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STATUTORY INSTRUMENTS

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**2020 No. 402**

**INFRASTRUCTURE PLANNING**

The A585 Windy Harbour to Skippool  
Highway Development Consent Order 2020

*Made - - - - 9th April 2020*

*Coming into force 30th April 2020*

THE A585 WINDY HARBOUR TO SKIPPOOL  
HIGHWAY DEVELOPMENT CONSENT ORDER 2020

PART 1

PRELIMINARY

1. Citation and commencement
2. Interpretation

PART 2

PRINCIPAL POWERS

3. Development consent etc. granted by the Order
4. Maintenance of authorised development
5. Maintenance of drainage works
6. Limits of deviation
7. Benefit of Order
8. Consent to transfer benefit of Order

PART 3

STREETS

9. Application of the 1991 Act
10. Construction and maintenance of new, altered or diverted streets
11. Classification of roads etc.
12. Temporary stopping up and restriction of use of streets
13. Permanent stopping up and restriction of use of streets and private means of access
14. Access to works
15. Clearways

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16. Traffic regulation

#### PART 4

#### SUPPLEMENTAL POWERS

17. Discharge of water
18. Protective work to buildings
19. Authority to survey and investigate the land

#### PART 5

#### POWERS OF ACQUISITION AND POSSESSION

20. Compulsory acquisition of land
21. Compulsory acquisition of land – incorporation of the mineral code
22. Time limit for exercise of authority to acquire land compulsorily
23. Compulsory acquisition of rights and restrictive covenants
24. Private rights over land
25. Modification of Part 1 of the 1965 Act
26. Application of the 1981 Act
27. Acquisition of subsoil or airspace only
28. Rights under or over streets
29. Temporary use of land for carrying out the authorised development
30. Temporary use of land for maintaining the authorised development
31. Statutory undertakers
32. Apparatus and rights of statutory undertakers in stopped up streets
33. Recovery of costs of new connections

#### PART 6

#### OPERATIONS

34. Felling or lopping of trees and removal of hedgerows

#### PART 7

#### MISCELLANEOUS AND GENERAL

35. Deemed Marine Licence
36. Application of landlord and tenant law
37. Trees subject to tree preservation orders
38. Operational land for purposes of the 1990 Act
39. Defence to proceedings in respect of statutory nuisance
40. Protection of interests
41. Certification of documents, etc.
42. Service of notices
43. Arbitration
44. Crown rights
- Signature

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#### SCHEDULES

#### SCHEDULE 1 — AUTHORISED DEVELOPMENT

#### SCHEDULE 2 — REQUIREMENTS

## PART 1 — REQUIREMENTS

### *Interpretation*

1. In this Schedule—“contaminated land” has the same meaning as...

### *Time limits*

2. The authorised development must commence no later than the expiration...

### *Detailed design*

3. (1) The authorised development must be designed in detail and...

### *Construction and handover environmental management plans*

4. (1) No part of the authorised development is to commence...

### *Landscaping*

5. (1) The authorised development must be landscaped in accordance with...

### *Contaminated land and groundwater*

6. (1) In the event that contaminated land, including groundwater, is...

### *Protected species*

7. (1) In the event that any protected species which are...

### *Surface and foul water drainage*

8. (1) No part of the authorised development is to commence...

### *Archaeological remains*

9. (1) No part of the authorised development is to commence...

### *Traffic management*

10. (1) No part of the authorised development is to commence...

### *Amendments to approved details*

11. With respect to any requirement which requires the authorised development...

### *Fencing*

12. Any permanent and temporary fencing and other means of enclosure...

### *Details of consultation*

13. (1) With respect to any requirement which requires details to...

### *Temporary compensatory flood storage system*

14. (1) Development must not be commenced within the 1% plus...

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*Soil survey and mitigation plan*

15. (1) No part of the authorised development is to commence...  
PART 2 — PROCEDURE FOR DISCHARGE OF REQUIREMENTS

*Applications made under requirements*

16. (1) Where an application has been made to the Secretary...

*Further information*

17. (1) In relation to any part of an application made...

*Register of requirements*

18. (1) The undertaker must, as soon as practicable following the...

*Anticipatory steps towards compliance with any requirement*

19. If before the coming into force of this Order the...

SCHEDULE 3 — CLASSIFICATION OF ROADS, ETC.

PART 1 — TRUNK ROADS

PART 2 — CLASSIFIED ROADS

PART 3 — UNCLASSIFIED ROADS

PART 4 — OTHER PUBLIC RIGHTS OF WAY

PART 5 — ROADS TO BE DE-TRUNKED

PART 6 — SPEED LIMITS

PART 7 — REVOCATIONS AND VARIATIONS OF EXISTING TRAFFIC  
REGULATION ORDERS

PART 8 — NEW TRAFFIC REGULATION ORDERS SOUGHT

SCHEDULE 4 — PERMANENT STOPPING UP OF STREETS AND PRIVATE  
MEANS OF ACCESS

PART 1 — PUBLIC RIGHTS OF WAY OR HIGHWAY TO BE STOPPED UP  
AND FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

PART 2 — PUBLIC RIGHTS OF WAY OR HIGHWAY TO BE STOPPED UP  
AND FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

PART 3 — PRIVATE MEANS OF ACCESS TO BE STOPPED UP AND FOR  
WHICH A SUBSTITUTE IS TO BE PROVIDED

PART 4 — PRIVATE MEANS OF ACCESS TO BE STOPPED UP AND FOR  
WHICH NO SUBSTITUTE IS TO BE PROVIDED

SCHEDULE 5 — LAND IN WHICH ONLY NEW RIGHTS ETC. MAY BE  
ACQUIRED

SCHEDULE 6 — MODIFICATION OF COMPENSATION AND COMPULSORY  
PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS

*Compensation enactments*

1. The enactments for the time being in force with respect...
2. (1) Without limitation on the scope of paragraph 1, the...
3. (1) Without limitation on the scope of paragraph 1, the...

*Application of Part 1 of the 1965 Act*

4. Part 1 (compulsory purchase under Acquisition of Land Act 1946)...
5. (1) The modifications referred to in paragraph 4(a) are as...

SCHEDULE 7 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

SCHEDULE 8 — DEEMED MARINE LICENCE

PART 1 — INTRODUCTORY

PART 2 — LICENSED ACTIVITIES

3. Subject to the licence conditions in Part 4 of this...
4. In this licence, “authorised development” means— (a) The construction of...

PART 3 — ENFORCEMENT

5. Any breach of this licence does not constitute a breach...

PART 4 — CONDITIONS

6. The licence holder must inform the MMO and the Local...
7. Should the licence holder become aware that any of the...
8. The licence holder must ensure that any coatings and treatments...
9. The licence holder must ensure that the MMO and the...
10. The licence holder must ensure that any equipment, temporary structures,...
11. The licence holder must notify the MMO in writing of...
12. Any oil fuel or chemical spill within the marine environment...
13. Bunding and/or storage facilities must be installed to contain and...
14. The licence holder must submit a method statement to the...
15. The licence holder must not discharge waste concrete slurry or...
16. Vibro-piling must be used as standard, with percussive piling only...
17. If concrete is to be sprayed suitable protective sheeting must...
18. During licensed activities all wastes must be stored in designated...

SCHEDULE 9 — HEDGEROWS AND TREES

PART 1 — HEDGEROWS

PART 2 — TREES SUBJECT TO TREE PRESERVATION ORDERS

SCHEDULE 10 — PROTECTIVE PROVISIONS

PART 1 — FOR THE PROTECTION OF ELECTRICITY, GAS, WATER AND SEWAGE UNDERTAKERS

1. For the protection of the utility undertakers referred to in...
2. In this Part of this Schedule— “alternative apparatus” means alternative...

*On street apparatus*

3. This Part of this Schedule does not apply to apparatus...

*Apparatus in stopped up streets*

4. (1) Where any street is stopped up under article 13...

*Protective works to buildings*

5. The undertaker, in the case of the powers conferred by...

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*Acquisition of land*

6. Regardless of any provision in this Order or anything shown...

*Removal of apparatus*

7. (1) If, in the exercise of the powers conferred by...

*Facilities and rights for alternative apparatus*

8. (1) Where, in accordance with the provisions of this Part...

*Retained apparatus*

9. (1) Not less than 28 days before starting the execution...

*Expenses and costs*

10. (1) Subject to the following provisions of this paragraph, the...  
11. (1) Subject to sub-paragraphs (2) and (3), if by reason...

*Cooperation*

12. Where in consequence of the proposed construction of any of...  
13. Nothing in this Part of this Schedule affects the provisions...  
PART 2 — FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS  
14. For the protection of any operator, the following provisions have...  
15. In this Part of this Schedule— “the 2003 Act” means...  
16. The exercise of the powers conferred by article 31 (statutory...  
17. (1) Subject to sub-paragraphs (2) to (4), if as the...  
PART 3 — FOR THE PROTECTION OF CADENT GAS LTD AS GAS UNDERTAKER  
18. Application  
19. Interpretation  
20. On Street Apparatus  
21. Apparatus of Cadent in stopped up streets  
22. Protective works to buildings  
23. Acquisition of land  
24. Removal of apparatus  
25. Facilities and rights for alternative apparatus  
26. Retained apparatus: protection of Cadent  
27. Expenses  
28. Indemnity  
29. Enactments and agreements  
30. Co-operation  
31. Access  
32. Arbitration  
33. Notices

SCHEDULE 11 — DOCUMENTS TO BE CERTIFIED

Explanatory Note