

Application by Highways England for a Development Consent Order in relation to the A585 Windy Harbour to Skippool Improvement Scheme

The Examining Authority's written questions and requests for information (ExQ1)

Issued on 16 April 2019

The following table sets out the Examining Authority's (ExA's) written questions and requests for information - ExQ1. If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ2.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annexe B to the Rule 6 letter of 12 March 2019. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 1 (indicating that it is from ExQ1) and then has an issue number and a question number. For example, the first question on air quality and emissions issues is identified as Q1.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact A585WindyHarbourtoSkippool@planninginspectorate.gov.uk and include 'A585 Windy Harbour to Skippool Improvement Scheme' in the subject line of your email.

Responses are due by **Friday 17 May 2019 (Deadline 2 in the Examination timetable)**.

Abbreviations used

Art	Article	IP	Interested Person
ALA 1981	Acquisition of Land Act 1981	LIR	Local Impact Report
Art	Article	LVIA	Landscape and Visual Impact Assessment
CA	Compulsory Acquisition	LPA	Local Planning Authority
CEMP	Construction Environmental Management Plan	MMO	Marine Management Organisation
BoR	Book of Reference	MP	Model Provision (in the MP Order)
CPO	Compulsory purchase order	MP Order	The Infrastructure Planning (Model Provisions) Order 2009
		NPA	Neighbourhood Planning Act
		NE	Natural England
dDCO	Draft DCO	NPS	National Policy Statement
DML	Deemed Marine Licence		
EM	Explanatory Memorandum	NSIP	Nationally Significant Infrastructure Project
ES	Environmental Statement	PA	Planning Act 2008
ExA	Examining authority	R	Requirement
FC	Fylde Council		
GB	Green Belt	SI	Statutory Instrument
HE	Historic England	SoR	Statement of Reasons
HRA	Habitats Regulations Assessment		
		SoS	Secretary of State
		TP	Temporary Possession
		WC	Wyre Council

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010035/TR010035-000308-Windy%20Harbour%20Examination%20Library.pdf> It will be updated as the examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg ExQ1.1.1 – refers to question 1 in this table.

ExQ1 Question to:		Question:
1.0	General and Cross-topic Questions	
1.0.1	The Applicant	Skippool Culvert Is the new Skippool culvert to be considered as part of this scheme or is it going to be constructed in advance of the NSIP?
1.0.2	The Applicant, FC, WC	Planning Policy On 28 February 2019 WC adopted the Wyre Local Plan 2011-2031. On 22 October 2018 the Fylde Local Plan to 2032 was adopted. The NPPF was also updated on 19 February 2019. Please provide an updated policy position. If there have been any other changes or additions to the policy and legal context, or if any changes are anticipated within a timescale that might be relevant to the consideration of this scheme, please provide details.
1.1.	Compulsory Acquisition (CA) <ul style="list-style-type: none"> • The need for the land proposed to be compulsorily acquired and/or temporarily possessed. • Effects on those affected by compulsory acquisition and/or temporary possession, including Statutory Undertakers/ infrastructure. • The case for CA. • Adequacy and security of funding for compensation. 	
1.1.1.	The Applicant	Statement of Reasons Appendix A to the SoR gives a schedule of progress of negotiations with land interests subject to CA powers. The Applicant is requested to keep that up to date. An updated version of the document, or a statement to the effect that there are no updates to be made, should be provided at each deadline identified in the examination timetable. The updates to the document should take account of the positions expressed in Relevant Representations and

ExQ1	Question to:	Question:
		written representations, and reasons should be given for any additions or deletions.
1.1.2.	The Applicant	CA A Relevant Representation has been made by the occupiers of The Beeches, 205 Mains Lane, suggesting that the extent of land to be taken around their property is excessive and not all required for delivery of the scheme. In the context of the tests that must be met to justify CA set out in S122 of PA, the Applicant is invited to respond to this RR.
1.1.3.	The Applicant	CA Can the applicant please provide further details of what constitutes "The improvements associated with the de-trunking of the existing A585 Skippool Bridge junction to Little Singleton Junction" as specified in Work No. 95?
1.1.4.	The Applicant	CA Related to the question above, and questions below under the dDCO, can the applicant please justify how the acquisition of land/plots along Mains Lane required in connection with the de-trunking of the existing highway and the creation of a non-motorised vehicle carriageway, meets the statutory tests in s122(2) and (3) of the PA2008?
1.1.5.	The Applicant, Carrington Group (Agent – Eversheds Sutherland (International) Ltd)	Funding In relation to concerns raised by the Carrington Group about the effect of the scheme on potential future housing land, it has been suggested that account may not have been taken of the need for compensation to mitigate this loss. Can the Applicant please respond to this point and provide any update about the progress of negotiations with the Carrington Group?
1.1.6.	The Applicant	BoR

ExQ1	Question to:	Question:
		Plots 1/05, 1/05a, 1/05b, 1/05c, 1/05d, 1/31, Part 1 identify Wyre Council as having an interest, whereas Part 3 identifies the interest as being Urban District Council of Poulton-le-Fylde. Is this an error which needs correcting?
1.1.7.	The Applicant	BoR Persimmon Homes Ltd is identified against plots 4/06a, 4/06e, 4/06i in Part 3, but they are not listed against those plots in Part 1. Is this an error that needs correcting?
1.1.8.	The Applicant	BoR Lodge Farm Singleton Ltd is identified against plot 5/06g in Part 3, but in Part 1 it is stated that this plot is not used and it does not appear on the Land Plans. Does reference to plot 5/06g need deleting from Part 3?
1.1.9.	The Applicant	Crown land With regard to the outcomes from on-going diligence, the Applicant is requested to provide and at each subsequent deadline to maintain and resubmit a table identifying any Crown interests subject to s135 PA2008 with reference to the latest available Book of Reference and the Land Plans, to identify whether consent is required with respect to s135(1)(b) and/or s135(2) and what progress has been made to obtain such consent(s). Written evidence of consent(s) obtained must be provided at the first available deadline and in any case by Deadline 6. The table should be titled ExQ1.1.7: Crown Land and Consent and provided with a version number that rolls forward with each deadline. If at any given deadline, an empty table is provided, a revised table need not be provided at any subsequent deadline unless the Applicant becomes aware that the data and assumptions on which the empty table was provided have changed.
1.1.10.	The Applicant	Compulsory acquisition and temporary possession: general

ExQ1	Question to:	Question:
		<p>With regard to the outcomes from on-going diligence, the Applicant is requested to complete the attached Objections Schedule with information about any objections to the compulsory acquisition and temporary possession proposals in the application and at each successive deadline to make any new entries, or delete any entries that it considers would be appropriate, taking account of the positions expressed in Relevant Representations and written representations, giving reasons for any additions or deletions. (See Annex A to ExQ1 below).</p> <p>The Objections Schedule should be titled ExQ1.1.8: Schedule of CA and TP Objections and provided with a version number that rolls forward with each deadline. If at any given deadline, an empty table is provided, a revised table need not be provided at any subsequent deadline unless the Applicant becomes aware that the data and assumptions on which the empty table was provided have changed.</p>
1.1.11.	The Applicant	<p>Statutory Undertakers: land or rights</p> <p>The Applicant is requested to review Relevant Representations and written representations made as the examination progresses alongside its land and rights information systems and to prepare and at each successive deadline update as required a table identifying and responding to any representations made by Statutory Undertakers with land or rights to which PA2008 s127 applies. Where such representations are identified, the Applicant is requested to identify:</p> <ul style="list-style-type: none"> a) the name of the statutory undertaker; b) the nature of their undertaking; c) the land and or rights affected (identified with reference to the most recent versions of the Book of Reference and Land Plans available at that time);

ExQ1	Question to:	Question:
		<p>d) in relation to land, whether and if so how the tests in PA2008 s127(3)(a) or (b) can be met; e) in relation to rights, whether and if so how the tests in s127(6)(a) or (b) can be met; and f) in relation to these matters, whether any protective provisions and /or commercial agreement are anticipated, and if so: i. whether these are already available to the ExA in draft or final form, ii. whether a new document describing them is attached to the response to this question or iii. whether further work is required before they can be documented; and g) in relation to a statutory undertaker named in an earlier version of the table but in respect of which a settlement has been reached: i. whether the settlement has resulted in their representation(s) being withdrawn in whole or part; and ii. identifying any documents providing evidence of agreement and withdrawal.</p> <p>The table provided in response to this question should be titled ExQ1.1.9: PA2008 s127 Statutory Undertakers Land/ Rights and provided with a version number that rolls forward with each deadline. If at any given deadline, an empty table is provided, a revised table need not be provided at any subsequent deadline unless the Applicant becomes aware that the data and assumptions on which the empty table was provided have changed.</p>
1.1.12.	The Applicant	<p>Statutory Undertakers: extinguishment of rights and removal of apparatus etc.</p> <p>The Applicant is requested to review its proposals relating to CA or TP of land and/ or rights and to prepare and at each successive deadline update a table identifying if these proposals affect the relevant rights or relevant apparatus of</p>

ExQ1	Question to:	Question:
		<p>any Statutory Undertakers to which PA2008 s138 applies. If such rights or apparatus are identified, the Applicant is requested to identify:</p> <ul style="list-style-type: none"> a) the name of the statutory undertaker; b) the nature of their undertaking; c) the relevant rights to be extinguished; and/ or d) the relevant apparatus to be removed; e) how the test in s138(4) can be met; and f) in relation to these matters, whether any protective provisions and/ or commercial agreement are anticipated, and if so: <ul style="list-style-type: none"> i. whether these are already available to the ExA in draft or final form, ii. whether a new document describing them is attached to the response to this question or iii. whether further work is required before they can be documented; and g) in relation to a statutory undertaker named in an earlier version of the table but in respect of which a settlement has been reached: <ul style="list-style-type: none"> i. whether the settlement has resulted in their representation(s) being withdrawn in whole or part; and ii. identifying any documents providing evidence of agreement and withdrawal. <p>The table should be titled ExQ1.1.10: PA2008 s138 Statutory Undertakers Apparatus etc. and provided with a version number that rolls forward with each deadline. If at any given deadline, an empty table is provided, a revised table need not be provided at any subsequent deadline unless the Applicant becomes aware that the data and assumptions on which the empty table was provided have changed (for example as a consequence on ongoing diligence).</p>
1.1.13.	The Applicant	Funding

ExQ1	Question to:	Question:
		The Funding Statement gives an overall cost of the scheme and it confirms that the project is committed in a Road Investment Strategy. How, though, were the CA costs assessed and what contingencies are there if unpredicted costs arise?
1.2.	Draft Development Consent Order (dDCO) <ul style="list-style-type: none"> • The structure of the dDCO. • The appropriateness of proposed provisions. • Relationships with other consents. • Whether the dDCO is satisfactory in all other respects. 	
1.2.1.	The Applicant	2(1) Interpretation – “Commence” The definition of “commence” excludes certain operations such as archaeological investigations, non-intrusive investigations for the purposes of assessing ground conditions, pre-construction ecology surveys etc. They would in effect be pre-commencement operations. It would be helpful if the Applicant could give some more details/examples of what some of those operations might involve? Furthermore, are they operations which should be covered by requirements in themselves?
1.2.2.	The Applicant	2(1) Interpretation – “Maintain” Has the Applicant considered using the definition used in the M20 Junction 10a DCO 2017 which includes the wording “to the extent assessed in the environmental statement”? Furthermore, is it appropriate to permit adjustments, alterations, removal and reconstruction works? Might these be operational development that require planning permission?

ExQ1	Question to:	Question:
		Against the above background, while I am aware of the explanation given at para 5.13 of the EM, can the Applicant please provide greater clarity why a broader definition is needed than the equivalent in the Highways Act 1980?
1.2.3.	The Applicant	<p>2(7) Interpretation – disapplication of the NPA Why is it not proposed to align the TP powers with the NPA s20(3) (three months’ notice period)?</p> <p>Would it be appropriate to align the TP articles (29 and 30) with the NPA requirement to specify the maximum period of TP?</p> <p>As a matter of good statutory drafting, should the disapplication of the NPA be given effect by an article and not by means of interpretation?</p>
1.2.4.	The Applicant	<p>2(7) Development Consent etc What enactments might apply to land within the Order limits/ affect the authorised development and how does this article ensure consistency with legislation more generally?</p>
1.2.5.	The Applicant	<p>3(3) Development Consent etc This article allows for several works to be carried out prior to approval of the CEMP. Why is this necessary and can the Applicant clarify the impacts of these works? For example, in relation to article 19(b) the survey works that may be undertaken include making any excavations and ecological or archaeological investigations without limitation.</p> <p>What works may this involve, is this appropriate and should these works be controlled by a requirement?</p>
1.2.6.	The Applicant	6 Limits of deviation

ExQ1	Question to:	Question:
		<p>Why is it necessary and appropriate to permit amendment to the maximum limits of vertical deviation by the SoS later, without applying to amend the Order under the provisions in the PA?</p> <p>Some of the deviations appear to be significant – why can't the maximum limits be determined at this stage?</p> <p>Were the maximum limits used for assessments undertaken in the ES?</p> <p>Can the Applicant please explain the process in place to determine whether exceeding the vertical limits would not give rise to any materially new or materially worse adverse environmental effects?</p>
1.2.7.	The Applicant, Electricity North West Ltd, United Utilities Group Plc, BT Plc, GTC Ltd, Cadent gas Ltd	<p>8(4) Transfer of Benefit</p> <p>Why is it considered unnecessary to obtain the consent of the SoS prior to a transfer or grant to the specified utility companies?</p> <p>The transfer of consent to the utility companies appears to be without limitation. If the benefit of the CA and TP articles is to be transferred without consent, can the Applicant explain how the SoS can be satisfied that the companies listed have sufficient funds to meet these costs?</p> <p>Para 5.21 of the EM says that consent of the SoS is required except where it is made to specified companies in relation to <i>certain utility diversion works</i>. The dDCO does not limit transfer to these companies to specific works. Can the Applicant please explain this?</p>

ExQ1	Question to:	Question:
		I have asked for certain SCoG to be prepared. They include the utility companies listed at Article 8(4). Could the above matters be covered in those?
1.2.8.	The Applicant	11(7) Classification of roads etc Can the Applicant please justify the need for this article without the need to apply under the PA for an amendment to the Order?
1.2.9.	The Applicant	14 Access to Works Can the Applicant please provide further justification for this general power which permits the creation of accesses without examination? Is it likely that the need for an access only becomes apparent at a later stage in the implementation of the proposed development? Could the Applicant have in mind field accesses?
1.2.10.	The Applicant	18 Protective Works to Buildings This provision may appear in other DCOs, but why is it necessary to have the power in the circumstances of this project?
1.2.11.	The Applicant	23 Compulsory Acquisition of rights and restrictive covenants I wish to draw the Applicant's attention to paragraph 24 and the good practice point (see below) in Advice Note 15 https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2014/10/advice_note_15_version_1.pdf <i>Good practice point 9</i> <i>Applicants should provide justification which is specific to each of the areas of land over which the power is being sought, rather than generic reasons and include a clear indication of the sorts of restrictions which would be imposed</i>

ExQ1	Question to:	Question:
		<p><i>and wherever possible the power should extend only to the particular type of Restrictive Covenant required.</i></p> <p>Can the Applicant please explain/justify the power to impose restrictive covenants?</p> <p>The article authorises the creation of new rights over all the order land. Details of the new rights to be created over some land are contained in schedule 5. However, the power to create new rights is not limited to the land in schedule 5 (NB the power to impose restrictive covenants is limited to the land in schedule 5 by 23 (3)). The effect of this is that the article enables the undertaker to impose undefined new rights for any purpose for which the land may be acquired under article 20 (as is required for the authorised development, or to facilitate it, or is incidental to it). This includes over the land listed in schedule 7 described as being for temporary use. The SoS needs to be satisfied that all the CA tests are met in relation to this wide power over all the order land. The Applicant should provide justification for the necessity and acceptability of this.</p>
1.2.12.	The Applicant	<p>29 Temporary Use of Land</p> <p>29(9) limits the undertakers CA powers in the land listed in schedule 7 to the acquisition of any part of the subsoil under article 27 and the acquisition of new rights under article 23. As set out above, under article 23 the creation of new rights is permitted over all the order land, the only limitation being on the purpose for which rights can be created over the land in schedule 5. The effect of this is that all the land in schedule 7 is subject to CA.</p> <p>From reading the SoR (see paragraph 5.4.10 in particular and paragraphs 4.1.1, 4.2.1 and 5.2.11) then looking at the description of the green land on the land plans (land to be used temporarily) as opposed to the description of</p>

ExQ1	Question to:	Question:
		<p>the blue land (temporary acquisition of land and permanent acquisition of rights), this may not be the Applicants intention?</p> <p>Is it Applicant's intention to permit the CA of any new rights over all the land in schedule 7? If not, is there a need to either amend article 29(9), to ensure that it is only the new rights listed in schedule 5 which can be created in the land within schedule 7, or amend the power in article 23 to create new rights over any land other than the land listed in schedule 5?</p> <p>For an example drafting see East Anglia Three Offshore Windfarm DCO Article 23(8):</p> <p>The undertaker may not compulsorily acquire under this Order the land referred to in paragraph (1)(a)(i) except that the undertaker is not precluded from—</p> <p>a) acquiring new rights or imposing restrictive covenants over any part of that land under article 17 (compulsory acquisition of rights) to the extent that such land is listed in column (1) of Schedule 5;</p>
1.2.13.	The Applicant	<p>31 and 32 Statutory Undertakers and apparatus</p> <p>Where a representation is made under s127 of the PA 2008 and it has not been withdrawn, the Secretary of State will be unable to authorise Article 30 unless satisfied of specified matters set out in s127. Can the Applicant please advise on progress with SCoG with the affected Statutory Undertakers?</p>

ExQ1	Question to:	Question:
		The Secretary of State will also be unable to authorise removal or repositioning of apparatus unless satisfied that the extinguishment or removal is necessary for the purpose of carrying out the development to which the order relates in accordance with s138 of the PA2008. Can the Applicant please draw the ExA attention to the justification that this power is necessary?
1.2.14.	The Applicant	36 Application of landlord and tenant law Why is this power necessary in the circumstances of this particular project, notwithstanding precedent in other DCOs?
1.2.15.	The Applicant	38 Operational Land Why is this power necessary in the circumstances of this particular project, notwithstanding precedent in other DCOs?
1.2.16.	The Applicant, The Crown	Crown Rights The SoR and BoR indicate that there is Crown land within the order limits but there is no Crown rights article protecting the Crown interests. There is also nothing in the DCO or BoR which excludes the CA of Crown interests (see comments on BoR and SoR regarding Crown land). Can the Applicant confirm that the DCO and / or the BoR will be amended? Applicant S135(1) PA 2008 only permits the CA of an interest in Crown land if it is an interest held otherwise than by or on behalf of the Crown and the appropriate Crown authority consents. S135(2) requires Crown consent for any other provision in the DCO applying in relation to Crown land or Crown rights, for example this could include the temporary possession provisions.

ExQ1	Question to:	Question:
		<p>Therefore, is it necessary to include a Crown rights article to protect Crown interests? If it is considered necessary, the Applicant is advised to consider the drafting in the recent East Anglia Three DCO at Article 37 and the Richborough DCO at Article 22:</p> <p><i>Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular, nothing in this Order authorises the undertaker or any licensee to use, enter upon or in any manner interfere with any land or rights of any description (including any portion of the shore or bed of the sea or any river, channel, creek, bay or estuary)—</i></p> <p><i>(a) belonging to Her Majesty in right of the Crown and forming part of the Crown Estate without the consent in writing of the Crown Estate Commissioners;</i></p> <p><i>(b) belonging to Her Majesty in right of the Crown and not forming part of the Crown Estate without the consent in writing of the government department having the management of that land; or</i></p> <p><i>(c) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department.</i></p> <p><i>(2) Paragraph (1) does not apply to the exercise of any right under this Order for the compulsory acquisition of an interest in any Crown land (as defined in the 2008 Act) which is for the time being held otherwise than by or on behalf of the Crown.</i></p>

ExQ1	Question to:	Question:
		<p><i>(3) A consent under paragraph (1) may be given unconditionally or subject to terms and conditions; and is deemed to have been given in writing where it is sent electronically.</i></p> <p>Does the Applicant actually intend to CA any Crown interest held otherwise than by or on behalf of the Crown and if that is the case has, under s135(1), consent from the relevant Crown authority been obtained? If that is not intended the Applicant must ensure that appropriate drafting is included in the DCO and/ or the BoR to ensure that these interests are also excluded from the scope of CA?</p> <p>Under s135(2), has consent been obtained for all other provisions in the dDCO applying to Crown land (for example, the temporary use articles)?</p>
1.2.17.	The Applicant	<p>Schedule 1 Authorised Development Should there be a distinction between works that are NSIP and associated works?</p>
1.2.18.	The Applicant	<p>Schedule 1 (a) to (p) Authorised development Notwithstanding the Applicant's explanation that the use of such measures was explicitly approved in the A19/A1058 Coast Road (Junction Improvement) Order 2016, A14 and M4 Orders, can the Applicant justify that all of the works are necessary or expedient and have been subject to EIA?</p>
1.2.19.	The Applicant	<p>Requirement 3(1) This requirement provides a degree of flexibility to depart from the preliminary scheme design where no new environmental impacts arise. Can</p>

ExQ1	Question to:	Question:
		<p>the Applicant provide justification for the necessity and appropriateness of this approach?</p> <p>In contrast see The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Requirement 6.—(1) The authorised development must be carried out in accordance with the approved plans submitted with the application (unless otherwise approved by the Secretary of State, following consultation with the relevant planning authority and provided that the altered development accords with the principles of the engineering and design report (Application Document Reference No. 7.3) and falls within the Order limits) as listed in Schedule 12 (engineering drawings, sections and other information).</p>
1.2.20.	The Applicant	<p>Requirement 5(1) There is no timetable for implementation of the landscaping scheme. Does the requirement need redrafting to maybe state something like "...landscaping works, including a timetable for its implementation, and which has...."?</p>
1.2.21.	The Applicant	<p>Requirement 7 Is there any reason why this requirement should not align with R10 of the M20 Junction 10a DCO 2017?</p>
1.2.22.	The Applicant	<p>Part 2 of Schedule 2 Discharge of Requirements Why has the template for discharge of requirements in Appendix 1 of Advice Note 15 https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2014/10/advice_note_15_version_1.pdf not been used?</p>
1.2.23.	The Applicant, MMO	<p>Schedule 8 DML The Applicant has not provided any explanation for the provisions of the DML in the EM. What are the activities that are to be licenced in Part 2? Should the specific licenced activities be listed in the DML?</p>

ExQ1 Question to:		Question:
		Is it necessary and appropriate to stipulate in Part 3 that a breach of the licence does not constitute a breach of the Order? Please can the MMO comment on the content of the DML?
1.2.24.	The Applicant	Schedule 10 Protective Provisions The SoR does not detail any negotiations with Statutory Undertakers regarding the provisions. Have the terms of these provisions been agreed between the Applicant and the Statutory Undertakers?
1.3.	Biodiversity <ul style="list-style-type: none"> • European and National designated sites. • European and National protected species. • Change in hedgerow and deciduous woodland habitats. • Other biodiversity effects. • Mitigation. 	
1.3.1.	The Applicant	HRA In the S55 Application checklist, check 31 it was advised that "There are a number of references in the Screening Matrices (Appendix 4 of the Report) that need to be updated in light of changes to the draft Report". In the revised HRA matrices, the references continue to be incorrect between the matrices and the main body of the report. Can the Applicant please rectify?
1.3.2.	The Applicant, NE	Baseline information for European Protected Species Licence Can the Applicant provide any update on the baseline information relating to bats and great crested newts, and confirm that the level of information is sufficient and acceptable to Natural England?
1.3.3.	The Applicant, NE	European Protected Species Mitigation Can the Applicant provide any update on mitigation relating to bats and great crested newts, and confirm that this is acceptable to Natural England?
1.4.	Cultural Heritage	

ExQ1	Question to:	Question:
	<ul style="list-style-type: none"> • Effects on designated and non-designated heritage assets. • The proposed strategy for dealing with archaeological remains, including archaeologically significant peat deposits. • Cumulative and in-combination effects on and with other major projects and proposals. 	
1.4.1.	The Applicant, LCC, FC	<p>Archaeology</p> <p>Non-designated archaeological remains have been identified that would be affected by the scheme. There would be direct loss of potential archaeological remains related to the known Romano-British settlements to the west of the Main Dyke at Moorfield Park. This effect has been assessed within the ES as negative and significant [APP-043, ES Chapter 7, para 7.7.7]. It is aimed to cover this issue by investigation for approval by relevant authorities before development may commence. To what extent is that appropriate given that at this stage it is not known what any mitigation maybe? Does proposed requirement 9 in the dDCO adequately cover/address this issue?</p>
1.4.2.	The Applicant, FC	<p>Heritage Assets</p> <p>FC suggests that the cluster of buildings at Singleton Hall (including the grade II listed ice house), North Lodge, The Manor and Barnfield Manor have significance as heritage assets (both designated and non-designated). The proximity of the bypass to this group of buildings would have an adverse impact on the setting of these heritage assets by urbanising their rural setting within open fields and separating North Lodge from the rest of the cluster by severing the original driveway link to Singleton Hall. These effects could, to some extent, be mitigated by the Applicant making a financial contribution to the Richard Dumbreck Trust for a "Heritage Improvement Scheme" involving the provision of pathways through the Singleton Park area to allow enhanced public views of the building cluster. Has this been considered by the Applicant</p>

ExQ1	Question to:	Question:
		and would it be a necessary/appropriate form of mitigation? Can FC explain more about the Trust?
1.4.3.	The Applicant, FC	<p>Heritage Assets</p> <p>A 2m high noise barrier is proposed to the east of the Lodge Lane bridge, along the southern edge of the bypass where it flanks Barnfield Manor and The Manor. This noise barrier is shown as an acoustic fence backed by low-level planting on viewpoint 10 of document 6.9 to the ES. The LPA considers that it would be preferable for this fence to be replaced with an alternative boundary treatment (e.g. a red brick wall) to afford a more sympathetic relationship with the vernacular of neighbouring buildings. Can the Applicant give its views on this and if the road at this point is in a cutting, is a barrier needed for noise attenuation purposes?</p>
1.5.	<p>Landscape and Visual</p> <ul style="list-style-type: none"> • Effect on landscape and townscape character. • Short and long-term visual impacts. • Grange footbridge. • Effects on the Green Belt. • Cumulative and in-combination effects on and with other major projects and proposals. 	
1.5.1.	The Applicant	<p>Visual</p> <p>FC suggest that the proposed Grange footbridge has a utilitarian design that would look out of place in the landscape. Has consideration been given to this concern and the possibility of grading the land either side to disguise the returns?</p>
1.5.2.	The Applicant, WC	<p>Green Belt</p> <p>Part of the scheme, about 2.7ha around the Skippool junction, falls within the GB. NSIP schemes are deemed to be inappropriate development in the GB. Does WC consider whether there would be any other harm to the Green Belt or</p>

ExQ1	Question to:	Question:
		otherwise? Is the harm to the GB and any other harm clearly outweighed by other considerations so as to amount to the very special circumstances needed to justify the development?
1.5.3.	The Applicant	Landscape The dDCO would allow for deviations to the approved scheme whilst under construction. The most significant of those would appear to be the depth and restoration levels for the borrowpits. Can the Applicant justify these variations, how have they been considered in terms of the LVIA and would such deviations constitute material changes to the scheme?
1.6.	Transportation and Traffic <ul style="list-style-type: none"> • Alternative routes/solutions. • The case for and benefits of the scheme. • Effects on the existing road network during construction and after. • Cumulative effects. • Scheme context – A585 corridor from the M55 to Fleetwood, strategic vision and objectives for national networks. 	
1.6.1.	The Applicant, LCC, FC, WC	Alternative Routes Several RRs have raised the issue of possible alternative routes and, related to the IP reps below (Socio-Economic effects – community consultation) the adequacy of local consultation leading to selection of the preferred route. Can the Applicant please provide a summary of the timeline and community consultation process, by reference to submitted application documents, that has led to the current proposal? It would be helpful if the answer could have regard to paragraph 4.27 of the NPS. The case for and benefits of the scheme

ExQ1	Question to:	Question:
		<p>The Government has a vision and strategic objectives for National Networks set out in Part 2 of the NPS. When weighing a proposal's adverse impacts against its benefits, the ExA and the SoS should take into account its potential benefits, including the facilitation of economic development, including job creation, housing and environmental improvement, and any long-term or wider benefits. In this context can the Applicant please provide a summary, by reference to submitted application documents, that responds to this context for assessment? The response should cover:</p> <ul style="list-style-type: none"> • Concerns raised in RRs that the public benefits would be limited in terms of the travel time saved (travel time savings of between 2 and 4.5 minutes per journey are forecast) set against the cost of the scheme. • How the scheme would support economic growth and housing development. The new Wyre Local Plan 2011-2031 and Fylde Local Plan to 2032 include provision for housing and economic growth. Has the scheme had regard to this context and can the Applicant please set out what are the economic benefits of the scheme? The response should have regard to two of the stated scheme's objectives which are to "support employment and residential/commercial development growth opportunities" and "support the removal of obstacles to economic growth potential in both Wyre and Fylde". • How does the scheme fit into any planned improvements for the A585 corridor from the M55 to Fleetwood, including by a different department of Highways England (particularly the Norcross junction), LCC policies for highway improvements in the area in the County Council's adopted Fylde Coast Highways and Transport Masterplan, the County Council's own proposal for the Blue Route between the M55 east of junction 4 and

ExQ1	Question to:	Question:
		<p>the A585 Mains Lane at Skippool, and any other highways improvements delivery documents?</p> <ul style="list-style-type: none"> • Can the Applicant explain how the scheme would “complement and realise the full benefits of the earlier pinch point scheme at the Windy Harbour junction” and “other Operations Directorate schemes in the region”? • The anticipated environmental improvements. <p>Scheme Benefits Particularly following completion of the scheme, several RRs have raised concerns that over the length of the bypass journey times may be shorter than the existing road arrangement, two lane dual carriageway traffic would have to funnel back into the existing single lane carriageways at the east and west ends of the new bypass and create new bottlenecks. Can the Applicant please respond to these concerns in the context of stated scheme aims which are “to improve journey time reliability by reducing congestion” and “deliver capacity enhancements to the Strategic Road Network (SRN) whilst supporting the use of sustainable modes”?</p>
1.6.2.	The Applicant	<p>Scheme Benefits Can the applicant please explain how the use of traffic lights along the new bypass would assist in meeting one of the scheme’s objectives which is to improve journey time reliability by reducing congestion?</p>
1.7.	<p>Water Environment</p> <ul style="list-style-type: none"> • Surface and groundwater effects. • Drainage. • Marine Environment. 	

ExQ1 Question to:		Question:
	<ul style="list-style-type: none"> Flood Risk. 	
1.7.1.	The Applicant	Groundwater investigation Section 12.5.9 of the ES says that the data regarding locations of manual and automated readings for groundwater investigation is shown at figure 12.2, but it doesn't appear to show the locations on the plan. Therefore, can the Applicant provide an updated plan, showing these locations?
1.7.2.	The Applicant, EA	Compensatory Storage Areas Can the Applicant submit detailed design proposals for compensatory storage areas, and can the Environment Agency confirm that this will function as intended and satisfy the Environmental Permitting Regulations?
1.7.3.	The Applicant	Replacement Culverts Can the Applicant confirm the design of the replacement Horsebridge Dyke culvert and illustrate the effectiveness of this mitigation measure for water quality during construction and for flood risk during operation?
1.7.4.	The Applicant	Enhanced Tidal Modelling Can the Applicant confirm whether any additional work has been undertaken in relation to tidal modelling and submit any information that would be useful for the Examination?
1.7.5.	The Applicant	Climate Change Can the Applicant confirm that their evidence base adequately takes climate change into account, using UKCP18 guidance, the H++ scenario, and illustrate how the assessment considers water resources for the proposed lifetime of the development?
1.8.	Socio-Economic Effects <ul style="list-style-type: none"> Community consultation. Economic/regeneration effects. Effect on BMV agricultural land. 	

ExQ1 Question to:		Question:
		<ul style="list-style-type: none"> • Effects on living conditions of surrounding residents – during construction and after. • Effects on local businesses. • Effects on potential delivery of land for housing.
1.8.1.	The Applicant	Living Conditions The occupier of 10 Barnfield Manor[RR-020] has raised concerns about how the road would affect the occupation of her property during construction and after. Can the Applicant please respond to these concerns?
1.8.2.	The Applicant	Living Conditions The occupier of The Coach House, Singleton Hall[RR-017] has raised concerns about the effects of the scheme on the living conditions and occupation of their property. Can the Applicant please respond to these concerns?
1.8.3.	The Applicant	Living Conditions Can the applicant please provide a plan showing all the individual properties and addresses in the complex of buildings in the group of properties identified on the scheme Location Plan as Barnfield Manor, The Manor and Singleton Hall?
1.8.4.	The Applicant, FC	Living Conditions The occupier of Bridge House, 183 Breck Road[RR-005] has raised various concerns about how the scheme will affect their living conditions. Can the Applicant please respond to these concerns? Furthermore, reference has been made by the occupier to a planning permission for a house in the garden of the existing property. Could details of that be provided and the position of the proposed house shown on a plan in relation to the alignment of the scheme?
1.8.5.	The Applicant	Living Conditions The occupier of North Lodge, Lodge Lane [RR-014] has raised various concerns about how the scheme will affect their living conditions, in particular the

ExQ1	Question to:	Question:
		matter of excavations close to the property. Can the Applicant please respond to these concerns?
1.8.6.	The Applicant	Local Businesses Singleton Hall Management Company[RR-024] have raised various concerns about the operation of the Hall, Singleton Manor and the Coach House. Can the Applicant respond to these concerns?
1.8.7.	The Applicant, FC, Eversheds Sutherland (International) on behalf of The Carrington Group	Delivery of land for housing Eversheds on behalf of the Carrington Group [RR-008]have raised concerns, amongst other matters, that the scheme would affect a site with planning permission for 9 residential units; the scheme is preventing delivery of that scheme due to an inability to obtain approval for a drainage strategy which the Applicant has not withdrawn an objection to; and how the scheme may sterilise part of a larger site that could accommodate over 150 houses which would be important to the delivery of housing in Fylde. Against this background: <ul style="list-style-type: none"> • Can details of the site with planning permission be provided and shown on a plan in relation to the alignment of the new road? • Has there been any progress regarding development of this site since the application was submitted? • Can the LPA and the Carrington Group provide details of the larger site in terms of a plan showing its extent in relation to the bypass, whether it is an allocated site and, if not, whether the land has been considered for allocation, and any constraints to development it may have and any other planning history which may be relevant to the site's potential for housing development?
1.8.8.	The Applicant, Shell UK	Local Businesses

ExQ1 Question to:		Question:
		Can the Applicant and Shell UK provide an update on any progress made on mitigating the effects of the scheme on the operation of Skippool service station during and after construction?
1.9.	Emissions <ul style="list-style-type: none"> • Noise. • Vibration. • Air quality. • Light. • Cumulative and in-combination effects on and with other major projects and proposals. 	
1.9.1.	The Applicant	Noise Insulation Regulations Scheme Can the Applicant provide further justification as to why only one property qualifies for sound insulation under the Noise Insulation Regulations scheme, given the bypass' closeness to other dwellings in the same area?
1.9.2.	The Applicant	Noise effects Chapter 11 of the ES refers to the use of low noise surfacing (LNS) as one of several noise mitigation factors eg. Para 11.7.21. What is the lifespan of LNS and if the LNS degrades, how might that affect the findings in the assessment?
1.9.3.	The Applicant	Noise surveys plan Can the Applicant provide an updated noise survey plan (Figure 11.1) showing the locations of the 8 attended noise surveys?
1.9.4.	The Applicant	Heights and locations of earth mounds and acoustic fencing The plan included as Figure 11.4 is too small a scale to see clearly. Can the Applicant provide an improved plan which clearly sets out these locations?

ANNEX A

A585 WINDY HARCOUR TO SKIPPOOL IMPROVEMENT SCHEME:

LIST OF ALL OBJECTIONS TO THE GRANT OF COMPULSORY ACQUISITION OR TEMPORARY POSSESSION POWERS (EXQ1: QUESTION 1.1.10.)

Obj No. ⁱ	Name/ Organisation	IP/ AP Ref No ⁱⁱ	RR Ref No ⁱⁱⁱ	WR Ref No ^{iv}	Other Doc Ref No ^v	Interest ^{vi}	Permanent/ Temporary ^{vii}	Plot(s)	CA? ^{viii}	Status of objection

ⁱ Obj No = objection number. All objections listed in this table should be given a unique number in sequence.

ⁱⁱ Reference number assigned to each Interested Party (IP) and Affected Person (AP)

ⁱⁱⁱ Reference number assigned to each Relevant Representation (RR) in the Examination library

^{iv} Reference number assigned to each Written Representation (WR) in the Examination library

^v Reference number assigned to any other document in the Examination library

^{vi} This refers to parts 1 to 3 of the Book of Reference:

- Part 1, containing the names and addresses of the owners, lessees, tenants, and occupiers of, and others with an interest in, or power to sell and convey, or release, each parcel of Order land;
- Part 2, containing the names and addresses of any persons whose land is not directly affected under the Order, but who "would or might" be entitled to make a claim under section 10 of the Compulsory Purchase Act 1965, as a result of the Order being implemented, or Part 1 of the Land Compensation Act 1973, as a result of the use of the land once the Order has been implemented;
- Part 3, containing the names and addresses of any persons who are entitled to easements or other private rights over the Order land that may be extinguished, suspended or interfered with under the Order.

^{vii} This column indicates whether the Applicant is seeking compulsory acquisition or temporary possession of land/ rights

^{viii} CA = compulsory acquisition. The answer is 'yes' if the land is in parts 1 or 3 of the Book of Reference and National Grid are seeking compulsory acquisition of land/ rights.