

# **A585 Windy Harbour to Skippool Improvement Scheme**

**TR010035**

## **7.28 Responses to Representations Received at Deadline 6 & 6a**

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[ ]

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**RESPONSES TO REPRESENTATIONS RECEIVED AT DEADLINE 6 & 6a**

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## ABBREVIATIONS

Abbreviations contained within this document are listed below with an indication of their meaning in the context of this Scheme.

Abbreviation	Meaning
CEMP	Construction Environmental Management Plan
DCO	Development Consent Order
dDCO	Draft Development Consent Order
ES	Environmental Statement
ExA	Examiner appointed by the Secretary of State
FRA	Flood Risk Assessment
Rev	Revision

## **1 RESPONSES TO REPRESENTATIONS RECEIVED AT DEADLINE 6 & 6a**

- 1.1.1 The purpose of this document is to set out the responses to representations received at Deadline 6 and additional representation received at Deadline 6a.
- 1.1.2 These can be found in Table 1-1 below.



Table 1-1: Responses to Representations Received at Deadline 6 & 6a

Reference Number	Written Representations	Response to Written Representation
<b>REP6-023</b>	<b>Fleetwood Renewable Energy Enterprise 2007</b>	
REP6-023.1	Please supply the identity and contact details of the parties who supplied the advice to Arcadis in which the Flood Risk Assessment (with particular reference to page 5 of the Flood Risk Assessment).	Refer to response to REP5-028.4 in Responses to Representations Received at Deadline 5 (document reference TR010035/APP/7.25)
REP6-023.2	Without any opportunity to assess the basis of the information on which the Flood Risk Assessment is founded we remain of the view that the indicators of future tidal height and of tidal surge has been grossly underestimated. We cannot believe that the Inspector may make an informed decision without being totally satisfied as to the basis of the information on which his decision will be based.	Refer to response to REP5-028.4 in Responses to Representations Received at Deadline 5 (document reference TR010035/APP/7.25)
REP6-023.3	The Flood Risk Assessment indicates that it is impractical to defend Thornton, Cleveleys and Fleetwood from future flooding but no grounds have been proposed on which that conclusion is based (Flood Risk Assessment at page 47). Without detailed costings of ALL schemes designed to prevent future flooding that conclusion is unsustainable. Consideration of such costings should include a comparison with other (completed) Flood Defence Schemes and we have already made reference to the Netherlands Defence Schemes but without any comment or response from the Inspector.	Refer to response to REP5-028.5 in Responses to Representations Received at Deadline 5 (document reference TR010035/APP/7.25).
REP6-023.4	We require you to publish future predicted tidal heights for (say) 25, 50, 75 and 100 years hence, together with the basis of the information on which those predictions are based. We would then intend to show the extent to which the area subject to flooding from the River Wyre will flood -and consequently the extent to which the proposed road improvements will be ineffective.	Future predicted tidal heights would need to be obtained from the Environment Agency; the Applicant would not be in a position to publish this information. For the FRA, the Applicant is only required to model a 0.5% AEP tidal event (with and without UKCP18 climate change allowance) which has been agreed with the Environment Agency, refer to the Statement of Common Ground with the EA (document reference TR010035/APP/8.3).
REP6-023.5	We have already acknowledged that our particular concern is that flooding can and should be prevented on both sides of the River Wyre including the A585 which is the only road off the peninsula.	Refer to response to REP5-028.5 in Responses to Representations Received at Deadline 5 (document reference TR010035/APP/7.25).
REP6-023.6	Our proposition for a tidal barrier (including the generation of electrical power from the natural movement of the tides) has wide support in the area and beyond and should be installed and become operative at the mouth of the River Wyre at the earliest opportunity.	Refer to response to REP5-028.5 in Responses to Representations Received at Deadline 5 (document reference TR010035/APP/7.25).
<b>REP6-024</b>	<b>Richard Turner &amp; Sons on behalf of Messrs Ditchfield</b>	
REP6-024.1	We are in receipt of your letter of the 16th August 2019 and note the changes to the examination and timetable. We have also noted under Annex A Item 19 that there is a deadline of Wednesday 21st August 2019 for comments on the applicant's revised draft DCO. We have also referred to the additional written questions published on the 19th August and would comment in respect of Item 3.2.12. This concerns a temporary use of land.	Noted
REP6-024.2	I am agent acting on behalf of Messrs Ditchfield who are the freehold owners of Plots 7/07A and 7/07B and 7/07C. We have repeatedly requested from Highways England information as to the nature of any works or the use of those plots which are to be used temporarily. The only information we have received has been to identify works which are taking place on the northern side of the proposed improved road and would not we therefore think affect those plots. Please can you request that Highways England identify for the landowners the use to which their land is going to be put	The temporary plots of land 7/07b and 7/07c are required for two purposes; to enable the Applicant to install the new highway boundary and to carry out planting to mitigate the loss of the vegetation and enable early planting of new trees ahead of the landscaping, which occurs after the main construction works have been completed. The Applicant could reduce the extent of temporary land required to align with the Environmental Masterplan (which reflects a smaller footprint of landscape planting), however this would result in no early planting of a woodland mix ahead of the main works.

Reference Number	Written Representations	Response to Written Representation
	whilst temporary occupation is taken.	
<b>REP6-025</b>	<b>Richard Turner &amp; Sons on behalf of Mrs M Smith</b>	
REP6-025.1	We are in receipt of your letter of the 16th August 2019 and note the changes to the examination and timetable. We have also noted under Annex A Item 19 that there is a deadline of Wednesday 21st August 2019 for comments on the applicant's revised draft DCO. We have also referred to the additional written questions published on the 19th August and would comment in respect of Item 3.2.12. This concerns a temporary use of land.	Noted
REP6-025.2	We act of behalf of Mrs M. Smith who has plots 5/06A, 5/06C, 5/06I, 5/06B, 5/06D and 5/06H all of which will used temporarily for the construction of the road. These are quite extensive areas and it has been indicated to our clients that they will used for borrow pits and utility diversions. However the Borrow Pit usage has not yet been confirmed. Please can you arrange for Highways England to confirm for us categorically one way or the other whether these areas are required for borrow pits. If this is the case could they also please confirm for us one way or the other that they will be used as borrow pits and not as quarrying areas for the removal of minerals and other material which is not then replaced. Please could they supply detailed plans and sections of the same before commencement, during the works and on completion	During detailed design stage the need for the borrow pits will be determined and confirmed with the landowner. The remediation of the land, if the borrow pits are used, will be in accordance with the Engineering Section Drawings (document ref TR010035/APP/2.6). and the Borrowpit – Restoration and Aftercare Plan, in Appendix N of the Outline Construction Environmental Management Plan (document reference TR010035/APP/7.2).
REP6-025.3	We also note that there has been a change to the draft development consent order and under paragraph 29 we note that in sub-paragraph 4 which covers the giving up of land where temporary possession has been taken that the borrow pit areas (if they are required as borrow pits) are excepted from the requirement to restore the land to the condition it was in when possession was first taken by the undertaker or such other condition as may be agreed with the owners of the land. In this particular case the undertaker may set out alternatives in the borrow pit – restoration after-care plan which is secured by provisions of Schedule 2. We wish to object to this alteration on the grounds that the landowner has not been given a copy of the borrow pit restoration after-care plan nor has the landowner been consulted with respect to the same and we feel that to bring in an alternative clause at this late stage without proper consultation with the landowner is inappropriate. We therefore request that the examining authority either dismiss the additional wording or in the event that they are not prepared to dismiss it that the alternative wording be amended such that the reinstatement is in accordance with any borrow pit – restoration after-care plan as agreed with the owners of the land. The examining authority will no doubt be fully aware that whilst the undertakers will occupy the land for a brief period it is the landowners who have the long-term care and occupation of the land to consider and any reinstatement after such major works must be acceptable to them.	If the borrow pits are used then the land will be restored in accordance with the Engineering Section Drawings (document reference TR010035/APP/2.6). The restoration works will be carried out in accordance with the Borrowpit – Restoration and Aftercare Plan. This plan will be prepared and approved as part of the CEMP, in accordance with Requirement 4. The wording in the dDCO was amended by the Applicant at deadline 5 to ensure consistency and to recognise the role of the plan. The Applicant is however content to remove the wording from the dDCO in light of the concerns raised by the Mrs Smith. The Applicant has had extensive dialogue with the land owner and her representatives about the use and restoration of the land and will continue to do so.
<b>REP6a-003</b>	<b>Michael Buckley</b>	
REP6a-003.1	I am writing to express my initial disappointment at the decision not to hold a further Issue Specific Hearing. However, on the basis that I am permitted to make the following written representations based on evidence and arguments from earlier hearings, I am content: 1. I applaud the Applicant's proposal to convert the A585/A588 junction from a roundabout junction to a traffic light junction. It will provide much needed	Noted, no further response required.

Reference Number	Written Representations	Response to Written Representation
	<p>safety especially for the elderly and disabled.</p> <p>2. I also do not object to the proposal to create a slip road from the A588 on to the A585 which will assist the flow of traffic North out of Poulton-le-Fylde.</p>	
REP6a-003.2	<p>3. While both the above-mentioned proposals are, therefore, in the public interest, they will have a detrimental effect upon my property and home at In particular,</p> <p>a. The slip road will bring traffic some three to four metres closer to my open Easterly boundary. The road is at the top of a three metre steep embankment, and moving it nearer to my property will inevitably cause not only additional noise and noxious fumes from an increase in traffic stopping and starting, but also will create significantly more light pollution from traffic due to the new road layout and junctions, traffic lights and the removal of trees, hedges and bushes from the area.</p> <p>b. The light pollution will be intensified by the creation of a forty-four stick traffic light junction together with the proposed re-routing of the approach, entrance and exit to the River Wyre restaurant and public house which is directly opposite the Easterly boundary of my property.</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 alignment.</p> <p>The landscape and visual impact assessment presented in ES Chapter 9: Landscape and Visual (document reference TR010035/APP/6.9) considered qualitative changes to the nighttime environment as a result of light sources associated with the Scheme. The assessment concludes that given the presence of the existing lit junction, the characteristics of the Scheme's replacement light-controlled junction would be broadly the same in nature to the existing situation. A Statement in Respect of Statutory Nuisance has also been prepared for the Scheme (document reference TR010035/APP/5.3) which concludes operational light spill would not be significant. In addition, since the assessment was completed additional visual screening has been provided – please see response below.</p>
REP6a-003.3	<p>4. I accept that while any detrimental effect on the land can be addressed by way of compensation (which is outside the scope of this inquiry), the adverse effect of the development can and should, first, in my submission, be mitigated and ameliorated by screening or fencing along the top of the easterly embankment. This could be by way of two metre high close board solid fence and appropriate landscaping. Bearing in mind that there will be an obligation on the Applicant to repair and restore likely damage to part of the present fence inevitably caused by the proposed work, and that there would be a reduction in the amount of monetary compensation payable, I submit that it makes both environmental and economic sense to take these steps.</p>	<p>The Environmental Masterplan (document reference TR010035/APP/7.19 – Rev 3) submitted at Deadline 6 shows a fence along the proposed highway boundary adjacent to Mr Buckley's property. The proposed fence is 1.8m high for the majority of its length, with a 1.2m high fence for a length of around 10m at the southern end. Refer also to the ES Changes and Corrections Document Appendix C (document reference TR010035/APP/7.9 – Rev 2) which includes two updated photomontages from Viewpoints 1 and 2, which show that a fence constructed to this specification provides adequate mitigation for the concerns raised.</p>
REP6a-003.4	<p>5. In my submission, my argument is fortified by the fact that the Applicant proposes, when the current roundabout is removed, to replace the culvert or dyke running presently under the roundabout from the River Wyre into Horsebridge Dyke (and out again) with a new modern culvert which will then be connected to the existing dyke. The Applicants assure me that this will be safe and feasible despite my concerns. However, the present free flowing tidal dyke at the foot of the embankment constitutes in itself a hazard or a trap. At the foot of the steep four metre drop embankment flows Horsebridge Dyke which is tidal, itself up to eight feet deep, the ebb and flow of the tide being controlled by a sluice gate located at the other side of the roundabout culvert. From time to time adventurous unsupervised youngsters can be</p>	<p>The Skippool Clough Culvert is being replaced as the asset has come to the end of its life cycle, responsibility of the dyke and embankment lies with the Environment Agency and Lancashire County Council and therefore culverting the remaining part of the dyke would be outside the Applicant's remit. Furthermore, the Applicant considers that the provision of a close boarded fence would deter most unauthorised access within the embankment and dyke. Refer to item 7 in the Responses to the ExA's proposed schedule of changes to the dDCO document (document reference TR010035/APP/7.31).</p>



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	seen climbing over and through the present rotting inadequate barrier, and putting themselves into significant danger. I have complained in the past to Lancashire County Council that the current situation constitutes an allurement to children, akin to railway embankments. A duty of care is owed to those who stray on to the embankment and I refer to the House of Lords decision in British Railways Board v Herrington 1972 AC 877 which imposes liability upon occupiers towards trespassers especially where these are children and the site constitutes an allurement. It is my strong submission that simply by connecting the new culvert into Horsebridge Dyke, the Applicants are themselves adopting responsibility for the dangerous situation which exists and which breaches Health and Safety guidelines. At the very least and for safety reasons, there needs to be a strong firm barrier in the form of a high fence preventing access to this dangerous area.	
REP6a-003.5	6. In summary, the high point of my case is that the Development Consent Order should impose a requirement upon the Applicant to cover and culvert that part of Horsebridge Dyke which borders on to At, the very least, however, I would seek that there be an Issue Specific requirement that, as part of the Order granting Development Consent, a two metre high close board fence with landscaping is erected at the top of the embankment rising up from the East boundary of XXX.	

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