

A585 Windy Harbour to Skippool Improvement Scheme

TR010035

8.5 Draft Statement of Common Ground with Fylde Borough Council

APFP Regulation 5(2)(q)

Planning Act 2008

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(Applications: Prescribed Forms and
Procedure) Regulations 2009

**A585 Windy Harbour to Skippool
Improvement Scheme**
Development Consent Order 20[]

**STATEMENT OF COMMON GROUND WITH FYLDE
BOROUGH COUNCIL**

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Version	Date	Status of Version
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Rev 3.0	September	Deadline 7 Submission

STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) Fylde Borough Council

Signed 
Jon Stokes
Senior Project Manager
On behalf of Highways England
Date: 20th September 2019

Signed 
Mark Evans
Head of Planning and Housing
On behalf of Fylde Borough Council

Date: 19th September 2019

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1 INTRODUCTION

1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared in respect of the proposed A585 Windy Harbour to Skippool Improvement Scheme (the Application) made by Highways England to the Secretary of State for Transport (Secretary of State) for a Development Consent Order (DCO) under Section 37 of the Planning Act 2008.
- 1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and/or the Planning Inspectorate's website.
- 1.1.3 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) Highways England as the Applicant and (2) Fylde Borough Council.
- 1.2.2 Highways England became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing Highways England made provision for all legal rights and obligations of the Highways Agency, including in respect of the Application, to be conferred upon or assumed by Highways England.
- 1.2.3 Fylde Borough Council is one of the three local authorities that the Scheme lies within. The council is responsible for housing, leisure and recreation, environmental health, planning applications and local taxation collections. The topics of principal concern to the council in relation to the Scheme are Traffic; Noise and Vibration; Air Quality; Cultural Heritage; Biodiversity; Landscape; and Geology and Contaminated Land.

1.3 Terminology

- 1.3.1 In the tables in the Issues chapter of this SoCG, "Not Agreed" indicates a final position, and "Under discussion" where these points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. "Agreed" indicates where the issue has been resolved.
- 1.3.2 It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to Fylde Borough Council, and therefore have not been the subject of any discussions between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to Fylde Borough Council.

2 RECORD OF ENGAGEMENT

2.1.1 A summary of the meetings and correspondence that has taken place between Highways England and Fylde Borough Council in relation to the Application is outlined in Table 2.1.

Table 2-1: Record of Engagement

Date	Form of correspondence	Key topics discussed and key outcomes
September 2015	Meeting	Local Authority Options Workshop – Options presented and commented on
January 2016	Meeting	Presented options and obtained feedback from Local Authorities
July 2016	Meeting	Presentation/discussion held on the proposed northern and southern options and agreed steps on the approach to non-statutory public consultation.
October 2016	Meeting	Community reference group meeting, providing summary of consultation to date and gaining feedback from the community.
January 2017	Meeting	Community reference group meeting, providing summary of the non-statutory consultation responses and next steps.
September 2017	E-mail	<p>Discussion with Landscape Officer regarding selection of Representative Viewpoints.</p> <p>Response – “Your selection of viewpoints is reasonably comprehensive and will enable a good overview of the visual effects of the road to be assessed. However, I think there are three views listed below which may warrant further investigation.</p> <ol style="list-style-type: none"> 1. View south and west from Garstang Road to the west of Little Singleton. 2. View north west from Carr Lane in Singleton village. 3. View north west from Grange Road, west of the A585 (Fleetwood Road).” <p>Viewpoints added as requested.</p>
September 2017	E-mail	<p>Discussion with Landscape Officer regarding selection of locations for photomontages and night time photo views.</p> <p>Response – Thank you for your consultation email. I am generally satisfied that the locations you have identified for photomontages will give a true impression of the proposed scheme. However, I would recommend a couple of additions:</p>

Date	Form of correspondence	Key topics discussed and key outcomes
		<p>1. Either include Viewpoint 5 as an additional item or replace Viewpoint 4. 2. Include Viewpoint 16.</p> <p>Based on feedback we added Viewpoint 16 and replaced Viewpoint 5, with Viewpoint 4.</p>
November 2017	E-mail	Request made for Fylde's planning status and quantum of future developments for traffic forecasting model. Received November 2017.
December 2017	E-mail	Contact was made with the Environmental Health Officer (EHO) at Fylde Borough Council, in order to agree baseline noise monitoring locations.
March 2018	E-mail	Obtain local environmental information across the Scheme.
April 2018	Meeting	Community reference group meeting, providing summary of consultation to date and gaining feedback from the community.
July 2018	Meeting	Meeting held to discuss Fylde's consultation responses and agree next steps.
July 2018	Meeting	Meeting held with Local Authorities to discuss the role of the LPA in the DCO process.
July 2018	E-mail	Agreement of construction noise receptors with the EHO.
July 2018	E-mail	Request submitted for records of unlicensed (private) water supply abstractions from surface or groundwater sources. Confirmation received (11 July 2018) that the Council has no records of any abstractions.
August 2018	E-mail	Consulted on the cumulative schemes. Council provided additional developments to consider which have been included in the Cumulative Effects Assessment (CEA).
October 2018	Meeting	Meeting held to discuss the draft Development Consent Order document (TR010035/APP/3.1)
October 2018	Meeting	Discussion held on the proposed environmental masterplan to be submitted as part of the DCO application. Update provided on the DCO application and what will be included and any aspects which have been discounted.
March 2019	Meeting / E-mail	Meeting to discuss the draft SoCG and the Relevant Representation from Fylde Borough Council and further comments received from Fylde via email.
May 2019	Email	Comments received on the draft SoCG.
July 2019	Meeting	Meeting to discuss outstanding points on the SoCG.
August 2019	Meeting	Meeting to discuss outstanding points on the SoCG

- 2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) Highways England and (2) Fylde Borough Council in relation to the issues addressed in this SoCG.

3 STATEMENTS OF COMMON GROUND

3.1 Environmental Statement (ES)

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
NOISE AND VIBRATION			
Scope of the Assessment			
<p>Section 11.4 of ES Chapter 11: Noise and Vibration (document reference TR010035/APP/6.11) sets out the scope of the assessment as follows:</p> <ul style="list-style-type: none"> • Construction noise impacts are considered within an area up to 300m from the Scheme and have been assessed at 18 selected worst-case sensitive receptors. • Construction vibration impacts are considered within the immediate vicinity of piling operations and have been assessed at 11 selected worst-case sensitive receptors. • Noise impacts from construction vehicles have been considered within 300m of any road/route identified as experiencing temporary increases in HGV activity. • The operational noise study area has been derived in accordance with the Design Manual for Roads and Bridges (DMRB) requirements as detailed in paragraphs 11.4.8 to 11.4.11. 	Agreed	Agreed	AGREED

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<i>Fylde Borough Council agrees with the scope of the assessment.</i>			
Methodology			
<p>Section 11.3 of ES Chapter 11: Noise and Vibration (document reference TR010035/APP/6.11) summarises the desk study, survey and assessment methodologies. The assessment was carried out in accordance with the following standard methods and best practice guidance which are detailed in Table 11-2 in paragraph 11.3.1:</p> <ul style="list-style-type: none"> • BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites. Noise, British Standards Institution, 2014 • BS 5228-2:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites. Vibration, British Standards Institution, 2014 • Calculation of Road Traffic Noise (CRTN), Department for Transport and Welsh Office, 1988 • Converting the UK traffic noise index LA10, 18h to EU noise indices for noise mapping, TRL limited, PR/SE/451/02 dated 2002 • Interim Advice Note (IAN) 185/15 • DMRB, Volume 11 Section 3 Part 7 (HD213/11) 	Agreed	Agreed	AGREED

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<p>‘Noise and Vibration’</p> <p><i>Fylde Borough Council agrees with the survey and assessment methodologies.</i></p>			
Baseline			
<p>Section 11.5 of ES Chapter 11: Noise and Vibration (document reference TR010035/APP/6.11) summarises the existing and future baseline information identified during the desk study and field surveys. The survey results are presented in paragraphs 11.5.1 to 11.5.13 and provided in full in Appendix 11.1.</p> <p>The baseline and future assessment years used in the assessment are 2022 and 2037 respectively.</p> <p><i>Fylde Borough Council considers the existing baseline and future baseline to be appropriate.</i></p>	Agreed	Agreed	AGREED
Mitigation Measures			
<p>Section 11.6 of ES Chapter 11: Noise and Vibration (document reference TR010035/APP/6.11) sets out the construction and operational phase mitigation measures for the Scheme. An Outline Construction Environmental Management Plan (CEMP) (document reference TR010035/APP/7.2 – Rev 2.) has been prepared together with a Record of Environmental</p>	Agreed	Agreed	AGREED <i>Refer to responses outlined below.</i>

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<p>Actions and Commitments (REAC) (document reference TR010035/APP/7.3 – Rev 2).</p> <p>During the operation phase, the following mitigation is proposed:</p> <ul style="list-style-type: none"> • A low noise/thin carriageway surfacing system surface throughout the full extent of the Scheme • Acoustic barriers • Acoustic/landscape bunds <p>The proposed locations of barriers and bunds are shown in the Environmental Masterplan (document reference TR010035/APP/6.19).</p> <p><i>Fylde Borough Council agrees with the mitigation proposed.</i></p>			
Residual Effects and Conclusions			
<p>The Scheme’s residual effects are outlined in Section 11.7 of ES Chapter 11: Noise and Vibration (document reference TR010035/APP/6.11).</p> <p>Noise and vibration levels generated during the construction phase of the Scheme are predicted to have no significant adverse impacts on health and quality of life, noise sensitive receptors or residential</p>	Agreed	Agreed	AGREED Refer to responses outlined below.

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<p> dwellings.</p> <p>During the operation phase, a reduction in road traffic is predicted to result in a significant beneficial impact on noise levels at sensitive receptors located along Mains Lane primarily on the north side of that road and along part of Garstang Road East with Little Singleton. Noise sensitive receptors located in the vicinity of Lodge Lane bridge, Scheme tie-in with Mains Lane (adjacent to new Skippool Bridge junction) and Moorfield Park Development (adjacent to new Poulton junction) are predicted to experience significant increases in road traffic noise.</p> <p>The Applicant will comply with the Noise Insulation Regulations and deliver noise insulation as appropriate and as required.</p> <p><i>Fylde Borough Council agrees with the residual effects and conclusions presented in the ES.</i></p>			
<p><i>Fylde Borough Council agrees with the methodology, assessment and conclusions reached within Chapter 16: Cumulative Effects (document reference TR010035/APP/6.16) relating to cumulative / in-combination effects (on and with other major projects and proposals) and noise and vibration.</i></p>	Agreed	Agreed	AGREED

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
Monitoring			
<p>Section 11.8 of ES Chapter 11: Noise and Vibration (document reference TR010035/APP/6.11) sets out the monitoring requirements for the Scheme, which is secured through the Outline CEMP (document reference TR010035/APP/7.2 – Rev 2). Monitoring would be undertaken before and during the construction phase. The results of the monitoring would be reviewed to ensure that the mitigation measures for the Scheme continue to be appropriate and effective.</p> <p>Prior to the commencement of construction, a programme of noise monitoring would be undertaken for a minimum of 10 days at a number of agreed locations (see paragraph 11.8.2) to establish the baseline noise conditions immediately prior to the commencement of construction.</p> <p>Noise monitoring at the agreed locations would be repeated periodically during the construction phase. The Noise and Vibration Management Plan would set out the duration and frequency of these noise surveys along with construction noise limits and would be drafted by the Contractor and consulted upon with the Environmental Health Departments of both Wyre</p>	Agreed	Agreed	<p>AGREED <i>Refer to responses outlined below.</i></p>

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<p>Borough Council and Fylde Borough Council.</p> <p><i>Fylde Borough Council agrees with monitoring proposed.</i></p>			
AIR QUALITY			
Scope of the Assessment			
<p>Section 6.3 of the ES Chapter 6: Air Quality (document reference TR010035/APP/6.6) states that the air quality assessment has assessed the impacts of the Scheme during both construction and operation. Nothing has been scoped out of the assessment.</p> <p><i>Fylde Borough Council agrees with the scope of the assessment.</i></p>	Agreed	Agreed	AGREED
Methodology			
<p>Section 6.3 of the ES Chapter 6: Air Quality (document reference TR010035/APP/6.6) summarises the survey and assessment methodologies. The surveys and assessments were carried out in accordance with the following standard methods and best practice guidance:</p> <ul style="list-style-type: none"> • HA207/07 DMRB Volume 11, Section 3, Part 1, May 2007 • Local Air Quality Management Technical Guidance 	Agreed	Agreed	AGREED

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<p>LAQM.TG (16) issued by the Department for the Environment, Food and Rural Affairs (Defra)</p> <ul style="list-style-type: none"> • IAN 170/12v3 Updated air quality advice on the assessment of future NO_x and NO₂ projections for users of DMRB Volume 11, Section 3, Part 1 'Air Quality, November 2013, the document is accompanied by an Excel-based tool as (available on request from Highways England) • IAN 174/13 Updated advice for evaluating significant local air quality effects for users of DMRB Volume 11, Section 3, Part 1 Air Quality (HA207/07), June 2013 • IAN 175/13 Updated advice on risk assessment related to compliance with the EU Directive on ambient air quality and on the production of Scheme Air Quality Action Plans for users of DMRB Volume 11, Section 3, Part 1 Air Quality (HA207/07), June 2013 (or latest update available at the time of the assessment) • IAN 185/15, Updated traffic, air quality and noise advice on the assessment of link speeds and generation of vehicle data into 'speed-bands' for users of DMRB Volume 11, Section 3, Part 1 'Air Quality and Volume 11. 			

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<p><i>Fylde Borough Council agrees with the survey and assessment methodologies.</i></p>			
Baseline			
<p>Section 6.5 of ES Chapter 6: Air Quality (document reference TR010035/APP/6.6) summarises the existing and future baseline information identified during the desk study.</p> <p>There are no Air Quality Management Areas (AQMA) in Fylde.</p> <p>Recent air quality monitoring results do not report any exceedances of the Air Quality Strategy (AQS) Objectives. The maximum recorded NO₂ concentration in 2015 was 25.6µg/m³ at a monitoring site on Clifford Street, which is well below the AQS Objective (Annual average = 40µg/m³).</p> <p>Although more up to date monitoring data is now available since ES Chapter 6: Air Quality (document reference TR010035/APP/6.6) was drafted e.g. the air quality monitoring point for NO_x at Five Lane Ends is still showing levels slightly above or around 40mg/m³ throughout 2017, 2018 and to date, consideration of the information would not affect the conclusions of the</p>	<p>Agreed</p>	<p>Agreed</p>	<p>AGREED</p>

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<p>assessment as the Scheme results in a benefit in air quality in this area.</p> <p><i>Fylde Borough Council considers that the baseline presented is appropriate to base the assessment on.</i></p>			
Mitigation Measures			
<p>Section 6.6 of ES Chapter 6: Air Quality (document reference TR010035/APP/6.6) sets out the construction phase mitigation measures for the Scheme. An Outline CEMP (document reference TR010035/APP/7.2 – Rev 2) has been prepared together with a REAC (document reference TR010035/APP/7.3 – Rev 2). Standard dust mitigation measures included in the REAC are presented in Table 6-6 in paragraph 6.6.2.</p> <p>No mitigation measures are required during the operation of the Scheme.</p> <p><i>Fylde Borough Council agrees with the mitigation measures proposed.</i></p>	Agreed	Agreed	AGREED
Residual Effects and Conclusions			
<p>The Scheme's residual effects are outlined in Section 6.7 of ES Chapter 6: Air Quality (document reference TR010035/APP/6.6).</p>	Agreed	Agreed	AGREED

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<p>Construction phase impacts from dust and emissions would be negligible following the implementation of mitigation measures outlined in the Outline CEMP (document reference TR010035/APP/7.2 – Rev 2) and REAC (document reference TR010035/APP/7.3– Rev 2).</p> <p>The assessment also predicts that the Scheme would not have a significant effect on local air quality during operation.</p> <p><i>Fylde Borough Council agrees with the residual effects and conclusions.</i></p>			
<p><i>Fylde Borough Council agrees with the methodology, assessment and conclusions reached within Chapter 16: Cumulative Effects (document reference TR010035/APP/6.16) relating to cumulative / in-combination effects (on and with other major projects and proposals) and air quality.</i></p>	Agreed	Agreed	AGREED
Monitoring			
<p>Section 6.8 of ES Chapter 6: Air Quality (document reference TR010035/APP/6.6) sets out the monitoring requirements for the Scheme, which is secured through the REAC (document reference</p>	Agreed	Agreed	AGREED

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<p>TR010035/APP/7.3 – Rev 2).</p> <p>The Outline CEMP (document reference TR010035/APP/7.2 – Rev 2) contains information relating to the monitoring that would be undertaken during construction. The monitoring involves visual checks and monitoring of the works to ensure compliance with the CEMP during construction.</p> <p>No monitoring of air quality is recommended during operation.</p> <p><i>Fylde Borough Council agrees with the monitoring proposed.</i></p>			
CULTURAL HERITAGE			
Scope of the Assessment			
<p>It was agreed at a meeting on 5 March 2019 that Fylde Borough Council is content to defer agreement of cultural heritage matters which relate specifically to archaeology to Lancashire County Council.</p>	Agreed	Agreed	AGREED
<p>Section 7.3 of the ES Chapter 7: Cultural Heritage (document reference TR010035/APP/6.7) states that numerous heritage receptors have been scoped out of the assessment, as it has been deemed that they would experience no impact from the Scheme. The</p>	Agreed	Agreed	AGREED

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<p>method by which receptors were scoped out is detailed in paragraphs 7.3.1 and 7.3.2.</p> <p><i>Fylde Borough Council agrees with the scope of the assessment.</i></p>			
Methodology			
<p>Section 7.3 of the ES Chapter 7: Cultural Heritage (document reference TR010035/APP/6.7) sets out the approach to the cultural heritage assessment. The assessment was undertaken in accordance DMRB Volume 11, Section 3, Part 2 along with the Historic Environment Good Practice Advice in Planning Note 2.</p> <p><i>Fylde Borough Council agrees with the assessment methodology.</i></p>	Agreed	Agreed	AGREED
Baseline			
<p>Section 7.5 of ES Chapter 7: Cultural Heritage (document reference TR010035/APP/6.7) summarises the existing and future baseline information identified during the desk study, consultations and field surveys.</p> <p>There are a total of 54 heritage receptors within the draft order limits and the zone of influence. The majority of the receptors (39 no.) within the draft order limits date to the post-medieval period and are all of</p>	Agreed	Agreed	AGREED

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<p>low value and historic / archaeological interest. The peat deposits of unknown date are of medium value and archaeological interest.</p> <p>The remaining 15 heritage receptors that are located within the zone of influence comprise four receptors of medium value which consist of a Grade II listed building, a Conservation Area and two railways. The remaining 11 heritage receptors within the zone of influence are all of low value and historic/archaeological interest.</p> <p><i>Fylde Borough Council considers the baseline presented is appropriate.</i></p>			
Mitigation Measures			
<p>Section 7.6 of ES Chapter 7: Cultural Heritage (document reference TR010035/APP/6.7) set out the construction and operational phase mitigation measures for the Scheme. An Outline CEMP (document reference TR010035/APP/7.2 – Rev 2) has been prepared together with a REAC (document reference TR010035/APP/7.3 – Rev 2).</p> <p>A draft Written Scheme of Investigation together with a Mitigation Strategy would be produced in consultation with the local planning archaeological advisor to</p>	Agreed	Agreed	AGREED

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<p>Lancashire County Council, prior to the commencement of any archaeological works.</p> <p>The mitigation strategy will include a combination of screening, archaeological monitoring and excavation and historic building recording.</p> <p><i>Subject to the Written Scheme of Investigation and Mitigation Strategy being agreed with Lancashire County Council, Fylde Borough Council agrees with the mitigation measures proposed.</i></p>			
Residual Effects and Conclusions			
<p>The Scheme's residual effects are outlined in Section 7.7 of ES Chapter 7: Cultural Heritage (document reference TR010035/APP/6.7) in relation to cultural heritage have been predicted to be moderate adverse on a Grade II listed building and archaeological remains located within the draft order limits and any potential remains associated with the Romano-British settlement receptors, north of Garstang Road. In terms of the Environmental Impact Assessment (EIA) regulations, these adverse effects are considered to be significant. All other effects to heritage receptors are considered to be slight adverse or neutral.</p> <p><i>Fylde Borough Council agrees with the residual effects and conclusions.</i></p>	Agreed	Agreed	AGREED

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
Monitoring			
<p>Section 7.8 of ES Chapter 7: Cultural Heritage (document reference TR010035/APP/6.7) sets out the monitoring requirements for the Scheme.</p> <p>The archaeological watching brief, trial trenching and historic building recording would be monitored to ensure that it is being carried out to satisfy current professional guidance.</p> <p><i>Fylde Borough Council agrees with the proposed monitoring.</i></p>	Agreed	Agreed	AGREED
BIODIVERSITY			
Scope of the Assessment			
<p>Section 8.3, paragraph 8.3.3 of ES Chapter 8: Biodiversity (document reference TR010035/APP/6.8) states that the assessment on biodiversity covers the following ecological receptors only:</p> <ul style="list-style-type: none"> • Designated sites (including wintering and passage birds) • Great Crested Newts • Breeding birds • Schedule 1 birds 	Agreed	Agreed	AGREED

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<ul style="list-style-type: none"> • Bats • Badgers • Otters <p>The following ecological receptors were scoped out of further assessment – Section 8.3, paragraph 8.3.1:</p> <ul style="list-style-type: none"> • River Wyre (watercourse) • Other (non-Section 41) habitats • Protected and notable plant species (including fungi) • Invasive flora • Aquatic invertebrates • Terrestrial invertebrates • Reptiles • Fish <i>spp</i> • Other amphibian species (not including great crested newts) • Hedgehog • Brown hare • Water voles 			

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<i>Fylde Borough Council agrees with the scope of the assessment.</i>			
Methodology			
<p>ES Chapter 8: Biodiversity (document reference TR010035/APP/6.8) paragraphs 8.3.4 to 8.3.7 (including Table 8-2) summarises the desk study and survey methodology. Detailed survey methodologies are presented in Technical Appendices 8.1 to 8.8. The assessment methodology (paragraphs 8.3.9 to 8.3.23) has been undertaken in accordance with the following best practice methods and guidance:</p> <ul style="list-style-type: none"> • DMRB Volume 11, Section 3, Part 4 Ecology and Nature Conservation (Highways Agency, 1993) • IAN 130/10 Ecology and Nature Conservation: Criteria for Impact Assessment (Highways Agency, 2010). • Chartered Institute of Ecology and Environmental Management (CIEEM) Guidelines have also been considered. <p>The assessment includes impacts on European and Nationally designated sites and protected species.</p>	Agreed	Agreed	AGREED

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<p><i>Fylde Borough Council agrees with the methodologies adopted to undertake the desk study, surveys and assessment.</i></p>			
Baseline			
<p>Section 8.5 of ES Chapter 8: Biodiversity (document reference TR010035/APP/6.8) summarises the existing ecological baseline information identified during the desk study, consultations and field surveys. Full details of the field survey results are provided in Technical Appendices 8.1 to 8.8. The baseline reported in Chapter 8: Biodiversity and associated appendices clearly presents a summary of the existing and future ecological conditions.</p> <p><i>Fylde Borough Council agrees with the baseline presented.</i></p>	Agreed	Agreed	AGREED
Mitigation and Enhancement Measures			
<p>Paragraphs 8.6.1 to 8.6.27 of ES Chapter 8: Biodiversity (document reference TR010035/APP/6.8) set out the construction and operational phase mitigation measures for the Scheme. Details of the mitigation will be secured through the REAC (document reference TR010035/APP/7.3 – Rev 2), and European Protected Species Licences (EPSLs) for bats and Great Crested Newts (refer to Table 3.3).</p>	Agreed	Agreed	AGREED

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<p>Paragraphs 8.6.28 to 8.6.33 set out the enhancement measures which have been incorporated into the Scheme (as set out within the Enhancement Strategy appended to the Outline CEMP (document reference TR010035/APP/7.2 – Rev 2). The measures implemented demonstrate that the Scheme will have an overall biodiversity net gain.</p> <p><i>Fylde Borough Council agrees with the mitigation and enhancement measures proposed.</i></p>			
Residual Effects and Conclusions			
<p>The Scheme’s residual effects outlined in Section 8.7 of ES Chapter 8: Biodiversity (document reference TR010035/APP/6.8) in relation to biodiversity have been predicted to be slightly negative, neutral or slightly positive, but not significant in terms of the EIA Regulations.</p> <p><i>Fylde Borough Council agrees with the residual effects and conclusions.</i></p>	Agreed	Agreed	AGREED
Monitoring			
<p>Section 8.8 of ES Chapter 8: Biodiversity (document reference TR010035/APP/6.8) sets out the monitoring requirements for the Scheme, which is secured</p>	Agreed	Agreed	AGREED

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<p>through the REAC (document reference TR010035/APP/7.3 – Rev 2). Monitoring is not required to inform the accuracy of the assessment of effects; however, to ensure the successful implementation of mitigation measures, monitoring would be undertaken before, during and after the construction phase. The results of the monitoring would be reviewed to ensure that the mitigation measures for the Scheme continue to be appropriate and effective.</p> <p><i>Fylde Borough Council agrees with the monitoring proposed.</i></p>			
LANDSCAPE			
Scope of the Assessment			
<p>Paragraph 9.3.1 of ES Chapter 9: Landscape (document reference TR010035/APP/6.9) states that the assessment covers potential effects on landscape character and visual receptors during construction and operation in line with IAN 135/10. Based on this, no elements of the assessment were scoped out.</p> <p><i>Fylde Borough Council agrees with the scope of the assessment.</i></p>	Agreed	Agreed	AGREED

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
Methodology			
<p>Section 9.3 of ES Chapter 9: Landscape (document reference TR010035/APP/6.9) summarises the desk study, survey and assessment methodologies which were carried out in accordance with the following standard methods and best practice guidance:</p> <ul style="list-style-type: none"> • IAN 135/10: Landscape and Visual Effects Assessment (Highways England, 2010) • Guidelines for Landscape and Visual Impact Assessment, 3rd Edition • (Landscape Institute/ Institute of Environmental Management and Assessment, 2013) • GLVIA3 Statement of Clarification 1/13 (Landscape Institute, 2013) • An Approach to Landscape Character Assessment (Natural England, October 2014) • Landscape Institute Advice Note 01/11: Photography and Photomontage in Landscape and Visual Assessment (Landscape Institute, 2011) <p><i>Fylde Borough Council agrees with the methodology adopted for the desk study, surveys and assessment.</i></p>	Agreed	Agreed	AGREED

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
Baseline			
<p>Section 9.5 of ES Chapter 9: Landscape (document reference TR010035/APP/6.9) summarises the existing and future baseline information identified during the desk study and field surveys. The section clearly sets out the baseline covering designations, landscape character, landscape features and elements and the visual context.</p> <p>The Landscape Officer at Fylde confirmed that the selection of viewpoints was comprehensive and would enable a good overview of the visual effects of the road to be assessed but suggested the addition of the following points:</p> <ul style="list-style-type: none"> • View south and west from Garstang Road to the west of Little Singleton. • View north west from Carr Lane in Singleton village. • View north west from Grange Road, west of the A585 (Fleetwood Road). <p>The viewpoints were added as requested.</p> <p>The Landscape Officer also confirmed that the locations for the photomontages would give a true impression of the proposed scheme but suggested the following additions:</p>	Agreed	Agreed	<p>AGREED <i>Refer to responses outlined below.</i></p>

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<ul style="list-style-type: none"> • Include Viewpoint 5 as an additional item or replace Viewpoint 4. • Include Viewpoint 16. <p>Based on this feedback Viewpoint 16 was added and replaced Viewpoint 5, with Viewpoint 4.</p> <p><i>Fylde Borough Council considers that the baseline presented is appropriate.</i></p>			
Mitigation Measures			
<p>Section 9.6 of ES Chapter 9: Landscape (document reference TR010035/APP/6.9) sets out the mitigation measures for the Scheme. Mitigation measures have been integrated into Scheme design and are detailed in the Environmental Masterplan (document reference TR010035/APP/6.19) and presented in Table 9-18 in paragraph 9.6.2.</p> <p>The Environmental Masterplan (document reference TR010035/APP/6.19) (excluding the land bridge) was discussed with Fylde Borough Council in October 2018. The Masterplan took on board a number of comments previously included in the statutory consultation response from Fylde. This included removing blocks of linear screen planting to open</p>	Agreed	Agreed	<p>AGREED <i>Refer to responses outlined below.</i></p>

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<p>views within the landscape and adding additional woodland copse blocks in the wider landscape recreating common place landscape features. In addition, a number of enhancement measures were discussed including increasing stock size of specimen and woodland planting at key locations.</p> <p>Following a meeting in March 2019 with Fylde Borough Council additional mitigation has been added to the REAC (document reference TR010035/APP/7.3 – Rev 2) to secure larger planting stock at Grange Footbridge and to ensure the material of the acoustic fence required at Singleton Hall is discussed with Fylde Borough Council prior to construction. In addition, the Environmental Masterplan (document reference TR010035/APP/6.19) has been updated and includes more planting to reduce the ‘gap’ required for maintenance at Grange Footbridge. The updated REAC and the Environmental Masterplan will be issued at Deadline 2.</p> <p><i>Fylde Borough Council agrees with the mitigation measures proposed subject to the amendments being made in the REAC and Environmental Masterplan.</i></p>			
<p>Also at the meeting in March 2019 the planting rectification period was discussed – Highways England</p>	<p>Agreed</p>	<p>Not agreed</p>	<p>NOT AGREED Refer to responses</p>

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<p>maintain that this period would be 5 years and thereafter would constitute maintenance.</p>	<p>Highways England have set out their stance regarding the rectification period as part of the responses to Fylde’s representations. In particular responses to REP4-026.1 (document reference TR010035/APP/7.23), LIR-002, 9.6 and 9.9 (document reference TR010035/APP/7.19).</p>	<p>FBC maintains that a 10 year rectification period is required in this case. Its detailed reasons for this are set out in response reference 9.3 of FBC document 2.5 (submitted at deadline 2) and in FBC documents 4.1 (submitted at deadline 4) and 6.1 (submitted at deadline 6).</p> <p>FBC proposes an amendment to Requirement 5 (5) of the dDCO to deal with this</p>	<p><i>outlined below.</i></p>
<p>Residual Effects and Conclusions</p>			
<p>The Scheme’s residual effects on landscape character and townscape character together with short- and</p>	<p>Agreed</p>	<p>Agreed</p>	<p><i>AGREED Refer to responses</i></p>

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<p>long-term visual effects are outlined in Section 9.7 of ES Chapter 9: Landscape (document reference TR010035/APP/6.9). The construction phase of the Scheme is predicted to have significant effects on the following receptors:</p> <ul style="list-style-type: none"> • Adverse effects on three Landscape Character Areas and one Townscape Character Area. • Adverse effects on visual amenity at 13 of the 21 representative viewpoints. <p>During operation the following significant effects are predicted:</p> <ul style="list-style-type: none"> • Adverse effects on two Landscape Character Areas. • Beneficial effects on two Townscape Character Areas. • Adverse effects on visual amenity at 6 of the 21 representative viewpoints. <p><i>Fylde Borough Council agrees with the residual effects and conclusions.</i></p>			<i>outlined below.</i>
<p><i>Subject to issues concerning mitigation measures and residual effects being resolved, Fylde Borough Council agrees with the methodology, assessment and</i></p>	Agreed	Agreed	AGREED

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<p><i>conclusions reached within Chapter 16: Cumulative Effects (document reference TR010035/APP/6.16) relating to cumulative / in-combination effects (on and with other major projects and proposals) and landscape.</i></p>			
Monitoring			
<p>Section 9.8 of ES Chapter 9: Landscape (document reference TR010035/APP/6.9) sets out the monitoring requirements for the Scheme, which is secured through the REAC (document reference TR010035/APP/7.3 – Rev 3).</p> <p>As a minimum bi-annual monitoring will be undertaken during the establishment period of the mitigation measures within the first 5 years to ensure these are providing effective mitigation and are replaced where necessary.</p> <p><i>Fylde Borough Council agrees with the monitoring proposed.</i></p>	<p>Agreed</p> <p>Highways England have set out their stance regarding the frequency of monitoring and the rectification period as part of the responses to Fylde’s representations. In particular responses to REP4-026.1 (document reference TR010035/APP/7.23), LIR-002, 9.6 and 9.9 (document reference TR010035/APP/7.19).</p>	<p>Not agreed</p> <p>FBC considers that monitoring should be undertaken on a minimum quarterly (rather than bi-annual) frequency during the rectification period.</p> <p>FBC document 6.1 (submitted at deadline 6) also raises a concern that commitment 12J in Rev 3 of the REAC is not</p>	<p>NOT AGREED Refer to responses outlined below.</p>

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
		<p>carried through to Requirement 5 (5) of the dDCO and has suggested an alternative form of words to rectify this discrepancy.</p> <p>In addition, FBC considers that a 10 year rectification period is required in this case. Its detailed reasons for this are set out in the documents referred to in the 'Mitigation Measures' section above.</p>	
GEOLOGY AND CONTAMINATED LAND			
Scope of the Assessment			
Section 13.3 of ES Chapter 13: Geology and Contaminated Land (document reference TR010035/APP/6.13) states that the assessment covers impacts from contaminated land during the	Agreed	Agreed	AGREED

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<p>construction phase on hydrology, hydrogeology and construction workers.</p> <p>Impacts to geological features were scoped out as agreed in the Scoping Opinion. Operational impacts have also been scoped out as agreed in the Scoping Opinion.</p> <p>The study area comprises a 50m corridor either side of the Scheme extending to 1km for EA registered waste sites, ground water abstraction points and geological features. Reasoning for this study area is provided in paragraphs 13.4.2 to 13.4.5.</p> <p><i>Fylde Borough Council agrees with the scope of the assessment.</i></p>			
Methodology			
<p>Section 13.3 of ES Chapter 13: Geology and Contaminated Land (document reference TR010035/APP/6.13) sets out the methodology for undertaking the desk study, surveys and the assessment in accordance with the following best practice / guidance which includes:</p> <ul style="list-style-type: none"> • DMRB Volume 11 (Highways Agency) (2009) • Model Procedures for the Management of Land 	Agreed	Agreed	AGREED

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<p>Contamination (CLR11) (Environment Agency (EA), 2004)</p> <ul style="list-style-type: none"> • Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance (Defra, 2012) • Guiding Principles for Land Contamination (EA, 2010) • The Definition of Waste: Development Industry Code of Practice (CL:AIRE, 2011) • Code of Practice for the Sustainable Management of Soils on Construction Sites (Defra, 2009) • Assessing risks posed by hazardous ground gases to buildings (C665) (CIRIA, 2007) • Contaminated land risk assessment. A guide to good practice (C552) (CIRIA, 2001) <p><i>Fylde Borough Council considers that the methodology is appropriate.</i></p>			
Baseline			
<p>Section 13.5 of ES Chapter 13: Geology and Contaminated Land (document reference TR010035/APP/6.13) presents the existing and future baseline information identified during the desk study and field surveys. The elements covered include:</p>	Agreed	Agreed	AGREED

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<ul style="list-style-type: none"> • Geology and Geodiversity • Mining • Mineral Safeguarding Areas and Mineral Deposits • Hydrogeology and Hydrology • Pollution Incidents • Historical development • Landfill sites/waste management sites • Unexploded ordnance • Contaminated land <p>Paragraph 13.9.5 summarises the baseline conditions stating that the Scheme is in a rural setting with light industry (garden nurseries, poultry houses and timber yard) being identified along the existing road. These are some distance from the proposed new alignment and therefore the contamination is not considered to be significant.</p> <p><i>Fylde Borough Council considers that the baseline presented is comprehensive and appropriate to base the assessment on.</i></p>			

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
Mitigation Measures			
<p>Section 13.5 of ES Chapter 13: Geology and Contaminated Land (document reference TR010035/APP/6.13) sets out the construction phase mitigation measures for the Scheme. An Outline CEMP (document reference TR010035/APP/7.2 – Rev 2) has been prepared together with a REAC (document reference TR010035/APP/7.3 – Rev 2). Within these documents a set of best practice working is specified for implementation where necessary through the construction phase of the Scheme. It includes measures such as:</p> <ul style="list-style-type: none"> • Removal of contaminated materials • Remediation by appropriate in-situ or ex-situ techniques • Controlled storage of chemicals, waste oils and fuels <p><i>Fylde Borough Council agrees with the mitigation measures proposed.</i></p>	Agreed	Agreed	AGREED
Residual Effects and Conclusions			
<p>Section 13.9 of ES Chapter 13: Geology and Contaminated Land Environment (document reference TR010035/APP/6.13) summarises the following residual effects associated contaminated land and the</p>	Agreed	Agreed	AGREED

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<p>Scheme:</p> <ul style="list-style-type: none"> • Slight adverse on construction workers and residents as a result of contaminated land • Slight adverse on groundwater within the Source Protection Zone (SPZ) and neutral on groundwater outside the SPZ • Neutral on surface water <p>These effects are likely to be short-term when significant earthwork movements are taking place.</p> <p><i>Fylde Borough Council agrees with the residual effects and conclusions.</i></p>			
Monitoring			
<p>No specific monitoring with regards to geology and contaminated land is required. However, should contaminated land be encountered Requirement 6 within the draft Development Consent Order (document reference TR10035/APP/3.1) would need to be followed together with measures outlined within the REAC (document reference TR010035/APP/7.3 – Rev 2)</p> <p><i>Fylde Borough Council agrees with the approach to monitoring.</i></p>	Agreed	Agreed	AGREED

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
FLOOD RISK			
It was agreed at a meeting on 5 March 2019 that Fylde Borough Council are content to defer agreement of flood risk elements of the Scheme to Lancashire County Council (in their role as the Lead Local Flood Authority) and the Environment Agency.	Agreed	Agreed	AGREED
TRAFFIC			
Fylde Borough Council is satisfied that the applicant has accurately identified the Development Plans and Transport Plans currently in place for each of the local authorities against which the proposed development falls to be assessed. Note that the planning status and quantum of future developments were provided by Fylde Borough Council and Blackpool Council in November 2017. However, Wyre Council was unable to provide the planning status and quantum of future developments within the Wyre Council area and suggested that the Applicant prepare this information based on the Wyre Local Plan. Assumptions were therefore made by the Applicant regarding the level of certainty, timing, quantum, land-use and trip rates of the developments included in the Stage 3 A585 Uncertainty Log in the Wyre Council Local Authority area.	Agreed	Agreed	AGREED
Fylde Borough Council is satisfied that the traffic forecasts and economic case for the proposed	Agreed	Agreed	AGREED

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
development have been adequately tested through the local transport model, and that the requirements of paragraphs 4.5 and 4.6 of National Policy Statement for National Networks (NPSNN) have been met.			
Fylde Borough Council is satisfied that the proposed development is compatible with regional and local strategies to increase uptake and mode share for public transport, walking and cycling.	Agreed	Agreed	AGREED
LITTER STRATEGY			
<i>Fylde Borough Council is satisfied that there is no change to the current Litter Strategy regime in which the Local Authorities are responsible for the management of litter on all-purpose trunk roads.</i>	Agreed	Agreed	AGREED
OTHER CONSIDERATIONS			
Draft Development Consent Order			
<i>Fylde Borough Council has reviewed and is content with the contents of the draft Development Consent Order (document reference TR01035/APP/3.1) submitted at Deadline 5.</i>	Agreed	Not Agreed FBC considers that amendments are needed to Requirements 4 and 5 of the dDCO in relation to night time working and landscaping. These are identified in points	NOT AGREED Refer to responses outlined below.

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
		1-3 below and in FBC document 6.1 (submitted at deadline 6)	
<p>As set out in Fylde Borough Council’s (FBC) deadline 6 submission (FBC document 6.1), the changes contained in the revised version of the dDCO dated 09/08/19 (submitted at deadline 5) have addressed the issues raised by FBC in points 1, 2 and 4-12 below and the draft Statement of Common Ground between the Applicant and FBC submitted at deadline 2 (Rev 1.1 dated 7th May 2019, FBC document 2.3).</p> <p>However, FBC considers that the following additional amendments are required to the latest (deadline 5) version of the dDCO. FBC’s proposed amendments to existing wording are highlighted in bold for clarity. The reasons for these changes are identified in the relevant sections above, and in FBC’s submissions at deadlines 2 (FBC document 2.5), 4 (FBC document 4.1) and 6 (FBC document 6.1).</p> <p>Amendments to Schedule 2, Part 1 (“Requirements”):</p> <p>a) Paragraph 5 (5) – FBC considers that the rectification period mentioned should be increased from “5 years” to “10 years”.</p> <p>FBC Response: For the reasons set out in its submissions at deadlines 2 (response reference 9.3 of FBC document 2.5) and 4 (FBC document 4.1), FBC maintains that the length of the rectification period specified in Requirement 5 (5) of the dDCO should be increased from 5 years to 10 years.</p> <p>Highways England Response: The HEMP will detail the requirements for planting replacement as a result of failure / loss during the 5-year rectification period. Replacement planting for areas of significant loss will be undertaken on a basis of anticipated growth rates for that stock based on its original stock size and time passed as opposed to like for like replacement. Details of planting replacement will be discussed with Fylde Borough Council prior to the HEMP being discharged and will consider the following principles (example for the smallest and largest stock being planted):</p>			

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<ul style="list-style-type: none"> • Transplant stock failure in year 1 will be replaced with transplant stock, failure in year 2 and 3 with feathered stock, failure in year 4 and 5 with standard stock • Standard stock failure in year 1, 2 and 3 will be replaced with standard stock of the same or larger size, failure in year 4 and 5 with heavy standard stock. <p>Monitoring of the establishment of the landscape design during the rectification period will be undertaken on a minimum biannual basis to identify any planting failures / areas of replanting required. As part of this monitoring a review of the maintenance regimes being undertaken in accordance with the maintenance and management plan will be undertaken.</p> <p>The above has been included within Revision 3 of the REAC (document reference TR010035/APP/7.3 – Rev 3) submitted at deadline 5.</p> <p>b) Paragraph 5 (5) and commitment 12J</p> <p>FBC Response: As set out in its deadline 6 submission (document 6.1), FBC considers there to be inconsistency between the provision in Requirement 5 (5) of the dDCO relating to the size of any replacement planting to be introduced during the rectification period and the strategy identified in Rev 3 of the REAC submitted at deadline 5. Specifically, reference number 12J in Rev 3 of the REAC states that the Handover Environmental Management Plan (HEMP) will provide for “replacement planting for areas of significant loss [to] be undertaken on a basis of anticipated growth rates for that stock based on its original stock size and time passed as opposed to like for like replacement”, rather than referring to replacement specimens being of “the same [...] size as that originally planted”. Accordingly, the commitments in the REAC are not presently carried through to Requirement 5 (5) of the dDCO. FBC considers that Requirement 5 (5) of the dDCO should be reworded to read as follows (with the Council’s changes highlighted in bold lettering):</p> <p>(5) Any tree or shrub planted as part of the landscaping scheme that, within a period of 10 years after planting, is removed, dies or becomes in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of a size and species which accords with the provisions for replacement</p>			

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<p>planting identified in the approved HEMP, unless the Secretary of State, following consultation with the relevant planning authority on matters related to its function, gives consent to a variation.</p> <p>Highways England Response: The Applicant proposes the following change to Requirement 5 (5) of the dDCO. <i>(5) Any tree or shrub planted as part of the landscaping scheme that, within a period of 5 years after planting, is removed, dies or becomes in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of at least the same species and size as that originally planted, or where significant loss occurs a size and species which accords with the provisions for replacement planting identified in the approved HEMP, unless the Secretary of State, following consultation with the relevant planning authority on matters related to its function, gives consent to a variation.</i></p> <p>c) Requirement 4 (2) – An additional clause relating to “night time working” has been inserted in Requirement 4 (2) (c) (ix) of the deadline 5 version of the dDCO.</p> <p>FBC Response: This cross references details set out in the REAC which, under reference number 4AL to Rev 3 of that document, indicate the Applicant’s expectation to operate 95 separate night working periods. This insertion was not discussed with FBC beforehand and raises the following issues:</p> <ol style="list-style-type: none"> 1. The term “night-time working” is not defined in the dDCO or the REAC (i.e. by reference to specified working hours). 2. The REAC fails to specify the locations where 65 of the 95 anticipated night working periods will occur. 3. Neither the dDCO nor the REAC clarify the nature of the operations that will take place during the 95 anticipated night working periods. <p>As a result of the above, FBC is unable to assess what effects the operations that the Applicant expects to carry out during the night working periods are likely to have on the amenity of surrounding occupiers, having particular regard to potential nuisances associated with noise disturbance and light pollution. In the absence of this information, FBC objects to the insertion of clause (ix) to Requirement 4 (2) (c).</p>			

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<p>Highways England Response: A Section 61 will be applied for by the Contractor prior to construction. Night-time working hours, construction noise limits and locations of night-time works will all be defined within the application submitted to Fylde Borough Council. Note: The Environmental Statement Chapter 11: Noise and Vibration (document reference TR010035/APP/6.11) has undertaken worst case predictions from 23:00 to 07:00 in accordance BS5228. Light pollution would be controlled through Commitments already noted in the REAC (document reference TR010035/APP/7.3 – Rev 5) including Commitment 4G, 4H and 4AN.</p> <p>Matters raised at Deadline 2</p> <p>1. Paragraph 4 (1) – The outline CEMP includes detailed measures to mitigate the development’s impact on designated nature conservation sites of international and national importance. Therefore, FBC considers that Natural England must also be consulted on the final CEMP that is to be prepared in accordance with the provisions of Paragraph 4 (1). Accordingly, FBC suggests that reference to “consultation with the relevant planning authority” should be replaced with “consultation with the relevant planning authority and Natural England”.</p> <p>Agreed response between Fylde Borough Council and Highways England: Schedule 2, Part 1 will be updated with the inclusion of Natural England and will be submitted at Deadline 5 for the update dDCO.</p> <p>Item now closed out following updated dDCO submission at Deadline 5.</p> <p>2. Paragraph 4 (2) (c) – FBC suggests the following alternative wording: “require adherence to working hours of 08:00-18:00 Mondays to Fridays and 08:00-13:00 on Saturdays except for –”</p> <p>Agreed response between Fylde Borough Council and Highways England: Working hours will be updated as follows; “require adherence to working hours of 07:30-18:00 Mondays to Fridays and 08:00-14:00 on Saturdays except for-“. It should also be noted that a Section 61 prior consent application would be submitted by the Contractor prior to any construction works commencing as outlined within the Record of Environmental Actions and Commitments (commitment 7K) (document</p>			

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<p>reference TR010035/APP/7.3 – Rev 2), this would safeguard the amenity of neighbouring occupiers.</p> <p>Item now closed out following updated REAC submission at Deadline 5.</p> <p>3. Paragraph 5 (5) – FBC considers that the rectification period mentioned should be increased from “5 years” to “10 years”.</p> <p>Highways England Response: The HEMP will detail the requirements for planting replacement as a result of failure / loss during the 5-year rectification period. Replacement planting for areas of significant loss will be undertaken on a basis of anticipated growth rates for that stock based on its original stock size and time passed as opposed to like for like replacement. Details of planting replacement will be discussed with Fylde Borough Council prior to the HEMP being discharged and will consider the following principles (example for the smallest and largest stock being planted):</p> <ul style="list-style-type: none"> • Transplant stock failure in year 1 will be replaced with transplant stock, failure in year 2 and 3 with feathered stock, failure in year 4 and 5 with standard stock • Standard stock failure in year 1, 2 and 3 will be replaced with standard stock of the same or larger size, failure in year 4 and 5 with heavy standard stock. <p>Monitoring of the establishment of the landscape design during the rectification period will be undertaken on a minimum biannual basis to identify any planting failures / areas of replanting required. As part of this monitoring a review of the maintenance regimes being undertaken in accordance with the maintenance and management plan will be undertaken.</p> <p>The above has been included within Revision 2 of the REAC (document reference TR010035/APP/7.3 – Rev 2). Revision 2 of the REAC will be submitted at Deadline 5.</p> <p>Item not agreed FBC maintain stance of requiring 10 year rectification period along with increased monitoring visits as set out in their representations refer to point a) above.</p> <p>4. Paragraph 8 (1) and (2) – As FBC is not the drainage authority for the area, it considers that reference to “consultation with</p>			

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<p>the relevant planning authority” should be replaced with “consultation with the Lead Local Flood Authority, United Utilities Group PLC and the Environment Agency”. A definition for “the Lead Local Flood Authority” will be required in the Article at Part 1, Paragraph 2 (“Interpretation”).</p> <p>Agreed response between Fylde Borough Council and Highways England: The dDCO will be updated and submitted at Deadline 5 with the following amendment “<i>consultation with the Lead Local Flood Authority</i>”. Part 1 Paragraph 2 will be updated to provide a definition for the Lead Local Flood Authority in accordance with the Water Act.</p> <p>Item now closed out following updated dDCO submission at Deadline 5.</p> <p>5. Paragraph 10 (1) – As FBC is not the Local Highway Authority for the area, it considers that reference to “consultation with the relevant planning authority” should be replaced with “consultation with the local highway authority”. FBC notes that a definition for the local highway authority is given in the Article at Part 1, Paragraph 2 (“Interpretation”).</p> <p>Agreed response between Fylde Borough Council and Highways England: The dDCO will be amended to show “<i>consultation with the local highway authority</i>”. This will be submitted at Deadline 5.</p> <p>Item now closed out following updated dDCO submission at Deadline 5.</p> <p>6. Paragraph 13 – The numbering of this paragraph would change to “15” if the suggested additions below are inserted.</p> <p>See responses below.</p> <p>Additions to Schedule 2, Part 1 (“Requirements”):</p> <p>7. FBC considers that an additional Requirement relating to “Acoustic barriers” should be inserted in Schedule 2, Part 1 as follows:</p>			

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<p style="text-align: center;">“Acoustic barriers</p> <p>13. – (1) No part of the authorised development is to commence until a scheme for the siting, height, design, materials and finish of all acoustic barriers, and a timetable for their construction, has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority on matters related to its function. (2) The siting and height of acoustic barriers must reflect the mitigation measures set out in the REAC and must be based on the illustrative noise mitigation masterplan within the environmental statement (Figure 11.4 of Application Document TR010035/APP/6.11). (3) The acoustic barriers must be constructed in accordance with the scheme approved under sub-paragraph (1) and the timetable contained therein.”</p> <p>Agreed response between Fylde Borough Council and Highways England: A commitment has been included within Revision 2 of the Record of Environmental Actions and Commitments (document reference TR010035/APP/7.3 – Rev 2) to state ‘<i>Prior to construction commencing, FBC will be consulted about the siting, design, materials and finish of the 2m high acoustic barrier required adjacent to the Singleton Hall access road. Any consultation response shall inform the detailed design of the barrier</i>’. Revision 2 of the Record of Environmental Actions and Commitments will be submitted at Deadline 5. It was agreed an additional Requirement in the DCO will not be provided.</p> <p>Item now closed out following updated REAC submission at Deadline 5.</p> <p>8. FBC considers that an additional Requirement relating to “Noise” should be inserted in Schedule 2, Part 1 as follows:</p> <p style="text-align: center;">“Noise</p> <p>14. – (1) Within 6 months of the authorised development first being brought into use, the undertaker must carry out operational phase noise monitoring in accordance with the methodology identified in the Department for Transport and Welsh Office (1988) technical memorandum: Calculation of Road Traffic Noise (CRTN) for minimum period of 10 days at the following</p>			

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<p>locations:</p> <ul style="list-style-type: none"> • North Lodge, Lodge Lane, Singleton, FY6 8LT. • The Manor, Lodge Lane, Singleton, FY6 8LS. • 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. <p>(2) The results of the noise monitoring referred to in sub-paragraph (1) must be submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority on matters related to its function.</p> <p>(3) Where the results of the noise monitoring referred to in sub-paragraph (2) indicate that any of the properties in the locations referred to in subparagraph (1) qualify for statutory or discretionary noise insulation under the Noise Insulation Regulations then the results submitted pursuant to sub-paragraph (2) must include a scheme for the installation of noise insulation at the qualifying properties. The scheme must identify the specific noise insulation measures that are to be carried out at each qualifying property and a timetable for their implementation.</p> <p>(4) The noise insulation measures must be carried out in accordance with the scheme approved under sub-paragraph (3) and the timetable contained therein.”</p> <p>Agreed response between Fylde Borough Council and Highways England: Qualification for noise insulation under the Noise Insulation Regulations (NIR) is determined by prediction in accordance with Calculation of Road Traffic Noise as specified under ‘Provision 6 – Ascertainment of level of noise’ of the NIR. As such the monitored noise levels could not be used to determine qualification under the NIR. It was agreed an additional Requirement in the dDCO will not be provided as the concerns above are covered within the REAC.</p> <p>Item now closed out.</p>			

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<p>Other observations:</p> <p>9. Paragraph 4 (4) – Unlike the Requirement in Paragraph 4 (1) relating to the CEMP, it does not appear that there is any equivalent provision requiring the approval of the Applicant’s handover environmental management plan (HEMP). FBC considers that additional wording should be inserted within Paragraph 4 (4) which also requires the HEMP to be “submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority”.</p> <p>Agreed response between Fylde Borough Council and Highways England: The HEMP must be developed in accordance with the process set out in the CEMP. The CEMP, including the process for the HEMP, will be approved pursuant to Requirement 4(1). It was agreed that the change above would not be included within the dDCO.</p> <p>Item now closed out.</p> <p>10. Paragraph 9 (4)-(6) – For the reasons set out in its response to ExQ1 question 1.4.1, FBC considers that an additional sub-paragraph is required at the end of Paragraph 9 to provide for the “in situ” preservation of previously unidentified archaeological remains comprising “non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments.” At present, Paragraph 6 (6) only provides for “the further investigation and recording of the remains” and so does not deal with a scenario where such remains need to be preserved “in situ” rather than being removed from the site.</p> <p>Agreed response between Fylde Borough Council and Highways England: Fylde Borough Council agree to defer to Lancashire County Council regarding archaeology.</p> <p>Item now closed out.</p> <p>11. Paragraph 13 (1) – This does not stipulate a procedure or timeframe for “consultation with another party” prior to submission of details to the Secretary of State. While the undertaker is required to provide a “summary report setting out the consultation</p>			

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<p>undertaken”, it would be helpful if the undertaker’s obligations concerning this consultation exercise (including stipulating a minimum period that will be afforded to the relevant parties to provide their comments) were made explicit at this stage.</p> <p>Agreed response between Fylde Borough Council and Highways England: The dDCO will be updated to show a minimum timeframe of consultation of 14 days. This will be submitted at Deadline 5. Highways England will work with Fylde Borough Council to develop their documents to discharge the DCO requirements through sharing early drafts.</p> <p>Item now closed out following updated dDCO submission at Deadline 5.</p> <p>12. There are several instances where “the Environment Agency” and “Natural England” are named within the dDCO. FBC would appreciate the Applicant’s views as to whether definitions for “the Environment Agency” and “Natural England” are required in the Article at Part 1, Paragraph 2 (“Interpretation”).</p> <p>Agreed response between Fylde Borough Council and Highways England: The dDCO will be updated to include definitions for the Statutory Bodies. This will be submitted at Deadline 5.</p> <p>Item now closed out following updated dDCO submission at Deadline 5.</p>			
Effects on Living Conditions of Residents			
<p><i>Fylde Borough Council agrees that the ‘living conditions of residents’ includes air quality, noise and vibration, visual amenity and accessibility. Fylde Borough Council is content with the assessment, mitigation measures and conclusions reached in within ES Chapter 6: Air Quality (document reference TR010035/APP/6.6), ES Chapter 9: Landscape</i></p>	<p>Agreed</p>	<p>Agreed subject to the 3 amendments identified above being incorporated into the DCO.</p>	<p>AGREED Refer to responses outlined above.</p>

Matters of Agreement	Highways England in Agreement	Fylde Borough Council (FBC) in Agreement	Status
<p><i>(document reference TR010035/APP/6.9), ES Chapter 10: People and Communities (document reference TR010035/APP/6.10) and ES Chapter 11: Noise and Vibration.</i></p>			
Planning Policy			
<p><i>Fylde Borough Council has reviewed the Planning Statement and National Policy Accordance document (document reference TR010035/APP/7.1) submitted to the Inspectorate to support the Scheme and is content with its contents and conclusions regarding planning policy.</i></p>	Agreed	Agreed	AGREED

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Appendix A – Record of Engagement

Comments received from Fylde Borough Council on the draft Statement of Common Ground 26/03/2019

Comment	Highways England's Response
<p>Contaminated Land</p> <p>The study shows and Council information agrees that there are no areas of potentially contaminated land that the proposed road would cut through. However it is important to include the following comments –</p> <p>Once works commence on the site, should site operatives discover any adverse ground conditions and suspect it to be contaminated, they should report this to the Site Manager and the Contaminated Land Officer at Fylde Borough Council. Works in that location should cease and the problem area roped off. A Competent Person shall be employed to undertake sampling and analysis of the suspected contaminated materials. A report which contains details of sampling methodologies and analysis results, together with remedial methodologies shall be submitted to the Local Planning Authority for approval in writing. The approved remediation scheme shall be implemented prior to further development works taking place and prior to occupation of the development. Should no adverse ground conditions be encountered during site works and/or development, a verification statement shall be forwarded in writing to the Local Planning Authority prior to occupation of the building(s), which confirms that no adverse ground conditions were found.</p>	<p>Noted – no further response required.</p> <p>Additional detail has been included within the REAC (document reference TR010035/APP/7.3 – Rev 2) appended to the Outline CEMP (document reference TR010035/APP/7.2 – Rev 2) which will be issued to the Inspectorate at Deadline 2. In addition Requirement 6 Contaminated Land and Groundwater within the draft Development Consent Order (document reference TR010035/APP/3.1) states ‘6.— (1) <i>In the event that contaminated land, including groundwater, is found at any time when carrying out the authorised development which was not previously identified in the environmental statement, it must be reported as soon as reasonably practicable to the Secretary of State, the relevant planning authority and the Environment Agency, and the undertaker must complete a risk assessment of the contamination in consultation with the relevant planning authority and the Environment Agency. (2) Where the undertaker determines that remediation of the contaminated land is necessary, a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose must be submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority on matters related to its function and the Environment Agency. (3) Remediation must be carried out in accordance with the approved scheme.</i>’</p>
<p>Noise</p>	<p>The Applicant will comply with the Noise</p>

Comment	Highways England's Response
<p>The only noise issue I have is the requirement to consider noise insulation to the other properties that are adjacent to (or with an agreed distance from) North Lodge – it is beyond the scope of the requirements in the Noise Insulation Regulations but in my opinion could be justified.</p>	<p>Insulation Regulations and deliver noise insulation as appropriate and as required.</p>
<p>Air Quality</p> <p>The air quality monitoring point for NOx at Five Lane Ends is still showing levels slightly above or around 40mg/m3 throughout 2017, 2018 and to date. Potentially the area could be declared an AQMA if this road was not proposed. In my opinion the road would reduce the NOx levels in this region and so can be supported an AQ grounds.</p>	<p>At the time of writing ES Chapter 6: Air Quality (document reference TR010035/APP/6.6) the most up to date air quality monitoring data was used. The air quality data at Five Lane Ends was not therefore available, however consideration of the information would not affect the conclusions of the assessment as the Scheme results in a benefit in air quality in this area.</p>
<p>You will note that while the majority of issues are agreed, there are certain caveats and/or areas where officers are seeking betterment beyond the minimum requirement in respect of contamination and noise insulation. From our meeting it is my understanding that an updated draft SoCG is to be prepared (I also note that Annex E of the ExA's letter sets out a list of topics that the SoCG should cover which differs somewhat from the current draft). If the above comments can be incorporated into that then this would assist matters.</p>	<p>The draft SoCG has been updated with comments received from Fylde Borough Council and the Inspectorate's Rule 6 letter.</p>

Comments on Statement of Common Ground from Fylde Council – received 14/05/2019

	Comment	Highways England's Response
1	<p>Noise and Vibration – Mitigation Measures</p> <p>FBC considers that (i) working hours during the construction phase should be limited to 13:00 hours on Saturdays (rather than until 16:00 as presently stated in the outline CEMP); and (ii) future monitoring of operational noise is required to determine the need for both discretionary and statutory noise insulation at additional properties.</p> <p>FBC's detailed reasons for this are set out in response reference 9.4 of FBC document 2.5. Amendments and additions to the Requirements of the dDCO are proposed to deal with this.</p>	<p>(i) A Section 61 prior consent application would be submitted by the Contractor prior to any construction works commencing as outlined within the Record of Environmental Actions and Commitments (commitment 7K) (document reference TR010035/APP/7.3 – Rev 2), this would safeguard the amenity of neighbouring occupiers. In addition, working hours have been revised following discussions with Fylde Borough Council.</p> <p>(ii) Qualification for noise insulation under the Noise Insulation Regulations (NIR) is determined by prediction in accordance with Calculation of Road Traffic Noise as specified under 'Provision 6 – Ascertainment of level of noise' of the NIR. As such any monitored noise levels could not be used to determine qualification under the NIR.</p>
2	<p>Noise and Vibration – Residual Effects and Conclusions</p> <p>FBC considers that there may be a need for noise insulation to be provided at additional properties in the vicinity of the Lodge Lane bridge. FBC's detailed reasons for this and a list of the additional properties in question are set out in response reference 9.4 of FBC document 2.5.</p> <p>FBC also considers there to be a lack of detail within the REAC to define precisely what the mitigation measures to be implemented in order to comply with the Noise Insulation Regulations would comprise. An additional Requirement is proposed in the dDCO to deal with this.</p>	<p>The assessment to determine whether properties qualify for noise insulation has been undertaken in accordance with the requirements set out under Regulation 3 of the NIR, refer to Environmental Statement Appendix 11.3: Noise Insulation Regulations Assessment (document reference TR010035/APP/6.11.3) and the Environmental Changes and Corrections Document (document reference TR010035/APP/7.11).</p> <p>Noise mitigation is outlined within the Record of Environmental Actions and Commitments (Section 7) (document reference TR010035/APP/7.3 – Rev 2). It was agreed with Fylde Borough Council that no additional Requirements are required to be included within the dDCO.</p>

	Comment	Highways England's Response
		Refer to the response to Point 12 for further information.
3	<p>Noise and Vibration – Monitoring</p> <p>FBC considers that future monitoring of operational noise is required to determine the need for both discretionary and statutory noise insulation at additional properties.</p> <p>FBC's detailed reasons for this are set out in response reference 9.4 of FBC document 2.5. An additional Requirement is proposed in the dDCO to deal with this.</p>	Refer to Point 12 below for further information.
4	<p>Cultural Heritage – Scope</p> <p>FBC still wishes to comment on heritage issues concerning impacts on designated and non-designated heritage assets that are not of archaeological interest. Therefore, we only defer to LCC on matters specifically concerning archaeology. I have, therefore, created a separate row for this.</p>	Noted. Agreement is in place with the Archaeological Advisor to Lancashire County Council regarding archaeology.
5	<p>Cultural Heritage – Mitigation Measures</p> <p>Addition of the following text '<i>Subject to the Written Scheme of Investigation and Mitigation Strategy being agreed with Lancashire County Council, Fylde Borough Council agrees with the mitigation measures proposed.</i>'</p>	<p>The following wording has been included within the Statement of Common Ground '<i>Subject to the Written Scheme of Investigation and Mitigation Strategy being agreed with Lancashire County Council, Fylde Borough Council agrees with the mitigation measures proposed.</i>'</p> <p>This is also secured within Section 3 of the Record of Environmental Actions and Commitments (document reference TR010035/APP/7.3 – Rev 2).</p>
6	<p>Landscape – Baseline</p> <p>FBC considers that an additional photomontage is required to show the appearance of the cutting and retaining wall (including</p>	All representative viewpoints and photomontage locations were agreed with both Wyre and Fylde council. Photomontages are a tool used to help inform the assessment and have been selected from a select number of the representative viewpoints.

	Comment	Highways England's Response
	<p>acoustic barrier) at the Lodge Lane bridge, from the northern end of the bridge looking southeast towards 'Barnfield Manor'.</p> <p>FBC's detailed reasons for this are set out in response reference 9.3 of FBC document 2.5.</p>	<p>Following the request from Fylde Borough Council, a 3D representation of the Scheme in this location has been provided to help inform judgments on the reported effects.</p> <p>From the northern end of the bridge (as represented by North Lodge) effects from this residential visual receptor (V-R-24-1) have been assessed as significant during construction and operation (both opening and design year) (document reference TR010035/APP/6.9). This conclusion would not change as a result of the production of a photomontage at this location.</p>
7	<p>Landscape – Mitigation Measures</p> <p>FBC has not yet had sight of the updated Environmental Masterplan or the amended REAC and so is unable to confirm its agreement at this time.</p> <p>That notwithstanding, FBC has set out its expectations in this regard in response references 9.3 (including Appendix A) and 9.6 of FBC document 2.5, and proposes the insertion of an additional Requirement in the dDCO relating to the design of acoustic barriers in order to deal with that specific issue.</p>	<p>Revision 2 of the Record of Environmental Actions and Commitments (document reference TR010035/APP/7.3 – Rev 2), Commitment 7L has been re-drafted with Fylde Borough Council and will be submitted at Deadline 5 states.</p> <p>Revision 1 of the Environmental Masterplan was issued at Deadline 2.</p>
8	<p>Also at the meeting in March 2019 the planting rectification period was discussed – Highways England maintain that this period would be 5 years and thereafter would constitute maintenance.</p> <p>FBC considers that a 10 year rectification period is required in this case. <i>Its detailed reasons for this are set out in response reference 9.3 of FBC document 2.5.</i></p> <p>FBC proposes an amendment to the Requirement in Paragraph 5</p>	<p>Highways England have currently stated that a 5-year rectification period (including management and maintenance) should be included, as is standard practice for landscape assets within highway schemes. This is identified in the Environmental Statement Chapter 9: Landscape (document reference TR010035/APP/6.9) and in the Record of Environmental Actions and Commitments (document reference TR010035/APP/7.3 – Rev 2).</p>

Comment	Highways England's Response
<p>of the dDCO to deal with this</p>	<p>The landscape mitigation planting measures are standard features and it is considered this period is sufficient to ensure that these have established without defects following planting.</p> <p>The Contractor responsible for the implementation of the Scheme will be responsible for the maintenance of the scheme and any defects which arise as a result of their implementation during this 5-year period.</p> <p>Monitoring of the establishment of the landscape design during the rectification period will be undertaken on a minimum biannual basis to identify any planting failures / areas of replanting required. As part of this monitoring a review of the maintenance regimes being undertaken in accordance with the maintenance and management plan will be undertaken.</p> <p>As set out in BS5387:2012, para 8.84 states that <i>“Regular maintenance of newly planted trees is of particular importance for at least three years during the critical post-planting period and might, where required by site conditions, planning requirements or legal agreement, be for 5 years or more”</i>, and 5 years is being proposed for the rectification period which will include for maintenance and management.</p> <p>After this time soft landscape features within Highway England's land ownership will continue to be managed and maintained in accordance with a maintenance schedule (set out in a Handover Environmental Management Plan (HEMP)).</p> <p>The HEMP would set out the long-term management plan to ensure the mitigation levels are achieved by year 15, which is of</p>

	Comment	Highways England's Response
		<p>critical importance to the reason these features are being implemented. This maintenance would be undertaken by Highways England maintaining authority.</p> <p>A 10-year rectification period is not standard practice and as set out above Highways England would consider that through the maintenance and management requirements that the requirements for a 10-year management period is already provided.</p>
8	<p>Landscape – Residual Effects and Conclusions Under discussion</p> <p>FBC considers that an additional photomontage is required to show the appearance of the cutting and retaining wall (including acoustic barrier) at the Lodge Lane bridge, from the northern end of the bridge looking southeast towards 'Barnfield Manor'. Without this, the full extent of effects at representative viewpoints is not established.</p> <p>FBC's detailed reasons for this are set out in response reference 9.3 of FBC document 2.5.</p>	<p>Refer to response to Point 6.</p>
9	<p>Landscape – Monitoring</p> <p>FBC considers that the reference to “regular intervals” for monitoring needs to be defined in the REAC.</p> <p>In addition, FBC considers that a 10 year rectification period is required in this case. Its detailed reasons for this are set out in response reference 9.3 of FBC document 2.5. FBC also proposes an amendment to the Requirement in Paragraph 5 of the dDCO</p>	<p>Monitoring of the establishment of the landscape design during the rectification period will be undertaken on a minimum biannual basis to identify any planting failures / areas of replanting required. As part of this monitoring a review of the maintenance regimes being undertaken in accordance with the maintenance and management plan will be undertaken.</p> <p>Monitoring would include reporting on the function of the assets against the mitigation requirements set out, and could be shared</p>

	Comment	Highways England's Response
	to deal with this	<p>with the local authority to ensure they are satisfied with the findings. An update has been included within Revision 2 of the Record of Environmental Actions and Commitments (document reference TR010035/APP/7.3 – Rev 2) which will be submitted at Deadline 5.</p> <p>Responses to the 10-year rectification period are set out previously.</p>
10	<p>Draft Development Consent Order</p> <p>Fylde Borough Council (FBC) considers that the following amendments and additions are required to the dDCO (Version 'Rev 0', dated October 2018). FBC's proposed amendments to existing wording are highlighted in bold for clarity. The reasons for these changes are identified in the relevant sections above, and in FBC's deadline 2 submission documents 2.2 (Local Impact Report), 2.4 (responses to ExQ1) and 2.5 (responses to Applicant's comments on Relevant Representation).</p> <p>Amendments to Schedule 2, Part 1 ("Requirements"):</p> <ol style="list-style-type: none"> 1. Paragraph 4 (2) (c) – FBC suggests the following alternative wording: "require adherence to working hours of 08:00-18:00 Mondays to Fridays and 08:00-13:00 on Saturdays except for –" 2. Paragraph 5 (5) – FBC considers that the rectification period mentioned should be increased from "5 years" to "10 years". 3. Paragraph 8 (1) and (2) – As FBC is not the drainage 	<ol style="list-style-type: none"> 1 Refer to the response to Point 12 2 Refer to the response to Point 8 3 Refer to response provided above, in other consideration section. 4. Refer to response provided above, in other consideration section. 5. Refer to response provided above, in other consideration section.

Comment	Highways England's Response
<p>authority for the area, it considers that reference to “consultation with the relevant planning authority” should be replaced with “consultation with the Lead Local Flood Authority, United Utilities Group PLC and the Environment Agency”. A definition for “the Lead Local Flood Authority” will be required in the Article at Part 1, Paragraph 2 (“Interpretation”).</p> <p>4. Paragraph 10 (1) – As FBC is not the Local Highway Authority for the area, it considers that reference to “consultation with the relevant planning authority” should be replaced with “consultation with the local highway authority”. FBC notes that a definition for the local highway authority is given in the Article at Part 1, Paragraph 2 (“Interpretation”).</p> <p>5. Paragraph 13 – The numbering of this paragraph would change to “15” if the suggested additions below are inserted.</p>	
<p>11 Additions to Schedule 2, Part 1 (“Requirements”):</p> <p>6. FBC considers that an additional Requirement relating to “Acoustic barriers” should be inserted in Schedule 2, Part 1 as follows:</p> <p>“Acoustic barriers</p> <p>13. – (1) No part of the authorised development is to commence until a scheme for the siting, height, design, materials and finish of all acoustic barriers, and a timetable for their construction, has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority</p>	<p>A commitment has been drafted with Fylde Borough Council and included within Revision 2 of the Record of Environmental Actions and Commitments (document reference TR010035/APP/7.3 – Rev 2) Revision 2 of the Record of Environmental Actions and Commitments will be submitted at Deadline 5.</p> <p>It was agreed with Fylde Borough Council that an additional Requirement in the dDCO would be appropriate would be included.</p>

	Comment	Highways England's Response
	<p>on matters related to its function.</p> <p>(2) The siting and height of acoustic barriers must reflect the mitigation measures set out in the REAC and must be based on the illustrative noise mitigation masterplan within the environmental statement (Figure 11.4 of Application Document TR010035/APP/6.11).</p> <p>(3) The acoustic barriers must be constructed in accordance with the scheme approved under sub-paragraph (1) and the timetable contained therein.”</p>	
12	<p>7. FBC considers that an additional Requirement relating to “Noise” should be inserted in Schedule 2, Part 1 as follows:</p> <p>“Noise</p> <p>14. – (1) Within 6 months of the authorised development first being brought into use, the undertaker must carry out operational phase noise monitoring in accordance with the methodology identified in the Department for Transport and Welsh Office (1988) technical memorandum: Calculation of Road Traffic Noise (CRTN) for minimum period of 10 days at the following locations:</p> <ul style="list-style-type: none"> • North Lodge, Lodge Lane, Singleton, FY6 8LT. • The Manor, Lodge Lane, Singleton, FY6 8LS. • 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. <p>(2) The results of the noise monitoring referred to in sub-</p>	<p>Qualification for noise insulation under the Noise Insulation Regulations (NIR) is determined by prediction in accordance with Calculation of Road Traffic Noise as specified under ‘Provision 6 – Ascertainment of level of noise’ of the NIR. As such the monitored noise levels could not be used to determine qualification under the NIR.</p> <p>It was agreed with Fylde Borough Council that an additional Requirement in the dDCO would be included.</p>

Comment	Highways England's Response
<p>paragraph (1) must be submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority on matters related to its function.</p> <p>(3) Where the results of the noise monitoring referred to in subparagraph (2) indicate that any of the properties in the locations referred to in subparagraph (1) qualify for statutory or discretionary noise insulation under the Noise Insulation Regulations then the results submitted pursuant to subparagraph (2) must include a scheme for the installation of noise insulation at the qualifying properties. The scheme must identify the specific noise insulation measures that are to be carried out at each qualifying property and a timetable for their implementation.</p> <p>(4) The noise insulation measures must be carried out in accordance with the scheme approved under subparagraph (3) and the timetable contained therein.”</p>	
<p>13 observations:</p> <p>8. Paragraph 4 (4) – Unlike the Requirement in Paragraph 4 (1) relating to the CEMP, it does not appear that there is any equivalent provision requiring the approval of the Applicant’s handover environmental management plan (HEMP). FBC considers that additional wording should be inserted within Paragraph 4 (4) which also requires the HEMP to be “submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority”.</p> <p>9. Paragraph 9 (4)-(6) – For the reasons set out in its response to ExQ1 question 1.4.1, FBC considers that an additional sub-paragraph is required at the end of Paragraph 9 to provide for the “in situ” preservation of previously unidentified archaeological remains comprising “non-designated heritage</p>	<p>8 Refer to response provided above, in other consideration section.</p> <p>9 Refer to response provided above, in other consideration section.</p> <p>10 Refer to response provided above, in other consideration section.</p> <p>11 Refer to response provided above, in other consideration section.</p>

Comment	Highways England's Response
<p>assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments.” At present, Paragraph 6 (6) only provides for “the further investigation and recording of the remains” and so does not deal with a scenario where such remains need to be preserved “in situ” rather than being removed from the site.</p> <p>10. Paragraph 13 (1) – This does not stipulate a procedure or timeframe for “consultation with another party” prior to submission of details to the Secretary of State. While the undertaker is required to provide a “summary report setting out the consultation undertaken”, it would be helpful if the undertaker’s obligations concerning this consultation exercise (including stipulating a minimum period that will be afforded to the relevant parties to provide their comments) were made explicit at this stage.</p> <p>11. There are several instances where “the Environment Agency” are named within the dDCO. FBC would appreciate the Applicant’s views as to whether a definition for “the Environment Agency” is required in the Article at Part 1, Paragraph 2 (“Interpretation”).</p>	
<p>14 Effects on Living Conditions of Residents - Fylde Borough Council agrees that the ‘living conditions of residents’ includes air quality, noise and vibration, visual amenity and accessibility. Fylde Borough Council is content with the assessment, mitigation measures and conclusions reached in within ES Chapter 6: Air Quality (document reference TR010035/APP/6.6), ES Chapter 9: Landscape (document reference TR010035/APP/6.9), ES Chapter 10: People and Communities (document reference TR010035/APP/6.10) and ES Chapter 11: Noise and Vibration.</p>	<p>Noted – no further response required.</p>

	Comment	Highways England's Response
	<p>FBC's specific areas of concern with ES Chapters 9 (Landscape) and 11 (Noise and Vibration) are identified in the corresponding topic sections above.</p>	
16	<p>Planning Policy - References to local planning policies in document reference TR010035/APP/7.1 refer to the "Fylde Borough Local Plan (As Altered) (Oct 2005)" and the "Fylde Local Plan to 2032 Submission (2016)". Neither of these documents are, however, the adopted development plan for the Borough. Accordingly, the Applicant's assessment of the development's compliance with local planning policy fails to refer to the adopted development plan for Fylde – this being the "Fylde Local Plan to 2032" which was adopted on 22 October 2018.</p> <p>FBC is not aware of any updated 'corrections' document having been submitted by the Applicant to address this.</p>	<p>The DCO application for the Scheme was submitted in October 2018 prior to the adoption of the Local Plan. A review has been undertaken of the Fylde Local Plan to 2032 (refer to the responses to the ExAs Written Questions (1.0.2) (document reference TR010035/APP/7.10) and it was determined that the conclusions within the Planning Statement (document reference TR010035/APP/7.1) and the Environment Statement (document reference TR010035/APP/6.1 – 6.20) remain the same.</p>