

A585 Windy Harbour to Skippool Improvement Scheme

TR010035

7.36 Responses to the Secretary of State Questions dated 14 February 2020

APFP Regulation 5(2)(q)

Planning Act 2008

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

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Infrastructure Planning

Planning Act 2008

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

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

**RESPONSES TO THE SECRETARY OF STATE QUESTIONS DATED 14
FEBRUARY 2020**

Regulation Number:	Regulation 5(2)(q)
Planning Inspectorate Scheme Reference	TR010035
Application Document Reference	TR010035/APP/7.36
Author:	A585 Windy Harbour to Skippool Improvement Scheme Project Team, Highways England

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CONTENTS

1	RESPONSES TO THE SECRETARY OF STATE QUESTIONS DATED 14 FEBRUARY 2020	5
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LIST OF TABLES

Table 1-1: Responses to the Secretary of State's Questions dated 14 February 2020.....	6
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APPENDICES

Appendix A: Copy of letter sent to interested parties in the land.....	9
Appendix B: CA Rights over Temporarily Acquired Land.....	11

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1 RESPONSES TO THE SECRETARY OF STATE QUESTIONS DATED 14 FEBRUARY 2020

- 1.1.1 The purpose of this document is to set out the responses to the Secretary of State request for comments.
- 1.1.2 These can be found in Table 1-1 below.

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Table 1-1: Responses to the Secretary of State's Questions dated 14 February 2020

Reference Number	Secretary of State question	Response to Secretary of State question
Issues arising regarding Temporary Possession land in Schedule 7		
1	<p>The Secretary of State notes REP2-041 and REP5-022 regarding the potential acquisition of permanent rights over land that is subject only to temporary possession. The Secretary of State also notes that the Applicant was in the process of communicating with all landowners where permanent rights may be required in relation to plots of land listed in Schedule 7. The Secretary of State therefore invites the Applicant to confirm whether the relevant landowners have now been identified and, if so, to explain what consultation has been undertaken with them. If the relevant landowners have been identified then the Secretary of State would request the applicants to provide details of the affected plots of land.</p>	<p>The Applicant confirms that the relevant landowners have been identified.</p> <p>Consultation with those with an interest in the land has taken place in accordance with statutory requirements. Initial correspondence was sent to all parties identified in Schedule 7 between 28/08/2019 and 05/09/2019. A copy of the letter that was sent to those with an interest in the land has been included in Appendix A. The Applicant has provided details of contact with those parties as set out in Table B-1 in Appendix B. This table provides details of the affected plots of land.</p> <p>To date no party has objected to the acquisition of permanent rights and as such the Applicant has not held any specific discussions on it with those with an interest in the land, other than that outlined in Table B-1 in Appendix B.</p> <p>Where parties have contacted the Applicant to request further information following receipt of the original correspondence, this has been provided. Principally, this has been for parties who have engaged a land agent. Information has been shared by email and through discussions at face-to-face meetings as outlined in Table B-1 in Appendix B.</p> <p>The Applicant does not repeat its previous submissions in full but does reiterate that it is following well-established precedent in including article 29(9). Nevertheless, in light of comments raised by the Examining Authority the Applicant has proposed wording at Deadline 9 (Document reference TR010035/APP/7.34) (2) that limits the scope of the rights that could be created over the plots listed in Part 2 of Schedule 7.</p>
Status of Discussions with United Utilities Group Plc		
2	<p>The Secretary of State invites the Applicant and United Utilities Group Plc to provide an update on the status of their proposed Statement of Common Ground (REP2-053).</p>	<p>A Statement of Common ground was concluded with United Utilities on 20/02/2020. A copy of the signed Statement of Common Ground has been provided as part of the Applicant's response.</p>

Appendix A: Copy of letter sent to interested parties in the land

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Our ref: HE548643-ARC-GEN-A585-LE-ZM-4036

David Hopkin
Highways England
Piccadilly Gate
Store Street
Manchester
M1 2WD

28 August 2019

Dear,

**A585 WINDY HARBOUR TO SKIPPOOL IMPROVEMENT SCHEME ("the Scheme")
Acquisition of permanent rights of access through land being temporarily acquired by the Scheme**

We refer to our previous correspondence in connection with the Scheme.

As you are already aware, the development consent order, if made, will enable Highways England to take temporary possession of your land for the purposes of delivering the Scheme. It will also enable Highways England to acquire certain permanent new rights over your land.

The permanent new rights to be acquired over your land will comprise the right for Highways England (and persons authorised by Highways England) to enter onto your land in future for certain purposes which may include the right to install and thereafter retain, inspect and maintain new or existing features relating to the Scheme (including, for instance, any environmental mitigation features, highway structures or boundaries) or to install and thereafter retain, inspect and maintain statutory undertaker's apparatus on your land.

The Examining Authority has asked us to write to you to ensure that you are aware of the proposed acquisition of permanent new rights and to request that you submit any comments you may have on the response form included with this letter. We would appreciate you taking the time to complete the form and return it to us as soon as possible.

If you have any queries about this correspondence or require any more information, please do not hesitate to contact me using the details provided below. Alternatively, you can contact the Public Liaison Officer for the Scheme, Helen Batey (Helen.Batey@arcadis.com, 01925 800833).

I look forward to hearing from you.

Yours sincerely,



David Hopkin

Project Manager – A585 Windy Harbour to Skippool Improvement Scheme

Email: A585WindyHarbourToSkippool@highwaysengland.co.uk



To: Highways England

I confirm my consent to Highways England (or other statutory bodies) acquiring permanent rights of access over my land which is being temporarily acquired by the A585 Windy Harbour to Skippool Improvement Scheme.

Signed:

Print:

Date:

Appendix B: Compulsory Acquisition of Rights over Temporarily Acquired Land

Table B-1 Compulsory Acquisition Rights over Temporarily Acquired Land

Affected Party	Plot Number	Works No.	New rights (As detailed in dDCO Schedule 7 Part 2)	Date correspondence sent	Date of Response	Date of Applicant Response	Date of follow- up Response	Current Status
Category 1 interests (section 44 Planning Act 2008)								
Wyre Borough Council (Rowena Gornall)	1/05a 1/05b 1/05d	3, 34, 115	All the corresponding rights for the plots listed in column 2 are: Required for access for the maintenance of diverted water pipeline. Required for access for maintenance of culvert features.	28/08/2019				Examining Authority request acted on (28/08/2019)
Lancashire County Council (Wayne Selway)	1/07a	6	All the corresponding rights for the plots listed in column 2 are: Required for access for the maintenance of diverted electricity cables and associated auxiliary cables.	28/08/2019				Examining Authority request acted on (28/08/2019)
United Utilities Ltd (Keith Davy)	1/30a 1/30b	24, 30, 31	All the corresponding rights for the plots listed in column 2 are: Required for access for the maintenance of diverted water pipeline, diversion of electricity cables and associated auxiliary cables and telecommunication cables.	28/08/2019				Examining Authority request acted on (28/08/2019)
Key Office Developments (Bispham) Limited (Eian Bailey)	1/34a 1/34b 1/34c 1/34f 1/34g	24, 30, 31	All the corresponding rights for the plots listed in column 2 are: 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 • Landowner queried whether the Applicant wanted to exercise their options agreement.	11/09/2019		Applicant provided the information sought by Key Office Developments on 25/09/2019. The Applicant has now instructed solicitor to proceed with option.
Carrington Group Mains Lane Ltd (Jerome Roith)	4/02b 4/02d	40	All the corresponding rights for the plots listed in column 2 are: Required for access for maintenance of combined mammal and highway boundary fence.	28/08/2019				Examining Authority request acted on (28/08/2019)
	4/02c		Access for the Stables (rear of 195 Mains Lane).					

Affected Party	Plot Number	Works No.	New rights (As detailed in dDCO Schedule 7 Part 2)	Date correspondence sent	Date of Response	Date of Applicant Response	Date of follow- up Response	Current Status
Albert Hargreaves (Deceased) (Agent P Dennis)	4/06c 4/06d 4/06e 4/06g 4/06h	40, 41, 42	All the corresponding rights for the plots listed in column 2 are: Required for access for the maintenance of diverted electricity cables and associated auxiliary cables. Required for access for maintenance of combined mammal and highway boundary fence.	28/08/2019	09/09/2019 - Applicant requested to provide details of: <ul style="list-style-type: none"> • Permanent rights of access to be acquired; • Features/structures which are to be installed thereafter and retained, inspected or maintained; • Whether the landowner or the Applicant will be required to deal with utility company when the feature is diverted; and • Plan showing location 	24/09/2019	02/10/2019 (Meeting with land agent)	The Applicant provided the land agent with the information sought via emails on 24/9/19 and 11/11/19. Face to face meetings were also held with land agent on 02/10/19 and 06/12/2019.
Terry Hargreaves (Agent P Dennis)	4/06c 4/06d 4/06e 4/06g 4/06h	40, 41, 42	All the corresponding rights for the plots listed in column 2 are: Required for access for the maintenance of diverted electricity cables and associated auxiliary cables. Required for access for maintenance of combined mammal and highway boundary fence.	05/09/2019	09/09/2019 - Applicant requested to provide details of: <ul style="list-style-type: none"> • Permanent rights of access to be acquired; • Features/structures which are to be installed thereafter and retained, inspected or maintained; • Whether the landowner or the Applicant will be required to deal with utility company when the feature is diverted; and, • Plan showing location 	24/09/2019	02/10/2019 (Meeting with land agent)	The Applicant provided the land agent with the information sought via emails on 24/9/19 and 11/11/19. Face to face meetings were also held with land agent on 02/10/19 and 06/12/2019.
Jane Rosindale (Agent P Dennis)	4/06c 4/06d 4/06e 4/06g 4/06h	40, 41, 42	All the corresponding rights for the plots listed in column 2 are: Required for access for the maintenance of diverted electricity cables and associated auxiliary cables. Required for access for maintenance of combined mammal and highway boundary fence.	05/09/2019	09/09/2019 - Applicant requested to provide details of: <ul style="list-style-type: none"> • Permanent rights of access to be acquired; • Features/structures which are to be installed thereafter and retained, inspected or maintained; • Whether the landowner or the Applicant will be required to deal with 	24/09/2019	02/10/2019 (Meeting with land agent)	The Applicant provided the land agent with the information sought via emails on 24/9/19 and 11/11/19. Face to face meetings were also held with land agent on 02/10/19 and 06/12/2019.

Affected Party	Plot Number	Works No.	New rights (As detailed in dDCO Schedule 7 Part 2)	Date correspondence sent	Date of Response	Date of Applicant Response	Date of follow- up Response	Current Status
					utility company when the feature is diverted; and, <ul style="list-style-type: none"> Plan showing location 			
Beryl Cocker (Agent P Dennis)	4/08g 4/08l 5/01a 5/01c 5/01h	40, 45, 53, 60, 62	All the corresponding rights for the plots listed in column 2 are: 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 - Applicant requested to provide details of: <ul style="list-style-type: none"> Permanent rights of access to be acquired; Features/structures which are to be installed thereafter and retained, inspected or maintained; Whether the landowner or the Applicant will be required to deal with utility company when the feature is diverted; and, Plan showing location 	24/09/2019	02/10/2019 (Meeting with land agent) 02/10/2019 follow up email from land agent	The Applicant provided the land agent with the information sought via emails on 24/9/19 and 18/11/19. Face to face meetings were also held with land agent on 02/10/19 and 06/12/2019.
Mr and Mrs Kitchingman (Agent P Dennis)	5/05b	58, 60	All the corresponding rights for the plots listed in column 2 are: 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 - Applicant requested to provide details of: <ul style="list-style-type: none"> Permanent rights of access to be acquired; Features/structures which are to be installed thereafter and retained, inspected or maintained; Whether the landowner or the Applicant will be required to deal with utility company when the feature is diverted; and, Plan showing location 	16/09/2019	02/10/2019 (Meeting with land agent)	The Applicant provided the land agent with the information sought via emails on 16/9/19 and 13/11/19. Face to face meetings were also held with land agent on 02/10/19 and 06/12/2019.
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	All the corresponding rights for the plots listed in column 2 are: 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	28/08/2019	09/09/2019 - Applicant requested to provide details of: <ul style="list-style-type: none"> Permanent rights of access to be acquired; Features/structures which are to be installed thereafter and retained, inspected or 	24/09/2019	02/10/2019 (Meeting with land agent) 03/10/2019 Follow up email from land agent regarding meeting	The Applicant provided the land agent with the information sought via emails on 24/9/19 and 18/11/19. Face to face meetings

Affected Party	Plot Number	Works No.	New rights (As detailed in dDCO Schedule 7 Part 2)	Date correspondence sent	Date of Response	Date of Applicant Response	Date of follow- up Response	Current Status
			pipelines and a gas pipeline. Required for access and maintenance of combined mammal and highway boundary fence. Required for maintenance of culvert features and diverted water pipeline.		maintained; <ul style="list-style-type: none"> • Whether the landowner or the Applicant will be required to deal with utility company when the feature is diverted; and, • Plan showing location 			were also held with land agent on 02/10/19 and 06/12/2019.
Mr Loftus (Agent P Dennis)	5/07b 5/07c 5/07d	60, 61	All the corresponding rights for the plots listed in column 2 are: Required for access for the maintenance of diverted water pipelines.	28/08/2019	09/09/2019 - Applicant requested to provide details of: <ul style="list-style-type: none"> • Permanent rights of access to be acquired; • Features/structures which are to be installed thereafter and retained, inspected or maintained; • Whether the landowner or the Applicant will be required to deal with utility company when the feature is diverted; and, • Plan showing location 	24/09/2019	02/10/2019 (Meeting with land agent)	The Applicant provided the land agent with the information sought via emails on 24/9/19 and 13/11/19. Face to face meetings were also held with land agent on 02/10/19 and 06/12/2019.
Highways England (Matthew Wells)	5/09b 5/09c 5/09d 5/09e	67, 71, 72, 73, 75, 76	All the corresponding rights for the plots listed in column 2 are: Required for access for the maintenance of diverted electricity cables and associated auxiliary cables, gas pipeline, water pipelines and telecommunication cables.	28/08/2019				Examining Authority request acted on (28/08/2019)
Barnfield Manor Management Ltd (Agent P Dennis)	5/12	65, 67	All the corresponding rights for the plots listed in column 2 are: Required for access for the maintenance of diverted water pipeline and gas pipeline.	28/08/2019	09/09/2019 - Applicant requested to provide details of: <ul style="list-style-type: none"> • Nature of the rights, including a plan indicating their location • Features/structures which are to be installed thereafter and retained, inspected or maintained 	12/09/2019	02/10/2019 (Meeting with land agent)	The Applicant provided the land agent with the information sought via emails on 12/9/19 and 25/10/19. Face to face meetings were also held with land agent on 02/10/19 and 06/12/2019.
Thomas Rowe	5/15	60, 61	All the corresponding rights for	28/08/2019				Examining

Affected Party	Plot Number	Works No.	New rights (As detailed in dDCO Schedule 7 Part 2)	Date correspondence sent	Date of Response	Date of Applicant Response	Date of follow- up Response	Current Status
	5/15a		the plots listed in column 2 are: Required access for the maintenance of diverted water pipelines.					Authority request acted on (28/08/2019)
Richard Dumbreck Trust (Agent Richard Cornish)	7/02d	77	All the corresponding rights for the plots listed in column 2 are: Required for the diverted water pipeline.	28/08/2019				Examining Authority request acted on (28/08/2019)
Category 2 interests (section 44 Planning Act 2008)								
The Queen's Most Excellent Majesty In Right of Her Duchy of Lancaster	1/05a 1/05b 1/05d 1/30a 1/30b 1/34a 1/34b	24, 30, 31, 34, 115	All the corresponding rights for the plots listed in column 2 are: 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 maintenance of culvert features.	05/09/2019				Examining Authority request acted on (05/09/2019)
Trustees of Thornton Cleveleys District Horse Club	1/05a 1/05b 1/05d	34, 115, 34	All the corresponding rights for the plots listed in column 2 are: Required for access for the maintenance of diverted water pipeline Required for access for maintenance of culvert features	05/09/2019				Examining Authority request acted on (05/09/2019)
Environment Agency	1/05b 1/34c	30, 31, 115	All the corresponding rights for the plots listed in column 2 are: 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	SoCG was agreed with EA on 11/07/2019, which included confirmation that they agreed with the contents of all articles (Document Reference TR010035/APP/8.3, section 3.4)			Matters agreed within the dDCO, as reflected in the SoCG.
Marine Management Organisation	1/05b	115	All the corresponding rights for the plots listed in column 2 are: Required for access for maintenance of culvert features	05/09/2019	SoCG was agreed with the MMO on 04/10/2019, which included confirmation that they agreed with the contents of all articles (Document Reference TR010035/APP/8.16, section 3.4)			Matters agreed within the dDCO, as reflected in the SoCG.

Affected Party	Plot Number	Works No.	New rights (As detailed in dDCO Schedule 7 Part 2)	Date correspondence sent	Date of Response	Date of Applicant Response	Date of follow- up Response	Current Status
Electricity North West Limited	1/30a 1/30b 5/09b 4/06d 4/06g 4/06h 5/12 5/06a 5/06b 5/06c 5/06d	24, 30, 31, 71, 72, 73, 75, 76, 42, 65, 67, 61, 64, 60, 69	All the corresponding rights for the plots listed in column 2 are: Required for access for the maintenance of diverted electricity cables and associated auxiliary cables Required for access for the maintenance of combined mammal and highway boundary fence	05/09/2019				Examining Authority request acted on (05/09/2019)
Openreach Limited	1/30a 1/30b 5/09c 5/09d 5/12	24, 30, 31, 75, 76, 72, 65, 67	All the corresponding rights for the plots listed in column 2 are: 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 and gas pipeline	05/09/2019				Examining Authority request acted on (05/09/2019)
Martin Salthouse	4/02b 4/02c 4/02d	40	All the corresponding rights for the plots listed in column 2 are: 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				Examining Authority request acted on (05/09/2019)
Trevor Dooley	4/02c	40	All the corresponding rights for the plots listed in column 2 are: Required for access to adjacent land to the rear of 195 Mains Lane	05/09/2019				Examining Authority request acted on (05/09/2019)
Mr J Conlen	4/02c	40	All the corresponding rights for the plots listed in column 2 are: Required for access to adjacent land to the rear of 195 Mains Lane	05/09/2019				Examining Authority request acted on (05/09/2019)
Jones Homes (Lancashire) Limited	4/06e	40	All the corresponding rights for the plots listed in column 2 are: Required for access for maintenance of combined mammal and highway boundary fence	05/09/2019				Examining Authority request acted on (05/09/2019)

Affected Party	Plot Number	Works No.	New rights (As detailed in dDCO Schedule 7 Part 2)	Date correspondence sent	Date of Response	Date of Applicant Response	Date of follow- up Response	Current Status
Cowburns Farm LTD	4/08g 4/08l 5/01a 5/01c 5/01h	40, 47, 53, 58, 60, 62	All the corresponding rights for the plots listed in column 2 are: 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				Examining Authority request acted on (05/09/2019)
Defence Infrastructure Organisation	5/15 5/15a 5/05b	58, 60, 61	All the corresponding rights for the plots listed in column 2 are: Required access for the maintenance of diverted water pipelines Required for access for the maintenance of combined mammal and highway boundary fence	05/09/2019				Examining Authority request acted on (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	All the corresponding rights for the plots listed in column 2 are: Required for access for the maintenance of diverted electricity cables and associated auxiliary cables Required for access for the maintenance of diverted water pipelines and a gas pipeline Required for access for the maintenance combined mammal and highway boundary fence	05/09/2019				Examining Authority request acted on (05/09/2019)
Lodge Farm Singleton Ltd	5/06a 5/06b 5/06c 5/06d 5/06i 5/06j	58, 60, 61, 62, 64, 69, 72	All the corresponding rights for the plots listed in column 2 are: Required for access for the maintenance of diverted electricity cables and associated auxiliary cables Required for access for the maintenance of diverted water pipelines and a gas pipeline Required for access for the maintenance of combined mammal and highway boundary fence Required for maintenance of	05/09/2019				Examining Authority request acted on (05/09/2019)

Affected Party	Plot Number	Works No.	New rights (As detailed in dDCO Schedule 7 Part 2)	Date correspondence sent	Date of Response	Date of Applicant Response	Date of follow- up Response	Current Status
			culvert features and diverted water pipeline					
Cadent Gas Limited	5/12 5/06h 5/07d	60, 65, 67, 69, 72	All the corresponding rights for the plots listed in column 2 are: 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	05/09/2019				Examining Authority request acted on (05/09/2019)
Simon Roger Medhurst	5/12	65, 67	All the corresponding rights for the plots listed in column 2 are: Required for access for the maintenance of diverted water pipeline and gas pipeline	05/09/2019				Examining Authority request acted on (05/09/2019)
Ian Philip and Margaret Janice Atkinson	5/12	65, 67	All the corresponding rights for the plots listed in column 2 are: Required for access for the maintenance of diverted water pipeline and gas pipeline	05/09/2019				Examining Authority request acted on (05/09/2019)
Christopher and Anne Bailey	5/12	65, 67	All the corresponding rights for the plots listed in column 2 are: Required for access for the maintenance of diverted water pipeline and gas pipeline	05/09/2019				Examining Authority request acted on (05/09/2019)
William Alan Smith and Christine Ann Smith	5/15 5/15a	60, 61	All the corresponding rights for the plots listed in column 2 are: Required access for the maintenance of diverted water pipelines	05/09/2019				Examining Authority request acted on (05/09/2019)
Peter Isaac Rhodes	5/15 5/15a	60, 61	All the corresponding rights for the plots listed in column 2 are: Required access for the maintenance of diverted water pipelines	05/09/2019				Examining Authority request acted on (05/09/2019)
Richard Caldwell	4/06d 4/06e 4/06g 4/06h	40, 41, 42	All the corresponding rights for the plots listed in column 2 are: 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	04/10/2019				Examining Authority request acted on (05/09/2019)

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A585 Windy Harbour to Skippool Improvement Scheme

TR010035

8.10 Draft Statement of Common Ground with United Utilities

APFP Regulation 5(2)(q)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed
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Infrastructure Planning

Planning Act 2008

The Infrastructure Planning
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**A585 Windy Harbour to Skippool
Improvement Scheme**
Development Consent Order 201[]


**STATEMENT OF COMMON GROUND WITH
UNITED UTILITIES**


Regulation Number:	Regulation 5(2)(q)
Planning Inspectorate Scheme Reference	TR010035
Application Document Reference	TR010035/APP/8.10
Author:	A585 Windy Harbour to Skippool Improvement Scheme Project Team, Highways England

Version	Date	Status of Version
Rev 0	May 2019	Deadline 2 Submission
Rev 1	October 2019	Deadline 8 Submission
Rev 2	February 2020	Final Statement of Common Ground

STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) United Utilities

Signed 
Name (1) Jon ~~Sto~~es
Project Manager
On behalf of Highways England
Date: 20/2/2020

Signed..... 
Name (2) PAUL ROMANKO
Position (2) PROJECT ENGINEERING MANAGER
On behalf of United Utilities
Date: 19 FEB 2020

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CONTENTS

1	Introduction	1
1.1	Purpose of this document.....	1
1.2	Parties to this Statement of Common Ground.....	1
1.3	Terminology	1
2	Record of Engagement	2
3	Issues	0
3.2	Skippool Junction and New Skippool Bridge	0
3.3	Skippool Bridge Junction.....	3
3.4	South of Mains Lane	4
3.5	Garstang Road East (Poulton Junction).....	4
3.6	West of Lodge Lane and Borrow-Pits.....	5
3.7	Lodge Lane and Lodge Lane Bridge and access to Singleton Hall.....	6
3.8	South of Garstang New Road	7
3.9	Little Singleton Junction	7
3.10	Land Take, Wayleaves and Easements	8
3.11	Site Investigations for Location of Services.....	9
3.12	Draft DCO	9

LIST OF TABLES

Table 2-1: Record of Engagement.....	2
--------------------------------------	---

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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 Company Limited ("Highways England") to the Secretary of State for Transport ("Secretary of State") for a Development Consent Order ("the Order") under section 37 of the Planning Act 2008 ("PA 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 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) United Utilities Water Ltd. (United Utilities).

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 United Utilities is a regulated utility subsidiary of the United Utilities Group Plc and operates in the North West of England. United Utilities' principle operations are in water and wastewater and owns over 55,000 hectares of land around its reservoirs. It collects water from the environment, clean and distributes it to its customers before collecting it, treating it, and then returning it back to the environment.

1.3 Terminology

1.3.1 In the tables, under 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 United Utilities (UU comment: There are regulatory operational and customer constraints that are of material interest to UU but they have not been listed in section 3), 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 United Utilities.

2 RECORD OF ENGAGEMENT

2.1.1 A summary of the meetings and correspondence that has taken place between Highways England and United Utilities in relation to the Application is outlined in table 2.1 below.

Table 2-1: Record of Engagement

Date	Form of correspondence	Key topics discussed and key outcomes
26/06/2015	Phone call	Phoned United Utilities and accessed GIS Information.
15/07/2015	Email/Post	The Notification of appointment of O.O. Agent and C2 Preliminary Inquiry letters were sent to United Utilities.
July /August 2015	Downloaded from United Utilities Safe-Dig data base.	In response to the C2 Preliminary Inquiry, permission was granted to access maps of United Utilities' underground assets directly.
05/04/2016	Email	Email to United Utilities requesting C3 budget estimate.
08/06/2016	Email	Email received containing initial C3 budget estimate and plans indicating location of United Utilities' underground assets.
12/01/2018	Meeting at United Utilities offices.	Meeting where proposed utility asset diversions were discussed, following the preferred route announcement.
01/02/2018	Email	Email sent containing 12/01/18 meeting minutes.
01/02/2018	Email	Email to United Utilities requesting updated C3 budget estimate.
02/02/2018	Email	UU comments received
06/02/2018	Email	Follow up email sent containing revised meeting

Date	Form of correspondence	Key topics discussed and key outcomes
		minutes (6th Feb) following comments from UU (2nd Feb)
07/02/2018	Email	Email to United Utilities providing details of the proposed retaining wall near Old Mains Lane as requested at the stakeholder meeting.
22/02/2018	Email	Email received from United Utilities containing C3 Version 2 budget estimate for United Utilities' water and wastewater diversions.
12/04/2018	Email	Email sent to United Utilities requesting as-built information on foul sewers at Old Main Lane and over Skippool Clough culvert at Skippool Roundabout and across Amounderness Way.
25/04/2018	Email	Email received from United Utilities containing details and as-built drawings of the wastewater assets at Old Main Lane and over Skippool Clough Culvert as requested in email dated 12 April 2018.
25/04/2018	Email	Email to United Utilities requesting an additional as-built long-section drawing.
26/04/2018	Email	Email received from United Utilities containing as-built long-section and plan for the location of Fouldrey Avenue Pumping Station, south of A585 Breck Road, as requested. Plan also highlighted the easement crossing the field from Fouldrey Ave pumping

Date	Form of correspondence	Key topics discussed and key outcomes
		station to Mains Lane (Yense / Carrington Group land).
26/04/2018	Email	Email to United Utilities requesting contact details of person to contact within United Utilities who can provide full legal text and details of easements.
11/06/2018	Email	Email from United Utilities advising that Stephen Bennett, Valuation Surveyor, will be able to advise on easements and rights of way.
26/07/2018	Email	Email sent containing AIP Old Mains Lane Retaining Wall, Transmittal and Schedule of Comments.
17/08/2018	Email	Email, with drawing attached, to United Utilities requesting full legal text and details of easements
30/08/2018	Email	Email, with drawing attached, to United Utilities showing modification of existing traffic signal controlled junctions (Poulton and Little Singleton)
08/11/2018	Email	Email, with request to review the Statement of Common Ground and the draft Protective Provisions.
09/11/2018	Email	Received from UU saying the draft SoCG is being reviewed and stated UU have not been in receipt of any funding from HE since the C3 Estimate.
14/11/2018	Email	Email sent specifying when comments on the SoCG are required and explaining the concerns regarding availability have been raised with HE

Date	Form of correspondence	Key topics discussed and key outcomes
14/11/2018	Email	Follow up email with enquiry to see if United Utilities required a face to face discussion.
27/11/2018	Email	Arcadis received UU comment on the SoCG.
04/02/2019	Email	Follow up email from UU indicating they are having internal discussions pertaining to the SoCG and Protective Provisions.
13/02/2019	Email	Email from UU with an update on progress on comments from the UU legal team.
18/09/2019	Meeting	Meeting to discuss initial design scope for C4 estimates.
19/11/2019	Email	Arcadis received UU comments 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) United Utilities in relation to the issues addressed in this SoCG.

3 ISSUES

3.1.1 There are eight locations along the preferred route of the A585 Windy Harbour to Skippool road improvement scheme where United Utilities' underground apparatus must be either diverted or protected. The issues at each of the eight locations are addressed separately in the following tables.

3.2 Skippool Junction and New Skippool Bridge

	Issue	Highways England Comment	United Utilities Comment	Status
1	Diversion of 600mm dia. ductile iron rising foul main on north side of Skippool Junction / Breck Road. (150m). Requirement subject to depth of existing main passing under carriageway. Including relocation of existing manhole (MH) in Skippool Road.	Site investigations are planned by Highways England to establish actual depth of rising foul main, with United Utilities representative in attendance.	It is to be confirmed who will undertake site investigations. The feasibility of any diversions has not been confirmed. Diversion is subject to change dependant on the route.	AGREED SUBJECT TO C4s
2	Diversion of 600mm dia. Asbestos cement (A.C.) water main on north side of Skippool Junction/Breck Road /Skippool Bridge Junction at Old Mains Lane (620m)	Site investigation are planned by Highways England to establish location and depth of water main where it crosses Skippool Clough Culvert at Skippool Junction	Agreed in principle following desktop study. Further design work may lead to the agreed solution being superseded. Diversion is subject to change dependant on the route.	AGREED SUBJECT TO C4s
3	Diversion of 250mm dia. A.C. water main on west side of Skippool Junction across Amounderness Way (60m)	AGREED	Agreed in principle following desktop study. Further design work may lead to the agreed solution being superseded. Diversion is subject to change dependant on the route.	AGREED SUBJECT TO C4s

	Issue	Highways England Comment	United Utilities Comment	Status
4	Diversion of 100mm dia. A.C. water main at Skippool junction/Service Station Road	AGREED	Agreed in principle following desktop study. Further design work may lead to the agreed solution being superseded. Diversion is subject to change dependant on the route.	AGREED SUBJECT TO C4s
5	Diversion of 150mm dia. concrete surface water drain at Skippool junction/Breck Road	AGREED	Agreed in principle following desktop study. Further design work may lead to the agreed solution being superseded. Diversion is subject to change dependant on the route.	AGREED SUBJECT TO C4s
6	650mm/700mm dia. twin walled duct required to accommodate 600mm dia. P.E. water main through new Skippool Bridge.	AGREED	Agreed in principle following desktop study. Further design work may lead to the agreed solution being superseded. Diversion is subject to change dependant on the route.	AGREED SUBJECT TO C4s
7	600mm dia. water main to be cover/buried within new Skippool Bridge footway.	AGREED	Agreed in principle following desktop study. Further design work may lead to the agreed solution being superseded. Diversion is subject to change dependant on the route.	AGREED SUBJECT TO C4s
8	Diverted 600mm water main to be free from any vehicle	AGREED	Agreed in principle following desktop study. Further design	AGREED SUBJECT TO C4s

	Issue	Highways England Comment	United Utilities Comment	Status
	loadings on new Skippool Bridge.		work may lead to the agreed solution being superseded. Diversion is subject to change dependant on the route.	
9	Possibility of dynamic shocks resulting from the water main developing a fault. If required would be agreed with UU.	Bridge design to accommodate this eventuality, if the possibility is confirmed.	UU has not been provided with any drawings or been requested to review the bridge design.	AGREED SUBJECT TO C4s
10	Existing 600mm foul sewer crossing Breck Road at Breck Holiday Park entrance. The existing manhole outside the entrance is found to lie within the proposed westbound carriageway, creating a hazard.	AGREED	Agreed in principle following desktop study. Further design work may lead to the agreed solution being superseded to address the location of any apparatus. Diversion is subject to change dependant on the route.	AGREED SUBJECT TO C4s

3.3 Skippool Bridge Junction

	Issue	Highways England Comment	United Utilities Comment	Status
1	Diversion of existing 500mm dia. rising foul main due to clash with proposed location of retaining wall. Retaining Wall design consequently altered to clear the existing foul main (about 5m). Therefore, eliminating requirement for diversion.	AGREED	Agreed in principle following desktop study. Further design work may lead to the agreed solution being superseded. Diversion is subject to change dependant on the route.	AGREED SUBJECT TO C4s
2	Existing vent and washout manholes on existing 500mm foul rising main (south of Mains Lane) have been found to lie in or immediately adjacent to the westbound carriageway, creating a hazard.	To be discussed in detail with UU.	Agreed in principle following desktop study. Manholes should be capped and / or relocated to a safe area. Further design work may lead to the previously agreed design being superseded.	AGREED SUBJECT TO C4s
3	Diversion of 100mm dia. Cast Iron/Polyethylene (C.I./P.E.) water main on north side of Skippool Bridge junction (220m)		Agreed in principle following desktop study. Further design work may lead to the agreed solution being superseded. Diversion is subject to change dependant on the route.	AGREED SUBJECT TO C4s
4	Diversion of 100mm dia. C.I./P.E. on south side of Skippool Bridge junction (250m)		Agreed in principle following desktop study. Further design work may lead to the agreed solution being superseded.	AGREED SUBJECT TO C4s

			Diversion is subject to change dependant on the route.	
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3.4 South of Mains Lane

	Issue	Highways England Comment	United Utilities Comment	Status
1	Diversion of 300mm dia. Cast Iron main not required as this main has been confirmed as abandoned	Abandoned pipe to be removed by roadworks contractor	UU records indicate this main has been abandoned, to be confirmed on site.	AGREED SUBJECT TO C4s

3.5 Garstang Road East (Poulton Junction)

	Issue	Highways England Comment	United Utilities Comment	Status
1	Diversion of 600mm dia Cast Iron water main on south side of Poulton Junction will be required at an early stage to allow site traffic to cross (even though junction design has changed from a proposed roundabout to a signal-controlled junction). Alternatively, a temporary slab or bridge design to protect the water main could be submitted to UU for consideration.		This has not been agreed with UU. This is a strategic asset that might require diverting. Further design work is required.	AGREED SUBJECT TO C4s

	Issue	Highways England Comment	United Utilities Comment	Status
2	Diversion of 225mm dia. V.C. gravity foul main on north side of Poulton Junction.	Only a section of this foul main may require diverting due to recent change to junction design from proposed roundabout to a traffic signal-controlled junction.	Further design work may lead to the agreed solution being superseded. UU have not been requested to review the design. Diversion is subject to change dependant on the route.	AGREED SUBJECT TO C4s
3	Protection of 160mm PE water main north of Garstang Road East across location of proposed works compound to the north-east of proposed Poulton Junction	Temporary protection of water main for period of used of temporary works compound To be finalised via C4 process.	Agreed in principle following desktop study. Further design work may lead to the agreed solution being superseded. Diversion is subject to change dependant on the route.	AGREED SUBJECT TO C4s

3.6 West of Lodge Lane and Borrow-Pits

	Issue	Highways England Comment	United Utilities Comment	Status
1	Diversion of 315mm dia. P.E. water main at West of Lodge Lane Borrow-pit (750m)		Agreed in principle following desktop study. Further design work may lead to the agreed solution being superseded. Diversion is subject to change dependant on the route.	AGREED SUBJECT TO C4s
2	Requirement for United Utilities to serve S159 Notice (Power to lay pipes in other land) for the water main	All land required temporarily for diversions has been identified as part of the DCO process. Any easements /	Only by exception if additional UU works are identified outside of Highways England's boundary will UU	AGREED

	borrow-pit diversion.	wayleaves for future access will be secured under the dDCO articles 23 and 29 and Schedule 7 of dDCO.	be required to arrange any easements / wayleaves for future access.	
3	Diversion of 125mm dia. P.E. rising foul main (820m) west of Lodge Lane		Agreed in principle following desktop study. Further design work may lead to the agreed solution being superseded. Diversion is subject to change dependant on the route.	AGREED SUBJECT TO C4s

3.7 Lodge Lane and Lodge Lane Bridge and access to Singleton Hall

	Issue	Highways England Comment	United Utilities Comment	Status
1	Temporary Diversion of 110mm dia. P.E. water main while new bridge is constructed. (135m)		New addition since SoCG draft. No information has been provided to UU.	AGREED SUBJECT TO C4s
2	Permanent Diversion of 90mm dia. P.E. water main in new bridge deck (150m). Ducting to be provided.		New addition since SoCG draft. No information has been provided to UU.	AGREED SUBJECT TO C4s
3	Permanent diversion of 90mm dia. P.E. water main along new Singleton Hall access road (private road) east of Lodge Lane and south of bypass	All land required temporarily for diversions has been identified as part of the DCO process. Any easements / wayleaves for future access will be secured under the dDCO articles 23 and 29 and Schedule 7 of dDCO.	Only by exception if additional UU works are identified outside of Highways England's boundary will UU be required to arrange any easements / wayleaves for future access.	AGREED

3.8 South of Garstang New Road

	Issue	Highways England Comment	United Utilities Comment	Status
1	Diversion of 600mm dia. A.C. water main (75m).	Highway Authority to provide and install duct for diversion beneath new road construction at an early stage to allow site traffic to cross the main	Not agreed. This is a strategic asset. UU believes this is an issue still under discussion. The 600mm AC main may require diverting first. Diversion is subject to change dependant on the route.	AGREED SUBJECT TO C4s

3.9 Little Singleton Junction

	Issue	Highways England Comment	United Utilities Comment	Status
1	As a result of the recent design change to retain this junction as a traffic signal-controlled junction, rather than a roundabout, only a section of the 225mm dia. foul main running across the junction from Pool Foot Lane, where the new carriageway is to be constructed, will require diversion or protection	If slab protection is proposed, the details will be submitted to United Utilities for consideration and approval. Design change drawings provided to UU	Not agreed. Please provide further information of the design change(s) for UU to review. All water and waste water assets may ultimately require diverting, subject to survey confirmation of the position, depth and condition of the assets and the agreed method of constructing the road.	AGREED SUBJECT TO C4s

3.10 Land Take, Wayleaves and Easements.

	Issue	Highways England Comment	United Utilities Comment	Status
1	Development Consent Order limits include for all areas of land take envisaged as required for utility apparatus diversions. Any additional land take requirements for diversions would be agreed between Highways England and United Utilities to secure under the compulsory purchase process governed by (1) the enabling statute (i.e. the EA 1989) and (2) the Acquisition of Land Act 1981.	All land required temporarily for diversions has been identified as part of the DCO process. Any easements / wayleaves for future access will be secured under the dDCO articles 23 and 29 and Schedule 7 of dDCO.	Only by exception if additional UU works are identified outside of Highways England's boundary will UU be required to arrange any easements / wayleaves for future access.	AGREED
2	Wayleaves and easements are legal rights that enable utility companies to have access to private land to install and maintain their apparatus in return for some sort of payments	AGREED	UU believes that it has provided easement information. UU requires permanent easement and legal rights for any diverted assets to be agreed with HE prior to any land reverting back to a landowner, as part of the Development Consent Order. This issue is still under discussion.	AGREED

3.11 Site Investigations for Location of Services.

	Issue	Highways England Comment	United Utilities Comment	Status
1	Site Investigations such as ground penetrating radar and slit trench surveys are to be carried out by Highways England to establish precise locations and depths of United Utilities' buried apparatus. (Water mains and foul mains and all associated apparatus) after the DCO application submission.	Scope of work to be agreed via C4 process	Agreed that work is required to confirm the asset location depth, material etc. The scope of this work has not yet been agreed and the assets have not been risk assessed at this stage. UU believes that this issue is still under discussion. UU to have a representative present during these investigations.	AGREED SUBJECT TO C4s

3.12 Draft Development Consent Order

	Issue	Highways England Comment	United Utilities Comment	Status
1	United Utilities has reviewed and is content with the contents of the draft Development Consent Order (Document reference TR010035/APP/3.1).	AGREED	UU has commented on a draft Schedule 10 Protective Provisions document.	AGREED

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