



**Lancashire
Constabulary**

police and communities together

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Mr Jonathan Haine
Planning Officer
Lancashire County Council

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Dear Mr Haine

PLANNING APPLICATION REF LCC/2014/0101 – HYDROCARBONS EXPLORATION SITE ON AGRICULTURAL LAND THAT FORMS PART OF ROSEACRE HALL TO THE WEST, NORTH AND EAST OF ROSEACRE WOOD AND LAND THAT FORMS PART OF THE DEFENCE HIGH FREQUENCY COMMUNICATIONS SITE BETWEEN ROSEACRE ROAD AND INSKIP ROAD, ROSEACRE AND WHARLES, LANCASHIRE.

1. Thank you for the letter of 10th January inviting the views of Lancashire Constabulary on the renewed planning application and the revised transport route strategy and related environmental information submitted by Cuadrilla Bowland Limited. I have carefully read the views of Neil Stevens, Highways Development Control Manager for Lancashire County Council in his report of 11th January 2018.

2. I must stress at the outset that Lancashire Constabulary expresses no view on whether or not planning permission ought to be granted. If planning permission is granted, we will endeavour to put in place an appropriate policing operation that:

3. ▪ protects public safety,
4. ▪ upholds the law,
5. ▪ prevents undue disruption of lawful activity by those opposed to the activities for which planning permission is granted,
6. ▪ protects the rights of the local community and
7. ▪ facilitates the lawful exercise of those opposed to the activities of their right to freedom of expression/freedom of assembly.

8. You are aware that such a policing operation will place significant demands on Lancashire Constabulary's resources. This is particularly so in relation to the type of protest activity which, if left unpoliced, would inevitably lead to significant obstruction of the highway, and to disruption to the life of the community and the activities that Cuadrilla plan to undertake at the site.

9. However, as a matter of law, the prospect of significant unlawful protest activity is not a factor that ought to be taken into account in determining the planning application. In this regard, I would draw your attention to the decision of the High Court in the case of *R (Frack Free Balcombe Residents Association) v West Sussex County Council* [2014] EWHC 4108 (Admin) at paragraphs 118-130. There are two passages in particular to bear in mind:

10. Firstly at paragraph 127: *“One thread runs consistently throughout all the case law: the recognition that public authorities must beware of surrendering to the dictates of unlawful pressure groups. The implications of such surrender for the rule of law can hardly be exaggerated. Of course, on occasion, a variation or even short-term suspension of services may be justified. As suggested in certain of the authorities, that may be a lawful response. But it is one thing to respond to unlawful threats, quite another to submit to them—the difference, although perhaps difficult to define, will generally be easy to recognise.”*

11. Secondly, in relation to the submissions made by one councillor in that case, at paragraph 128: *“While I have no doubt that County Councillor Mullins meant well, the reality of her objection was that she asked WSCC to refuse to permit that which it would otherwise have permitted, on a basis that its granting permission would excite opposition leading to protests designed and intended to disrupt a perfectly lawful activity. In my judgment, had it taken County Councillor Mullins’ original argument into account, WSCC would have had regard to an immaterial consideration and would have acted unlawfully.”*

12. At pages 1-7 of his report, Mr Stevens has carefully set out the concerns relating to traffic management, the nature of the access and matters of highway and transport concerns. I do not have anything to add to those matters.

13. At page 8 Mr Stevens summarises the anticipated impact of protestor activity. Like Mr Stevens, Lancashire Constabulary is concerned about the safety implications that will arise due to the presence of protestors in narrow country lanes where there is no pavement in close proximity to vehicles (including HGVs).

14. While the likelihood of protestor activity ought not to be a reason to refuse permission, the prospect of such activity and its potential impact on safety and the local community ought properly to be reflected in any traffic management plan that applies to the scheme. Bearing this in mind there are a number of specific points that I would wish to draw to your attention:

15. 1. In addition to the need to arrange specific convoys of HGVs outside the usual working hours, we would acknowledge that it has been the experience of the LCC that the regular vehicle movements at the Preston New Road site appear to have been greater than those predicted in the traffic management plan for that development. We do not know if this has been taken into account in the current traffic management plan under consideration.

16. 2. Lancashire Constabulary would wish the routine vehicle movements (particularly of HGVs) to be restricted so that it would only be necessary to provide substantial police cover over a single shift. The day shift covers the hours 0700 to 1700. Therefore, vehicle movements to and from the site ought to be restricted to the hours 0730 to 1630. If the vehicle movements span two shifts this will significantly increase the policing costs associated with the construction and operation of the proposed site. I do not consider that making this observation infringes the principle set out above: it is analogous to the ‘variation’ identified in that judgment, and ought not to be regarded as an objection to the granting of permission.

17. 3. For reasons of safety on country roads, it is also important that during the winter months, vehicle movements are limited to daylight hours. There would be a substantial increase in risk if routine vehicle movements (particularly HGVs) were allowed to take place on unlit, narrow country roads in the dark. This is not a concern that arises solely due to anticipated protestor presence.

18. 4. Mr Stevens identified the potential protestor tactic of blocking passing places. The deliberate obstruction of passing spaces with protestor vehicles is an activity which, if it occurs, will have to be dealt with by the police.

19. 5. It is hoped that if account is taken of points 1 and 3, the risks to the safety of protestors, contractors, police officers and other road users will be reduced. The Lancashire Police cannot of course guarantee these risks can be mitigated entirely.

20. I would ask that the above points are noted.

21. If you have any queries in relation to the above, please do not hesitate to contact my office.

Yours sincerely



Andy Rhodes
Chief Constable