

A585 Windy Harbour to Skippool Improvement Scheme

TR010035

7.10 Responses to the Examining Authority'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

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

**A585 Windy Harbour to Skippool
Improvement Scheme**
Development Consent Order 20[]

RESPONSES TO THE EXAMINING AUTHORITY'S WRITTEN QUESTIONS

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CONTENTS

1 Responses to the Examining Authority’s First Round of Written Questions 1.1

APPENDICES

Appendix A: The Beeches, 205 Mains Lane Plan72

Appendix B: Location Plan showing Barnfield Manor, The Manor and Singleton Hall73

Appendix C: 183 Breck Road Plan74

Appendix D: Plan reflecting location of Carrington development (9 residential units) in relation to the Scheme.....75

LIST OF TABLES

Table 1-1: Responses to the Examining Authority’s First Round of Written Questions.....2

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1 RESPONSES TO THE EXAMINING AUTHORITY'S FIRST ROUND OF WRITTEN QUESTIONS 1

- 1.1.1 This report provides the Applicant's responses to the Examining Authority's first round of Written Questions during the Development Consent Order (DCO) Examination for the A585 Windy Harbour to Skippool Improvement Scheme ("the Scheme").
- 1.1.2 Responses to these Written Questions are contained within Table 1-1.

Table 1-1: Responses to the Examining Authority's First Round of Written Questions

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
1.0.1	The Applicant	<p>Skippool Culvert</p> <p>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?</p>	<p>Skippool Clough Culvert is to be constructed as part of the main NSIP Scheme, refer to Schedule 1 (Work No. 115) in the Draft Development Consent Order (document reference TR010035/APP/3.1) and the Work Plans (document reference TR010035/APP/2.3). The replacement of the Skippool Clough Culvert has been included in the assessment of the Scheme, including the flood modelling work that has been reviewed and accepted by the Environment Agency as part of the Statement of Common Ground (document reference TR010035/APP/8.3).</p>
1.0.2	The Applicant, FC, WC	<p>Planning Policy</p> <p>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.</p>	<p>The updated NPPF has been reviewed against the content of the Planning Statement (document reference TR010035/APP/7.1). No changes to the overall planning position are necessary, as the relevant objectives within the NPPF remain the same.</p> <p>The Fylde Borough Local Plan (as altered) (Oct 2005) has been superseded by the adopted Fylde Local Plan to 2032 since the submission of the DCO application. A review of the new plan and its policies has been undertaken and the overall planning policy position and conclusions in the Planning Statement (document reference TR010035/APP/7.1) and Environmental Statement (document reference TR010035/APP/6.1-6.20) would not change.</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			<p>The Wyre Resaved Policies of the Wyre Borough Adopted Local Plan 1999 have been superseded by the Wyre Local Plan 2011-2031 since the submission of the DCO application. A review of the new plan and its policies has been undertaken and it was determined that the overall planning policy position and conclusions in the Planning Statement (document reference TR010035/APP/7.1) and Environmental Statement (document reference TR010035/APP/6.1-6.20) would not change. An improvement to the support for the Scheme is included as part of the 'Wyre 2031 – A Vision Statement', which states (paragraph 3.2.7) that:</p> <p><i>'Development has taken place in a co-ordinated manner and it is supported by necessary infrastructure including improvements to highways, school and health provision. Substantial improvements to highways have been made including the A585(T) and the local network in Poulton-le-Fylde to ease congestion. Settlements in Wyre are better connected.'</i></p>
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.t 		
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	An updated Statement of Reasons (TR010035/APP/4.1) (including Appendix A) has been provided at Deadline 2. The Applicant will keep Appendix A updated and submit accordingly at each deadline.

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
		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 written representations, and reasons should be given for any additions or deletions.	
1.1.2.	The Applicant	<p>CA</p> <p>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.</p>	Please refer to Appendix A for a plan overlaying the extents of the Scheme on The Beeches, 205 Mains Lane. The Applicant is satisfied that the extent of the land required is justified owing to the need to ensure a desirable minimum Stopping Sight Distance (SSD) of 120m through the left hand curve of Skippool Bridge junction (in accordance with the Design Manual for Roads and Bridges TD9/93, Table 3). At the closest point the land required for the SSD would come within 4.5m of the property frontage. The Statement of Reasons (document reference TR010035/APP/4.1) section 7.1.9 provides further details on the impact the Scheme would have on the setting of the property.
1.1.3	The Applicant	<p>CA</p> <p>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?</p>	The improvements associated with the de-trunking works (Work No. 95) are alterations to the existing road network on completion of the bypass, which will include: de-trunking the A585 between Skippool Bridge Junction and the end of Garstang New Road east of Little Singleton; applying a reduction in speed limit to 30mph and providing a combined footway/cycleway along Mains Lane between Shard Road Junction and Little Singleton; altering Garstang New Road east of Little Singleton to permit restricted access to farmers' fields

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			<p>and providing a shared footway/cycleway route between Windy Harbour Junction and Little Singleton; applying a reduced speed limit of 30mph along Garstang Road East between the proposed Poulton Junction and Little Singleton. The upgrade to lighting along Mains Lane and Garstang Road East would be funded and undertaken as part of the Highways England Asset Renewal Programme and would not form part of the works in this Scheme.</p> <p>After all works are completed the de-trunked roads will become the responsibility of the Local Highway Authority (Lancashire County Council). A draft agreement has been prepared and was shared with Lancashire County Council on 16 May 2019 for comment, no feedback has been received.</p>
1.1.4	The Applicant	<p>CA</p> <p>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?</p>	<p>Much of the land along the section of Mains Lane to be de-trunked is unregistered and in unknown ownership. In order to regularise this position and ensure that full ownership and rights are secured to enable the road to be de-trunked and transferred to Lancashire County Council, the Applicant seeks to acquire the land. The Applicant is satisfied that the acquisition meets the statutory test in s122(2)(a) and (b). The Applicant is further satisfied that there is a compelling case for the acquisition pursuant to s123 as set out in the Statement of Reasons (document reference TR010035/APP/4.1).</p>
1.1.5	The Applicant, Carrington Group (Agent – Eversheds	<p>Funding</p> <p>In relation to concerns raised by the Carrington Group about the effect of the scheme on potential future</p>	<p>When producing its Land Cost Estimates, the Applicant accounts for planning permissions and also for the prospect of future planning permissions being obtained – hope value. In addition, the Applicant provides a risk</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
	Sutherland (International) Ltd)	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?	<p>range estimate to account for potential unknown factors; and this would be appropriate to this particular matter.</p> <p>Following meetings between the Applicant and the Carrington Group, it became clear they were seeking residential development value; however, the main site currently does not have planning permission and is not allocated for housing. Further justification and possibly a Section 17 Certificate of Appropriate Alternative Development will be required to determine the appropriate planning assumptions on which to assess compensation if the DCO is made.</p> <p>The Applicant acknowledges that Market Value is the basis for assessing compensation; however, until the planning assumptions have been resolved via a Section 17 Certificate or otherwise we are not able to reach agreement at this stage. Should a Section 17 be secured which supports residential development of the land, the Applicant will assess compensation and engage in negotiations having regard to that determination.</p>
1.1.6	The Applicant	<p>BoR</p> <p>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?</p>	<p>Part 3 of the Book of Reference has been corrected to indicate Wyre Council instead of its predecessor. Similarly, the following changes have also been made to represent the current names that are to be included in the table at paragraph 3.1.4 in the Book of Reference (similarly any such historic names will be updated in the Statement of Reasons (document reference TR010035/APP/4.1)):</p>

ExQ1	Question to	Question	Response																
1.0	General and Cross-topic Questions																		
			<table><tr><td>Historic name</td><td>Current name</td></tr><tr><td>The County Council of The Administrative County of The County Palatine of Lancaster</td><td>The Lancashire County Council</td></tr><tr><td>Imperial Chemical Industries Limited</td><td>National Pipelines Limited</td></tr><tr><td>NORWEB (North Western Electricity Board)</td><td>Electricity North West</td></tr><tr><td>The Urban District Council of Poulton-le-Fylde; Thornton Cleveleys Urban District Council</td><td>Wyre Council</td></tr><tr><td>Fylde Rural District Council</td><td>Fylde Borough Council</td></tr><tr><td>Fylde Water Board; North West Water Authority</td><td>United Utilities</td></tr><tr><td>Royal Air Force Camp; Secretary or State for Air</td><td>Defence Infrastructure Organisation</td></tr></table>	Historic name	Current name	The County Council of The Administrative County of The County Palatine of Lancaster	The Lancashire County Council	Imperial Chemical Industries Limited	National Pipelines Limited	NORWEB (North Western Electricity Board)	Electricity North West	The Urban District Council of Poulton-le-Fylde; Thornton Cleveleys Urban District Council	Wyre Council	Fylde Rural District Council	Fylde Borough Council	Fylde Water Board; North West Water Authority	United Utilities	Royal Air Force Camp; Secretary or State for Air	Defence Infrastructure Organisation
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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?	The reference to Persimmon Homes Ltd to these plots in Part 3 is incorrect and has been removed in the Book of Reference. The information in Part 1 is correct.																
1.1.8	The Applicant	BoR	Reference to plot 5/06g is not used and has been removed from Part 3 of the Book of Reference.																

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
		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	<p>Crown land</p> <p>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.</p> <p>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.</p>	As stated in Section 6.1 of the Statement of Reasons the Applicant will not need to acquire the Duchy of Lancaster's interests in these plots and there will be no encroachment on the rights of the Duchy of Lancaster. The form of a letter of consent pursuant to Section 135(1) to the acquisition of interests in Crown land not held by the Duchy of Lancaster has been agreed with the Duchy of Lancaster and will be provided in due course. Refer to ExQ1.1.7 Crown Land and Consent (document reference TR010035/APP/7.17).
1.1.10	The Applicant	<p>Compulsory acquisition and temporary possession: general</p> <p>With regard to the outcomes from on-going diligence,</p>	Refer to ExQ1.1.8 Schedule of CA and TP Objections (document reference TR010035/APP/7.13).

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
		<p>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: a) the</p>	Refer to ExQ1.1.9 PA2008 s127 Statutory Undertakers Land/Rights (document reference TR010035/APP/7.14).

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
		<p>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);</p> <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</p>	

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
		have changed.	
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 any Statutory Undertakers to which PA2008 s138 applies. If such rights or apparatus are identified, the Applicant is requested to identify: 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: 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 should be titled ExQ1.1.10: PA2008 s138</p>	Refer to ExQ1.1.10: PA2008 s138 Statutory Undertakers Apparatus etc (document reference TR010035/APP/7.15)

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
		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).	
1.1.13	The Applicant	<p>Funding</p> <p>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?</p>	<p>The Applicant has carried out a thorough assessment of the likely costs payable pursuant to the Compensation Code. This has been undertaken by valuation experts in accordance with good practice and industry standards and will include contingencies to ensure the robustness of the assessment. It includes the land value, any depreciation in value of the land retained by the claimant, hope or development value, any disturbance or other losses.</p> <p>The full cost estimates produced for this scheme including any Compulsory Acquisition also make an allowance for inflation and risks.</p>
1.2	<p>Draft Development Consent Order (dDCO)</p> <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	<p>2(1) Interpretation – "Commence"</p> <p>The definition of "commence" excludes certain operations such as archaeological investigations, non-intrusive investigations for the purposes of assessing</p>	<p>Certain actions have been excluded from the definition of "commence" in Article 2(1). This means that certain more minor operations, can be carried prior to the discharge of the 'pre-commencement' requirements. The items that are excluded are either de minimis or</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
		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?	<p>have minimal potential for adverse effects. In some cases they may need to be carried out in order to comply with pre-commencement requirements (for approval). It will also ensure that the construction timetable is managed appropriately.</p> <p>The activities that may be undertaken include:</p> <ul style="list-style-type: none"> • Ecological surveys including Phase 1 Habitat Survey, tree, bat, badger otter and Great Crested Newt surveys. These surveys comprise updates to surveys previously undertaken and will re-validate/update previous surveys results, inform any subsequent licence applications and inform the detailed design process. None of the ecological surveys are intrusive and some are seasonally dependent. Dependent upon the results of the surveys it may be necessary to obtain protected species licences and implement mitigation in accordance with those licences. The mitigation works undertaken in accordance with these licences would be controlled by the appropriate conditions. • Archaeological investigations comprising trial trenching that would inform the preparation of the Written Scheme of Investigation which forms part of Requirement 9 of Schedule 2 of the Draft DCO. The works whilst being intrusive would be reversible and on completion the land would be restored to the original condition. This

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			<p>investigation work forms part of the assessment and mitigation design process for the Scheme and it is typical for such investigations to be undertaken prior to requirements being discharged.</p> <ul style="list-style-type: none"> • A soil survey using a hand soil auger would be completed to inform the preparation of the Soil Management Plan forming part of Requirement 4 of Schedule 2 of the draft DCO. The works associated with this survey would be reversible and the land fully restored upon completion. • Statutory undertaker surveys and investigations would include the use of Ground Penetrating Radar surveys (non-intrusive) and targeted slit trenches. These works would all be reversible. <p>The definition of commence adopted is appropriate for the requirements of this authorised development and also has precedent in recent schemes such as the M20 Junction 10a Development Consent Order 2017 and the Silvertown Tunnel Order 2018.</p> <p>None of the operations need to be covered by requirements as all are routine activities associated with the assessment, mitigation and detailed design of a scheme of this scale and are reversible.</p>
1.2.2	The Applicant	<p>2(1) Interpretation – "Maintain"</p> <p>Has the Applicant considered using the definition used in the M20 Junction 10a DCO 2017 which includes the</p>	<p>The definition "maintain" provided in Article 2 of the dDCO, follows the same form as that in The M20 Junction 10a Development Consent Order 2017. It is less extensive than that found in The M4 Motorway</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
		<p>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?</p> <p>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?</p>	<p>(Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016, which explicitly included "clear", "refurbish", "decommission", "demolish", "replace" and "improve" in addition. It is also less extensive than that found in Schedule 2 of The Infrastructure Planning (Model Provisions) (England and Wales) Order 2009 (no longer in effect) which includes "replace" in addition. Arguably, none of these definitions goes beyond the normal English meaning of the word "maintain." It is wider than the definition of "maintenance" in the Highways Act 1980 which merely refers to repair. However, the Applicant's duties in respect of its highway go much further than merely repair. It is vital for the proper operation of the Scheme into the future (and the safety and convenience of users of the Scheme) that the Applicant is unambiguously able to repair the highway and maintain it to the standards required by prevailing best practice, potentially many decades hence. Therefore, to avoid any ambiguity, a definition has been provided which clearly includes removal, alteration and reconstruction, to provide for this maintenance. The power to maintain is constrained by Article 6, and therefore cannot be used in such a way as to give rise to materially different environmental effects to those assessed.</p> <p>The Environmental Statement has regard to the implications of the definition of maintain and the assessment was undertaken on this basis.</p>
1.2.3	The Applicant	2(7) Interpretation – disapplication of the NPA	The Applicant considers that the disapplication of the

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
		<p>Why is it not proposed to align the TP powers with the NPA s20(3) (three months' notice period)? Would it be appropriate to align the TP articles (29 and 30) with the NPA requirement to specify the maximum period of TP? 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>	<p>NPA is required to provide certainty for both the Applicant and those landowners potentially affected by the use of temporary possession powers as to which regime is to apply. The temporary possession powers within the NPA s20(3) have not yet commenced and, when they are in force, are likely to have transitional provisions such that they are unlikely to apply to the Scheme. The Applicant considers that it would be very unusual to amend the temporary possession powers in the dDCO so as to give the legislation retrospective effect.</p> <p>There is a need for the Scheme to make use of the temporary possession powers (as drafted) in order to ensure that delivery is not impeded. The period is considered to be fair in the context of this Scheme and is sufficient to enable affected landowners to prepare for possession being taken. All those consulted as part of the Scheme are expecting the provisions as set out in the dDCO to apply and no objection has been received on these grounds. Consequently, the Applicant does not consider any person to be prejudiced by the application of the provisions in the dDCO.</p> <p>The Applicant also notes that other recent DCOs made since the NPA 2017 have the same notice periods as proposed by articles 29 and 30 of this dDCO (e.g. the A19/A184 Testos Junction Improvement DCO).</p> <p>The Applicant considers that the dDCO is clear on its</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			face that it ought to be interpreted as if the provisions of the NPA do not apply and notes that this approach has been adopted in the A19/A184 Testos Junction Improvement DCO. The Applicant does not consider that further amendment is required.
1.2.4	The Applicant	<p>2(7) Development Consent etc</p> <p>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>	<p>The Applicant notes that the Question ought to refer to Article 3(2). If this is the case, Article 3(2) has been included and is necessary in order to ensure that there are no acts of a local or other nature which would hinder the construction and operation of a nationally significant project. The Applicant carried out a proportionate search of local legislation within a reasonably close proximity to land within the Order limits and has made enquiries with statutory consultees. Whilst the Applicant did not find any specific legislation which it considered ought to be disapplied etc., the search carried out was not conclusive, rather proportionate to the scale of the Scheme. There is therefore a chance that there may be some statutory provisions which hinder the construction and/or operation of the Scheme. The Applicant has therefore taken a cautious approach in including Article 3(2) (which has been accepted on other consented schemes, for example the A19/A184 Testos Junction Improvement DCO). The inclusion of this provision will ensure that construction and operation of the Scheme are not jeopardised by any incompatible statutory provisions which might exist. The Applicant has in mind here a provision which would be an absolute restriction which couldn't be dealt with unless by the dDCO.</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			<p>The Applicant notes the SoS's general power in s.120(5)(c) to include within the order any provision which appears...to be necessary or expedient for giving full effect to any other provision of the order; the Applicant considers that this power should be exercised in this case on the basis that the Applicant has sought to conduct a proportionate search of statutory provisions which might affect the Scheme but as noted above there is still a risk that relevant provisions have not been identified.</p> <p>Further, this article is drafted subject to the 'provisions of the Order.' The dDCO ensures compliance (albeit (in places) in a modified or adapted form) with (amongst others) the provisions of the New Roads and Street Works Act 1991, Acquisition of Land Act 1981, Compulsory Purchase Act 1965, Town and Country Planning Act 1990 etc. As such, the inclusion of Article 3(2) is tempered by the remaining provisions of the dDCO, which are based on (and broadly consistent with) extant legislation.</p>
1.2.5	The Applicant	<p>3(3) Development Consent etc</p> <p>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. What works may this</p>	<p>Article 3(3) authorises important steps to investigate the Order land prior to the numerous pre-commencement conditions being discharged. If the Applicant had to await the discharge of numerous requirements before commencing initial surveys and investigations, this would cause unnecessary delay to the delivery of an important and strategic infrastructure project.</p> <p>The types of activities that may be undertaken are</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
		involve, is this appropriate and should these works be controlled by a requirement?	outlined in response to question 1.2.1.
1.2.6	The Applicant	<p>6 Limits of deviation</p> <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? Some of the deviations appear to be significant – why can't the maximum limits be determined at this stage? Were the maximum limits used for assessments undertaken in the ES? 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>	<p>The Article is proportionate and necessary to avoid delaying the Scheme in the event of emerging issues during construction, and allows the Secretary of State to vary the limit of deviation in the vertical plane; but only where the variation would not give rise to any materially new or materially worse adverse environmental effects from those reported in the Environmental Statement. This restriction provides the certainty that the built Scheme will not be materially different from that assessed. It is well precedented to have a degree of flexibility that does not require formal DCO amendment process – and this approach has been approved in the A14, M20 and Testos DCOs.</p> <p>The ability to deviate in according with this article is in the control of the SoS as approving authority, such that the Examining Authority (and the SoS as decision-maker) can be confident that the Scheme, and any adverse effects resulting from it, will not exceed the parameters assessed in the Environmental Statement. This is lawful since the effects of the Scheme would be within the assessed parameters, even if the specified parameters would have been altered. This wording only applies to the limits of deviation of the physical works, it does not operate to allow an extension to the Order Limits for the Scheme, which are fixed pursuant to the dDCO, by reference to the land and works plans for the Scheme Therefore, there is no additional effect upon</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			<p>persons interested in land as a result of the use of such a power. Further, what can actually be built in any particular location is governed by Requirement 3 of Schedule 2 of the dDCO, which provides that any departures from the preliminary Scheme design must not give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the environmental statement.</p> <p>The Applicant does not consider the precise definition proposed will have the effect of triggering a large number of references to the SoS for authorisation for the reason set out above i.e. it is satisfied that the LoDs are sufficiently wide enough.</p> <p>The maximum limits of deviation outlined within Part 2, Article 6 of the dDCO (document reference TR010035/APP/3.1) were assessed within the Environmental Statement. The limits of deviation are included within Environmental Statement Chapter 2: Description of the Scheme (document reference TR010035/APP/6.2) which all topic based environmental chapters based their assessments on.</p> <p>Article 6 has been drafted to ensure that any deviation in excess of the limits set out in Article 6(b) will only be certified by the SoS following consultation with the relevant planning authority and confirmation that the extended limits of deviation will not give rise to any materially new or materially worse adverse effects from</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			those reported in the Environmental Statement.
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? 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? 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 certain utility diversion works. The dDCO does not limit transfer to these companies to specific works. Can the Applicant please explain this?</p> <p>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?</p>	The ability to transfer the benefit of the dDCO to the named utility companies is expressly limited (by Article 8(4)(a) – (d)) to specific works. The undertakers listed are those that have utilities that are affected by the Scheme and would benefit from the diverted services, and thus from the DCO. As this need and these parties are known from the outset, provision to transfer the benefit of the order can be established now rather than it being necessary to seek consent from the SoS at a later date. The companies listed all operate in highly regulated areas which will ensure that they comply with all relevant requirements. All works undertaken by the companies in connection with the Scheme will be funded by the Applicant. It is therefore not necessary to demonstrate that the companies have sufficient funds to meet any costs. As provided for in the dDCO, the CA and TP articles cannot be transferred to utility companies without the SoS's consent.
1.2.8	The Applicant	<p>11(7) Classification of roads etc</p> <p>Can the Applicant please justify the need for this article without the need to apply under the PA for an amendment to the Order?</p>	The Article is necessary to avoid delaying the Scheme by applying under the PA for an amendment to the Order, where there already exists a legislative regime to allow for such variations or revocations of such matters. It is well precedented to have a degree of flexibility that does not require formal DCO amendment process – and this approach has been approved in the M20 and Testos DCOs.
1.2.9	The Applicant	14 Access to Works	The Applicant notes that this Article is based on the model provisions and is a common provision to be

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
		<p>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?</p>	<p>included in DCOs, including in the M4 Motorway (Junctions 3 – 12) (Smart Motorway) DCO and the Testos DCO.</p> <p>Whilst every effort has been made to identify all accesses and all works required to those accesses, it is possible that unknown or informal accesses exist or the need to improve an access for construction or permanent access will only come to light as the Scheme is carried out. The purpose of the Article is to allow the Applicant flexibility to undertake such works for the purposes of carrying out the Scheme. This could include securing access for the Applicant's construction traffic by providing a new or widening an existing access. It could also include providing or improving access for third party landowners.</p> <p>There is no reason to suppose that adverse impacts would result from the power provided for, such that prior approval or examination should be required.</p>
1.2.10	The Applicant	<p>18 Protective Works to Buildings</p> <p>This provision may appear in other DCOs, but why is it necessary to have the power in the circumstances of this project?</p>	<p>Work undertaken to date has identified two properties (The Cottage, Old Mains Lane and North Lodge, Lodge Lane) that may require protective works (refer to RR-014 in relation to North Lodge). Whilst there may be only limited instances when the power is required there may still be a need to undertake protective works to those buildings. The Applicant notes that the provision is drafted for the protection of third-party property to ensure that any works needed to buildings to rectify the impact of Scheme are carried out by the Applicant. In</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			<p>addition, Article 18(6) states that the owner or occupier can serve counter notice to question whether it is necessary to carry out the protective works. There are, further, provisions relating to compensation ensuring that any works can be done expeditiously and without prejudicing a landowner's rights.</p>
1.2.11	The Applicant	<p>23 Compulsory Acquisition of rights and restrictive covenants</p> <p>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</p> <p>Good practice point 9 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 and wherever possible the power should extend only to the particular type of Restrictive Covenant required. Can the Applicant please explain/justify the power to impose restrictive covenants? 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</p>	<p>The Applicant considers that there is a need to have the power to impose restrictive covenants in relation to the Scheme works. In particular, restrictive covenants may be necessary to protect and maintain the bridge and to construct, operate and maintain the culvert/ditch outfall. The parcels of land in which the ditches/outfalls are to be constructed (and on which the bridge is currently sited) are not being acquired permanently so imposing relevant and appropriate restrictive covenants ensures that they would be satisfactorily protected. In addition, the Applicant requires the powers because it might be required to comply with requirements of the Environment Agency in relation to the outfalls. Further detail is available in Schedule 5 which indicates the works in respect of which the restrictive covenants are necessary to impose.</p> <p>The same rationale applies to the acquisition of new rights over the temporary possession land where permanent rights may be required following hand back of the land (for instance, access rights for maintenance beyond the usual maintenance period).</p> <p>In general, this approach allows for the possibility of reducing the area of outright acquisition and therefore enables a more proportionate exercise of compulsory</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
		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.	acquisition powers. This approach is wholly in line with paragraph 24 of Advice Note 15. There is precedent for the power. For instance, it was adopted most recently in the A19/A184 Testos Junction DCO.
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. 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 the blue land (temporary acquisition of land and permanent acquisition of rights), this may not be the Applicants intention? 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</p>	The Applicant considers that there is a need to have the power to secure new rights where necessary as secured by article 29(9) following hand back of the land taken temporarily as described in Schedule 7. This may include rights of access for maintenance or inspection beyond the usual maintenance period. In general, this approach allows for the possibility of reducing the area of outright acquisition and therefore enables a more proportionate exercise of compulsory acquisition powers. This approach is wholly in line with paragraph 24 of Advice Note 15. There is precedent for this provision in other consented DCOs including most recently the A19/A184 Testos Junction Improvement DCO.

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
		create new rights over any land other than the land listed in schedule 5? For an example drafting see East Anglia Three Offshore Windfarm DCO Article 23(8): 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— 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;	
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? 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?</p>	<p>The progress with all SOCGs with Statutory Undertakers can be found in the Progress with Statements of Common Ground (document reference TR010035/APP/7.7). The following SoCGs were signed and agreed by both parties and submitted to the ExA at Deadline 1: Electricity North West, GTC and Openreach.</p> <p>Article 31 of the dDCO is a standard provision adopted within many DCOs, including the A19/184 Testos Junction Improvement DCO. The power is necessary to ensure that the Applicant has the flexibility necessary to deliver the Scheme. The exercise of the power is subject at all times to the protective provisions in Schedule 10 and these effectively limit the power in a way which protects the interests of the relevant Statutory Undertakers. Further, the Applicant has engaged with the Statutory Undertakers to ensure that they are content with the way in which the provision</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			operates.
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?	This is a model provision that is necessary to ensure that the terms of any lease of land by the Applicant override any statutory provisions relating to landlord and tenant law so as not to impede the delivery and operation of the Scheme. The provision has been adopted within other consented DCOs including the A19/A184 Testos Junction Improvement DCO.
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?	This is a model provision. Article 38 ensures that the Order land will be treated as operational land. As such it will benefit from planning permission granted by article 3(1) of and Part 9 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 as is the case with development of other operational land by highways authorities, the SoS and the Applicant. The drafting is needed to avoid any uncertainty as to whether, e.g., maintenance works are properly authorised and removes any doubt as to whether the highway authority or the Applicant has the necessary power to undertake such works without planning permission.
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)	A new article 44 protecting Crown rights will be incorporated into the revised dDCO at Deadline 2. The BoR will similarly be updated. The Applicant will not need to acquire the Duchy of Lancaster's interests and there will be no encroachment on the rights of the Duchy of Lancaster. The Applicant will need to acquire interests in Crown land held otherwise than by the Crown. As indicated above, the form of a letter of consent pursuant to Section 135(1) to

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
		<p>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.</p> <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: 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)—</p> <p>(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; (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 (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.</p> <p>(2) Paragraph (1) does not apply to the exercise of any</p>	<p>the acquisition of interests in Crown land not held by the Duchy of Lancaster has been agreed with the Duchy of Lancaster and will be provided in due course.</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
		<p>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.</p> <p>(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. 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? 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</p> <p>Authorised Development Should there be a distinction between works that are NSIP and associated works?</p>	<p>The Applicant notes that it should be recognised that there may be some overlap, or the absence of the clear boundary, between associated development and works which form part of the NSIP. There is a danger that separating it out in the dDCO could potentially lead to an error defining it one way or another incorrectly, given this potential for overlap between the two categories. For instance, there may be some on-highway, and some off-highway, diversion of the same piece of statutory undertakers equipment.</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			For this reason, and noting that there is no requirement for a development consent order to distinguish between these two categories, the Applicant has chosen not to differentiate the NSIP and associated development works in Schedule 1 to the Order. Ultimately, all elements of the proposed development either constitute part of the NSIP or are “associated development” within the meaning of section 115(2) of the Act, and so can properly be authorised by the Order.
1.2.18	The Applicant	<p>Schedule 1 (a) to (p)</p> <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>	<p>The Applicant requires the lettered works to ensure that all necessary construction activities are authorised by the DCO, and with an appropriate degree of flexibility in how the construction of the Scheme takes place. Allowing for a necessary degree of flexibility in the implementation of major infrastructure schemes is an issue that has been raised in relation to a number of highway and non-highway schemes and is necessary.</p> <p>The lettered works entail no additional environmental effects because they are all assumed as part of the numbered works within the limits set out in the dDCO. As such, they have been subject to environmental assessment.</p> <p>The Applicant wishes to note that the dDCO needs to be read as a whole, including the restrictions in the dDCO which provide for certainty whilst maintaining flexibility. In particular: (i) Requirement 3 requiring compliance with the preliminary Scheme design shown on the engineering drawings and sections unless</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			otherwise agreed in writing with the SoS and limited to those that would not give rise to any materially new or materially worse adverse environmental effects in comparison to those reported in the Environmental Statement; (ii) Schedule 7 specifies the land of which temporary possession may be taken, the plots affected and the nature of the works to be carried out, which therefore imposes limitations on how the temporary land may be used; (iii) the requirements of the dDCO which ensure that the mitigation measures as set out in the REAC are delivered, including a requirement to produce and adhere to a CEMP substantially in accordance with the outline CEMP, and a requirement to produce a landscaping scheme based on the illustrative Environmental Masterplan, all of which impose further limits on the exercise of the lettered powers by the Applicant.
1.2.19	The Applicant	<p>Requirement 3(1)</p> <p>This requirement provides a degree of flexibility to depart from the preliminary scheme design where no new environmental impacts arise. Can the Applicant provide justification for the necessity and appropriateness of this approach? 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</p>	The Applicant does not consider that this Requirement needs amending. The wording “materially new or materially worse”, allows for a proportionate and acceptable level of flexibility in the final design of the Scheme, something that is considered necessary and appropriate in major infrastructure projects such as this. Requirement 3(1) links any such changes to the environmental effects reported in the Environmental Statement and the ExA can therefore be confident that nothing beyond that which is assessed could ever be built. The approach adopted by the Applicant is consistent with that adopted in the Testos DCO.

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
		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).	
1.2.20	The Applicant	<p>Requirement 5(1)</p> <p>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>	Requirement 5(1) requires that the authorised development must be landscaped in accordance with a landscaping scheme. Requirement 5(3)(e) requires the landscaping scheme to include an 'implementation timetable for all landscaping works.' As such, the landscaping scheme is to be implemented in accordance with the timetable set out therein. The Applicant does not consider that any amendment to the Requirement is required.
1.2.21	The Applicant	<p>Requirement 7</p> <p>Is there any reason why this requirement should not align with R10 of the M20 Junction 10a DCO 2017?</p>	The Applicant confirms that future iterations of the dDCO will include the wording adopted in Requirement 10 of the M20 Junction 10 DCO 2017.
1.2.22	The Applicant	<p>Part 2 of Schedule 2 Discharge of Requirements</p> <p>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>	The Applicant has adopted the wording which was approved by the Secretary of State in the A19/A184 Testo's Junction DCO. The decision was made after the Advice Note was issued. The Applicant considers that the adopted wording provides greater certainty than the wording set out in the Advice Note.

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
1.2.23	The Applicant, MMO	<p>Schedule 8 DML</p> <p>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> <p>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?</p>	<p>The activities to be licenced are very minor comprising of the works set out within paragraph 4 of Part 2 of Schedule 8 of the dDCO.</p> <p>The Applicant has engaged with the MMO who are content with the DML within the dDCO subject to certain minor amendments which will be submitted to the ExA in an updated dDCO at Deadline 2. For instance, a table has now been included within Schedule 8 listing the co-ordinates of the area where the licence applies. It is necessary and appropriate to stipulate that a breach of the licence does not constitute a breach of the DCO. Any breach of the DML will properly be dealt with by the MMO under its own regime. The MMO is content with this approach.</p>
1.2.24	The Applicant	<p>Schedule 10 Protective Provisions</p> <p>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?</p>	<p>The Applicant has engaged with the relevant Statutory Undertakers extensively, both pre and post submission of the application. A Statement of Common Ground is being progressed with each which will, amongst other things, deal with the scope of the protective provisions. The Applicant anticipates that amendments to the protective provisions may be required on conclusion of those statements. The Statement of Reasons does not deal with the negotiations with the Statutory Undertakers as it focuses on negotiations with landowners.</p> <p>Further detail about the land and rights of the Statutory Undertakers can be found at ExQ1.1.9 PA2008 s127 Statutory Undertakers Land / Rights (document reference TR010035/APP/7.14) and ExQ1.1.10 PA2088 s138 Statutory Undertakers Apparatus Etc (document</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			reference TR010034/APP/7.15).
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	<p>HRA</p> <p>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?</p>	There were two versions of the updated Habitats Regulations Assessment (document reference TR010035/APP/5.4 – Rev 1) submitted in December 2018 to the Inspectorate; a clean version and a tracked version. The clean version included updated references, however, in error the tracked version included the old screening matrices. Updated matrices will be submitted at Deadline 2 within a revised Habitats Regulations Assessment.
1.3.2	The Applicant, NE	<p>Baseline information for European Protected Species Licence</p> <p>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?</p>	<p><u>Bats</u></p> <p>Highways England understand the baseline information is sufficient and acceptable to Natural England. At the request of Natural England an endoscope survey of Skippool Bridge was undertaken in June 2019. The survey concluded a negligible categorisation of the roosting features for bats. However, it was agreed in the meeting of 16 May 2019 that the categorisation of the structure was to be re-classified as having a low potential rather than negligible, which would result in a further survey immediately prior to demolition (when bats are likely to be active). This additional survey would comprise (as a minimum) an endoscope survey</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			<p>of all the features having some potential to be used by bats.</p> <p><u>Great crested newts</u> Highways England understands that the baseline information is sufficient and acceptable to Natural England. However, survey sheets from approximately 34 negative great crested newt ponds will be provided to Natural England by the 24 May for review.</p>
1.3.3	The Applicant	<p>European Protected Species Mitigation</p> <p>Can the Applicant provide any update on mitigation relating to bats and great crested newts, and confirm that this is acceptable to Natural England?</p>	<p><u>Bats</u> Highways England understands that the proposed mitigation is acceptable to Natural England. However, further survey work is required on Skippool Bridge immediately prior to demolition and this may result in additional mitigation.</p> <p><u>Great crested newts</u> During a meeting between Natural England and Highways England on the 16 May 2019 an action plan was discussed to update and simplify the mitigation outlined within the draft great crested newt licence. The updates will be provided to Natural England on the 24 May 2019.</p>
1.4	<p>Cultural Heritage</p> <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</p>	<p>The need / extent of mitigation required for the potential Romano-British remains will depend on the findings from further archaeological investigation. An Advanced</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
		<p>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>	<p>Archaeological Works Project Design has been prepared and consulted / agreed with the Archaeological Advisor to Lancashire County Council. This document outlines the extent of intrusive archaeological investigation required.</p> <p>A Written Scheme of Investigation (WSI) which sets out our proposed methodology to deliver the scope of works agreed with Lancashire County Council has been submitted. We await formal confirmation from Lancashire County Council and Historic England to get their agreement to proceed.</p> <p>The archaeological investigations will be undertaken during the Examination period. The mitigation will then be designed and consulted with the Archaeological Advisor to Lancashire County Council. Following this the Archaeology Mitigation Strategy and draft Written Scheme of Investigation will be submitted to the Inspectorate prior to the close of the Examination period. It is considered that Requirement 9 within the draft Development Consent Order (document reference TR010035/APP/3.1) is adequate.</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</p>	<p>A response was given to this question within RR-009 (9.6) (document reference TR010035/APP/7.9). The assessment presented in Chapter 7: Cultural Heritage (document reference TR010035/APP/6.7) determined that the setting of the designated Grade II listed Ice House at Singleton Hall would experience a moderate adverse effect as a result of the Scheme. The</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
		<p>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 and would it be a necessary/appropriate form of mitigation? Can FC explain more about the Trust?</p>	<p>assessment also determined that the low value non-designated assets; Singleton Hall and Barnfield Manor would not experience a significant effect as a result of the Scheme. North Lodge and The Manor are not designated heritage assets and are not noted locally as heritage assets based on information received from the Lancashire Historic Environment Record (HER).</p> <p>As part of the assessment presented in Chapter 7: Cultural Heritage (document reference TR010035/APP/6.7), appropriate mitigation has been proposed, including additional tree screening. These proposals have been deemed appropriate by Historic England, as the statutory consultee for designated assets such as the Ice House.</p> <p>The Applicant remains content that the mitigation proposed is adequate and no additional is required based on the assessments set out in the Environmental Statement. The Applicant believes that a financial contribution towards a "Heritage Improvement Scheme" would not be considered as a form of mitigation.</p>
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</p>	<p>A response was given to this question within RR-009 (9.6) (document reference TR010035/APP/7.9). The acoustic timber fence shown on Viewpoint 10 is illustrative of the preliminary design. A commitment has been included within Revision 1 of the Record of Environmental Actions and Commitments (document reference TR010035/APP/7.3 – Rev 1) to state 'The specification of the material of the acoustic fencing</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
		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>required along the Singleton Hall access road will be discussed with Fylde Borough Council prior to construction commencing'. Revision 1 of the Record of Environmental Actions and Commitments has been submitted at Deadline 2.</p> <p>A noise barrier was deemed to be required at this location within Environmental Statement Chapter 11: Noise and Vibration (document reference TR010035/APP/6.11).</p>
1.5	Landscape and Visual <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	Visual <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>	<p>A response was given to this question within RR-009 (9.3) (document reference TR010035/APP/7.9).</p> <p>The “utilitarian” design of Grange Footbridge is a steel truss footbridge and is a cost effective, visually permeable structure. The design allows for the main span to be entirely fabricated off site and erected in one-piece minimising on site activities.</p> <p>Woodland planting for screening purposes adjacent to the Grange Footbridge structure has been included where physical space requirements allow. In addition, supplementary linear hedgerows with occasional trees</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			<p>are also included to integrate with the adjacent landscape features. Planting is presented on the Environmental Masterplan (document reference TR010035/APP/6.19 – Rev 1).</p> <p>An additional commitment has been included within the Record of Environmental Actions and Commitments (document reference TR010035/APP/7.3 – Rev 1) to increase the planting stock size and include a greater percentage of evergreen varieties to provide increased screening all year round and also from the Opening Year, specifically within woodland planting plots 011-05, 011-07, and 011-12 of the Environmental Masterplan (document reference TR010035/APP/6.19 – Rev 1). This would have an immediate effect on the ability of the landscape mitigation to provide additional screening at the Opening Year of the Scheme.</p> <p>Additional earthworks as landscape screening for Grange Footbridge could be developed during detailed design stage by the Contractor, however space is limited to include additional false earthwork features to screen the return arms as a result of adjacent ditches and the existing A585 alignment. Any potential for earthwork screening would likely only screen the lower section of the structure in the immediate vicinity of Grange Footbridge, which overtime as a result of the proposed landscape mitigation measures would be screened by woodland planting.</p>
1.5.2	The Applicant,	Green Belt	The section of Scheme lying within Green Belt land is

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
	WC	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 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?	<p>limited to improvement works to Skippool Junction and Amounderness Way, extending a short distance (around 400m) to the west of the existing Skippool roundabout. In view of the nature of the Scheme proposals and their containment within the existing highway boundary, it is considered that this would not lead to an extension of the urban area, nor further incursion into the Green Belt. It would also not impact on or reduce the ability of the Green Belt to prevent neighbouring towns from merging.</p> <p>Based on the above, potential harm to the Green Belt is minimal and is clearly outweighed by the very special circumstances justifying the Scheme.</p>
1.5.3	The Applicant	<p>Landscape</p> <p>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?</p>	<p>Refer to the response to question 1.2.6. The limits of deviation as set out in the dDCO (document reference TR010035/APP/3.1) would allow for approximately 70,000m³ of material to be excavated from the borrow pits from a depth of up to 10m, however, the land must be reinstated following use to a maximum of 2.6m below existing levels. The large limit of deviation relates to the depth at which this amount of material could be excavated, due to lack of certainty of the quality and suitability of the material. It should be noted that removing 70,000m³, from 10m below existing levels, then restoring the land to 2.6m below represents the worst-case as a lower amount (or none at all) could also be extracted.</p> <p>The Environmental Statement Chapter 9: Landscape (document reference TR010035/APP/6.9) has assessed worst-case during construction when bulk earthworks,</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			<p>and bulk earthwork excavations will be undertaken and the full amount of material (70,000m³) would be excavated from the borrow pits and used during construction.</p> <p>Following the use of this material, the borrow pits would be restored in accordance with the Borrow Pit Restoration and Aftercare Plan (Appendix N, document reference TR010035/APP/7.2 – Rev 1) to a maximum of 2.6m below existing levels. This has been assessed in the LVIA.</p>
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 <p>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.</p>	<p>As required by paragraph 4.27 of the NPS, the Scheme has been subject to an options appraisal.</p> <p>In 2015 the Applicant completed the Options Identification Stage (Highways England PCF Stage 1) for this Scheme and subsequently went on to develop the design of various options for the Options Selection Stage (Highways England PCF Stage 2). During the Options Selection Stage a range of 9 possible options were developed in sufficient detail to allow them to be considered, refer to Environmental Statement Chapter 4 Alternative Assessments (document reference TR010035/APP/6.4) for further details on the reasons why options were discounted. As part of the Options</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			<p>Selection Stage and the development of the traffic model, bus occupancy surveys were carried out and results confirmed a low usage which ultimately determined that there were not any viable modal alternatives along the A585 axis.</p> <p>A non-statutory consultation was undertaken in autumn 2016 for 42 days (05/09/2016 to 17/10/2016) and presented two main options, Option 1 (Southern Bypass) and Option 2 (On-line improvements), with two variations of Option 1 (Option 1A and Option 1B). Publicity for the consultation and exhibitions included leaflets to key stakeholders and properties closest to the scheme, flyers distributed to properties within 500m of the A585 corridor from the M55 to Fleetwood, notices published in 3 local newspapers and other documents including the questionnaire on the Highways England website.</p> <p>Public exhibitions were held at two local venues on 16th, 17th and 21st September 2016 attended by in excess of 300 people. A total of 574 completed questionnaires and 37 written responses from members of the public and local residents were received indicating support for improvements on the route with a 78% preference for the bypass to be provided and a general preference for Option 1A. The preferred route announcement for Option 1A was on 24th October 2017.</p> <p>A statutory consultation ran for seven weeks from 21st</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			<p>March to 8th May 2018 in accordance with the Statement of Community Consultation as detailed in Section 4.3 of the Consultation Report (document reference TR010035/APP/5.1). This included consultation under Sections 42, 43, 44, 47 and 48 of the Planning Act 2008. This consultation provided more detail of the single preferred route option. A number of consultation events and meetings were undertaken which are summarised in the consultation activities table (Table 2-1: Summary of consultation activities) in Section 2 of the Consultation Report (document reference TR010035/APP/5.1). The consultation material was available to view online and at deposit locations around the Scheme. Section 42 letters were sent in accordance with the requirements of the Planning Act 2008, a Section 46 notification letter was sent to the Planning Inspectorate and four public consultation events were held in March and April 2018 in accordance with Section 47 of the Planning Act 2008.</p>
		<p>The case for and benefits of the scheme 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</p>	

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
		assessment? The response should cover:	
		<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. 	<p>As detailed in the Transport Assessment (document reference TR010035/APP/7.4) travel time savings of between 2 and 4.5 minutes per journey are forecast to by road users due to the Scheme. Transport User Benefits, which include savings in travel time and vehicle operating costs as a result of the scheme are considered within the Benefit to Cost Ratio (BCR), although they are not the only benefit considered. Other benefits considered as a result of the Scheme against the Scheme costs are:</p> <ul style="list-style-type: none"> Safety Benefits – due to changes in the number and/or severity of the accidents Construction and Maintenance (dis)benefits – due to changes in travel time and vehicle operating costs during the Scheme construction period and maintenance over the subsequent 60 years Environmental impacts – due to changes in greenhouse gas emissions, air quality and noise levels Indirect tax revenue – due to changes in the amount of fuel purchased and the associated impact to revenue from fuel duty Journey reliability impacts – due to changes in the journey time variability across the network Distributional impacts Social impacts Wider Economic Impacts

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			<p>These Scheme benefits are all summarised in the Analysis of Monetised Costs and Benefits (AMCB) where they can be quantified to generate the measures of economic worth, including the Scheme's Initial BCR. The BCR indicates how much benefit is obtained for each unit of cost, with a BCR greater than 1 indicating that the benefits outweigh the costs. The initial BCR of the Scheme is 1.26. Including weekend benefits, journey time reliability and wider impacts provides an adjusted BCR of 2.02 as presented in Planning Statement and National Policy Accordance Section 2.9 (document reference TR010035/APP/7.1).</p>
		<ul style="list-style-type: none"> • 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". 	<p>As explained in Transport Assessment Section 3.3.24 to 3.3.38 (document reference TR010035/APP/7.4) The Applicant consulted with Lancashire County Council, Blackpool Council, Fylde Council and Wyre Council and has included provision for future housing and economic growth forecasts. As presented in Paragraph 5.3.1 (document reference TR010035/APP/7.4) the Scheme will have a mainline capacity of up to 41,000 vehicles per day per direction. The provision of mainline capacity is therefore in excess of the forecast traffic flow. The A585 mainline traffic flows is not forecast to reach capacity by the design year 2037 showing that the Scheme has reserve capacity to support future developments in the area.</p> <p>An assessment of wider economic impacts of the scheme such as agglomeration, outputs in imperfectly competitive markets and labour supply impact was</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			undertaken as presented in Section 13.18 of the Combined Modelling and Appraisal Report (TR0130035/APP/7.12). The Scheme is expected to generate £26m of wider economic impacts in Fylde, £16m in Wyre, £7m in Blackpool, totalling a Scheme benefit of £51m over the 60-year appraisal period.
		<ul style="list-style-type: none"> • 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 the A585 Mains Lane at Skippool, and any other highways improvements delivery documents? 	<p>The Scheme is one of a number of schemes in the locality being carried out or investigated for the future. The other schemes that the Applicant is currently developing are:</p> <p>Norcross Jct Improvement</p> <ul style="list-style-type: none"> • This is in detailed design with an intention to commence construction in late 2019. • The scheme involves increasing the size of the existing roundabout by extending it in a westerly direction. All arms (except Fleetwood Road South, northbound approach) will be signalised and this will include controlled pedestrian / cycling facilities. • The scheme requires some third-party land, which Highways England is currently acquiring through a CPO. <p>J3 M55 Jct Improvement</p> <ul style="list-style-type: none"> • This is now in detailed design with an intention to commence construction later this calendar year. • The scheme involves full signalisation of the roundabout with traffic in both lanes of the westbound off-slip being allowed to turn

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			<p>northwards on to the A585 trunk road.</p> <p>Cycle Routes <u>A585 – Fleetwood to West Drive</u></p> <ul style="list-style-type: none"> • Phase 1 Currently in detailed design - no dates for delivery in current programme • Phase 2 (Fleetwood Road to Denham Way) completed in advance of Phase 1 in 2015/16 – Shared footway / cycle way along the easterly side of the A585 <p><u>A585 – West Drive to Thornton Roundabout (Morrisons)</u></p> <ul style="list-style-type: none"> • Ongoing discussions with Lancashire County Council regarding option selection due to limited land availability. <p>• <u>A585 – Thornton to Skippool</u></p> <ul style="list-style-type: none"> • Currently waiting for the feasibility package to be completed before the detailed design can take place. <p>In addition to all of the above, a study is on-going to consider the options for improvements at Thistleton Junction. This is purely at feasibility stage, Highways England does not yet have a preferred scheme option and has no identified funding.</p> <p>A sensitivity test was undertaken by the Applicant that considered the impact of other Highways England's</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			asset renewal schemes (the above schemes) on the Scheme which showed that when including the capacity improvement upgrades of adjacent potential Highways England's asset renewal schemes along the A585 route, it remained economically worthwhile (based on an assessment of Transport User Benefits only) to proceed with the Scheme.
		<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"? 	<p>As defined in Highways England's Road Investment Strategy (RIS) 1 Delivery Plan, the Scheme requirements were to assess the A585 from Windy Harbour to Skippool Junction to address the congestion and safety concerns at the junctions along this stretch. The Scheme proposed will still generate economic, operational and environmental benefits without any extension to the M55 or towards Fleetwood as presented in the Planning Statement and National Policy Accordance (document reference TR010035/APP/7.1) Section 2.9. In addition, Highways England asset renewal has consulted on proposals at A585 Norcross and is conducting investigatory studies for the A585 (Thistleton/Mile Road) and the M55 Junction 3 along Fleetwood Road that are separate from the A585 Windy Harbour to Skippool Improvement Scheme. A sensitivity test was undertaken by the Applicant that considered the impact of these other schemes on the Scheme which showed that when including these capacity improvement upgrades it remained economically worthwhile (based on an assessment of Transport User Benefit only) to proceed with the Scheme.</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			<p>The Applicant has undertaken an operational assessment of Windy Harbour junction without and with the Scheme in place in the future years. This shows that the flows in the with Scheme model are increased with generates a similarly proportioned increase in queues and journey times, but this indicates that the junction is still operating within capacity and that the benefits the pinch point realised are still evident. An improvement occurs on the A585 Fleetwood Road left-turn approach, where flows have increased in the AM and PM peak but journey times and queue lengths have on average decreased. This is due to signal optimisation due to decreased demand from the A586 East approach.</p>
		<ul style="list-style-type: none"> • The anticipated environmental improvements. 	<p>Environmental Statement Chapter 17: Summary (document reference TR010035/APP6.17) provides a summary of all residual impacts recorded within the Environmental Statement (document references 6.6 – 6.16). A number of residual impacts are predicted to be significant beneficial impacts (or improvements) as a result of the Scheme. Significant beneficial impacts include:</p> <ul style="list-style-type: none"> • Deciduous woodland - due to the amount of new woodland proposed to be planted – refer to the Environmental Masterplan (document reference TR010035/APP/6.19 – Rev 1) • Breeding birds – as a result of the landscaping new habitats presented on the Environmental Masterplan (document reference TR010035/APP/6.19 – Rev 1)

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			<ul style="list-style-type: none"> • Townscape character along the de-trunked section of the A585 along Mains Lane – as a result of the de-trunking proposals (presented on Figure 2.3 of Environmental Statement Chapter 2: Description of the Scheme (document reference TR010035/APP/6.2) and traffic being moved onto the new bypass • Driver Stress – driver stress would be improved as a result of reducing congestion along the A585 Mains Lane between Windy Harbour and Skippool • Severance – the new Grange Footbridge will provide improved crossing facilities for Non-Motorised Users • Noise sensitive receptors located on the north of Main Lane – the Scheme would result in a large reduction in traffic noise at receptors already experiencing a road traffic noise above or near to a Significant Observed Adverse Effect Level • Noise sensitive receptors located on Garstang New Road – the Scheme would result in reductions in road traffic noise levels due to the closure of Garstang New Road • Flood Risk - hydraulic modelling results show that, by removing an existing restriction to flow (a twin culvert) on the Main Dyke, the Scheme provides a flood risk benefit for areas upstream of the A585 crossing of the river <p>Other beneficial impacts which are not considered to be</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			significant are also identified within Chapter 17: Summary (document reference TR010035/APP/6.17).
		<p>Scheme Benefits</p> <p>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</p> <p>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>	<p>As presented in the Planning Statement and National Policy Accordance (TR010035/App/7.1) a Scheme objective is to improve journey time reliability by reducing congestion. A quantified appraisal of improved journey time reliability derived from improved user confidence in the reliability of journey times due to the Scheme has been undertaken. The benefit values on the reduction in the variability of journey times due to the Scheme is calculated to be a journey time reliability benefit of £22.3 million. This quantification is explained in detail in the Combined Modelling and Appraisal Report Appendix G Section 9 (TR010035/APP/7.12)</p> <p>The A585(T) is located in the Lancashire County Council Local Authority and connects the settlements of Singleton, Skippool, Poulton-Le-Fylde, Thornton-Cleveleys and Hambleton along its route from the M55 junction 3 north-west of Preston into the northern part of the Fylde peninsula. The lack of rail infrastructure means that the Strategic Road Network is the only real access option to/from Fleetwood. Bus companies are also discouraged from providing alternative sustainable travel options as the congestion impacts on their ability to deliver reliable timetables. Due to the lack of alternative routes and sustainable transport options, any incidents on this section of the A585 can also lead to significant delays, thereby exacerbating the situation. The Scheme will provide a mainline capacity of up to</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			<p>41,000 vehicles per day in each direction. The provision of mainline capacity is therefore more than the forecast traffic flow and would provide opportunity for an increase in sustainable modes. In turn the reduced traffic flow on the de-trunked section due to the Scheme has the potential to improve the local environment and encourage walking and cycling by providing a shared footway/cycleway. Severance for these non-motorised users including horse riders is reduced with the Scheme and improves access across the existing A585. This includes controlled crossing facilities for pedestrian and cyclists at Skippool Junction, with pedestrian and cycle access provided at Skippool Bridge and Poulton Junctions. A new footbridge (Grange Footbridge) would include the creation of a new accessible footpath with links across Garstang New Road and to the wider Public Rights of Way (PRoW) network. These improvements would greatly improve connectivity of the footpath with other routes; and would improve the standard of the path giving beneficial effects.</p>
1.6.2	The Applicant	<p>The case for and benefits of the scheme</p> <p>Scheme Benefits</p> <p>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>	<p>There are currently 2 signalised junctions and a roundabout within the Scheme limits. The proposal is to change the roundabout at Skippool to a signalised junction and to introduce two additional junctions, Skippool Bridge junction and Poulton Junction, both of which will be signalised. By having the junctions all signalised, the Scheme introduces standardisation of junctions and continuity to the road user, the effect of which would be to facilitate the free-flowing of traffic and prevent slowing which will improve journey times and</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			<p>reduce congestion. All the junction will be operated using a Microprocessor Optimised Vehicle Actuation (MOVA) system, including the existing Windy Harbour junction which will enable further control of traffic.</p> <p>A roundabout was originally assessed at Poulton junction during Preliminary Design as it allowed a potential future provision of a fifth arm to serve a possible development to the southwest of the junction but the operational assessment (presented in Combined Modelling and Appraisal Report Appendix H document reference TR010035/APP/7.12) concluded that the roundabout was over capacity on the A586 approaches in the design year. The development opportunity would therefore no longer exist considering the overall saturation of the junction however it was noted that a T-junction adjacent to Poulton junction could be introduced if a development were promoted in the future. A change of junction configuration was also necessitated by the feedback received during the consultation to provide an improved crossing point for pedestrians and cyclists on the A586.</p> <p>Several alternative junction arrangements were tested:</p> <ol style="list-style-type: none"> 1. Small roundabout (existing) 2. Large standard roundabout 3. Non-standard roundabout (signalised) 4. Large standard roundabout (signalised) 5. Fully signalised crossroads <p>The Applicant concluded that the signalised crossroads was the best performing junction arrangement as it was</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			more advantageous in terms of reserve capacity and resilience to increased demand.
1.7	Water Environment <ul style="list-style-type: none"> • Surface and groundwater effects. • Drainage. • Marine Environment. • 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?	A revised plan has been appended to the Environmental Statement Corrections and Changes Document (document reference TR010035/APP/7.11).
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?	Further discussions regarding the compensatory storage areas have been held with the Environment Agency. Whilst the Environment Agency was seeking detailed design information, it has been agreed that this cannot be provided as the Scheme is not yet in the detailed design phase. The Environment Agency has outlined that they are seeking comfort that the compensatory storage areas would be able to be consented. As a solution, additional commitments have been provided within the Outline Construction Environmental Management Plan (document reference TR010035/APP/7.2 – Rev 1), Record of Environmental Actions and Commitments (document reference TR010035/APP/7.3 – Rev 1) and Flood Risk

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			Assessment (document reference TR010035/APP/5.2 – Rev 1). Commitments cover maintaining access for the Environment Agency along Main Rivers (the Main Dyke and Horsebridge Dyke) by ensuring there is an 8m access strip, committing to construction methods to ensure watercourse bank stability and committing to maintaining existing bank and ground levels in key locations.
1.7.3	The Applicant	<p>Replacement Culverts</p> <p>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?</p>	<p>The replacement for the Horsebridge Dyke culvert comprises a new, offline, concrete pipe with an internal diameter of 1.8m. The preliminary design of the culvert and its inlet and outlet arrangements are presented within Appendix B of the Statement of Common Ground with the Environment Agency (document reference TR010035/APP/8.3).</p> <p>The new culvert would be constructed offline which provides opportunities to mitigate the potential for water quality effects during construction and flood risk effects during operation.</p> <p>For example, during the construction of the new culvert, the existing culvert would be retained to continue to convey with flows from Horsebridge Dyke. This would avoid the need for creating a dry working area in channel by over-pumping, and thereby minimises the potential for pollution of the watercourse during construction.</p> <p>Hydraulic modelling of the culvert shows that the</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			existing structure surcharges in the 1% Annual Exceedance Probability plus 70% climate change allowance flood event. The new 1.8m diameter culvert is not surcharged for this event. The design also provides for a culvert that removes the existing internal bends and changes in cross section and is also of a shorter length. These features reduce this risk of blockage of the culvert. The larger internal diameter of the replacement culvert also provides for an increased cross-sectional area of approximately 40% compared to the existing culvert. All of these features provide for improved conveyance and a reduction in operational flood risk (refer to the Flood Risk Assessment for further information (document reference TR010035/APP/5.2 – Rev 1)).
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?	<p>Since the submission of the Development Consent Order Application in October 2018 additional tidal modelling work has been undertaken. The additional tidal modelling has been reviewed by the Environment Agency and updates to the model have been made to address the Environment Agency's comments. Subsequently the Environment Agency has confirmed the tidal model is technically robust and suitable for its intended use in defining baseline tidal flood risk and assessing the effects of the Scheme on baseline conditions.</p> <p>Full details of the additional tidal modelling assessments and results are included in the updated Flood Risk Assessment (document reference TR010035/APP/5.2 –</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			<p>Rev 1).</p> <p>The agreement that the tidal model is fit for purpose is documented within the Statement of Common Ground with the Environment Agency (document reference TR010035/APP/8.3).</p>
1.7.5	The Applicant	<p>Climate Change</p> <p>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?</p>	<p>In consultation with the Environment Agency, a suitable allowance to represent the uplift in tidal flood levels in the Wyre Estuary in accordance with the UKCP18 H++ scenario has been agreed (documented in the Statement of Common Ground with the Environment Agency (document reference TR010035/APP/8.3)). This allowance, equal to 1.253m, accounts for the predicted magnitude of sea level rise to the year 2120, in accordance with the development lifetime of the Scheme. This uplift has been applied to the enhanced tidal model to simulate flood conditions within the study area in baseline and 'with Scheme' scenarios. The results of the modelled scenarios have been used to inform a Flood Warning and Evacuation Plan, forming Appendix Q of the Outline Construction Environment Management Plan (document reference TR010035/APP/7.2 – Rev 1). The Flood Warning and Evacuation Plan documents procedures for the operational management of tidal flood risk to the small section of the Scheme at Skippool Junction that is at risk of tidal flooding over the development lifetime.</p> <p>Full results of the UKCP18 model simulations are reported in the updated Flood Risk Assessment</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			<p>(document reference TR010035/APP/5.2 – Rev 1).</p> <p>There is currently no new guidance on the effects of the UKCP18 climate scenarios on fluvial flood flows. The Flood Risk Assessment (document reference TR010035/APP/5.2 – Rev 1) has adopted a 70% uplift in peak 1% AEP river flows, which is the maximum recommended for the North West region to the year 2115). The Environment Agency has been consulted and has agreed the suitability of this allowance.</p> <p>With regard to the wider consideration of the effects of climate change on water resources, Environmental Statement Chapter 12: Road Drainage and the Water Environment (document reference TR010035/APP/6.12) paragraphs 12.5.27 to 12.5.29 outline how climate change is considered in the future baseline characteristics of water receptors. Change anticipated for the 2020s has been considered when assigning baseline value to water environment resources and receptors.</p>
1.8	Socio-Economic Effects <ul style="list-style-type: none"> • Community consultation. • Economic/regeneration effects. • Effect on BMV agricultural land. • 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	Access to and from Barnfield Manor onto Lodge Lane will remain usable during the construction and operation

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
		<p>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?</p>	<p>periods. There would be a temporary diversion of Lodge Lane at the proposed bridge site during construction. On completion of the bridge, Lodge Lane would have the same arrangement as existing at the Barnfield Manor entrance.</p> <p>All services, where necessary, will have diversions in place prior to any works at the Barnfield Manor entrance starting. Therefore, all current services will continue to be usable during the construction period.</p> <p>The Applicant and appointed contractor will ensure a robust security perimeter around the site is provided; there is no expected impact on the security of the local area. None of the homes in the Barnfield Manor complex or their boundaries would be directly affected by the Scheme so security of those homes would not be altered by the Scheme.</p> <p>The visual effects of the Scheme on Barnfield Manor are assessed in Chapter 9: Landscape (document reference TR010035/APP/6.9) as having a large adverse effect during the construction period, reducing to moderate adverse during the winter of year 1 (post construction) and reducing further to slight adverse 15 years after opening. Planting in this area includes initially planting an enhanced size stock providing additional screening at opening year with a greater percentage of evergreen varieties which would provide all year-round screening benefits. This is portrayed on Sheet 9 of the Environmental Masterplan (document</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			<p>reference TR010035/APP/6.19) (this will be secured within the Record of Environmental Actions and Commitments (document reference TR010035/APP/7.3 – Rev 1) submitted at Deadline 2).</p> <p>Increases in road traffic noise levels generated by the Scheme in this location would be mitigated to a minimum through the implementation of low noise surfacing, a 2-metre-high noise barrier and the Scheme being in a cutting close to the property. Noise mitigation is presented on Figure 11.4 of the Environmental Statement Chapter 11: Noise and Vibration (document reference TR010035/APP/6.11) and on the Environmental Masterplan (document reference TR010035/APP/6.19). No further mitigation is necessary as the assessment concludes that noise would be below a level where significant adverse effects on health would occur.</p> <p>Environmental Statement Chapter 6: Air Quality (document reference TR010035/APP/6.6) presents an assessment based on detailed air quality modelling which was undertaken for a number of worst-case receptor locations, including properties close to the Scheme. All predicted air quality concentrations at these locations were below the respective air quality objectives, and the assessment determined that the Scheme would not have a significant effect on local air quality.</p>
1.8.2	The Applicant	Living Conditions	Increases in road traffic noise levels generated by the

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
		<p>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?</p>	<p>Scheme in this location would be mitigated to a minimum and below a level where significant adverse effects on health would occur through the implementation of low noise surfacing, a 2 metre high noise barrier and the Scheme being located within a cutting as presented in Figure 11.4 of the Environmental Statement Chapter 11: Noise and Vibration (document reference TR010035/APP/6.11).</p> <p>The Scheme would be in cutting at this location. The access road would be diverted and views from this new route towards the Scheme would be screened as a result of proposed vegetation and noise attenuation barriers located along the top of the cutting slopes (refer to the Environment Masterplan (document reference TR010035/APP/6.19)). This impact as recorded in the Environmental Statement Chapter 9: Landscape (document reference TR010035/APP/6.9) would result in a significant visual effect during the construction phase and Scheme opening year which would reduce overtime as the vegetation establishes.</p> <p>The access road currently used (Singleton Hall access Road) will be diverted as shown in the Street Rights of Way and Access Plans (document reference TR010035/APP/2.4). The operation of the access will be maintained through the construction and operational period. The Scheme will prevent the occupier from reaching the M55 via the use of Garstang New Road, however an alternative route would be available via the</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			A586 Garstang Road East and joining the proposed bypass at the proposed Poulton Junction towards Windy Harbour Junction. This route would be about 4.2km long compared with the existing route through Little Singleton Junction that is about 2.3km long.
1.8.3	The Applicant	<p>Living Conditions</p> <p>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?</p>	Refer to Appendix B for a plan showing individual properties for Barnfield Manor, The Manor and Singleton Hall.
1.8.4	The Applicant, FC	<p>Living Conditions</p> <p>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?</p>	<p>Environmental Statement Chapter 6: Air Quality (document reference TR010035/APP/6.6) presents an assessment based on detailed air quality modelling which was undertaken for a number of worst-case receptor locations, including properties close to the Scheme. All predicted air quality concentrations at these locations were below the respective air quality objectives, and the assessment determined that the Scheme would not have a significant effect on local air quality.</p> <p>The new slip road/junction improvements would have a negligible effect on road traffic noise in this area due to these levels being mitigated to a minimum and below a level where significant adverse effects on health would occur through the use of low noise surfacing on both the new slip and across the proposed new junction</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			<p>alignment. No effects as a result of vibration are anticipated during operation.</p> <p>At Skippool junction the queue length results from the modelling show that the queues slightly exceed the maximum expected free-flow queue length. However, the queues occur only briefly and clear within each cycle. Therefore, there is a minimal risk of this causing blocking back across any upstream junctions and causing increased delays to exiting this property.</p> <p>The northern boundary of this property adjoins Amounderness Way at the south-west corner of Skippool Junction. The existing privet hedgerow would not be affected by the proposed changes to the layout at Skippool Junction. The only part of the property that might be affected is the far north-east corner that is at the south end of the culvert carrying Horsebridge Dyke under Skippool Roundabout (although it is noted that this part of the land is over the top of the culvert that is a Highways England asset). It should be noted that this area was registered in February 2019 with a "possessory title".</p> <p>Regarding privacy, the construction of the Scheme would not result in any loss of vegetation within the property's curtilage which falls within the DCO order limits, therefore there would be no loss of privacy against the baseline situation.</p> <p>Refer to Appendix C for a plan indicating the position of the proposed house in relation to the proposed</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			alignment of the Scheme.
1.8.5	The Applicant	<p>Living Conditions</p> <p>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 matter of excavations close to the property. Can the Applicant please respond to these concerns?</p>	<p>Although the Singleton Hall access road would be severed by the construction of the bypass, vehicular and pedestrian access to the North Lodge driveway from Lodge Lane would be retained in its present form. The Applicant will appoint a contractor who will have a duty of care to limit the damage to properties, in the unforeseen circumstances where damage occurs, steps would be undertaken to mitigate this. For example, through Protective Works to the building.</p>
1.8.6	The Applicant	<p>Local Businesses</p> <p>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?</p>	<p>The ownership and rights of the access track will be the same as the existing arrangement, which is all Singleton Hall Management Company's responsibility. The new access has been designed in accordance with national standards (Section 2 of the DMRB standard TD 41/95 "Vehicular Access to All-Purpose Trunk Roads"). The maximum width for a haulage vehicle in the UK is 2.55 metres with some exceptions and with cars around 0.5 metres less, therefore providing sufficient space for the two vehicles to pass one another.</p> <p>The sight lines of 120 metres in either direction along Lodge Lane are based from the centre of the egress lane, in addition the vertical alignment of Lodge Lane will remain as per existing. The arrangement of the proposed access track allows for a verge between the track and the parapet on the structure, therefore the parapet will not affect the sight lines.</p> <p>The specification of the proposed access track would be</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			<p>developed as part of the detailed design. The standard specification would include a kerb with splay 75mm to 125mm. A spot mirror could be implemented to mitigate blind spots and the Applicant will raise this with the management company as part of the ongoing discussions.</p> <p>The safety barrier will be the responsibility of the Local Highway Authority and the environmental barrier will be responsibility of the Applicant, both will be located to not affect the access to the hall. The exact position of the barriers would be determined at the detailed design stage. Maintenance access for the hedge would be available at the end of the safety barrier and would be the responsibility of the Management Company. The Utilities services will only be diverted where found to be conflicting with the proposed works. Diversions will be carried out prior to any works affecting the utilities. The appointed contractor in due course, will identify all utilities and undertake detailed design of the diversions. All main services will be maintained and usable to Singleton Hall.</p> <p>Occasional access will be required by the Applicant for maintenance of the southern retaining wall and to the parcel of land between the Manor's north boundary and the bypass. Both of which will remain the Applicant's responsibility.</p> <p>The arrangements of the outfall would be considered as</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			<p>part of the detailed design. The Record of Environmental Actions and Commitments (document reference TR010035/APP/7.3) reference number 8X secures mitigation measures for private water supplies. As required a detailed assessment of groundwater levels and flows shall be undertaken during detailed design to fully understand the location of the outfall and any amendments would be agreed with the land owner.</p> <p>For further details please refer to the complete response to the RR-024 (document reference R010035/APP/7.9).</p>
1.8.7	The Applicant, FC, Eversheds Sutherland (International) on behalf of The Carrington Group	<p>Delivery of land for housing</p> <p>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:</p> <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 	<p>Highways England's Spatial Planning team has responded to Fylde Borough Council in relation to Condition 7 and 11. The Applicant did not object to the discharge of Condition 11. There are ongoing discussions in relation to the discharge of Condition 12 which is subject to securing an appropriate management and maintenance regime. The Applicant notes that Condition 12 is a pre-occupation condition so will not hinder construction of the properties.</p> <p>Refer to Appendix D for a plan showing the proposed development site of the 9 residential units in relation to the alignment of the Scheme.</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
		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	<p>Local Businesses</p> <p>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?</p>	<p>This response is based upon the RR-029, received from Shell UK Ltd re: Singleton Cross Roads Service Station.</p> <p>The Applicant has engaged with Shell during the process and information has been provided on the Scheme, timescales and clarification on any possible impact on the service station. It should be noted that disruption is likely to be limited to the post opening of the main bypass when changes would be made to the Little Singleton junction and de-trunking of the existing A585. During construction, access will be maintained to the service station and signage to the service station will be maintained.</p> <p>Access to the service station will continue to be available post opening of the bypass.</p>
1.9	<p>Emissions</p> <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	North Lodge and The Manor (Singleton Hall) qualify for

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
		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?	<p>noise insulation under the requirements set out under Regulation 3 of the Noise Insulation Regulations (NIR) – refer to the Environmental Statement Changes and Corrections Document (document reference TR010035/APP/7.11).</p> <p>The qualification criteria for the duty on the highway authority to make an offer of insulation or provide a grant is presented in Environmental Statement Appendix 11.3: Noise Insulation Regulations Assessment (document reference TR010035/APP/6.11.3).</p> <p>(The predicted relevant noise levels at these dwellings, although mitigated to below a SOAEL as required by NN NPS, NPPF and NPSE they still meet all of the qualifying criteria of the NIR purely as a result of when rounded to the nearest whole decibel ($\geq 67.5\text{dB(A)}$) the predicted road traffic noise levels at these two properties would equal 68dB LA10 18 hour.</p>
1.9.2	The Applicant	<p>Noise effects</p> <p>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?</p>	<p>According to the Mineral Products Association (MPA) document 'Service Life of Asphalt Materials for Asset Management Purposes'¹ produced in June 2015 the lifespan of a low noise / thin surface course system is approximately 15 years for a new road.</p> <p>The assumptions regarding the noise benefits of a low noise surface / thin surface course system used in the assessment are presented in paragraph 11.3.41 of Environmental Statement Chapter 11: Noise and</p>

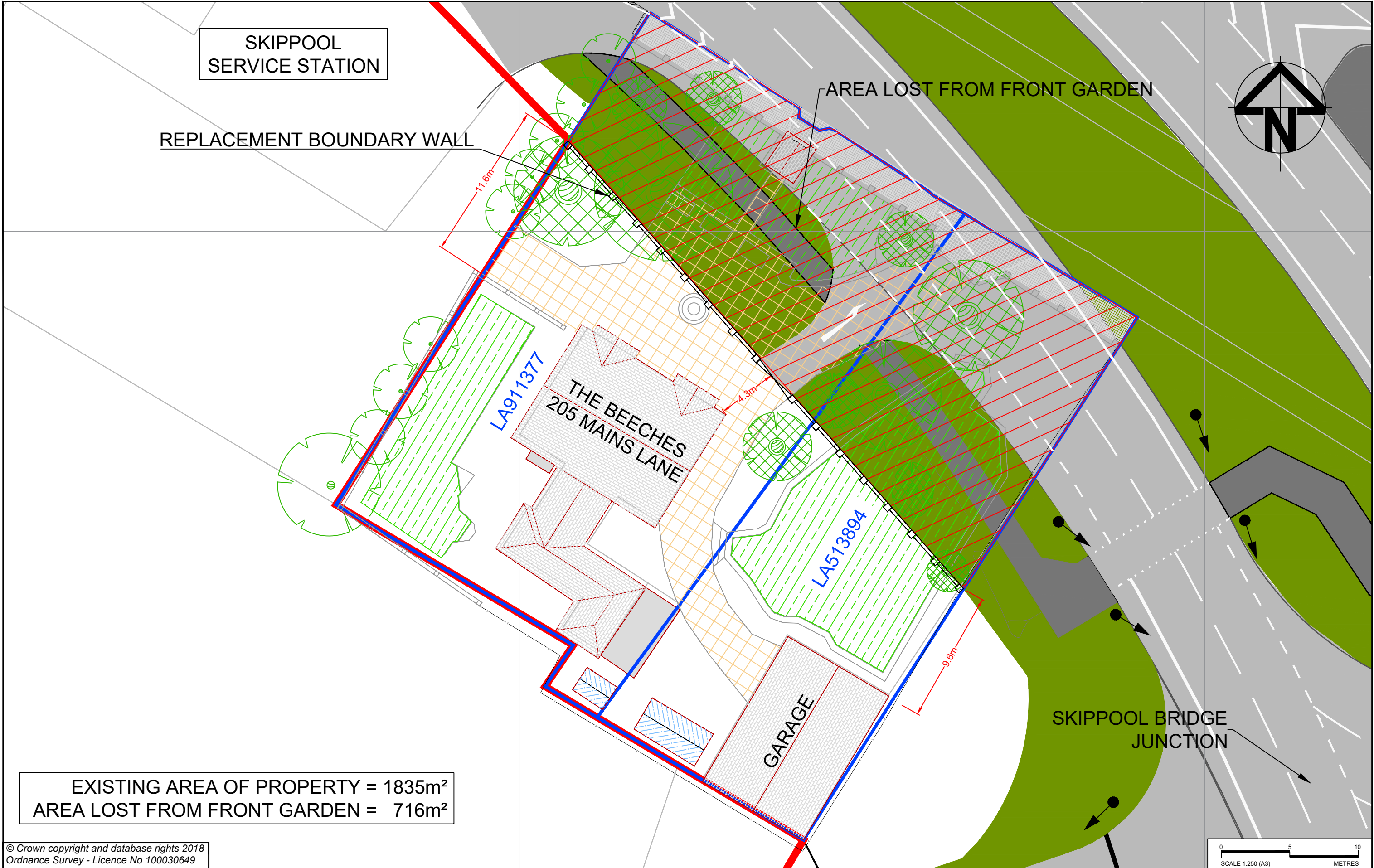
ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			<p>Vibration (document reference TR010035/APP/6.11).</p> <p>As such the consideration of low noise surface / thin surface course system and the correction factors applied in the road traffic noise prediction are wholly in accordance with the current guidance contained within DMRB Volume 11, Section 3, Part 7, HD 213/11 (HD213/11).</p> <p>With regard to these correction factors, HD213/11 considers the issue of deterioration over time in paragraph A4.19 of Annex 4 which states <i>“Low-noise surfaces are normally characterised by their ‘Road Surface Influence’ (RSI) value, which provides a measure by which they can be specified in highway works under the Highways Authorities Product Approval Scheme (HAPAS). However, the RSI value alone does not give an indication of the long-term performance of the surface. In addition, no long-term measurement data is currently available for thin surfacing systems from which any robust correction factors for use in noise assessments can be readily obtained.”</i></p> <p>The surface corrections provided in HD213/11 which have been used in the assessment account for the long-term performance of low noise surface / thin surface course system using the following relationship provided in paragraph A4.21 of HD213/11:</p>

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
			<p>Surface correction = $0.7 * (RSI)$</p> <p>Therefore whilst HD213/11 states “<i>no long-term measurement data is currently available for thin surfacing systems from which any robust correction factors for use in noise assessments can be readily obtained</i>”, inherent within this surface correction calculation the 70th percentile of the initial RSI (defined in HD213/11 as -5dB paragraph A4.29) is used. As such the methodology contained within HD213/11 accounts for an amount of deterioration in the RSI of the low noise surface / thin surface course system by using a reduced performance value from that of a newly laid road surface.</p> <p>It is therefore considered that the assessment within Environmental Statement Chapter 11: Noise and Vibration (document reference TR010035/APP/6.11) has accounted for the reduced performance of low noise surface / thin surface course system over time.</p>
1.9.3	The Applicant	<p>Noise surveys plan</p> <p>Can the Applicant provide an updated noise survey plan (Figure 11.1) showing the locations of the 8 attended noise surveys?</p>	A revised plan has been appended to the Environmental Statement Corrections and Changes Document (document reference TR010035/APP/7.11).
1.9.4	The Applicant	<p>Heights and locations of earth mounds and acoustic fencing</p> <p>The plan included as Figure 11.4 is too small a scale to</p>	A revised plan has been appended to the Environmental Statement Corrections and Changes Document (document reference TR010035/APP/7.11).

ExQ1	Question to	Question	Response
1.0	General and Cross-topic Questions		
		see clearly. Can the Applicant provide an improved plan which clearly sets out these locations?	

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Appendix A: The Beeches, 205 Mains Lane Plan



EXISTING AREA OF PROPERTY = 1835m²
AREA LOST FROM FRONT GARDEN = 716m²

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0	S8	MAY 2019	DEADLINE 2 SUBMISSION	GH	PT	NH
Rev	Status	Rev. Date	Purpose of revision	Drawn	Chk'd	Appr'd

	DRAFT ORDER LIMITS		TRAFFIC SIGNAL LOCATION
	EXISTING GARDENS		EXISTING PROPERTY BOUNDARY
	EXISTING DRIVE		
	LAND REQUIRED FOR 120M SSD EXTENTS		

Client

Project A585 WINDY HARBOUR TO SKIPPOOL IMPROVEMENT SCHEME

Drawing Title "THE BEECHES" 205 MAINS LANE SKIPPOOL, FY6 7LB LANDTAKE REQUIRED IF PROPERTY RETAINED

Status	DEADLINE 2 SUBMISSION	Revision	0
Scale	1 : 250 @ A3	Date	MAY 2019
Drawn By	G.HERRING		
Checked By	P.THOMAS		
Approved By	N.HENDERSON		
PINS No.	TR010035		
Drawing number	HE548643-ARC-LLO-S2_ML_003-DR-D-4264		

Appendix B: Location Plan showing Barnfield Manor, The Manor and Singleton Hall



0 10 20 30 40 50
SCALE 1:1000 (A3) METRES

0	SB	MAY 2019	DEADLINE 2 SUBMISSION	JR	SP	NH
Rev	Status	Rev. Date	Purpose of revision	Drawn	Chk'd	Apprv'd

Client

Project

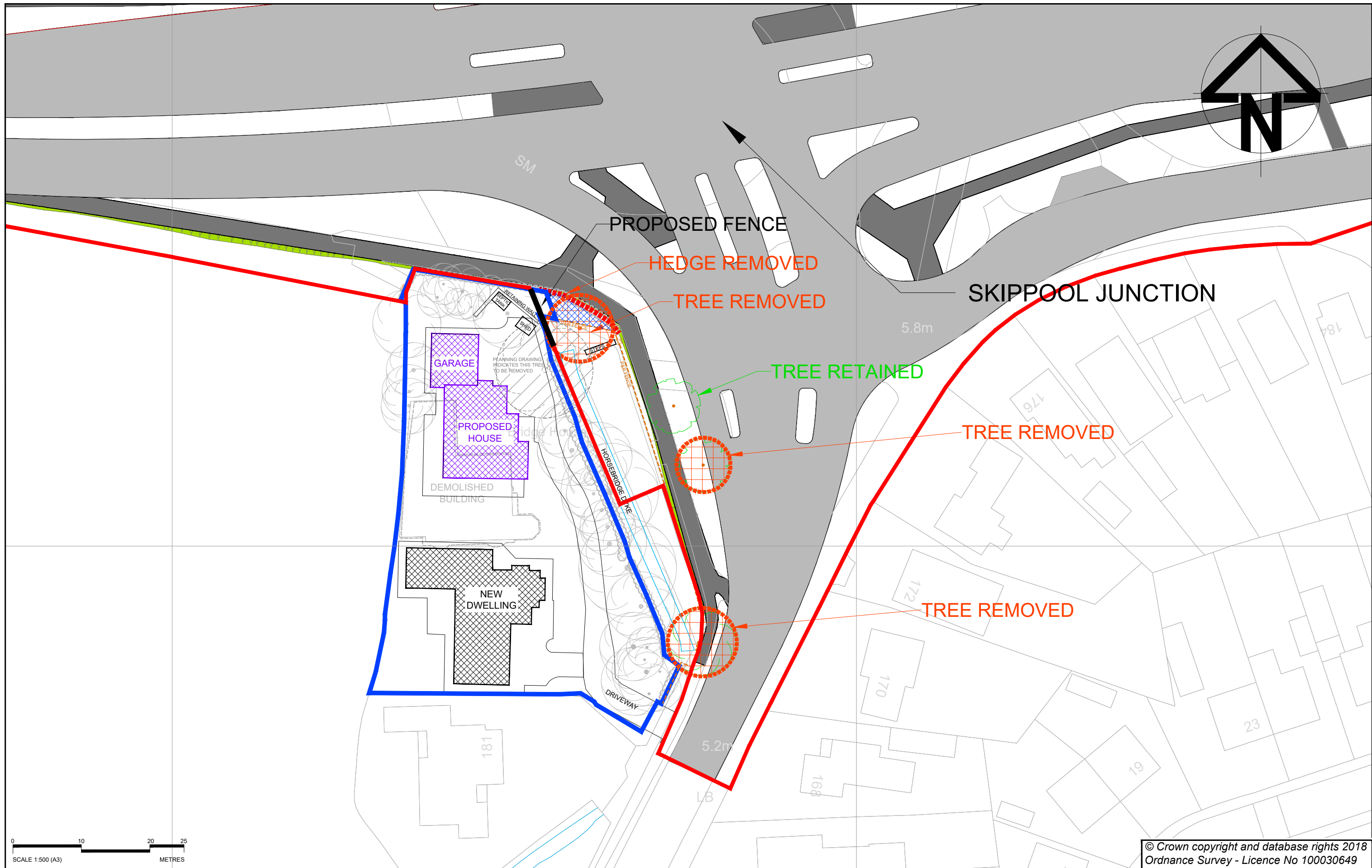
A585 WINDY HARBOUR TO SKIPPOOL
IMPROVEMENT SCHEME

Drawing Title

PROPERTIES AT SINGLETON HALL &
BARNFIELD MANOR, LITTLE SINGLETON

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Status	DEADLINE 2 SUBMISSION		Revision 0
Scale	1 : 1000 @ A3		Date MAY 2019
Drawn By	J.RAFTER		
Checked By	S.PANESAR		
Approved By	N.HENDERSON		
PINS No.	TR010035		
Drawing number	HE 548643-ARC-LLO-SZ	ZZ_000-DR-D-4265	

Appendix C: 183 Breck Road Plan




0 10 20 25
SCALE 1:500 (A3) METRES

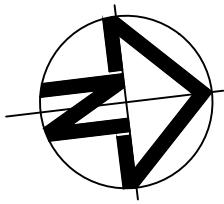
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- DRAFT ORDER LIMITS
- EXISTING PROPERTY BOUNDARY
- POSSESSORY TITLE

Rev	Status	Rev. Date	Purpose of revision	Drawn	Check'd	Apprv'd
0	S8	MAY 2019	DEADLINE 2 SUBMISSION	JR	SP	NH

Client		Project	A585 WINDY HARBOUR TO SKIPPOOL IMPROVEMENT SCHEME		Status	DEADLINE 2 SUBMISSION		Revision	0		
		Drawing Title	LAND AT BRIDGE HOUSE 183 BRECK ROAD SKIPPOOL FY6 7LL		Scale	1 : 500 @ A3		Date	MAY 2019		
					Drawn By	J. RAFTER					
					Checked By	S. PANESAR					
					Approved By	N. HENDERSON					
					PINS No.	TR010035					
					Drawing number	HE PIN	Originator	Volume	Location	Type	Issue
		HE548643-ARC-LLO-S1_ML_002-DR-D-4267									

Appendix D: Plan reflecting location of Carrington development (9 residential units) in relation to the Scheme.



195 MAINS LANE

MAINS LANE

PERMANENT LAND
TAKE = 63.5 SQ.M.

TEMPORARY LAND
TAKE = 92.5 SQ.M.



RYECROFT FARM

- PERMANENT ACQUISITION OF LAND
- LAND TO BE USED TEMPORARILY
- DRAFT ORDER LIMITS

EXTENT OF LAND INDICATED FOR 9.HOUSE DEVELOPMENT



Project A585 WINDY HARBOUR TO SKIPPOOL
IMPROVEMENT SCHEME

Drawing Title
CARRINGTON GROUP 9 HOUSE
DEVELOPMENT EAST OF 195 MAINS
LANE - LAND REQUIRED BY SCHEME

Status	DEADLINE 2 SUBMISSION	Revision	0
Scale	1 : 500 @ A3	Date	MAY 2019
Drawn By	J.RAFTER		
Checked By	S.PANESAR		
Approved By	N.HENDERSON		
PINS No.	TR010035		
Drawing number	HE PIN	Originator	Volume
		Location	Type
			Issue
			Number
HE548643-ARC-LLO-S8_DT_001-DR-D-4266			

0	S8	MAY 2019	DEADLINE 2 SUBMISSION	JR	SP	NH
Rev	Status	Rev. Date	Purpose of revision	Drawn	Checked	Approved