

From: [NWNorthPlanning](#)
To: [A585 Windy Harbour to Skippool](#)
Cc: [Owen, Dolores](#)
Subject: ENVIRONMENT AGENCY – WRITTEN REPRESENTATION
Date: 17 May 2019 16:03:15
Attachments: [NO-2019-111678-01-L01.pdf](#)

Good afternoon,

Please find attached Environment Agency Written Representation in relation to the A585 Windy Harbour to Skippool Improvement Scheme.

Best regards,

Alex

Alexander Hazel

Planning Advisor | Sustainable Places – Cumbria and Lancashire

Email: CLPlanning@environment-agency.gov.uk | Tel: 020 302 51215

Environment Agency | Lutra House, Dodd Way, Off Seedlee Road, Walton Summit, Bamber Bridge, Preston, PR5 8BX

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Mr Garath Symons
The Planning Inspectorate
Temple Quay House (2 The Square)
Temple Quay
Bristol
BS1 6PN

Our ref: NO/2019/111678/01-L01
Your ref: TR010035
Date: 17 May 2019

[Sent via email: A585WindyharbourtoSkipppool@planninginspectorate.gov.uk]

Dear Mr Symons

**APPLICATION BY HIGHWAYS ENGLAND FOR AN ORDER GRANTING
DEVELOPMENT CONSENT FOR THE A585 WINDY HARBOUR TO SKIPPOOL
IMPROVEMENT SCHEME**

As requested for submission by Deadline 2, our Written Representation on the above proposal is as follows:

Following the submission of our Relevant Representation on 24 January 2019, we have continued to work with the Applicant's consultant (Arcadis) to address the issues raised within our representation.

Our current position on the application is that our concerns have mainly been satisfied since our Relevant Representation, though some remain and are outlined below. For this reason, some issues are still considered Under Discussion in the draft Statement of Common Ground (SoCG) submitted by the Applicant and is therefore by no means final or agreed, and will not be signed off by either party, at this stage.

1. Flood risk assessment

- 1.1 Since our Relevant Representation, the Applicant has satisfactorily addressed our concerns with their tidal modelling and in relation to the impacts of climate change on tidal flood risk following the publication of the UK Climate Projections 18 (UKCP18). This has been reflected in their revised Flood Risk Assessment (FRA), application document reference TR010035/APP/5.2 (Rev 1), dated May 2019, which we recently reviewed though a charged planning advice agreement prior to submission.
- 1.2 In summary, having been involved in discussions with the Applicant's consultant and having reviewed the various preceding iterations of the FRA, we can confirm that we are generally satisfied with the content of the revised FRA and that in principal, and being subject to further detailed design, the FRA demonstrates that the proposed development will not be at an

unacceptable risk of flooding or exacerbate flood risk elsewhere, either as the permanent proposal or during the construction phase.

- 1.3 The FRA and the Applicant's enhanced tidal model results confirm that small parts of the Scheme immediately east of Skippool Junction are at risk of tidal flooding during a 0.5% Annual Exceedance Probability (i.e. the 1 in 200 year annual probability) event with and without an allowance for climate change. Tidal flooding was concluded as the main source of flood risk to the operational Scheme. It should be noted that the existing road network is currently at risk of tidal flooding. Parts of the scheme will therefore remain at risk of tidal flooding, as built mitigation cannot be provided to ensure these parts are free from flooding in a design flood for the lifetime of the development. As such, to comply with the requirements of the National Planning Policy Framework (NPPF), a robust Flood Warning and Evacuation Plan must be submitted as part of the Development Consent Order (DCO) application, and referred to a key document in the DCO itself. The flood warning and emergency response is fundamental to managing the flood risk associated with the development, and the Examining Authority will need to formally consider the emergency planning and rescue implications.
- 1.4 We are satisfied that section 11, Recommendations, Securing of Commitments, and subsequent sub-paragraphs 11.1.1 to 11.1.21, adequately addresses the associated flood risk requirements to be secured, acknowledging that in particular and in common with the design for the compensation storage, that these aspects will be developed during the next stage of design. In particular, but not exclusively, the compensation area and other relevant works would subsequently be required to gain consent in accordance with the requirements of the Environmental Permitting (England & Wales) Regulations 2016 (EPR 2016) for certain elements, and through the discharge of a Requirement to be included in the DCO for works outside of the EPR 2016.
- 1.5 The proposed temporary compensatory flood storage area is a flood risk critical aspect of the scheme that is not yet designed. The detailed design of the compensatory flood storage scheme required to ensure flood risk is not increased elsewhere during the construction phase. The proposed scheme will only meet the requirements of the NPPF and National Policy Statement for National Networks if a Requirement is included in the DCO in relation to the submission of details confirming the proposed design, function, construction and decommissioning of the temporary compensatory flood storage area. We will discuss the draft of the Requirement with the Applicant's consultant.
- 1.6 Given the above, the proposed scheme will therefore only meet the requirements of the NPPF and National Policy Statement for National Networks provided it proceeds in strict accordance with the mitigation measures and the design parameters identified within the FRA, and subject to the following requirements to be agreed:
- i. a satisfactory flood warning and evacuation plan to be listed as key document in the DCO; and
 - ii. the inclusion in the DCO of a Requirement for the submission of details confirming the proposed design, function, construction and decommissioning of the temporary compensatory flood storage area.

2. Flood warning and evacuation plan

- 2.1 We do not comment on or approve the adequacy of Flood Warning and Evacuation Plans (FWEPs) or equivalent procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with most developments during an emergency will be limited to delivering flood warnings.
- 2.2 It is for the Examining Authority to decide if access and egress arrangements are 'safe' and determine whether the FWEP or equivalent procedures are sufficient or not. As such, we recommend you consult with emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the national Planning Practice Guidance.
- 2.3 Through a charged planning advice agreement, we have however reviewed the Applicant's draft Flood Warning and Evacuation Plan (FWEP) prior to submission and, insofar as it relates to our remit, we identified a number of deficiencies which we have communicated to the Applicant's consultant. We consider that these deficiencies will need to be addressed in order to provide a fully informed evacuation plan.
- 2.4 Our remit covers the provision of advice on the technical aspects relating the availability of our flood warning service and the likely duration, depths, velocities and flood hazard rating against the design flood event for the proposed development, but we are unable to provide further comment at this time as some of this information is missing from the FWEP. We will continue to work with the Applicant's consultant to address these issues throughout the Examination period.

3. Replacement culvert on Horsebridge Dyke (Skipton Clough Culvert)

- 3.1 We have reviewed the Applicant's technical note (Technical Note 4001 – Skipton Clough Culvert (Ref HE54863-ARC-SMNA585-TN-C-4001; Version 1; dated 26 April 2019) in relation to the proposed replacement of Skipton Clough Culvert and it has addressed our concerns which were raised in relation to consultation on a previous drawing. It should be noted that the technical note states that detailed design is still progressing. As such, we cannot confirm at this stage if the proposals are acceptable in relation to the EPR 2016, however they are acceptable in principle on the basis of the information currently presented.

4. Disapplication of legislation and protective provision

- 4.1 Following further discussions the Applicant has confirmed to us that they are not seeking to disapply any Environment Agency permits or consents, which will be reflected in the updated draft SoCG. The Applicant has also confirmed in the draft SoCG that the revised draft Development Consent Order (dDCO) will therefore not include protective provisions for our benefit. As such, we are pleased that this matter has been resolved following our Relevant Representation.

We are happy to provide clarification of any of the points above if this is required. We

look forward to continuing to work with the Applicant and their consultants to resolve any outstanding matters and to ensure the best environmental outcome for this project.

Our comments given in our Relevant Representation in relation to other issues within our remit and the EPR 2016 remain applicable at this stage.

We may need to add to or amend the matters set out in this Written Representation as further information is provided throughout the Examination period.

Please find enclosed our written representations for the above scheme. If you have any questions or require any clarification on the points below, please do not hesitate to contact me.

Yours sincerely

Mr Alex Hazel
Planning Advisor – Sustainable Places

Tel: 020 302 51215

E-mail: CLPlanning@environment-agency.gov.uk