

A19 / A184 Testos Junction Improvement TR010020

3.3 Consents and Agreements Position Statement

APFP Regulation 5(2)(q)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and Procedure)

Regulations 2009



Infrastructure Planning

Planning Act 2008

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

A19 / A184 TESTOS JUNCTION IMPROVEMENT

The A19 / A184 (Testos Junction Improvement) Development Consent Order 201[]

CONSENT AND AGREEMENT POSITION STATEMENT

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1 INTRODUCTION

1.1 Purpose and Objective

- 1.1.1 This paper sets out Highway England's intended strategy for obtaining consents and associated agreements needed to implement the proposed A19 Testos Junction 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.
- 1.1.2 The purpose of, and objective of, this position statement is to identify at a high level what consents are expected to be needed for the Scheme, together with how those consents will be obtained.

1.2 The Scheme

- 1.2.1 The Scheme proposes to upgrade the existing at-grade A19 / A184 Testos junction in South Tyneside to a grade-separated configuration. The A19 trunk road will be raised via a structure over an enlarged Testos roundabout and new connector roads will be provided between the mainline and the junction. New links road will also be constructed to provide connections between Testos junction and the adjacent Downhill Lane junction. Additionally, the Scheme will provide improvements for non-motorised users through the provision of new facilities and upgrades to existing facilities.
- 1.2.2 For a more detailed description of the Scheme proposals, refer to Chapter 2.5 of the Environmental Statement (document reference TR010020/APP/6.1).

2 STRATEGY

2.1 Consents Strategy

2.1.1 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 ("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 strong collaboration between the key stakeholders, and agreements will be secured at key stages of project development as necessary.

2.2 Highways England approach

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

2.2.2 The Scheme benefits from the intent of the Act and Government policy 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 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 thus 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: scheduled monument consent, listed building consent, conservation area consent, common land consents, SSSI consents;
- 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;
- Highway matters (such as designating highway as trunk road);
- 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 (including any 'important hedgerows');
- Powers to carry out utility diversions (subject to protection provisions); and
- Consent to carry out any required utility diversions (subject to protective provisions)

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 licences for crushing operations or site permits if not using a subcontractor with their own mobile licences [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 minimise hazardous waste) (if exemption limits can be met) [Pollution Prevention and Control Act 1999, Environmental Permitting (England and Wales) Regulations 2010];
- Environmental Permit for waste operations [Pollution Prevention and 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];
- Water abstraction licence (if need to remove more than 20m³/day) [Water Resources Act 1991 (as amended by the Water Act 2003), Environment Act 1995, The Water Resources (Abstraction and Impounding) Regulations 2006];
- Use of pesticides within 8m of a watercourse (e.g. if Himalayan Balsam is found at a headwall location and requires to be sprayed) [Control of Pesticides Regulations 1986, as amended];
- Notification to EA of Japanese Knotweed removal or burial [Waste (England and Wales) Regulations 2011]
- CL:aire Materials Management Plan.
- Environmental Standard Rules Permit (Flood Risk Activity) to construct an outfall on a Main River [The Environmental Permitting (England and Wales) Regulations 2016 S.I. 2016/1154].
- Land Drainage Consent to culvert an Ordinary Watercourse [Section 23 of The Land Drainage Act 1991].

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 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 parties 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 Highways England 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 Highways England where appropriate.