

# **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

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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>Planning Inspectorate Scheme Reference</b>	TR010035
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<b>Author:</b>	A585 Windy Harbour to Skippool Improvement Scheme Project Team, Highways England

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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 Where required, the following consents would be obtained outside the Development Consent Order by the Contractor once appointed and the detailed design is at a sufficiently advanced stage : Flood Risk Activity Permits; Ordinary Watercourse Consent; Water Abstraction Licences, Permits for temporary dewatering and discharge from excavations; Licences 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.



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.

3.2.3 Exceptions are protected species licences, some of the consents required under the Environmental Permitting Regulations and abstraction licences issued under Section 21 of the Water Resources Act 1991 (as amended by the Water Act 2003). Consents under the Environmental Permitting Regulations and abstraction licences under the Water Resources Act. These require detailed design information and this detail is not available at this stage. The licences and consents will be applied for by the Contractor once appointed in the normal way through engaging with the statutory consultees as appropriate.

## 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 e.g. the detailed design stage has not yet commenced for the Scheme.

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 April 2019

	<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>
1	Flood Risk Activity Permit (FRAP) – Environment Agency	<p>Required by the Environment Permitting (England and Wales) Regulations 2016 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> <li>- Works on or within 16m of a sea defence</li> <li>- Quarrying or excavations within 16m of any main river or flood defence or culvert</li> </ul>	<p>Consent applications needs to be supported by detailed design drawings, construction method statements, and an environmental risk assessment. The applications would be prepared by the appointed Contractor, in consultation with the Environment Agency during the detailed design stage of the Scheme.</p>	<p>Once an application is duly made there is a determination period of up to 2 months.</p>	<p>Discussed with the Environment Agency applications will be submitted by the Contractor once detailed information is available.</p>

	Scheme Delivery Requirements and Consenting Body	Details	Notes	Timing of Submission	Current Position of Consent / Agreement
		<ul style="list-style-type: none"> <li>- Works in a floodplain more than 8m from the river bank, culvert or flood defence (16m if tidal) and planning permission is not already in place.</li> </ul> <p>The Main Dyke and Horsebridge Dyke are both Main Rivers with the northern reach of Horsebridge Dyke being tidal and FRAPs would be required for the new bridge crossing of the Main Dyke (Skippool Creek); works to the culverted reach of the Horsebridge Dyke and the new drainage outfalls to these watercourses. Together with the temporary works within the floodplain such as construction compounds and the flood compensation areas. Areas where the draft Order Limits of the Scheme encroach within these 8m and 16m zones are</p>			

	Scheme Delivery Requirements and Consenting Body	Details	Notes	Timing of Submission	Current Position of Consent / Agreement
		illustrated in Drawing HE548643-ARC-EWE-SZ-ZZ-0-DR-LE-4031 – Refer to Appendix A.			
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. The applications would be prepared by the appointed Contractor, in consultation with the Lead Local Flood Authority (LLFA) during the detailed design stage of the Scheme.	Once an application is duly made there is a determination period of up to 2 months prior to construction.	Discussions with the 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 on the basis of information currently available. 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 greater than 20m <sup>3</sup> /day for less than 28 days, or a permanent licence of exceeding in quantity or duration	N/A	Once an application is duly made there is a determination period of up to 28 days for a temporary licence and up to 3	Discussed with the Environment Agency applications will be submitted by the Contractor once detailed information is available.

	Scheme Delivery Requirements and Consenting Body	Details	Notes	Timing of Submission	Current Position of Consent / Agreement
		under section 21 of the Water Resources Act 1991.		months prior to construction for any other form of licence.	
4	Permit for temporary dewatering of excavations and subsequent discharge - 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).	<p>The Contractor once appointed would prepare the permit application during the detailed design stage once precise details of the activities are known in consultation with the Environment Agency.</p> <p>Note it is not anticipated that dewatering of any materials extracted from excavations would be necessary.</p>	Once an application is duly made there is a determination period of up to 4 months prior to construction.	Discussed with the Environment Agency applications will be submitted by the Contractor once detailed information is available.
5	Licence to carry out works affecting great crested newts under Wildlife	Consent required from Natural England for any works with potential to damage or disturb great crested newts or their habitat. Final licence to be	Licence would need to be consented prior to habitat modification or ground-intrusive	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>
	and Countryside Act 1981 (as amended) – Natural England	submitted to Natural England to achieve formal consent.	works within 250m of confirmed great crested newt ponds.		
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.	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	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	Notification made via the Electronic Service Delivery for Abnormal Loads (ESDAL) system Would apply to	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
	England (as the road and bridge authorities)	(Construction and use Regulations 1986) require either Special Order (or VR1) of for mobile cranes a Special Types Order (under the Road Vehicles (Authorisation of Special Types) (General)) Order 2003.	delivery of precast bridge beams, large 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. discharges from welfare facilities that are deemed domestic sewage) – Environment Agency	Discharge to non-mains – discharging effluent after appropriately treating it to groundwater or surface water will require permit under the Environmental Permit Regulations 2016. Discharge to mains – a trade effluent consent or a trade effluent agreement with the relevant water and sewerage company (United Utilities) would be required before trade effluent can be discharged to a public foul sewer or a private sewer that connects to a public foul sewer.	Application to be made by appointed Contractor.	As required.	Discussed with the Environment Agency applications will be submitted by the Contractor once detailed information is available.

	Scheme Delivery Requirements and Consenting Body	Details	Notes	Timing of Submission	Current Position of Consent / Agreement
10	Mobile plant licences – Environment Agency, Wyre Borough Council and Fylde Borough Council	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 2016.	Application to be made by appointed Contractor. Consultation with the Local Authority (T7) and Environment Agency (T5) required to apply for the relevant authorisations / exemptions.	As required	Discussed with the Environment Agency applications will be submitted by the Contractor once detailed information is available.
11	Notification of noxious weeds (e.g. Himalayan Balsam) removal or burial – Environment Agency	Notification to Environment Agency required by Waste (England and Wales) Regulations 2011.	Application to be made by appointed Contractor.	As required.	<i>Note: No invasive species have been identified to date that would be affected by the Scheme.</i>
12	Exemptions for various site waste management	Exemptions to be sought under Pollution Prevention and Control Act 1999, Environmental Permitting (England and Wales)	For example import of waste for use in construction and re-use of inert	As required.	Discussed with the Environment Agency applications will be submitted by the Contractor once

	Scheme Delivery Requirements and Consenting Body	Details	Notes	Timing of Submission	Current Position of Consent / Agreement
	activities – Environment Agency	Regulations 2016 from Environment Agency.	<p>demolition waste (for example from West Wynds and the Beeches) if deemed appropriate by the Contractor.</p> <p>Exemptions to be sought by appointed Contractor during the detailed design stage.</p> <p>To obtain an exemption the appointed Contractor would need to know quantities / sort of waste.</p>		detailed information is available.
13	Section 61 Consent – Wyre Council and Fylde Borough Council	<p>Prepare and submit a Section 61 (of the Control of Pollution Act 1974) application.</p> <p>A Section 61 application outlines the works which are planned to</p>	<p>Application to be made by appointed Contractor.</p> <p>Wyre Council requested a Section</p>	The Section 61 must be applied for within 28 days before intended works are to take place.	Application to be submitted by the Contractor at the appropriate time.

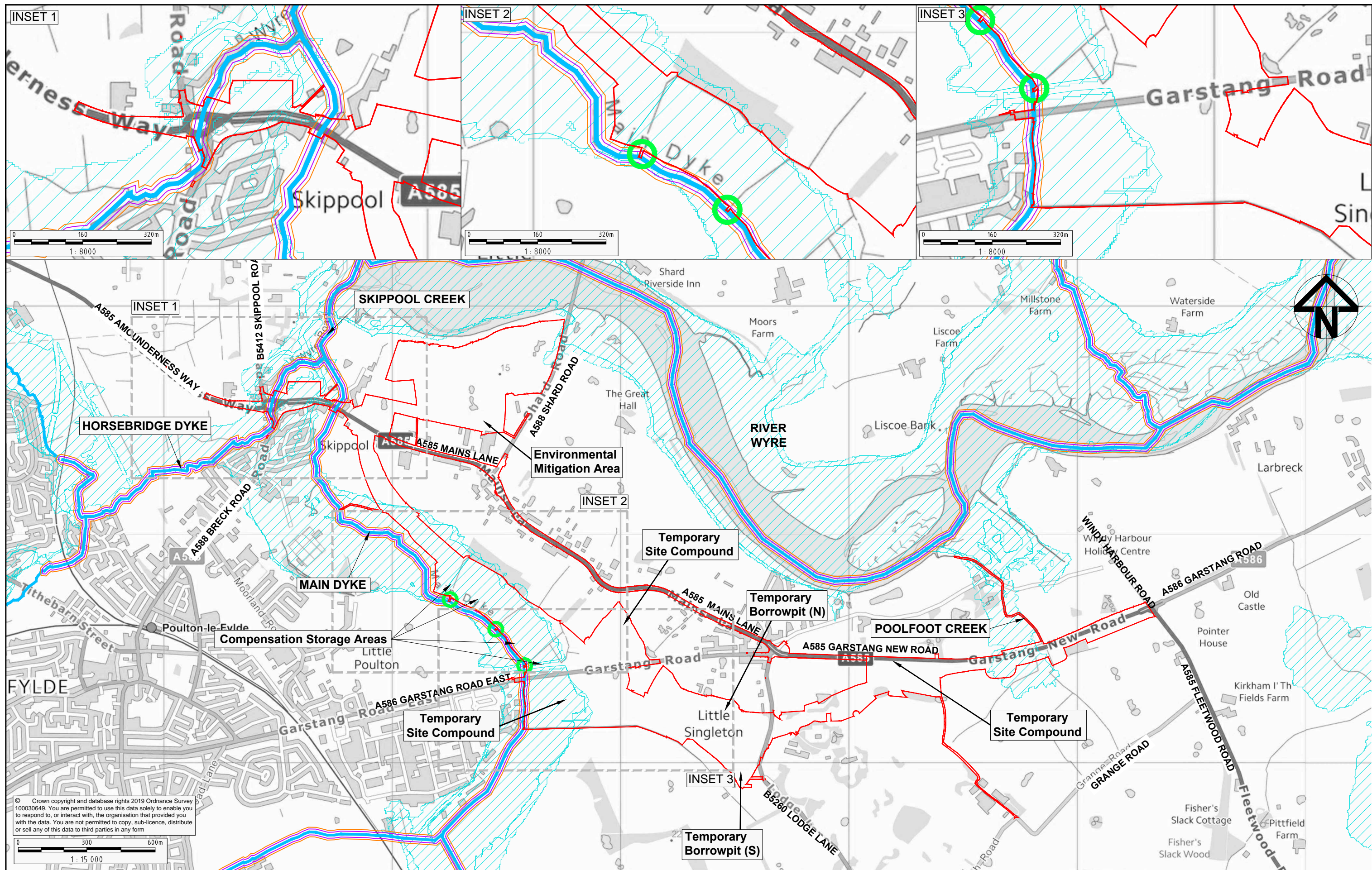
	Scheme Delivery Requirements and Consenting Body	Details	Notes	Timing of Submission	Current Position of Consent / Agreement
		take place, the working hours of the site and a plan to mitigate potential noise and vibration impact by best practical means.	61 consent is applied for prior to construction commencing.		

- 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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## **Appendix A – Areas where the draft Order Limits encroach within 8m and 16m of Main Rivers**



Rev	Status	Rev. Date	Purpose of revision	Drawn	Check'd	Appr'd
1	SS	MAY19	S8 - DEADLINE 2 SUBMISSION	JN	KB	NH
0	SS	FEB19	S8 - DCO - SUBMISSION	JN	KB	NH

KEY:	
	Draft Order Limits
	Main Rivers
	Flood Zone 3
	Road Drainage Outfalls
	8m Buffer Zone
	16m Buffer Zone



Client	highways england
Project	A585 WINDY HARBOUR TO SKIPPOOL IMPROVEMENT SCHEME
Drawing Title	POTENTIAL FLOOD RISK ACTIVITIES UNDER THE ENVIRONMENTAL PERMITTING REGS 2016

Status	1	Revision	1
Scale	1:15 000 @ A3	Date	MAY 2019
Drawn By	J.NORMAN	Checked By	K.BURROWS
Approved By	N.HENDERSON	PINS No.	TR010035
Drawing number	HE548643-ARC-EWE-SZ_ZZ_0-DR-LE-4031	FIGURE 1	