

# **A585 Windy Harbour to Skippool Improvement Scheme**

**TR010035**

## **7.20 Comments on responses to the ExA's Written Questions**

APFP Regulation 5(2)(q)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed  
Forms and Procedure) Regulations 2009

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Infrastructure Planning

Planning Act 2008

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(Applications: Prescribed Forms and  
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**A585 Windy Harbour to Skippool  
Improvement Scheme**  
Development Consent Order 20[ ]

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**COMMENTS ON RESPONSES TO THE EXA'S WRITTEN QUESTIONS**

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<b>Regulation Number:</b>	Regulation 5(2)(q)
<b>Planning Inspectorate Scheme Reference</b>	TR010035
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<b>Author:</b>	A585 Windy Harbour to Skippool Improvement Scheme Project Team, Highways England

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## ABBREVIATIONS

Abbreviations contained within this document are listed below with an indication of their meaning in the context of this Scheme.

Abbreviation	Meaning
DCO	Development Consent Order application
dDCO	Draft Development Consent Order
ES	Environmental Statement
FBC	Fylde Borough Council
FRA	Flood Risk Assessment
GCN	Great Crested Newt
LCC	Lancashire County Council
LONI	Letter of No Impediment
NPPF	National Planning Policy Framework

## **1 COMMENTS ON RESPONSES TO THE EXA'S WRITTEN QUESTIONS**

- 1.1.1 The Applicant has considered the responses to the ExA's Written Questions submitted by any interested parties and, insofar as it is necessary to do so, responds as set out in Table 1-1 below.



Table 1-1: Comments on Responses to the ExA's Written Questions

Reference Number	Response to the ExA's Written Question	Comment on Response to the ExA's Written Question
<b>ExQ-1</b>		
<b>ExQ-1.2.7</b>	<p><b>Response from Cadent</b></p> <p>The purpose of the transfer of the benefit is firstly to allow Cadent to carry out their own Gas Diversion works to remove their existing apparatus out of the way to allow for the Authorised Development. Cadent will not allow third parties to carry out their diversions on their behalf and therefore need to be able to benefit from the consent to the works granted under the Order. Our reading of Article 8 (4) is that this is what it achieves in relation to the relevant diversion works only and in relation to consent to carry out such works only.</p>	<p>The Applicant agrees with the comments made by Cadent as regards its interpretation and application of Article 8(4).</p>
<b>ExQ-1.3.2</b>	<p><b>Response from Natural England</b></p> <p><u>Bats</u> The baseline information is sufficient and acceptable to Natural England. An endoscope survey has been provided for the features on the B5 (Skippool Bridge) structure that showed potential for bat roosts. Whilst a negligible categorisation of the roosting features was provided in the updated survey report provided to Natural England on 8 May 2019, it was agreed in the meeting of 16 May 2019 that the categorisation of the structure be classified as a low potential rather than negligible, which would result in further survey immediately prior to demolition (when bats are likely to be active). This additional survey would comprise (as a minimum) an endoscope survey of all the features having some potential to be used by bats more likely in an opportunistic manner. The additional mitigation measure of endoscopic survey immediately prior to demolition should be included as a requirement in the DCO – see paragraph 3.14.7 above.</p> <p><u>Great crested newts (GCN)</u> There is still some baseline info missing. Approximately 34 ponds have no survey information (following the conventional survey method). All these ponds have been classified as having no GCN, but without seeing survey data, it is not possible for Natural England to comment further. This information is to be provided to Natural England by the 24 May for review.</p>	<p><u>Bats</u> An additional requirement will be included within the Record of Environmental Actions and Commitments (document reference TR010035/APP/7.3) regarding the need for endoscopic survey immediately prior to demolition of Skippool Bridge.</p> <p><u>Great Crested Newts</u> Missing information relating to great crested newts was submitted on the 24 May 2019 to Natural England.</p>
<b>ExQ-1.3.3</b>	<p><b>Response from Natural England</b></p> <p><u>Bats</u> The proposed mitigation is acceptable in respect of building refs. B2, B3 and B4. Further Survey work is required on B5 (Skippool Bridge) immediately prior to demolition. This requirement should be added to the DCO. Notwithstanding the addition mitigation measure required for B5, a Letter of No Impediment (LONI) will be issued by 10 June 2019 for all structures.</p> <p><u>Great crested newts (GCN)</u> Natural England is unable to confirm whether the mitigation and compensation proposed is sufficient to offset the impacts (permanent and temporary losses) and when used in conjunction with Licencing Policy 1. Following a meeting between Natural England and Arcadis, it has been agreed that Arcadis will provide updated licensable figures, impact and compensation tables by 24th May to enable Natural</p>	<p><u>Bats</u> Please refer to the response above.</p> <p><u>Great Crested Newts</u> Updated licensable figures, impact and compensation tables relating to great crested newts were submitted on the 24 May 2019 to Natural England. Further information was requested by Natural England on the 28 May 2019. The further information requested was submitted to Natural England on the 29 May 2019.</p>

Reference Number	Response to the ExA's Written Question	Comment on Response to the ExA's Written Question
	<p>England to fully assess the impacts and determine whether sufficient compensation has been provided to warrant the use of Licensing Policy 1. It is anticipated that on receipt and assessment of the amended licensable figures and method statement tables that a letter of no impediment will be forthcoming alongside the letter of no impediment for bats.</p> <p>However, if following amended figures and tables, there are still outstanding concerns, we will continue to work with Highways England to resolve these. Natural England and Highways Agency are involved in ongoing discussions and are working together to resolve these outstanding issues. This is discussed under paragraphs 3.15 onwards of these Written Representations. We hope to be able to update the Inspector once these issues have been fully resolved and the letters of no impediment for both bats and GCN have been issued.</p>	
ExQ-1.4.1	<p><b>Response from Fylde Borough Council</b></p> <p>The historic environment record for Lancashire is held and maintained by Lancashire County Council (LCC). LCC also provide a specialist archaeological advisory service as part of their Development Management function, which is shared across Local Authorities in Lancashire.</p> <p>Accordingly, FBC consider that LCC are the Interested Party best placed to comment on the relative significance of the identified archaeological remains for the purposes of footnote 63 to the NPPF, having particular regard to whether these remains comprise "non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments".</p> <p>Notwithstanding that, FBC notes the requirement set out in paragraph 189 of the NPPF which indicates that, in addition to desk based assessments (such as that provided in Chapter 7 of ES), field evaluations may be necessary on development sites that include heritage assets with archaeological interest. It follows that field evaluations are more likely to be necessary for developments affecting non-designated heritage assets of archaeological interest where these hold the level of significance referred to in footnote 63 as this could, potentially, require their preservation in situ. Therefore, if LCC conclude that the archaeological remains identified as being affected by the development in Chapter 7 of the ES are likely to be "demonstrably of equivalent significance to scheduled monuments", then FBC considers that the pre-commencement trigger for field evaluations set out in requirement 9(1) of the dDCO would not be sufficient to demonstrate compliance with paragraph 189 of the NPPF. That is because those evaluations should have been carried out before consent was granted in order to provide certainty as to the status of the archaeological remains and that the development's impact on them can be appropriately mitigated (including preservation in situ) without the need to alter the route of the bypass.</p> <p>Alternatively, if LCC advise that the archaeological remains identified as being affected by the development in Chapter 7 of the ES are not likely to be "demonstrably of equivalent significance to scheduled monuments" and are satisfied with the approach set out in requirement 9 of the dDCO, then FBC would accept those provisions subject to clarification of what measures are to be put in place to allow any unidentified remains to be "retained in situ" as dDCO paragraphs (4) to (6) of requirement 9 do not appear to provide for that (they only provide for their "further</p>	<p>Consultation has been undertaken with the Archaeological Advisor to Lancashire County Council to agree the phased approach to archaeological investigation. The assessment presented in Chapter 7: Cultural Heritage (document reference TR010035/APP/6.7 – Rev 1) has not identified designated heritage assets or heritage assets of archaeological interest which are demonstrably of equivalent significance to scheduled monuments within the Scheme.</p> <p>The archaeological mitigation including the final Written Scheme of Investigation is secured by Requirement 9 of the draft Development Consent Order (document reference TR010035/APP/3.1).</p>

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	investigation and recording" of previously unidentified remains).	
<b>ExQ-1.4.3</b>	<p><b>Response from Fylde Borough Council</b></p> <p>The question includes an accurate summary of FBC's comments concerning the visual impact of the noise barrier in question on the significance of surrounding heritage assets as set out in its Relevant Representation. It appears, however, that this question is directed to the Applicant to provide a response and so FBC does not have any further comments to add beyond those contained in its Relevant Representation. It does, however, appear to FBC that the noise barrier is required in order to attenuate sound to the post-development levels identified in Chapter 11 (document reference 6.11) of the ES. Therefore, FBC maintains its position that a bespoke treatment for this barrier should be provided, rather than a 2m high close-boarded fence.</p>	<p>The Scheme notes the preference for a bespoke acoustic barrier at this location. The acoustic timber fence shown on Viewpoint 10 is illustrative of the preliminary design. A commitment has been included within the Record of Environmental Actions and Commitments (document reference TR010035/APP/7.3 – Rev 1) at Deadline 2 to state '<i>The specification of the material of the acoustic fencing required along the Singleton Hall access road will be discussed with Fylde Council prior to construction commencing</i>'.</p>
<b>ExQ1.7.2</b>	<p><b>Response from Environment Agency</b></p> <p>It is our understanding that this information will not be presented as part of the Development Consent Order (DCO) examination, as the Applicant has confirmed that proposed temporary compensatory storage areas, will be subject to detailed design currently outside the scope of the DCO application.</p> <p>The Applicant's consultant, Arcadis, has provided to us their revised Flood Risk Assessment (FRA), application document reference TR010035/APP/5.2 (Rev 1, dated May 2019), to review through our charged planning advice service prior to submission as part of the DCO application. The FRA confirms that floodplain compensation areas should be undertaken and will need to adhere to a number of prescriptive requirements.</p> <p>The requirements are listed in section 11.1.3 on page 52 of the FRA. These requirements reflect our precautionary recommendations to the developer, ensuring that we do not agree to something at this stage, that we may later not be able to issue a permit for.</p> <p>While in principal we consider that the compensatory storage areas could be designed to function as intended, we do not yet know if this can be done while adhering strictly to requirements identified. However, we are receptive to further discussion on design details. For example, it may be necessary to temporarily reduce the existing bank level of the right bank of Main Dyke (Skippool Creek), subject to agreement with us as it is designated a main river.</p> <p>We will be requesting a Requirement to be included in the DCO in relation to the submission of details confirming the proposed design, function, construction and decommissioning of the temporary compensatory flood storage area. This will be subject to further discussion with the Applicant/Arcadis.</p>	<p>The Applicant is in discussions with the Environment Agency regarding the issues set out in their response, including the temporary compensatory flood storage areas.</p>

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