

Application by Highways England for a Development Consent Order in relation to the A585 Windy Harbour to Skippool Improvement Scheme (TR010035)

Fylde Borough Council (our reference: 20021788)

17 May 2019

Deadline 2: Responses to comments on Relevant Representations (FBC document reference 2.5)

The Applicant provided comments on Fylde Borough Council's (FBC) Relevant Representation (RR) dated 24 January 2019 as part of its Deadline 1 submissions. Those comments are presented in Table 1-1 of document 7.9, with the Applicant's comments on FBC's RR (referred to as "RR-009") set out in reference numbers 9.1 to 9.9 of the table.

This document provides, where necessary, FBC's responses to the Applicant's comments on the Council's RR. For ease, the Council's responses are presented in a table format, with reference numbers corresponding to those indicated in Table 1-1 of document 7.9.

Reference number	Applicant Comments on Relevant Representation	FBC Response to Applicant Comments
9.3	<p>A detailed landscape scheme would be prepared by the contractor and consulted upon to discharge Requirement 5 in the draft DCO prior to construction commencing. There would be a 5-year rectification period (including management and maintenance) included as standard practice – refer to 12F within the Record of Environmental Actions and Commitments (document reference TR010035/APP/7.3). After this time soft landscaping within the Applicant's land ownership would be maintained in accordance with a maintenance schedule which would be prepared prior to the completion of the initial 5-year rectification period.</p> <p>Woodland planting adjacent to the Grange Footbridge structure has been included where physical space requirements allow. In addition, supplementary linear hedgerows with occasional trees are also included to integrate with the adjacent landscape features. Planting is presented on the Environmental Masterplan (document reference TR010035/APP/6.19). An additional commitment will be included within the Record of Environmental Actions and Commitments</p>	<p>FBC does not consider the 5 year rectification period set out in Schedule 2, Part 1, Paragraph 5 of the draft Development Consent Order (dDCO) to be sufficient and, instead, considers that this should be increased to a period of 10 years. The need for a longer rectification period is due to the following:</p> <ul style="list-style-type: none">• The scheme includes the loss of several areas of mature woodland (some of which are protected by a Tree Preservation Order) that are of a significant age, height and spread. The replacement planting to be introduced to compensate for the loss of this mature woodland will not be on a like-for-like basis and it is apparent from the photomontages in document 6.9 of the Environmental Statement (ES) that the comparatively immature new planting will take at least 15 years to provide a level of meaningful screening for the development (though still not achieving the same levels in comparison to the maturity of the existing woodland). There are no photomontages to illustrate the anticipated level of tree growth after 5 years, but given the type of planting proposed (predominantly low-level whips), it is unlikely that this will be significant and so the

<p>document reference TR010035/APP/7.3 – Rev 1) at Deadline 2 to increase the planting stock size in this area. Additional earthworks and landscape screening proposals for Grange footbridge could be developed during detailed design stage by the contractor, where space permits (however this is likely to reduce the amount of proposed woodland).</p> <p>All representative viewpoints were agreed with Wyre Council in December 2017 and Fylde Borough Council in September 2017. An additional photomontage at this location would not change the conclusions reached within the assessment presented in Environmental Statement Chapter 9: Landscape (document reference TR010035/APP/6.9). Following the meeting on 5 March 2019 an extract from the Scheme flythrough has been provided to the Council.</p>	<p>replacement of species that are removed, die or become seriously damaged or diseased should, in FBC's view, extend for a period of 10 years.</p> <ul style="list-style-type: none"> • The scale and extent of the bypass is substantial and, as identified in document 6.9 of the ES, the magnitude of the development's visual impact and the significance of these effects will be "major" and "moderate – large adverse" at several locations. The long-term success (including, where necessary, replacement) of the proposed planting is critical in mitigating this impact, which would occur at several locations spanning a large area. Accordingly, FBC considers that the scale and magnitude of the development's visual impact and the importance of the mitigation to be provided through the introduction of new landscaping warrants a 10 year rectification period. <p>FBC notes the Applicant's intention to include "an additional commitment [...] within the Record of Environmental Actions and Commitments [REAC] document reference TR010035/APP/7.3 – Rev 1) at Deadline 2 to increase the planting stock size in [the woodland planting area adjacent to the Grange Footbridge]". However, FBC considers that this commitment should not be limited to the area adjacent to the Grange Footbridge. The attachment in Appendix A provides FBC's views as to what the composition of new planting in the areas labelled LE2.1, LE2.2, LE2.4, LE2.5, LE2.6, LE3.1 and LE5.1 on the Environmental Masterplan (ES document 6.19) should comprise with respect to the size, type and mix of species. In order to ensure that the areas of landscaping proposed in the Environmental Masterplan provide effective compensation for the loss of existing woodland and appropriate screening of the bypass, FBC considers that the REAC should include a commitment for the landscaping scheme submitted pursuant to the Requirement in Schedule 2, Part 1, Paragraph 5 (1) of the dDCO to follow the principles of the soft landscaping strategy identified in Appendix A.</p> <p>In terms of potential earthworks to screen the Grange footbridge, FBC considers that these should be limited to a relatively shallow bund, topped by planting, to shield the returns at the bases of the ramps on the northern</p>
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		<p>and southern sides of the bridge. FBC does not anticipate that the extent of the earthworks should result in any reduction in the amount of woodland planting proposed in this location.</p> <p>With respect to viewpoints for photomontages, although FBC did give an opinion concerning the suitability of proposed viewpoints (including the need for additions) in September 2017, that opinion was based on a different scheme to what the Applicant has now applied for. In particular, the Applicant was still considering the possibility of implementing a ‘land bridge’ at Lodge Lane when the representative viewpoints were discussed with FBC. The Council is concerned that the scale of the ‘engineering section drawings’ in document 2.6 of the Applicant’s submission do not give a satisfactory visual impression of the Lodge Lane cutting and retaining walls (including the acoustic barrier that would be installed atop the southern wall) and so considers that an additional viewpoint and photomontage should be provided to show this. FBC’s response in 9.6 concerning the design of the acoustic barrier in this location is also relevant in this respect.</p>
9.4	<p>North Lodge and The Manor (Singleton Hall) qualify for noise insulation under the requirements set out under Regulation 3 of the Noise Insulation Regulations (NIR) as there is a predicted road traffic noise level greater than or equal to 68 decibels (dB) LA10 18 hour when rounded to the nearest whole decibel.</p> <p>The properties listed in Fylde’s comment are predicted to experience a significant effect and this is presented in Table 11.35 of Environmental Statement Chapter 11: Noise and Vibration (document reference TR010035/APP/6.11). The significance is as a result of the change in the existing acoustic context.</p> <p>The results of the NIR assessment are presented within the Environmental Statement Appendix 11.3: NIR Assessment (document reference TR010035/APP/6.11.3) and the Changes and Corrections Document (document reference TR10035/APP/7.11) which will be submitted at Deadline 2.</p>	<p>The Applicant’s response indicates that “North Lodge and The Manor (Singleton Hall) qualify for noise insulation under the requirements set out under Regulation 3 of the Noise Insulation Regulations (NIR)”. However, paragraph 11.7.59 of ES document 6.11 (and paragraph 4.1.2 of accompanying document 6.11.3) states that only 1 dwelling – “North Lodge, Lodge Lane, Singleton, Lancashire, Poulton-Le-Fylde, FY6 8LT” – would qualify. It is unclear to FBC why an additional property (“the Manor”) that was not previously identified in documents 6.11 and 6.11.3 of the ES has been mentioned as also qualifying for noise insulation under the NIR.</p> <p>Notwithstanding that, the Applicant accepts that a number of other dwellings surrounding the Lodge Lane bridge would experience a “significant effect” as a result of the extent of the change between existing and predicted noise levels arising from the development. Whilst these dwellings are not expected to qualify for noise insulation under the NIR based on the Applicant’s current predictions, they would suffer a significant reduction in amenity compared to the current levels experienced.</p>

Until the bypass becomes operational the precise noise impact (including verification of qualification for noise insulation under the NIR) cannot be measured or proven definitively. FBC is of the view that, in addition to the provisions of the NIR, wider general amenity considerations and the need to mitigate a clear adverse impact arising from the bypass should be taken into account when determining the necessity for noise insulation to be provided for surrounding dwellings. In this regard, FBC notes that paragraphs 2.1.1 and 3.3.1 of the Applicant's Noise Insulation Regulations Assessment (ES document reference 6.11.3) highlight the potential for properties to qualify for "both statutory and discretionary noise insulation". Accordingly, the Council considers that – in addition to providing statutory noise insulation for the dwellings at 'North Lodge' and 'the Manor' – the Applicant should investigate the need for and beneficial impacts of introducing discretionary noise insulation measures at the following properties:

- Larkfield, Lodge Lane, Singleton, FY6 8LT.
- Keepers Cottage, 1 Barnfield Manor, Singleton, FY6 8LJ.
- Tara Ling, 2 Barnfield Manor, Singleton, FY6 8LJ.
- The Hazels, 3 Barnfield Manor, Singleton, FY6 8LJ.
- Woodside, 4 Barnfield Manor, Singleton, FY6 8LJ.

FBC considers that the dDCO should be revised to include an additional requirement in Schedule 2, Part 1 for noise monitoring to be undertaken at the above locations within 6 months of the bypass first becoming operational in order to determine whether the implementation of statutory or discretionary noise insulation is justified for the abovementioned properties.

FBC notes that Paragraphs 11.8.8 – 11.8.10 of ES document 6.11 identify the need for operational phase noise monitoring, but no such provision appears in the dDCO. In addition, FBC considers there to be a lack of detail within the REAC in terms of defining precisely what the mitigation measures to be implemented under the NIR would comprise.

		FBC considers that the construction phase working hours proposed on Saturday afternoon, as identified in the outline CEMP and Schedule 2, Part 1, Paragraph 4 (2) (c) of the dDCO, should be reduced from 16:00 to 13:00 hours to reflect standard construction industry working hours and for consistency with other road infrastructure improvement projects in the area (e.g. the Preston Western Distributor Road). This is required to safeguard the amenity of neighbouring occupiers and provide some respite at times when residents would normally expect to be reasonably undisturbed.
9.6	<p>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 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 is actively working with the Richard Dunbreck Trust to identify opportunities to work together on heritage improvement opportunities in the local area. The Applicant notes the preference for a red brick wall or alternative boundary treatment at this location. The acoustic timber fence shown on Viewpoint 10 is illustrative of the preliminary design. A commitment will be 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 required along the Singleton Hall</p>	<p>FBC acknowledges the "moderate adverse effect" that the development would have on the setting of the grade II listed Ice House and the landscaping measures that have been agreed with Historic England to mitigate this impact in their Statement of Common Ground with the Applicant (application document 8.6).</p> <p>The classification of "non-designated heritage assets" is, however, a local consideration that sits outside the remit of Historic England's normal function. In addition, non-designated heritage assets would not necessarily appear in the Historic Environment Record as they are to be identified separately by the local planning authority (the definition of "heritage asset" in Annex 2 of the NPPF refers). In accordance with paragraph 197 of the NPPF, the effects of development on the significance of non-designated heritage assets should be taken into account.</p> <p>FBC considers that an acoustic barrier comprising a 2-3m high close-boarded fence (which, additionally, would be located atop a tall retaining wall) erected along the southern edge of the bypass where it borders the building cluster surrounding Singleton Hall (east of the Lodge Lane Bridge) would be wholly inappropriate and incongruous in this setting and would have a harmful impact on the significance of neighbouring non-designated heritage assets and the character and appearance of the area (including views along Lodge Lane).</p> <p>FBC notes the Applicant's intention to include an additional commitment in the updated REAC "to state 'The specification of the material of the acoustic</p>

	<p>access road will be discussed with Fylde Borough Council prior to construction commencing'. Revision 1 of the Record of Environmental Actions and Commitments will be submitted at Deadline 2.</p>	<p>fencing required along the Singleton Hall access road will be discussed with Fylde Borough Council prior to construction commencing". FBC does not, however consider this to be sufficient for the following reasons:</p> <ul style="list-style-type: none"> • The suggested text still refers to "the material of the acoustic fencing [emphasis added]" and so does not provide for any alternative treatment other than a fence to be used. The Council considers that the suggested text should, instead, be re-worded to refer to an acoustic "barrier". • The suggested text simply requires the Applicant to 'discuss' the treatment of the acoustic barrier with FBC prior to construction commencing. That does not, however, commit the Applicant to take any action other than to discuss the specification of the barrier with the Council. The Applicant could then, for example, meet this requirement simply by discussing their intention to erect an acoustic fence as shown in viewpoint 10 of document 6.9 to the ES with FBC and erect the same fence regardless of any objections. <p>Given the above, FBC consider that the dDCO should be revised to include an additional Requirement in Schedule 2, Part 1 for the precise siting, height, design and materials of all acoustic barriers to be approved by the Secretary of State (in consultation with the relevant planning authority) through the discharge procedure in Part 2.</p> <p>For the reasons set out in its response to ExQ1 question 1.4.2, FBC no longer considers that a financial contribution towards footpath improvement works by the Richard Dumbreck Singleton Trust is required to mitigate the scheme's effects on heritage assets.</p>
9.8 & 9.9	<p>As defined in Highways England's RIS 1 Delivery Plan, the scheme requirements were to assess the A585 from Windy Harbour to Skippool to address the congestion and safety concerns at the junctions along this stretch. It is acknowledged that although altering the Scheme extent would change the Scheme's Economic Assessment results the Scheme proposed is shown to generate economic,</p>	<p>FBC considers that Lancashire County Council – in their role as the Local Highway Authority – are best placed to comment on technical matters concerning the scheme's impact on the capacity and safety of the highway network surrounding the development, including the potential for bottlenecks to occur where the dual carriageway of the bypass merges with single lane routes.</p>

<p>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, the Highways England Operations Directorate is conducting investigatory studies for along other areas of the A585 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 other Operations Directorate schemes on the A585 Windy Harbour to Skippool Improvement Scheme which showed that when including the capacity improvement upgrades of adjacent potential Operations Directorate schemes along the A585 route it remained economically worthwhile (based on an assessment of Transport User Benefits only) to proceed with the A585 Windy Harbour to Skippool Improvement Scheme. The impact of the Scheme on traffic distribution across the highway network has been assessed and can be found in the Scheme Combined Modelling and Appraisal Report (document reference TR010035/APP/7.12) Appendices F and H.</p> <p>The Applicant is aware of issues with the junction and further work is being undertaken by Applicant. The Scheme does not have a negative impact on the junction, with a forecast reduction in traffic flows through the junction there is less potential for conflict with the predominant flow on the A585 Fleetwood Road. Highways England's Operations Directorate is conducting investigatory studies for the A585/B5269 (Thistleton/Mile Road) and the M55 Junction 3 along Fleetwood Road that are separate from the A585 Windy Harbour to Skippool Improvement scheme.</p>	<p>FBC acknowledges the Applicant's comments regarding the separate "investigatory studies for the A585/B5269 (Thistleton/Mile Road) and the M55 Junction 3 along Fleetwood Road" and accepts that these investigations (and any improvements flowing from them) are outside the scope of this scheme. At present, however, it remains unclear as to what improvements are likely to be implemented as a result of those separate investigations and how they will tie in with the delivery of the bypass to ensure that a comprehensive approach is taken.</p>
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LIST OF APPENDICES (ATTACHED SEPARATELY)

APPENDIX A – Fylde Borough Council recommendations for soft landscaping

Appendix A – Fylde Borough Council recommendations for soft landscaping

LE.2.1 Woodland

40% Shrubs, 60% Trees.

Trees - 3% Heavy Standard, 5% Standard, 12% Feathered and 80% transplants.

Tree and shrub species to be planted in random, single species groups of 3, 5 and 7

Species should include, but not limited to, the following:

<u>Trees</u>		<u>Approximate % of total mix</u>
Field maple	<i>Acer campestre</i>	10
Alder	<i>Alnus glutinosa</i>	include in damp areas only
Hawthorn	<i>Crataegus monogyna</i>	5
Ash	<i>Fraxinus excelsior</i>	15 (If available. If not, increase the Field maple by 3%, the Sessile oak by 3%, The Hawthorn by 3%, the Pedunculate oak by 2%, the Bird cherry by 2% and the Rowan by 2%)
Bird cherry	<i>Prunus padus</i>	5
Sessile oak	<i>Quercus petraea</i>	10
Pedunculate oak	<i>Quercus robur</i>	5
Rowan	<i>Sorbus aucuparia</i>	5
Wych elm	<i>Ulmus glabra</i>	5

<u>Shrubs</u>		
Dogwood	<i>Cornus sanguinea</i>	5
Hazel	<i>Corylus avellana</i>	5
Holly	<i>Ilex aquifolium</i>	5
Wild privet	<i>Ligustrum vulgare</i>	5
Blackthorn	<i>Prunus spinosa</i>	5
Field rose	<i>Rosa arvensis</i>	2.5
Dog rose	<i>Rosa canina</i>	2.5
Elder	<i>Sambucus nigra</i>	5
Travellers joy	<i>Clematis vitalba</i>	2
English lve	<i>Hedera helix</i>	2
Honeysuckle	<i>Lonicera periclymenum</i>	1

LE.2.2 Woodland Edge

60% Shrubs, 40% Trees.

Trees - 3% Heavy Standard, 7% Standard, 15% Feathered and 75% transplants.

Tree and shrub species to be planted in random, single species groups of 3, 5 and 7

Species should include, but not limited to, the following:

<u>Trees</u>		<u>Approximate % of total mix</u>
Field maple	<i>Acer campestre</i>	5
Alder	<i>Alnus glutinosa</i>	include in damp areas only
Hawthorn	<i>Crataegus monogyna</i>	10
Ash	<i>Fraxinus excelsior</i>	5 (If available. If not, increase the Field maple by 1%, The Hawthorn by 2%, the Bird cherry by 1% and the Rowan by 1%)
Crab apple	<i>Malus sylvestris-</i>	4
Bird cherry	<i>Prunus padus</i>	4
Sessile oak	<i>Quercus petraea</i>	4
Rowan	<i>Sorbus aucuparia</i>	4
Wych elm	<i>Ulmus glabra</i>	4

Shrubs

Dogwood	<i>Cornus sanguinea</i>	5
Hazel	<i>Corylus avellana</i>	10
Holly	<i>Ilex aquifolium</i>	6
Wild privet	<i>Ligustrum vulgare</i>	5
Blackthorn	<i>Prunus spinosa</i>	8
Field rose	<i>Rosa arvensis</i>	5
Dog rose	<i>Rosa canina</i>	5
Elder	<i>Sambucus nigra</i>	5
Guilder rose	<i>Viburnum opulus</i>	6
Travellers joy	<i>Clematis vitalba</i>	2
English Ive	<i>Hedera helix</i>	2
Honeysuckle	<i>Lonicera periclymenum</i>	1

LE.2.4 Linear belts of shrubs and trees

65% Shrubs, 35% Trees.

Trees - 10% Heavy Standard, 10% Standard, 15% Feathered and 65% transplants.

Tree and shrub species to be planted in random, single species groups of 3, 5 and 7

Species should include, but not limited to, the following:

<u>Trees</u>		<u>Approximate % of total mix</u>
Field maple	<i>Acer campestre</i>	8
Alder	<i>Alnus glutinosa</i>	include in damp areas only
Hawthorn	<i>Crataegus monogyna</i>	5
Ash	<i>Fraxinus excelsior</i>	8 (If available. If not, increase the Field maple by 2%, the Sessile oak by 2%, The Hawthorn by 2%, the Pedunculate oak by 1% and the Bird cherry by 1%)
Bird cherry	<i>Prunus padus</i>	3
Sessile oak	<i>Quercus petraea</i>	5
Pedunculate oak	<i>Quercus robur</i>	3
Wych elm	<i>Ulmus glabra</i>	3

Shrubs

Dogwood	<i>Cornus sanguinea</i>	5
Hazel	<i>Corylus avellana</i>	10
Holly	<i>Ilex aquifolium</i>	8
Wild privet	<i>Ligustrum vulgare</i>	8
Blackthorn	<i>Prunus spinosa</i>	10
Field rose	<i>Rosa arvensis</i>	3
Dog rose	<i>Rosa canina</i>	3
Elder	<i>Sambucus nigra</i>	8
Guilder rose	<i>Viburnum opulus</i>	5
Travellers joy	<i>Clematis vitalba</i>	2
English IVE	<i>Hedera helix</i>	2
Honeysuckle	<i>Lonicera periclymenum</i>	1

LE.2.5 Shrubs with intermittent trees

90% Shrubs, 10% Trees.

Trees - 10% Heavy Standard, 20% Standard, 20% Feathered and 50% transplants.

Tree and shrub species to be planted in random, single species groups of 3, 5 and 7

Species should include, but not limited to, the following:

<u>Trees</u>		<u>Approximate % of total mix</u>
Field maple	<i>Acer campestre</i>	2
Hawthorn	<i>Crataegus monogyna</i>	2
Bird cherry	<i>Prunus padus</i>	2
Sessile oak	<i>Quercus petraea</i>	2
Rowan	<i>Sorbus aucuparia</i>	2

Shrubs

Dogwood	<i>Cornus sanguinea</i>	5
Hazel	<i>Corylus avellana</i>	20
Broom	<i>Cytisus scoparius</i>	5
Holly	<i>Ilex aquifolium</i>	5
Blackthorn	<i>Prunus spinosa</i>	20
Field rose	<i>Rosa arvensis</i>	5
Dog rose	<i>Rosa canina</i>	5
Elder	<i>Sambucus nigra</i>	10
Gorse	<i>Ulex europaeus</i>	5
Guelder rose	<i>Viburnum opulus</i>	10

LE.2.6 Shrubs

100% Shrubs

Shrub species to be planted in random, single species groups of 3, 5 and 7

Species should include, but not limited to, the following:

<u>Shrubs</u>		<u>Approximate % of total mix</u>
Alder	<i>Alnus glutinosa</i>	5
Hawthorn	<i>Crataegus monogyna</i>	10
Crab apple	<i>Malus sylvestris</i>	20
Rowan	<i>Sorbus aucuparia</i>	5
Dogwood	<i>Cornus sanguinea</i>	5
Hazel	<i>Corylus avellana</i>	5
Broom	<i>Cytisus scoparius</i>	5
Holly	<i>Ilex aquifolium</i>	5
Blackthorn	<i>Prunus spinosa</i>	5
Field rose	<i>Rosa arvensis</i>	2.5
Dog rose	<i>Rosa canina</i>	2.5
Elder	<i>Sambucus nigra</i>	20
Guelder rose	<i>Viburnum opulus</i>	10

LE.3.1 Amenity Tree and Shrub planting

65% Shrubs, 35% Trees.

Trees - 100% Heavy Standard

Tree and shrub species to be planted in random, single species groups of 3, 5 and 7

Species to be agreed

LE.5.1 Individual Trees

100% Trees.

Trees - 100% Heavy Standard

Species could include, but not limited to, the following:

Scots pine	<i>Pinus sylvestris</i>	
Ash	<i>Fraxinus excelsior</i>	if available
Alder	<i>Alnus glutinosa</i>	include in damp areas only
Crab apple	<i>Malus sylvestris</i>	
Pedunculate oak	<i>Quercus robur</i>	
Sessile oak	<i>Quercus petraea</i>	
Rowan	<i>Sorbus aucuparia</i>	
Whitebeam	<i>Sorbus aria</i>	