

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

**TR010035**

## **5.5 Consents and Agreements Position Statement**

APFP Regulation 5(2)(q)

Planning Act 2008

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

Volume 5

October 2018

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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 201[ ]

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**CONSENTS AND AGREEMENTS POSITION STATEMENT**

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<b>Regulation Number:</b>	Regulation 5(2)(q)
<b>Planning Inspectorate Scheme Reference</b>	TR010035
<b>Application Document Reference</b>	TR010035/APP/5.5
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<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
Rev 0	October 2018	DCO submission

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## 1 EXECUTIVE SUMMARY

- 1.1.1 This position statement outlines Highway England's strategy for securing consents and associated agreements needed to implement the proposed A585 Windy Harbour to Skippool Improvement Scheme.
- 1.1.2 The purpose and objective of this position statement is to identify at a high-level the consents needed to construct the Scheme and how the consents would be obtained.
- 1.1.3 This position statement details which consents would be wrapped up within the Development Consent Order and identifies other consents needed together with associated time scales.
- 1.1.4 The following consents would be wrapped up within the Development Consent Order: Authorisation of all permanent and temporary works; Compulsory acquisition of land and of rights over land; Consent to carry out street works and to stop up highways; Consent to carry out highway matters; Consent to carry out traffic regulation matters; Consent to stop up and divert rights of way; Consent to carry out tree works; Consent to remove hedgerows; Powers / consent to carry out utility diversions; and the Deemed Marine Licence.
- 1.1.5 The following consents would be obtained outside the Development Consent Order: A Flood Risk Activity Permit; Ordinary Watercourse Consent; A Water Abstraction Licence, Permit for temporary dewatering and discharge from excavations; Licence to carry out works affecting protected species; Trade effluent consent; Mobile plant licences; and Notification of noxious weeds (if encountered).
- 1.1.6 It is intended that the process to obtain the above consents would be agreed with stakeholders through the Statements of Common Ground and legal agreements between submission of the application and the close of the Examination.

## 2 INTRODUCTION

### 2.1 Purpose and Objective

2.1.1 This position statement sets out Highways England's intended strategy for obtaining consents and associated agreements needed to implement the proposed A585 Windy Harbour to Skippool Improvement Scheme (the Scheme). It is submitted in accordance with regulation 5(2)(q) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures Regulations) 2009.

2.1.2 The purpose of, and objective of, this position statement is to identify at a high-level the consents that are expected to be needed for the Scheme, together with how those consents would be obtained.

### 2.2 The Scheme

2.2.1 The A585(T) is a single carriageway trunk road, which provides the only viable access from the motorway network into Fleetwood and its urban areas. As a result, it suffers from extreme congestion. The Government's Autumn Statement in 2014 identified the need for an improvement scheme along the A585 between Windy Harbour and Skippool (the Scheme) to ameliorate the impact of traffic on the route between the two villages and to remove a major bottleneck.

2.2.2 The general arrangement of the Scheme is shown on document 2.5 (document reference TR010035/APP/2.5). The Scheme consists of:

- A 4.85km (3 miles) long dual 2-lane carriageway bypass from Windy Harbour Junction to the Skippool Junction.
- Four new junctions including: conversion of Skippool Junction to a traffic signal-controlled crossroads with A588 Breck Road and B5412 Skippool Road; Skippool Bridge Junction in the form of a 3-arm traffic signal-controlled junction with the existing Mains Lane; Poulton Junction in the form of a signal-controlled crossroads connecting the new bypass to A586 Garstang Road East and modification to Little Singleton Junction (also known as Five Lane Ends) to accommodate U-turning traffic including buses. Between Skippool Bridge Junction and Poulton Junction the bypass is on embankment. East of Poulton Junction through to east of Lodge Lane the bypass is mostly in cutting.
- Three new major structures including: replacement of Skippool Bridge; Lodge Lane Bridge and Grange Footbridge.
- Alterations to the existing road network on completion of the bypass include: de-trunking the A585 between Skippool Bridge Junction and the end of Garstang New Road east of Little Singleton; applying a reduction in speed limit to 30mph and providing a combined footway/cycleway along Mains Lane between Shard Road Junction and Little Singleton; altering Garstang New Road east of Little Singleton to allow restricted access to farmers' fields and provide a shared footway/cycleway route between Windy Harbour Junction and Little Singleton; applying a reduced speed limit of 30mph along Garstang Road East between the proposed Poulton Junction and Little Singleton and upgrading the lighting along Mains Lane and Garstang Road East.



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2.2.3 For a more detailed description of the Scheme proposals, refer to the Environmental Statement Chapter 2: Description of the Scheme (document reference TR010035/APP/6.2).

### **3 STRATEGY**

#### **3.1 Consents Strategy**

3.1.1 The basis of Highways England's consents strategy is that:

- A Development Consent Order (DCO) must be sought as the principal consent for the works (under the Planning Act 2008) and to provide the necessary land acquisition and temporary possession powers
- Where possible and practicable, additional consents should be included within the DCO
- The Scheme has and would be developed on the basis of strong collaboration between the key stakeholders, and agreements would be secured at key stages of project development as necessary and documented where relevant in Statements of Common Ground (SoCG)

#### **3.2 Highways England's Approach**

3.2.1 The intent of the Planning Act 2008 and Government policy is to enable development and construction related consents to be included within the DCO.

3.2.2 The Scheme benefits from the intent of the Planning Act 2008 and Government policy as the majority of the consents required for the construction of the Scheme are in place at the point of the DCO coming into force. This minimises the need for any further approvals before the works covered by the DCO can commence.

## 4 CONSENTS AND AGREEMENTS

### 4.1 Consents and Agreements

4.1.1 The principal consent for the Scheme would be a DCO. The DCO process provides development consent for the works and enables land acquisition, along with many consents and powers to be dealt with at the same time. The DCO application may, however, need to be supplemented by other applications because: (a) a specific consent cannot be contained in the DCO; (b) a consenting authority declines to allow a consent to be contained within the DCO; or (c) it is not desirable or it is inappropriate to include a consent within a DCO due to the stage of design development and availability of detail.

4.1.2 At this point (i.e. the submission of the DCO application) the majority of consents and all of the powers, required have been included, or addressed, within the DCO as permitted by various provisions of the Planning Act 2008. These fall into the following categories:

- Authorisation of all permanent and temporary works (equivalent of planning permission). Note: none of the following consents are needed for the Scheme: scheduled monument consent, listed building consent, conservation area consent, common land consent, Site of Special Scientific Interest assent
- Compulsory acquisition of land and of rights over land such as easements, restrictive covenants and the temporary possession of land
- Consent to carry out street works and to stop up highways permanently or temporarily
- Consent to carry out highway matters (such as designating highway as trunk road)
- Consent to carry out traffic regulation matters (such as speed limits, clearways and restrictions on use)
- Consent to stop up and divert public and private rights of way
- Consent to carry out tree works (including works to trees subject to a Tree Preservation Order)
- Consent to remove hedgerows
- Powers / consent to carry out utility diversions (subject to protection provisions)
- Deemed Marine Licence

4.1.3 Table 4-1 identifies other consents, agreements, licences and permits likely to be required for specific locations and requirements that are outside those included in the DCO. It also provides a commentary on the status of these as at the date of the DCO submission.

Table 4-1: Table of Other Consents / Licences / Permits / Regulatory Requirements outside the DCO as at October 2018

	Scheme Delivery Requirements and Consenting Body	Details	Notes	Timing of Submission	Current Position of Consent / Agreement
1	Flood Risk Activity Permit (FRAP) – Environment Agency	<p>Required by the Environment Permitting (England and Wales) Regulations 2010 (as amended) for:</p> <ul style="list-style-type: none"> <li>- Erecting any temporary or permanent structure in, over or under a Main River</li> <li>- Any activity within 8m of the bank of a Main River, or 16m if it is a tidal Main River</li> <li>- Any activity within 8m of any flood defence structure or culvert on a Main River, or 16m on a tidal river</li> </ul> <p>The Main Dyke and Horsebridge Dyke are both Main Rivers with the northern reach of Horsebridge Dyke (Skipool Creek) being tidal and FRAPs</p>	Consent applications needs to be supported by detailed design drawings, construction method statements, and an environmental risk assessment.	Up to 3 months prior to construction.	Meeting with the Environment Agency being sought to discuss permitting.

	Scheme Delivery Requirements and Consenting Body	Details	Notes	Timing of Submission	Current Position of Consent / Agreement
		would be required for the new bridge crossing of the Main Dyke; works to the culverted reach of the Horsebridge Dyke and the new drainage outfalls to these watercourses.			
2	Ordinary Watercourse Consent – Lancashire County Council	Required by Water Resources Act 1991 or the Land Drainage Act 1991 for works with the potential to impeded flow in any ordinary watercourse. Consent would be required for the proposed new culverts on 5 field ditches and extension of existing culverts on 2 ditches.	Consent applications needs to be supported by detailed design drawings and a construction method statement.	Up to 2 months prior to construction.	Discussions with the Lead Local Flood Authority (LLFA) have confirmed that in principle they have no concerns with the proposed works. As requested by the LLFA, draft Ordinary Watercourse consents have been prepared for 7 structures. One has been submitted for comment and this feedback is currently awaited.
3	Water Abstraction Licence – Environment Agency	A temporary licence required for abstraction from surface water or groundwater of <math>20\text{m}^3\text{/day}</math> for less than 28 days, or a permanent licence of exceeding in quantity or duration under	N/A	Up to 28 days for a temporary licence. Up to 4 months prior to construction for any other form of licence.	Meeting with the Environment Agency being sought to discuss permitting.

	Scheme Delivery Requirements and Consenting Body	Details	Notes	Timing of Submission	Current Position of Consent / Agreement
		section 21 of the Water Resources Act 1991.			
4	Permit for temporary dewatering and discharge from excavations – Environment Agency	Required for dewatering activity lasting for more than 3 consecutive months; for discharge within, or less than 500 metres upstream of a designated site (Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), Special Protection Area (SPA), National Nature Reserve (NNR), Local Nature Reserve (LNR)); for discharge of contaminated surface water (e.g. containing silt).	N/A	Up to 4 months prior to construction.	Meeting with the Environment Agency being sought to discuss permitting
5	Licence to carry out works affecting great crested newts under Wildlife and Countryside Act 1981 (as amended) –	Consent required from Natural England for any works with potential to damage or disturb great crested newts or their habitat. Final licence to be submitted to Natural England to achieve formal consent.	Licence would need to be consented prior to habitat modification or ground-intrusive works within 250m of confirmed great crested newt ponds.	Licence to be submitted following the DCO being made. 21 day determination period.	Letter of no impediment sought from Natural England.

	<b>Scheme Delivery Requirements and Consenting Body</b>	<b>Details</b>	<b>Notes</b>	<b>Timing of Submission</b>	<b>Current Position of Consent / Agreement</b>
	Natural England				
6	Licence to carry out works affecting bats under Wildlife and Countryside Act 1981 (as amended) – Natural England	Consent required from Natural England for any works with potential to damage or disturb bats or their roosts. Final licence to be submitted to Natural England to achieve formal consent.	Demolition of 2 buildings with confirmed bat roosts would require a licence to be in place prior to demolition.	Final licence to be submitted following the DCO being made. 21 day determination period.	Letter of no impediment sought from Natural England.
7	Construction (Design and Management) Regulations 2015 – Health and Safety Executive (HSE)	Notification of Scheme and subsequent notification commencement of construction work under Regulation 21 and Schedule 2 of the CDM Regulations.	N/A	Prior to construction.	Initial F10 notification already issued to HSE.
8	Abnormal Load Movements – Police, local highway authorities and Highways England (as the road and bridge	Notification required for movement of abnormal or indivisible loads or vehicles by road that exceed standard dimensions (i.e. not complying with the Road Vehicles (Construction and use Regulations 1986) require either	Notification made via the Electronic Service Delivery for Abnormal Loads (ESDAL) system Would apply to delivery of precast bridge beams, large	As required.	No discussion has been held between the police, local highway authorities and Highways England regarding abnormal load movements.

	Scheme Delivery Requirements and Consenting Body	Details	Notes	Timing of Submission	Current Position of Consent / Agreement
	authorities)	Special Order (or VR1) of for mobile cranes a Special Types Order (under the Road Vehicles (Authorisation of Special Types) (General)) Order 2003.	mobile cranes and the routes would probably be restricted to the trunk road / motorway network and local principal roads.		
9	Trade effluent consent (e.g. for welfare facilities) – Environment Agency	Water Industry Act 1991.	Application to be made by appointed Contractor.	As required.	No discussions have been held.
10	Mobile plant licences - – Environment Agency	For crushing operations or site permits if not using a subcontractor with their own mobile licences under Pollution Prevention and Control Act 1999, Environmental Permitting (England and Wales) Regulations 2010.	Application to be made by appointed Contractor.	As required	No discussions have been held.
11	Notification of noxious weeds (e.g. Himalayan Balsam)	Notification to Environment Agency required by Waste (England and Wales) Regulations 2011.	Application to be made by appointed Contractor.	As required.	No discussions have been held.  <i>Note: No invasive species</i>



	<b>Scheme Delivery Requirements and Consenting Body</b>	<b>Details</b>	<b>Notes</b>	<b>Timing of Submission</b>	<b>Current Position of Consent / Agreement</b>
	removal or burial – Environment Agency				<i>have been identified to date that would be affected by the Scheme.</i>
12	Exemptions for various site waste management activities – Environment Agency	Exemptions to be sought under Pollution Prevention and Control Act 1999, Environmental Permitting (England and Wales) Regulations 2018 from Environment Agency.	e.g. import of waste for use in construction Exemptions to be sought by appointed Contractor.	As required.	No discussions have been held.

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- 4.1.4 The consents and agreements in Table 4-1 are also dependent on finalisation of the detailed design, the detailed construction site set up and methodologies, and discussions with stakeholders (e.g. Environment Agency and Local Authorities).
- 4.1.5 A fundamental part of the DCO process is the preparation and agreement of SoCGs with third parties to identify the matters on which parties are in agreement, in order to narrow the focus for examining the application concerned and to make the examination process more efficient. These would be progressed by Highways England where appropriate.
- 4.1.6 Other possible forms of agreement alongside SoCGs are legal agreements regulating land and works powers undertakings and memoranda of understanding and letters of comfort. Again, these would be progressed by Highways England where appropriate.

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