be undertaken in different months and at least one month apart from each other, or in a neutral month if the former is not feasible.

2.8.2 Speed measurements should be undertaken outside of peak traffic flow periods.

NOTE 1 Non-peak periods are typically between 10am and noon and 2pm and 4pm. In some cases these times need to be varied to take account of site specific circumstance e.g. if a school is nearby that closes at 3pm.

NOTE 2 A neutral month is a month that is not impacted by seasonal variation in traffic flows. Typical neutral months are April, May, June, September and October."

4.4 The preceding advice to CA 185, Technical Advice Note TA 22/81, advised in Appendix 4:

4. The preferred times for taking readings are 10.00 - 12.00 and 14.00 - 16.00 hours.

5. Do not take readings during:- morning and evening peaks if these cause congestion" (TA 22/81's underlining, not ours.)

4.5 Since 1981, therefore, highway engineers have been advised not to undertake speed measurements in the peak traffic periods, yet if the Highway Authority response is correct, this is precisely what was done.

4.6 The Highway Authority response pointed out that the survey was undertaken on a single day in a non-neutral month, contrary to CA 185 2.8.1, but it fails to identify that it was undertaken in the peak periods, contrary to CA 185 2.8.2, and TA 22/81.

- 4.7 The reason for avoiding the peak periods is obvious in that any form of congestion will reduce the speed of the traffic.
- 4.8 No information was identified as to how the speed recordings were made. If this, as would be likely, involved an operator in reflective clothing standing on the corner of the junction holding a radar gun visible to approaching traffic, then this would have had an effect on the readings.
- 4.9 The survey apparently showed that the average speed of traffic on the A666 to be just over 30 mph with the 85th percentile speed (the speed which determines the required visibility splay) being 37 mph northbound and 35 mph southbound (before wet weather adjustment).
- 4.10 For a road such as the A666 in this location these speeds seem to be on the low side, which recorded in the peak hours and possibly by someone clearly visible holding a speed gun, as the Highway Authority originally concluded, the results cannot be considered acceptable.
- 4.11 Regardless, a survey undertaken in October 2019 would never be considered suitable in a 2026 assessment.
- 4.12 The original concerns seem to have disappeared, however, when it was pointed out that the results had been accepted by someone in a LCC pre-application discussion.
- 4.13 The speed survey, now 7 years out of date and collected as contrary to the advice, should not form the basis of any consideration of the requirements for visibility at the Whalley Road / Salesbury View junction, which is a key factor in providing safe conditions on the highway.
- 4.14 The visibility required at the junction should be decided based on up to date surveys carried out fully in accordance with the above DMRB standard. We would expect the Planning Committee Members to accept nothing less.
- 4.15 It may transpire that the appropriate visibility splays can be provided. The information which has been used now in 3 applications simply does not enable any judgement to be made.

5 Other Elements Reviewed

Parking Facilities

- 5.1 Car parking provision for the current application has been reviewed against the Joint Lancashire Structure Plan March 2005 standard and the scheme was found to provide 201 spaces including garages, compared to 181 spaces required, with a further 11 visitor spaces also provided. Lancashire Highways confirmed that this standard, although old, remains used in any Lancashire authority without its own guidance on parking provision. Ribble Valley does not have its own standard in this regard, so highways recommend using the JLSP as guidance. This was confirmed with the LHA by phone on Monday 6th July 2026.
- 5.2 We have reviewed the latest parking allocation. We found 11 houses where the provided parking was greater than the guidance, but mainly due to provision of garages that were included. A further 20 houses were dependent on the garage to meet the requirement. 11 visitor parking spaces were provided on street. On Monday 6th July the LHA confirmed that garages should be 6m by 3m to be able to be used in parking provision standards.
- 5.3 The LHA also explained that the estate design was understood by them to be standard practice of the developer, with layouts that had been proven to work in other places (albeit we find it unimaginable that any other “workable” scheme had such long lengths with gradients of 1 in 12 or steeper), reducing the LHA concerns about operational matters. Further, they confirmed that only if material changes were made that required their re-evaluation would they undertake any further review.
- 5.4 The LHA detailed review of 8th September 2023 (albeit for a larger development) stated “visitor parking areas on the proposed adopted highway need to be removed and traffic calming measures are required along the internal carriageway”. As noted above, those areas remain, and there is no evidence of any traffic calming measures.
- 5.5 Further, “some driveways were noted as being a considerable distance from the plots they were allocated to, ...might lead residents to park on street”. Our review found that plots 2, 26 and 51 have their parking located to the rear, and remaining of concern.
- 5.6 The mismatch in provision between plots could lead to on-street parking, which is a concern.
- 5.7 In conclusion, however, assuming that integral garages are 6.0 x 3.0m (which could be conditioned), and that other mismatches and long distances to allocated parking could be revised, it is considered that the parking provision is satisfactory.

Local Facilities

- 5.8 Chapter 6 of the supporting Transport Assessment (TA) considers local facilities that would be expected for a residential scheme within acceptable pedestrian walking and cycling distances. The TA concludes:

*“Most facilities are found to be within a 2km walk” and
“generally the topography of the area is conducive to walking”.*

5.9 Given the current situation it would now only be thought necessary to have a food or convenience store within walking distance for a scheme to be considered accessible by alternative modes of transport. It is now difficult to find a post office, doctor's or dentist's surgery within walking distance of most sites. Whilst we would not conclude that "most facilities" can be found within 2km, it is not considered that the development should be opposed on such a basis.

5.9 In the case of the "the topography of the area is conducive to walking" statement, once on Whalley Road this may be correct but it is clearly not correct to state that the routes within the site are "conducive to walking".

Public Transport

5.10 Bus services are also reviewed in the TA

5.11 The nearest bus stop to the site is located either side of Whalley Road adjacent to the northernmost house north of Salesbury View. Both stops only provide bus stop poles.

5.12 The services at these stops are:

Route No.	Route	Operator	Frequency
Valleyline 22	Clitheroe – Whalley – Langho – Blackburn – Shadsworth	Blackburn Bus Company	2 per hour Mondays – Saturdays daytime, hourly evenings and Sundays (n.b. Sundays only to Blackburn)
121	Brownhill – Whilpshire – Whalley – Burnley College	Burnley Bus Company	Once per day on schooldays only for school pupils only
458	Brownhill – Salesbury – Whally - Clitheroe	Mario Coaches	Once per day on schooldays only for school pupils only
622	Mellor Brook – Blackburn St Wilfrids CE Academy	Wright Way to Travel	Once per day on schooldays only for school pupils only
623	Mellor – Wilpshire – Salesbury – Whalley – Clitheroe Royal Grammar School	Boomerang Travel	Once per day on schooldays only for school pupils only

5.13 The only public service links the site with Clitheroe and Blackburn every half hour Mondays to Saturdays and hourly evenings and Sundays (but not Sunday evenings). The other four services are specific pupil-only routes running once per day to and from specific schools.

5.13 There is a statement at 6.14 that bus stops on Whalley Road are within 300m of the site, and Ramsgreave and Wilpshire railway station within 450m. The fact that a good proportion of these distances include gradients as discussed above, well in excess of those that are suitable, is ignored.

5.14 A 30 minute bus service would be considered reasonable but as above, we would challenge the statement that the topography is conducive to walking to and from the bus stops, given the initial or final gradients all residents would need to use.

Traffic Generation and Effects on Highway Network

- 5.15 Chapter 7 of the TA explains the derivation of the future baseline traffic conditions. Standard procedures are used including factoring of data to the expected assessment year of 2030 using TEMPRO local growth factors.
- 5.16 The trip generation derivation exercise has followed the previous LCC-agreed technical note JH/190760/TN01, producing agreed trip rates and expected traffic for the 80 dwellings. This gives rise to 11 arrivals and 32 departures for the AM peak and 29 arrivals and departures for the PM peak. 67% of trips are assumed to travel south on the A666 towards Blackburn, a value agreed with LCC. This is considered to be appropriate.
- 5.17 However, we would caution that we have not been able to identify the detailed choice of sites, and also that choice is now several years old, having first been quoted in the 2022 Transport Assessment. That would imply information used was almost certainly pre-COVID and would not have enjoyed the wealth of more recently collected information added to TRICS in recent years.
- 5.18 Tests with industry standard software reportedly demonstrate all junctions remaining operating within capacity with the additional traffic. From our knowledge of the area and the expected traffic an 80 dwelling scheme would be expected to generate we would expect this to have been the case. This element of the scheme assessment does not cause any concerns.

Recorded Road Traffic Accidents

- 5.19 There have been two recorded road traffic accidents in the vicinity of the Bus Turn-round area on Whalley Road to the north of Salesbury View, in the last 5 years.
- 5.20 This accident record would not raise any concerns. If the junction can be demonstrated as having appropriate visibility as detailed in Section 5, then the proposed development should not have any material effect on the safety record of Whalley Road.

Refuse Collection

- 5.21 The Environmental Health Refuse Collection service were presumably consulted on the applications that have been made for this site. The information that would have been used for these consultations could only have been the information detailed above.
- 5.22 The information would not have indicated the gradient of the access road, gradients across individual properties, or that there might well not be a level area where operators could stand whilst the bins were emptied.
- 5.23 The Environmental Health Department were contacted as part of this review but the response was that a Freedom of Information request would have to be made to ascertain what the responses had been.
- 5.24 This has been made but a response has not been received at the time of issuing this review.

5.25 As will be seen in Section 7, however, it is recommended that they be reconsulted with the plan which indicates how steep the access road would be and over what continuous length, or an equivalent plan the applicant should be required to produce.

6. Consequences of Approving Proposed Development

- 6.1 From the above, it can be concluded that the development falls far short of complying with the Equalities Act 2010, which the LHA policies confirm must be complied with.
- 6.2 The internal access road would involve steep routes within the site several hundred metres long.
- 6.3 The LHA have continually advised that the maximum gradient can only be 1 in 12 over short lengths. The Government standard "Inclusive Mobility" which the LHA policies require new developments to comply with quotes a maximum length of 2 m for lengths at 1 in 12.
- 6.4 It is quite clear, therefore that the development, regardless of the confusing responses the LHA have provided, would not be in accordance with the requirements for complying with the Equalities Act 2010
- 6.5 Should any party make a case that the scheme did not comply with the Equalities Act, the LPA, in granting approval could find itself in breach of the Equalities Act.
- 6.6 Regardless of ensuring protection for claims under the Equalities Act, the standards of "Inclusive Mobility" are to ensure that highways users can use the highway safely.
- 6.7 It has been demonstrated in Section 2 that a gradient of 1 in 12 can lead to a wheelchair toppling over, or brakes being unable to hold a wheelchair stationary, or cyclists losing control, and such gradients can only be safely considered for on footways for a maximum length of 2m, such as a ramp up to a raised bus stop boarding point, and on carriageways for 30m.
- 6.7 Should there be any accident which could be attributed to the gradients in this case, which are far greater, either in terms of steepness or length, than all stated standards, then the LHA could be found to have been negligent in raising no concerns at the planning stage (and presumably once approved, having been involved again in the adoption process).
- 6.8 "Irrationality" is the second of the three grounds for judicial review identified by Lord Diplock in the case of *Civil Service Unions v Minister for the Civil Service* ('GCHQ'). In that case Lord Diplock characterised the ground as "a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it". This seems a very good description of the situation in Wiltshire.
- 6.10 If the scheme was approved in the light of the information set out in this review the test would clearly be met.
- 6.11 Finally, it may be thought that if the application was refused that the applicant could appeal. The right of appeal is available to all applicants that have their applications refused but if there was no hope of a scheme being approved at appeal, which surely must be the case in this instance, then the LPA would be justified in having its costs in defending the refusal met by the applicant.

6.12 If there was any doubt as to whether a scheme that proposed an access route several hundred meters long at gradients which would only be acceptable for 2m long sections, or even greater gradients than the standards permit, then we would refer to the 110 dwelling scheme on the Devine Fisheries Site in Hyndburn (Application Ref: 11/18/0238. Appeal Ref: APP/R2330/W/19/3224695)

6.13 This application was submitted before the current emphasis on a vision-led approach which prioritises pedestrian and cycle travel but at a time when it was still essential to promote mores of travel alternative to the car.

6.14 The Inspector noted that:

"35. The length of the access road would be extensive, winding through an established woodland ... at points with steep gradients, and at its steepest point would have a gradient of 1 in 12 where it rises to reach Manchester Road. Within the site itself, the indicative plans show a 1 in 12 gradient for the access road on other parts of the site.

36. The CIHT Designing for Walking 2015 guidance indicates that in exceptional circumstances ramps can be as steep as 1 in 12 (8%), but this gradient will cause a difficulty for people with reduced mobility. ... It is also claimed that this is the only way to access the site.

39. ... Moreover, even though the site is not directly far from facilities and services; owing to the long length of the access, its conditions and the changes in levels, the housing development would feel isolated from the existing urban area. This could create a place that undermines the future residents' quality of life.

42. Nevertheless, the steep gradient of the access road, the lack of natural surveillance for such a long length and the overall elongated length of the road generally into the site would not encourage pedestrians, particularly less ambulant people or those with prams to walk, or indeed cyclists. These concerns also translate to the rest of the site, where 1 in 12 gradients are shown on the indicative plans.

43. As a result, whilst there would be alternative pedestrian/cycle access points and PROW linkages, these would not overcome my significant concerns with the primary access road. Consequently, the proposal would be likely to encourage private car borne travel to access the site more than anything else.

44. Therefore, the proposal would fail to provide adequately for sustainable travel. This would conflict with Policies Env4 of the CS and DM32 of the DPD, which seek to ensure all development minimises the negative impact on the environment, ensuring new development is in sustainable locations and actively encouraging sustainable travel".

6.15 The above application would have been very similar to the proposed scheme albeit the sections at 1 in 12 would have been considerably shorter than the Wilpshire scheme and there would have been no sections with gradients greater than 1 in 12. if appealed today it would be considered against far greater requirements for pedestrian and cycle access. It would be very unlikely that an appeal against a refusal of the current application would be successful and the risk of an appeal should not be a factor in considering this application.

7. Recommendations

- 7.1 The application should not be considered further on the basis of the currently submitted information.
- 7.2 As submitted it would be far removed from a scheme that complied with the Equalities Act 2010 and the requirements under the LHA policies to comply with the Government's publication "Inclusive Mobility" 2020.
- 7.3 "Inclusive Mobility" sets out maximum gradients for footways and makes it clear that even at such gradients wheelchair users can have great difficulty and risk toppling over. As a result of this risk there is a maximum length of 2m for such maximum gradient.
- 7.4 Other standards indicate maximum carriageway gradients for safe cycling and again maximum lengths at these gradients.
- 7.5 The LHA responses seem confusing, starting with requirements for additional information to support the original 2022 application, this then being apparently deemed unnecessary, and a final "No Objection subject to conditions" response to the 2023 application which has been carried forward to the 2025 application.
- 7.6 This is despite, however, a requirement that the maximum gradient can only be 1 in 12 and this is for short sections only, when the scheme involves very long sections at 1 in 12 and in places steeper gradients.
- 7.7 The LHA previously required a plan being labelled to show where the gradients would be steeper than 1 in 12. This has not been identified for any of the applications for development on this site. The objectors have commissioned such plans which provide worrying evidence.
- 7.8 The plans show very long steep areas, with far greater length than permitted under "Inclusive Mobility", and sections with gradients steeper than permitted under "Inclusive Mobility".
- 7.9 The applicant should be required to provide a similar plan for the current scheme or confirm that the objectors plans are accurate.
- 7.10 With such a plan the scheme should be reconsulted.
- 7.11 Active Travel England, the Government body to set up to ensure new development cater for pedestrians and cyclists should be consulted
- 7.12 The Environmental Health Refuse Collection department should be consulted highlighting that there will be continuous slopes of 1 in 12 or steeper across the frontage of many of the properties with no space, therefore, for bins or the refuse collection operatives to stand whilst the bins are handled. The turning areas will also have steep gradients which the refuse vehicles will have to negotiate to turn around.
- 7.13 The County Fire and Rescue Service should be reconsulted with the plan which indicates what the true effects of the gradients, and the maximum cul-de-sac length without an emergency access would be.
- 7.14 The Building Regulations department should be consulted with the plan and asked to confirm it of was thought likely that any scheme would ever be able to comply with the regulations.

- 7.15 The suitability of the junction of Whalley Road with Salesbury View to accommodate the development traffic is dependant upon appropriate visibility splays being achieved.
- 7.16 The LHA considered the speed survey (which determines the appropriate splay) was not fit for purpose and a new survey was requested. This does not appear to have been done.
- 7.17 The speed survey, in any event, is long out of date. A new survey, carried out to the appropriate methodology is strongly recommended to determine if the junction will have adequate visibility.