

# A63 Castle Street Improvement, Hull

Scheme Number: TR010016

## 3.3 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**

**A63 (Castle Street Improvement, Hull)  
Development Consent Order 20 [ ]**

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**CONSENTS AND AGREEMENTS POSITION STATEMENT**

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<b>Regulation Number</b>	Regulation 5(2)(g)
<b>Planning Inspectorate Scheme reference</b>	TR010016
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# 1 INTRODUCTION

## 1.1 Purpose of this Document

- 1.1.1 This Consents and Agreements Position Statement (this “Statement”) relates to the A63 Castle Street Improvement, Hull (the “Scheme”), and has been submitted by Highways England (the “Applicant”) to the Planning Inspectorate acting on behalf of the Secretary of State for Transport. It relates to an application for a Development Consent Order (DCO) to permit and enable implementation of the Scheme made under section 37 of the Planning Act 2008 (the “2008 Act”). A detailed description of the Scheme can be found in chapter 2 of the **Environmental Statement (Application Document Reference: TR010016/APP/6.1)**.
- 1.1.1 This Statement has been prepared and submitted in compliance with Regulation 5(2)(q) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the “2009 Regulations”).
- 1.1.3 The purpose of this Statement is to set out at a high level what consents and associated agreements are expected to be needed for the Scheme along with the Applicants’ intended strategy for obtaining those consents and associated agreements.

## **2 STRATEGY**

### **2.1 Consents Strategy**

2.1.1 The basis of Applicant's consent strategy is that:

- A Development Consent Order (DCO) must be sought as the principal consent for the works under the 2008 Act and to provide the necessary land acquisition and temporary possession powers;
- Where possible and practicable, additional consents should be included within the DCO; and
- The proposed Scheme has and will be developed on the basis of a strong collaboration between the key stakeholders, and agreements will be secured at key stages of the Scheme development as necessary.

### **2.2 Highways England Approach**

2.2.1 The intent of the 2008 Act is to enable development and construction-related consents to be included within the DCO. The Applicant's approach to consents for the Scheme is therefore to fit within that legislative and policy intent and to include as many consents as practicable within DCO.

2.2.2 The Scheme benefits from the intent of the Act as the majority of the consents required for the construction of the Scheme are in place at the point of the making of the DCO. This minimises the need for any further approvals before the works covered by the DCO can commence.



## 3 CONSENTS AND AGREEMENTS

### 3.1 Consents

3.1.1 The principal consent for the proposed Scheme will be the DCO. The DCO process provides development consent for the works and enables land acquisition, along with many other 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 within 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 the detail available.

3.1.2 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 2008 Act. These fall into the following categories:

- Authorisation of all permanent and temporary works (equivalent of planning permission) None of the following consents need to be addressed on this scheme: Permission for the demolition of a building in a conservation area, common land consents,
- Compulsory acquisition of land and of rights over land such as easements, restrictive covenants and the temporary possession of land under the Planning Act 2008;
- Powers to compulsorily acquire open space and replacement land under the Planning Act 2008;
- Consent to carry out demolition of buildings and other structures under the Planning Act 2008,
- Consent to carry out street works and to stop up highways permanently or temporarily via the Town and Country Planning Act 1990;
- Highway matters (such as designating highway as trunk road) Highways Act 1980;
- Traffic regulation matters (such as speed limits, clearways and restrictions on use) Road Traffic Regulations 1984;
- Consent to stop up and divert public and private rights of way Town and Country Planning Act 1990;
- Consent to carry out tree works (including works to trees subject to a Tree Preservation Order) Town and Country Planning Act 1990;
- Consent to remove hedgerows (including any "important hedgerows") Hedgerow Regulations 1997;
- Consent to discharge into an available watercourse under the Environmental Permitting (England and Wales) Regulations 2010;
- Consent or approval for the carrying out of the works required under any relevant byelaw made under the Water Resources Act 1991 and the Land Drainage Act 1991;
- Disapplication of any relevant local legislation or byelaws under paragraphs 5, 6 and 6a of schedule 25 of the Water Resources Act 1991;
- Powers to carry out utility diversions (subject to protective provisions);
- Consent to carry out any required utility diversions (subject to protective provisions);
- Consent(s) from the relevant sewerage undertaker to discharge waste water to a sewer pursuant to Section 118 of the Water Industry Act 1991;



- Consent(s) from the relevant local authority pursuant to Section 61 of the Control of Pollution Act 1974;
- Assessment of Impacts on European Sites: EC Habitats Directive (Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora) and the Conservation of Habitats and Species Regulations 2017;
- European Protected Species License: Conservation of Habitats and Species Regulations 2010 regulation 53;
- Site of Special Scientific Interest Consent: Wildlife and Countryside Act 1981 regulation 28E
- Marine License: Marine and Coastal Access Act 2009;
- Environmental Standards Rules Permit (Flood Risk Activity) to carry out work on or near a main river, on or near a flood defence structure, in a flood plain, or near a flood defence;
- Environmental Permit: Environmental Permitting (England and Wales) Regulations 2010;
- Transfer license for construction dewatering: The Water Abstraction and Impounding (Exemptions) Regulations 2017;
- Ordinary Watercourse Consent: Land Drainage Act 1991 Flood Water Management Act 2010
- Noise: Control of Pollution Act 1974 Section 61;
- Waste Carrier registration and waste transfer notes;
- Environmental Permit: Environmental Permitting (England and Wales) Regulations 2010 - environmental permits and exemptions for the treatment, handling and disposal of waste;
- Licensed contractor under the Control of Asbestos Regulations (CAR) 2012;
- Hazardous Waste Regulations 2005 Consignment Note;
- Faculties: Care of Churches and Ecclesiastical Jurisdiction Measure 1991 and the Faculty Jurisdiction Rules 2015;
- License under Burial Act 1857 Section 25, as amended by the Church of England (Miscellaneous Provisions) Measure 2014;
- Listed Building Consent: Planning (Listed Buildings and Conservation Areas) Act 1990, and
- Scheduled Monument Consent: Ancient Monuments and Archaeological Areas Act 1979.

3.1.3 The following permits, consents and agreements may also need to be sought separately from the DCO:

- Trade effluent consent (e.g. for welfare facilities) [Water Industry Act 1991];
- Mobile plant licenses for crushing operations or site permits if not using a subcontractor with their own mobile licenses [Pollution Prevention and Control Act 1999, Environmental Permitting (England and Wales) Regulations 2010];
- Exemptions for operations such as U1 (import of waste for use in construction) and T15 (crushing of aerosols to minimize hazardous waste) (if exemption limits can be met) [Pollution Prevention Control Act 1999, Environmental Permitting (England and Wales) Regulations 2010];
- Section 61 consent if requested by the Local Authority (LA) [Control of Pollution Act 1974];
- Notification to EA of Japanese Knotweed removal or burial [Waste (England and Wales) Regulations 2011];

- CL:aire Materials Management Plan;
- Land Drainage Consent to culvert an Ordinary Watercourse [Section 23 of The Land Drainage Act 1991];
- Vehicle Special Order(s) from the Vehicle Certification Agency under Section 44 of the Road Traffic Act 1988.

3.1.4 The above are largely dependent on finalisation of the detailed design, the detailed construction site set up and methodologies, and discussions with stakeholders (e.g. EA and the Local Authority). These are not sufficiently developed at this stage to confirm the requirements and therefore it is not practicable to include them within the DCO.

## **3.2 Agreements**

3.2.1 Agreements with third parties may be required in parallel to the DCO process and may take a variety of forms.

3.2.2 A fundamental part of the DCO process is the preparation and agreement of Statements of Common Ground (“SoCG”) with third parties to identify the matters on which we are in agreement, in order to narrow the focus for examining the application concerned and to make the examination process more efficient. These will be progressed by the Applicant where appropriate.

3.2.3 Other possible forms of agreement alongside SoCG are legal agreements regulating land and works powers undertakings and memoranda of understanding and letters of comfort. Again, these will be progressed by the Applicant where appropriate.