

**From:** [Matthew Taylor](#)  
**To:** [A585 Windy Harbour to Skippool](#)  
**Subject:** A585 Windy Harbour to Skippool Improvement Scheme: Deadline 3 submission - Fylde Borough Council  
**Date:** 31 May 2019 15:19:42  
**Attachments:** [3.1 FBC comments on deadline 2 submissions.pdf](#)  
[3.1 Appendix A.pdf](#)

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Dear Sir/Madam,

Further to your letter dated 16 April 2019 and the timetable set out in Annex A, please find attached the following deadline 3 submissions from Fylde Borough Council (FBC). All documents are clearly labelled for ease of identification:

- **FBC document 3.1 and supporting Appendix A** – Fylde Borough Council's comments on deadline 2 submissions.

If there are any queries concerning the above, please do not hesitate to contact me.

Kind regards,

Matthew

Matthew Taylor

Senior Development Officer  
Fylde Borough Council

DDI: 01253 658457

Main:

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**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)

31 May 2019

**Deadline 3: Comments on deadline 2 submissions (FBC document reference 3.1)**

Fylde Borough Council (FBC) has reviewed the deadline 2 submissions published on 22 May 2019 in connection with the above Application. The contents of some of those submissions affect or alter the Council's case as currently presented in its deadline 2 submissions. The comments below identify those instances under separate topic headings and highlight areas where changes to the Council's case arise as a result. FBC's position concerning all other matters remains as set out in its deadline 2 submissions.

**1. Comments on responses to the Examining Authority's (ExA) First Written Questions (ExQ1):**

***Archaeology (ExQ1 question 1.4.1):***

FBC notes that Lancashire County Council's (LCC) response to this question clarifies the scope of archaeological investigations that have been carried out to date (including "trial excavation and open area excavation"). LCC's response also states that "in the opinion of the County Council's archaeological advisor, [none of the remains found during archaeological works were] of sufficient importance to merit inclusion in the Schedule of Monuments under the Ancient Monuments and Archaeological Areas Act 1979 or to be otherwise preserved in situ at the expense of development". Moreover, LCC consider that "there is no reason to suppose that any further elements of the same settlement site that might be affected by the proposed A585 road scheme would be of any higher value or significance". Accordingly, LCC are content with a "mitigation approach of 'preservation by record' [...] subject to archaeological investigation prior to development". LCC do, however, consider that additional wording is required in Schedule 2, Part 1, Requirement 9 of the draft Development Consent Order (dDCO) to ensure that "any earth moving operations within any areas of interest identified in the scheme of investigation are not commenced until such time as the investigation works have been completed".

FBC's current response to question 1.4.1 suggests that additional provisions are made in Schedule 2, Part 1, Requirement 9 of the dDCO for the in-situ preservation of any previously unidentified archaeological remains affected by the development in the event that these are "demonstrably of equivalent significance to scheduled monuments". This recommendation is carried through in point 10 of FBC's schedule of amendments to the dDCO set out in its Statement of Common Ground (SoCG) (p. 43 of FBC document 2.3). However, LCC's response to question 1.4.1 clarifies that, based on the archaeological investigations undertaken to date, the relative significance of archaeological remains affected by the development would not warrant their in-situ preservation. Accordingly, FBC no longer considers this specific change to Requirement 9 of the dDCO to be necessary. It is, however, the case that a different amendment is required to Schedule 2, Part 1, Requirement 9 of the dDCO to deal with the timing of earth moving operations within any areas of archaeological interest as set out in LCC's response to question 1.4.1.

***Heritage assets (ExQ1 questions 1.4.2 and 1.4.3):***

FBC notes LCC's comments regarding the significance of non-designated heritage assets surrounding Singleton Hall. In particular, and with reference to the Historic Environment Record (HER), LCC conclude that "despite [their] lack of designation, the buildings and park are of some local heritage value and some mitigation is justified". In terms of the design of any acoustic barrier flanking this group of buildings, LCC indicate that "given the historic setting, it may be appropriate for the screening in this location to be provided by a brick wall rather than a wooden fence with a modern design." FBC agrees with LCC's assessment in this regard.

For the reasons set out in its own response to question 1.4.2, FBC agrees with the Applicant that a financial contribution towards a “Heritage Improvement Scheme” is not required in this instance. However, FBC does not consider the Applicant’s response to question 1.4.3 concerning the design of the acoustic barrier to the north of Singleton Hall (as carried through under reference no. 7L in Rev 1 of the Record of Environmental Actions and Commitments – REAC) to be sufficient. The reasons for this and the need for changes to the REAC and dDCO are set out in point 9.6 of FBC’s deadline 2 submission document 2.5, and Point 7 of FBC’s schedule of amendments to the dDCO contained in the SoCG (p. 41 of FBC submission document 2.3).

***Landscape and visual (ExQ1 question 1.5.1):***

FBC acknowledges the Applicant’s comments regarding the design of the Grange Footbridge and the provision of supplementary planting around it as presented in Rev 1 of the Environmental Masterplan. It is also noted that reference no. 5L of the revised REAC (Rev 1) specifies the typical stock size of planting and a commitment for at least 30% of species to be evergreen specimens within this area. However, for the reasons set out in point 9.3 of FBC’s deadline 2 submission document 2.5 (and Appendix A), the Council does not consider the Applicant’s response – including the associated revisions to the REAC – to be sufficient to deal with this issue.

***Delivery of land for housing (ExQ1 question 1.8.7):***

FBC can confirm that Highways England have now agreed to the discharge of all conditions applied for under application reference 18/0726 that are relevant to their role (specifically conditions 7 and 11). As the requirements of condition 12 carry a ‘pre occupation’ trigger, the agent instructed FBC to remove reference to this condition from application 18/0726. Accordingly, the Council has now issued its formal decision on application 18/0726, a copy of which is provided in Appendix A. As a result, there is no reason to suggest that the proposed bypass is preventing the construction of the 9 dwellings consented by planning permission 16/1006 and reserved matters approval 18/0724.

**2. Comments on SoCG:**

***Archaeology:***

For the reasons given in section 1 above, the Council considers that its suggested change identified in point 10 of FBC’s schedule of amendments to the dDCO (p. 43 of the SoCG) is no longer necessary. However, FBC considers that other amendments are needed to Schedule 2, Part 1, Requirement 9 of the dDCO to deal with the observations made by LCC in its response to ExQ1 question 1.4.1.

**3. Comments on Applicant’s first revised draft DCO:**

FBC notes that Revision 2 of the dDCO (dated May 2019) does not incorporate any of the changes suggested in the Council’s deadline 2 submissions – specifically those identified in points 1 – 12 of the SoCG. It is, however, acknowledged that the Applicant would not have been aware of the Council’s suggestions in its deadline 2 submissions at the time of preparing dDCO Rev 2. Nevertheless, FBC would take this opportunity to re-iterate its views concerning the need for amendments and additions to dDCO Rev 2 as identified in the SoCG (though incorporating its updated comments with respect to point 10 as highlighted in sections 1 and 2 above).

**LIST OF APPENDICIES (ATTACHED SEPARATELY)**

**APPENDIX A** – Decision notice for application 18/0726.



**Our Ref**  
18/0726

**Your Ref**

**Ask For**  
Matthew Taylor

**Date**  
28 May 2019

Mrs Nicholls  
Leith Planning Limited  
14 South Clifton Street  
Lytham St Annes  
FY8 5HN

Dear Mrs Nicholls

**APPLICATION FOR DISCHARGE OF PLANNING CONDITION**

**18/0726 -APPLICATION TO DISCHARGE CONDITIONS 7 (ACCESS ONTO A585), 9 (LEVELS), 11 (SURFACE WATER DRAINAGE SCHEME), 15 (TREE PROTECTION), 19 (MAINTENANCE OF OPEN SPACE AND AMENITY LANDSCAPING), 20 (ECOLOGICAL MANAGEMENT PLAN) AND 21 (INTERNAL NOISE) OF PLANNING PERMISSION 16/1006**

**LAND BETWEEN 185 & 195 MAINS LANE, SINGLETON, FY6 7LB**

Fylde Borough Council has considered the details provided in this submission to discharge conditions associated with the planning permission quoted. In accordance with the details specified in Articles 27-30 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 the council's decision in respect of these conditions is as follows, with the numbers corresponding to the conditions on the original planning permission.

7. The details for the design and construction of the development access onto the A585 shown on the following plans are acceptable:
- Drawing no. 1036-002 Rev A - Proposed development access.
  - Drawing no. 1036-004 - Standard highway details.
  - Drawing no. 16101/ATR/01 Rev A - Swept path analysis.

Providing that the development is carried out in accordance with these details and the timescale identified in condition 8 of planning permission 16/1006, the requirements of the condition will be complied with.

N.B. The response above follows correspondence from Highways England dated 20.05.19 confirming their technical approval for the access arrangements shown on the above mentioned plans.

9. The details of finished floor levels and external ground levels for each plot shown on the following plan are acceptable:
- Drawing no. 1036-003 Rev A - Proposed levels strategy.

Providing that the development is carried out in accordance with these details the requirements of the condition will be complied with.

11. The surface water drainage scheme detailed in the following documents and plans is acceptable:

- Drawing no. 1036-001 Rev A - Proposed drainage strategy.
- Document titled "Surface and Foul Water Drainage Design Statement" by 'FORTEM Consultants' dated 19.02.19 (document reference 1036-R001-V2).
- Letter from Eversheds Sutherland (International) LLP dated 26.02.19 (document reference GOREH\335947-000001).

Providing that the development is carried out in accordance with these details the requirements of the condition will be complied with.

N.B. The response above follows correspondence from Highways England dated 08.04.19 confirming their technical approval for the drainage scheme shown in the abovementioned plans and documents.

15. The scheme for the protection of retained trees and hedgerows during the construction period shown in the following documents is acceptable:

- Document titled "Arboricultural Method Statement to BS 5837:2012" dated 14.08.18 by 'JCA Limited' (reference 14137-A/AJB).
- Document titled "Arboricultural Report to BS 5837:2012" dated 14.08.18 by 'JCA Limited' (reference 14137/AJB).

Providing that the development is carried out in accordance with these details and the timescale identified in the condition, the requirements of the condition will be complied with.

19. The details for the on-going maintenance of the communal areas of public open space and amenity landscaping shown on the following plans are acceptable:

- Drawing no. 064-01-01 Rev B - Planting Plan and Establishment Notes.
- Drawing no. 064-01-02 - Planting Details and Specifications.

Providing that the development is carried out and subsequently maintained in accordance with these details and the timescale identified in the condition, the requirements of the condition will be complied with.

20. The details shown on the following plans and documents which, taken together, form the Ecological Management Plan for the development are acceptable:

- Document titled "Ecological Management Plan" by 'Haycock & Jay Associated Ltd' dated July 2018 (reference CAG003, including Appendix 1 and 2).
- Drawing 1 - Proposed bat and bird box locations.

Providing that the development is carried out in accordance with these details and the timescale identified in the condition, the requirements of the condition will be complied with.

21. The scheme to safeguard the internal noise environment of occupants of the development shown in the following document is acceptable:

- Document titled "Noise Impact Assessment" by 'BWB' dated 01.08.18 (document reference MCP2070 Revision 1).

Providing that the development is carried out in accordance with these details the requirements of the condition will be complied with.

If the wording of the planning condition requires that the approved details are to be implemented then the approved details listed above are those to which this requirement will apply.

Yours sincerely



Matthew Taylor,  
Senior Development Officer