

**From:** [NWNorthPlanning](#)  
**To:** [A585 Windy Harbour to Skippool](#)  
**Cc:** [Owen, Dolores](#)  
**Subject:** ENVIRONMENT AGENCY - DEADLINE 3 UPDATE  
**Date:** 31 May 2019 13:00:30  
**Attachments:** [NO-2019-111760-01-L01.pdf](#)

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Good afternoon,

Please find attached Environment Agency update at Deadline 3 in relation to the A585 Windy Harbour to Skippool Improvement Scheme.

Best regards,

Alex

**Alexander Hazel**

**Planning Advisor | Sustainable Places – Cumbria and Lancashire**

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

**Our ref:** NO/2019/111760/01-L01  
**Your ref:** TR010035  
**Date:** 31 May 2019

[Sent via email: [A585WindyharbourtoSkippool@planninginspectorate.gov.uk](mailto:A585WindyharbourtoSkippool@planninginspectorate.gov.uk)]

Dear Mr Symons

**DEADLINE 3 SUBMISSION: APPLICATION BY HIGHWAYS ENGLAND FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE A585 WINDY HARBOUR TO SKIPPOOL IMPROVEMENT SCHEME**

We would like to provide the following update to the Examining Authority (ExA) in relation to the details submitted by the Applicant by Deadline 2 (17 May 2019).

**1. Flood risk assessment (FRA)**

- 1.1. As stated in our Written Representation, we provided feedback to the Applicant's consultant (Arcadis) on a draft version of the revised FRA, application document reference TR010035/APP/5.2 (Rev 1), dated May 2019, through our charged planning advice service prior to submission at Deadline 2. We have reviewed the revised FRA as submitted to the ExA at Deadline 2 and we are satisfied that our comments have been taken onboard. Our comments provided in our Written Representation remain applicable.
- 1.2. We will provide an update in due course in relation to the Requirement we are seeking for the details confirming the proposed design, function, construction and decommissioning of the temporary compensatory flood storage area.

Flood risk management – dwarf walls

- 1.3. We also wish to provide clarification on the proposed dwarf walls, as referred to in sections 9.1.4 and 11.1.8 of the FRA. The dwarf walls are a flood risk critical aspect of the scheme not yet at the detailed design stage, and are therefore subject to further discussion with us. We are aware that further detail will be provided, in due course, by the Applicant's appointed contractor to progress permit discussions.
- 1.4. We consider the proposed dwarf walls as flood risk activities listed in Schedule 25 of the Environmental Permitting (England and Wales) Regulations 2016:
  - (g) any activity (other than an allowed activity) on a flood plain that is—
  - (i) more than 8 metres from a non-tidal main river or more than 16

*metres from a tidal main river, or;*  
*(ii) more than 8 metres from any flood defence structure or culvert on a non-tidal main river or more than 16 metres from any flood defence structure or culvert on a tidal main river, which is likely to divert or obstruct floodwaters, to damage any river control works or to affect drainage;*

- 1.5. It is stated (section 9.1.4) that the dwarf walls require gaps to maintain disability access requirements, and 'flood boards' would be deployed during times of flooding, but it is not clear from the FRA, or flood warning and evacuation plan, who would be responsible for deployment or what the design and specification will be.

## **2. Flood warning and evacuation plan (FWEP)**

- 2.1. We have reviewed the submitted FWEP, application document reference TR010035/APP/7.2 (Rev 0), dated May 2019, which is included in Appendix Q of the Outline Construction and Environmental Management Plan, application document reference TR010035/APP/7.2 (Rev 0), dated May 2019, and further to our comments provided in our Written Representation, we are generally satisfied the issues we raised have been addressed. This is in relation to 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, as stated in our Written Representation.
- 2.2. Although the FWEP is appended to the Outline CEMP, which is listed as a Document to be Certified in Schedule 11 of the draft Development Consent Order, the ExA may wish to consider having the FWEP separately listed in this schedule, as it is fundamental to the flood risk management of the Scheme.

### **Flood risk management – 'flood boards'**

- 2.3. The ExA should be aware, however, that details on operational triggers for deployment of 'flood boards' (as referred to above in section 1) are not currently covered in the section 7.3 of the submitted FWEP. It should be noted that the Environment Agency will not be responsible for the deployment of third party flood defence measures. This should be addressed in the FWEP to ensure the correct course of action is taken in the event of a flood.

## **3. The Applicant's 'Responses to Examining Authority's First Written Questions' (ExQ1)**

### **Question 1.7.5**

- 3.1. While this question is not addressed to the Environment Agency, we note that it relates to the application of the UKCP18 climate change allowances and the extreme H++ scenario. As such, we wish to provide clarification to the ExA on this issue. UKCP18 and H++ are not the same and in relation to the proposed development, the Applicant has considered the impacts of UKCP18 allowances on flood risk to the proposal. We had suggested that the Applicant considers the H++ scenario, but this is not mandatory, and given the difference in flood depths associated with the two scenarios, the development would not be operational in an H++ scenario based on the mitigation agreed for UKCP18 events and below.

#### **4. Temporary compensatory flood storage area**

- 4.1. The ExA and Applicant should be aware that if the spatial arrangement (as indicated on the Works and General Arrangements plans) of the temporary compensatory flood storage area subsequently approved as part of the DCO may have to change as a result of detailed design.
- 4.2. We note that several ponds are to be temporarily removed during construction. We would suggest that the Applicant considers incorporating the ponds within the flood storage areas.

#### **5. Protective provision**

- 5.1. We have reviewed the submitted draft Development Consent Order, application document reference TR010035/APP/3.1 – Rev 2 (dated May 2019), and we are satisfied that the protective provision previously included for our benefit has been removed.

#### **6. Outline Construction and Environmental Management Plan (Outline CEMP)**

- 6.1. In relation to section 1.2.2, bullet point 8, of the updated Outline CEMP, application document reference TR010035/APP/7.2 – Rev 1 (dated May 2019), further clarification should be provided as to what is considered as 'appropriate provision' for ensuring Environment Agency access to main river watercourses and flood risk management structures to carry out our statutory duties is not restricted.

#### **7. Record of Environmental Actions and Commitments (REAC)**

- 7.1. Section 8Z (ii) of the updated REAC, application document reference TR010035/APP/7.3 – Rev 1 (dated May 2019), states that assessment of any likely flood risk impacts will be made where any haul roads are constructed across the floodplain, and/or any other temporary ground raising or stockpiling of materials in the floodplain. However, it is not clear how such assessment is proposed to be undertaken. We would therefore ask for the document to be updated to include commitment to undertake further flood risk assessment, and further modelling work if deemed appropriate to the nature and scale of the work.

We will continue Applicant and their consultants throughout the examination period to resolve any outstanding matters, and we will provide with further updates as required.

If you require clarification on any of the above points, please do not hesitate to contact me.

Yours sincerely

**Mr Alex Hazel**  
**Planning Advisor - Sustainable Places Team**

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