

A585 Windy Harbour to Skippool Improvement Scheme

TR010035

7.34 Responses to the ExA's Request for Further Information

APFP Regulation 5(2)(q)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed
Forms and Procedure) Regulations 2009

Volume 7

October 2019

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Infrastructure Planning

Planning Act 2008

The Infrastructure Planning
(Applications: Prescribed Forms and
Procedure) Regulations 2009

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

RESPONSES TO THE ExA's REQUEST FOR FURTHER INFORMATION

Regulation Number:	Regulation 5(2)(q)
Planning Inspectorate Scheme Reference	TR010035
Application Document Reference	TR010035/APP/7.34
Author:	A585 Windy Harbour to Skippool Improvement Scheme Project Team, Highways England

Version	Date	Status of Version
Rev 0	October 2019	Deadline 9 Submission

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ABBREVIATIONS

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

Abbreviation	Meaning
CA	Compulsory Acquisition
CEMP	Construction Environmental Management Plan
DCO	Development Consent Order
dDCO	Draft Development Consent Order
PA08	Planning Act 2008

1 RESPONSES TO THE EXA'S REQUEST FOR FURTHER INFORMATION

- 1.1.1 The purpose of this document is to set out the responses to the ExA's Request for Further Information.
- 1.1.2 These can be found in Table 1-1 below.

Table 1-1: Responses to the ExA's Request for Further Information

Reference Number	Written Representations	Response to Written Representation
	The Climate Change Act 2008 (2050 Target Amendment) Order 2019	
1	<p>The Applicant is requested to provide an update on how the amended emissions target in the National Policy Statement for National Networks affects assessments made in the application.</p>	<p>The emission target for target for 2050 in the Climate Change Act 2009 has been amended to state '(1) <i>It is the duty of the Secretary of State to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline</i>'. Previously the target was 80%.</p> <p>While there has been a change to the emissions target this would not change the statement in the National Networks National Policy Statement (2014) which in paragraph 5.17 states '<i>It is very unlikely that the impact of a road project will, in isolation, affect the ability of Government to meet its carbon reduction plan targets. However, for road projects applicants should provide evidence of the carbon impact of the project and an assessment against the Government's carbon budgets</i>'. Nor would it change the statements made in the Planning Statement (document reference TR010035/APP/7.1) '<i>As set out in Environmental Statement Chapter 15: Climate (document reference TR010035/APP/6.15), the Scheme seeks to reduce greenhouse gas emissions as far as practicable to contribute to the UK's reduction in carbon emissions. Environmental Statement Chapter 2: Description of the Scheme (document reference TR010035/APP/6.2) aims to reduce the overall carbon footprint of the Scheme by reusing excavated materials where practicable. The footprint of structures and junctions have been made as compact as practicable, ensuring minimal land use change and materials use. Throughout the Scheme's design, material resources have been evaluated and their carbon emissions considered, ensuring that material resources with lower carbon emissions have been fully considered.</i>'</p> <p>'<i>The predicted increase of carbon dioxide equivalent (CO2e) in emissions over 60 years of the Scheme's operation would be caused primarily by an increase in traffic volume and flow along the route of the Scheme. This increase, however, is deemed to be negligible when compared against the Government's carbon budgets.</i>'</p> <p>Environmental Statement 15: Climate (document reference TR010035/APP/6.15) states that '<i>Overall, the effects on climate are anticipated to be Not Significant during the construction phase. At this stage, it is anticipated that due to the quantity of material resources required for the Scheme, a further carbon assessment, including GHG emissions, should be undertaken post-construction. During operation, effects on climate are anticipated to be Not Significant.</i>' This conclusion would not change when considering the revised targets.</p>
	Applicant's comments on Examining Authority's proposed schedule of changes to the draft Development Consent Order [REP7-023]	
2	<p>No.4: Article 29 – Temporary use of land for carrying out the authorised development</p> <p>The Applicant is requested to specifically identify the plots over which they intend to CA new rights in a separate Schedule in the DCO and amend Articles 23 and 29 to ensure that those plots over which they are not seeking any CA are specifically excluded from the scope of CA.</p> <p>The Applicant is requested to provide a list of all persons they have contacted with their relevant plot numbers and forward the "limited</p>	<p>The Applicant refers to its previous comments to the ExA in respect of the nature and extent of the powers to acquire new rights over the land identified in Schedule 7 of the dDCO, noting that there is nothing unusual or new in the extent of the powers sought and that it accords with precedent set by other schemes. However, as per the ExA's request, the Applicant has amended the dDCO, which is submitted at Deadline 9 (document reference TR010035/APP/3.1), including by:</p> <ol style="list-style-type: none"> 1. Inserting a new Part 2 to Schedule 7 listing those plots subject to temporary possession in which new rights are also proposed to be acquired.

Reference Number	Written Representations	Response to Written Representation
	responses" they have received to their recent correspondence.	<ol style="list-style-type: none"> Amending article 20(2) to provide that the power to acquire interests in the land subject to the DCO is subject to article 29(9). Amending article 23(1) to provide that the power to acquire new rights is subject to article 29(9). Amending article 29(9) to provide that the power to acquire new rights only applies to the plots listed in Part 2 of Schedule 7. <p>A list of all persons contacted is set out in Table A-1 in Appendix A of this document. A copy of the communication that has been received to date will be circulated separately. The Applicant is engaging with all persons who have responded to its correspondence and will continue to do so.</p>
Statutory Undertakers: land or rights		
3	The Applicant and Statutory Undertakers are requested to submit their cases on the tests in sections 127 and 138 by Deadline 9 so that there will be time for parties to comment on this before the end of examination.	<p>The Applicant has engaged with the statutory undertakers affected by the Scheme and concluded a statement of common ground with all but United Utilities and Cadent Gas, with whom engagement continues. The Applicant has further invited all statutory undertakers to withdraw their representations to the dDCO but unfortunately withdrawal of the same has not been secured at this time. The Applicant nonetheless remains satisfied that the tests in sections 127 and 138 of the PA2008 have been met for the reasons set out in ExQ1.1.9 PA2008 s127 Statutory Undertakers Land Rights (document reference TR010035/APP/7.14 – Rev 6) and ExQ1.1.10 PA2008 s138 Statutory Undertakers Apparatus etc. (document reference TR010035/APP/7.15 - Rev 6) submitted at Deadline 8. In particular, the Applicant considers that:</p> <ol style="list-style-type: none"> The limited land interests held by statutory undertakers can be purchased and not replaced without serious detriment to the carrying on of their undertakings in accordance with the test set out in section 127(3)(a) of the PA08; and The extinguishment of relevant rights and/or the removal of relevant apparatus as set out in the dDCO is necessary for the purposes of carrying out the development in accordance with the test set out in section 138(4) of the PA08.
Night-time working		
4	Can the Applicant clarify how the CEMP will regulate night-time working (as suggested in comments on written representations received at Deadline 3 [REP4-022])?	<p>The Outline Construction Environmental Management Plan (CEMP) (document reference TR010035/APP/7.2 - Rev 4) is an overarching document which incorporates the Record of Environmental Actions and Commitments (REAC) (document reference TR010035/APP/7.3 – Rev 5) as an appendix and will include a Noise and Vibration Management Plan which will be drafted by the Contractor and submitted to the Secretary of State for discharge (in consultation with Natural England) prior to construction. Together these documents will regulate night-time working.</p> <p>Furthermore, a Section 61 will be applied for by the Contractor prior to construction. Night-</p>

Reference Number	Written Representations	Response to Written Representation
		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.
Report on the Implications for European Sites (RIES)		
5	Can the Applicant confirm how the shooting rights, in relation to the Bird Mitigation Strategy, will be secured within the DCO?	Following engagement with Natural England, the Applicant has provided within the Record of Environmental Actions and Commitments (document reference TR010035/APP/7.3) for the suspension of shooting rights to be secured in the Bird Mitigation Strategy. The strategy forms part of the CEMP which is to be approved by the Secretary of State following consultation with Natural England in accordance with requirement 4(1) and (2) of the dDCO. It must then be implemented during construction of the authorised development pursuant to requirement 4(3) of the dDCO. A new requirement 7(6) has further been inserted into the dDCO which provides that <i>"the undertaker must implement the Bird Mitigation Strategy prepared under requirement 4(2)(d)(i) at all times during construction of the authorised development"</i> . The shooting rights are controlled by the Duchy of Lancaster, who are supportive of the Scheme and are working with the Applicant to enable the shooting rights to be suspended at the appropriate time.

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Appendix A: CA Rights over Temporarily Acquired Land

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Table A-1 CA Rights over Temporarily Acquired Land

Affected Party	Plot Number	Works No.	New rights	Date correspondence sent	Date of Response	Date of Applicant Response	Date of follow-up Response	Date of follow-up Applicant Response
Category 1								
Jerome Roith (Carrington)	4/02b 4/02c 4/02d	40	Required for access for maintenance of combined mammal and highway boundary fence. Access for the Stables (rear of 195 Mains Lane).	28/08/2019				
Thomas Rowe	5/15 5/15a	60, 61	Required access for the maintenance of diverted water pipelines.	28/08/2019				
Wayne Selway (LCC)	1/07a	6	Required for access for the maintenance of diverted electricity cables and associated auxiliary cables.	28/08/2019				
Keith Davy (UU)	1/30a 1/30b	24, 30, 31	Required for access for the maintenance of diverted water pipeline, diversion of electricity cables and associated auxiliary cables and telecommunication cables.	28/08/2019				
Rowena Gornall (Wyre Council)	1/05a 1/05b 1/05d	3, 34, 115	Required for access for the maintenance of diverted water pipeline. Required for access for maintenance of culvert features.	28/08/2019				
E Bailey (Key Worker Homes)	1/34a 1/34b 1/34c 1/34f 1/34g	24, 30, 31	Required for access for the maintenance of diverted water pipeline, diversion of electricity cables and associated auxiliary cables and telecommunication cables.	28/08/2019	28/08/2019	02/09/2019	11/09/2019	25/09/2019
Matthew Wells (HE)	5/09b 5/09c 5/09d 5/09e	67, 71, 72, 73, 75, 76	Required for access for the maintenance of diverted electricity cables and associated auxiliary cables, gas pipeline, water pipelines and telecommunication cables. Required for access for the maintenance of diverted gas pipeline and telecommunication cables. Required for access for the maintenance of diverted electricity cables and associated auxiliary cables. Required for access for the	28/08/2019				

Affected Party	Plot Number	Works No.	New rights	Date correspondence sent	Date of Response	Date of Applicant Response	Date of follow-up Response	Date of follow-up Applicant Response
			maintenance of diverted gas pipeline.					
Richard Dumbreck Trust (Agent Richard Cornish)	7/02d	77	Required for the diverted water pipeline.	28/08/2019				
Albert Hargreaves (Agent P Dennis)	4/06c 4/06d 4/06e 4/06g 4/06h	40, 41, 42	Required for access for the maintenance of diverted electricity cables and associated auxiliary cables. Required for access for the maintenance of diverted electricity cables and associated auxiliary cables and maintenance of combined mammal and highway boundary fence. Required for access for maintenance of combined mammal and highway boundary fence.	28/08/2019	09/09/2019	24/09/2019	02/10/2019 (Meeting with land agent)	
Beryl Cocker (Agent P Dennis)	4/08g 4/08l 5/01a 5/01c 5/01h	40, 45, 53, 60, 62	Required for access for maintenance of combined mammal and highway boundary fence. Required for access for the maintenance of diverted water pipelines. Required for maintenance of culvert features.	28/08/2019	09/09/2019	24/09/2019	02/10/2019 (Meeting with land agent)	03/10/2019
Mr and Mrs Kitchingman (Agent P Dennis)	5/05b	58, 60	Required for access for the maintenance of diverted water pipeline and maintenance of combined mammal and highway boundary fence.	28/08/2019	09/09/2019	16/09/2019	02/10/2019 (Meeting with land agent)	
Barnfield Manor Management Ltd (Agent P Dennis)	5/12	65, 67	Required for access for the maintenance of diverted water pipeline and gas pipeline.	28/08/2019	09/09/2019	12/09/2019	02/10/2019 (Meeting with land agent)	
Margaret Smith (Agent P Dennis)	5/06a 5/06b 5/06c 5/06d 5/06h 5/06i 5/06j	58, 60, 61, 64, 69, 72	Required for access for the maintenance of diverted electricity cables and associated auxiliary cables and water pipeline. Required for access for the maintenance of diverted water pipelines and a gas pipeline. Required for access for the maintenance of diverted water pipeline and maintenance of combined mammal and highway boundary fence.	28/08/2019	09/09/2019	24/09/2019	02/10/2019 (Meeting with land agent)	03/10/2019

Affected Party	Plot Number	Works No.	New rights	Date correspondence sent	Date of Response	Date of Applicant Response	Date of follow-up Response	Date of follow-up Applicant Response
			Required for access for the maintenance of diverted electricity cables and associated auxiliary cables and water pipelines. Required for access for the maintenance of diverted electricity cables and associated auxiliary cables and gas pipeline. Required for access for the maintenance of diverted electricity cables and associated auxiliary cables. Required for maintenance of culvert features and diverted water pipeline.					
Mr Loftus (Agent P Dennis)	5/07b 5/07c 5/07d	60, 61	Required for access for the maintenance of diverted water pipelines.	28/08/2019	09/09/2019	24/09/2019	02/10/2019 (Meeting with land agent)	
Terry Hargreaves	4/06c 4/06d 4/06e 4/06g 4/06h	40, 41, 42	Required for access for the maintenance of diverted electricity cables and associated auxiliary cables. Required for access for the maintenance of diverted electricity cables and associated auxiliary cables and maintenance of combined mammal and highway boundary fence. Required for access for maintenance of combined mammal and highway boundary fence.	05/09/2019				
Jane Rosindale	4/06c 4/06d 4/06e 4/06g 4/06h	40, 41, 42	Required for access for the maintenance of diverted electricity cables and associated auxiliary cables. Required for access for the maintenance of diverted electricity cables and associated auxiliary cables and maintenance of combined mammal and highway boundary fence. Required for access for maintenance of combined mammal and highway boundary fence.	05/09/2019				
Stephen Mark Dale and Michelle Sheila Dale	5/15 5/15a	60, 61	Required access for the maintenance of diverted water pipelines.	05/09/2019	The Applicant has been advised that this owner has sold the field to Mr Thomas Rowe. Both parties were contacted with respect to			

Affected Party	Plot Number	Works No.	New rights	Date correspondence sent	Date of Response	Date of Applicant Response	Date of follow-up Response	Date of follow-up Applicant Response
							notifying the landowner about the permanent acquisition of rights within temporary land	
Category 2								
The Queen's Most Excellent Majesty In Right of Her Duchy of Lancaster	1/30a 1/30b 1/05a 1/05b 1/05d 1/34a 1/34b	24, 30, 31, 34, 115	Required for access for the maintenance of diverted water pipeline, diversion of electricity cables and associated auxiliary cables and telecommunication cables. Required for access for the maintenance of diverted water pipeline. Required for access for maintenance of culvert features.	05/09/2019				
Trustees of Thornton Cleveleys District Horse Club	1/05a 1/05b 1/05d	34, 115, 34	Required for access for the maintenance of diverted water pipeline Required for access for maintenance of culvert features	05/09/2019				
Paul Smith	-	-		05/09/2019	This interested party has been removed from the Book of Reference as their interest does not extend to the area with the draft order limits of the Scheme.			
Environment Agency	1/05b 1/34c	30, 31, 115	Required for access for maintenance of culvert features Required for access for the maintenance of diverted water pipeline, diversion of electricity cables and associated auxiliary cables and telecommunication cables	05/09/2019				
Marine Management Organisation	1/05b	115	Required for access for maintenance of culvert features	05/09/2019				
Electricity North West Limited	1/30a 1/30b 5/09b 4/06d 4/06g 4/06h	24, 30, 31, 71, 72, 73, 75, 76, 42, 65, 67, 61, 64, 60, 69	Required for access for the maintenance of diverted water pipeline, diversion of electricity cables and associated auxiliary cables and telecommunication cables	05/09/2019				

Affected Party	Plot Number	Works No.	New rights	Date correspondence sent	Date of Response	Date of Applicant Response	Date of follow-up Response	Date of follow-up Applicant Response
	5/12 5/06a 5/06b 5/06c 5/06d		<p>Required for access for the maintenance of diverted electricity cables and associated auxiliary cables, gas pipeline, water pipelines and telecommunication cables</p> <p>Required for access for the maintenance of diverted electricity cables and associated auxiliary cables</p> <p>Required for access for the maintenance of diverted electricity cables and associated auxiliary cables and maintenance of combined mammal and highway boundary fence</p> <p>Required for access for the maintenance of diverted water pipeline and gas pipeline</p> <p>Required for access for the maintenance of diverted electricity cables and associated auxiliary cables and water pipeline</p> <p>Required for access for the maintenance of diverted water pipelines and a gas pipeline</p> <p>Required for access for the maintenance of diverted water pipeline and maintenance of combined mammal and highway boundary fence</p> <p>Required for access for the maintenance of diverted electricity cables and associated auxiliary cables and water pipelines</p>					
Openreach Limited	1/30a 1/30b 5/09c 5/09d 5/12	24, 30, 31, 75, 76, 72, 65, 67	<p>Required for access for the maintenance of diverted water pipeline, diversion of electricity cables and associated auxiliary cables and telecommunication cables</p> <p>Required for access for the maintenance of diverted gas pipeline and telecommunication cables</p> <p>Required for access for the maintenance of diverted electricity cables and associated auxiliary</p>	05/09/2019				

Affected Party	Plot Number	Works No.	New rights	Date correspondence sent	Date of Response	Date of Applicant Response	Date of follow-up Response	Date of follow-up Applicant Response
			cables Required for access for the maintenance of diverted water pipeline and gas pipeline					
Martin Salthouse	4/02b (Yense) 4/02c (Yense) 4/02d (Yense)	40	Required for access for maintenance of combined mammal and highway boundary fence Required for access to adjacent land to the rear of 195 Mains Lane	05/09/2019				
Trevor Dooley	4/02c (Yense)	40	Required for access to adjacent land to the rear of 195 Mains Lane	05/09/2019				
Mr J Conlen	4/02c (Yense)	40	Required for access to adjacent land to the rear of 195 Mains Lane	05/09/2019				
Jones Homes (Lancashire) Limited	4/06e	40	Required for access for maintenance of combined mammal and highway boundary fence	05/09/2019				
Cowburns Farm LTD	4/08g 4/08l 5/01a 5/01c 5/01h	40, 47, 53, 58, 60, 62	Required for access for maintenance of combined mammal and highway boundary fence Required for access for the maintenance of diverted water pipelines Required for maintenance of culvert features	05/09/2019				
Defence Infrastructure Organisation	5/15 5/15a 5/05b	58, 60, 61	Required access for the maintenance of diverted water pipelines Required for access for the maintenance of diverted water pipeline and maintenance of combined mammal and highway boundary fence	05/09/2019				
Edward Clarke	5/06a 5/06b 5/06c 5/06d 5/06h 5/06i 5/06j	58, 60, 61, 62, 64, 69, 74	Required for access for the maintenance of diverted electricity cables and associated auxiliary cables and water pipeline Required for access for the maintenance of diverted water pipelines and a gas pipeline Required for access for the maintenance of diverted water pipeline and maintenance of combined mammal and highway boundary fence Required for access for the maintenance of diverted electricity cables and associated auxiliary	05/09/2019				

Affected Party	Plot Number	Works No.	New rights	Date correspondence sent	Date of Response	Date of Applicant Response	Date of follow-up Response	Date of follow-up Applicant Response
			<p>cables and water pipelines Required for access for the maintenance of diverted electricity cables and associated auxiliary cables and gas pipeline Required for access for the maintenance of diverted electricity cables and associated auxiliary cables Required for maintenance of culvert features and diverted water pipeline</p>					
Lodge Farm Singleton Ltd	5/06a 5/06b 5/06c 5/06d 5/06i 5/06j	58, 60, 61, 62, 64, 69, 72	<p>Required for access for the maintenance of diverted electricity cables and associated auxiliary cables and water pipeline Required for access for the maintenance of diverted water pipelines and a gas pipeline Required for access for the maintenance of diverted water pipeline and maintenance of combined mammal and highway boundary fence Required for access for the maintenance of diverted electricity cables and associated auxiliary cables and water pipelines Required for access for the maintenance of diverted electricity cables and associated auxiliary cables Required for maintenance of culvert features and diverted water pipeline</p>	05/09/2019				
Cadent Gas Limited	5/12 5/06h 5/07d	60, 65, 67, 69, 72	<p>Required for access for the maintenance of diverted water pipeline and gas pipeline Required for access for the maintenance of diverted electricity cables and associated auxiliary cables and gas pipeline Required for access for the maintenance of diverted water pipelines</p>	05/09/2019				
Santander UK PLC	5/09b 5/09c	67, 71, 72, 73, 75, 76	Required for access for the maintenance of diverted electricity	05/09/2019	10/09/2019	Response received from Santander: Unable to deal with enquiry / request as require the mortgage account		

Affected Party	Plot Number	Works No.	New rights	Date correspondence sent	Date of Response	Date of Applicant Response	Date of follow-up Response	Date of follow-up Applicant Response
	5/09d 5/09e		cables and associated auxiliary cables, gas pipeline, water pipelines and telecommunication cables Required for access for the maintenance of diverted gas pipeline and telecommunication cables Required for access for the maintenance of diverted electricity cables and associated auxiliary cables Required for access for the maintenance of diverted gas pipeline			number, customer name, full postal address. On review, this party should have been removed from the Book of Reference when the property was purchase by Highways England.		
Simon Roger Medhurst	5/12	65, 67	Required for access for the maintenance of diverted water pipeline and gas pipeline	05/09/2019				
Ian Philip and Margaret Janice Atkinson	5/12	65, 67	Required for access for the maintenance of diverted water pipeline and gas pipeline	05/09/2019				
Christopher and Anne Bailey	5/12	65, 67	Required for access for the maintenance of diverted water pipeline and gas pipeline	05/09/2019				
William Alan Smith and Christine Ann Smith	5/15 5/15a	60, 61	Required access for the maintenance of diverted water pipelines	05/09/2019				
Peter Isaac Rhodes	5/15 5/15a	60, 61	Required access for the maintenance of diverted water pipelines	05/09/2019				
Richard Caldwell	4/06d 4/06e 4/06g 4/06h	40, 41, 42	Required for access for maintenance of combined mammal and highway boundary fence Required for access for the maintenance of diverted electricity cables and associated auxiliary cables Required for access for the maintenance of diverted electricity cables and associated auxiliary cables and maintenance of combined mammal and highway boundary fence	04/10/2019				

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