

A30 Chiverton to Carland Cross TR010026

7.2 DETAILS OF OTHER CONSENTS AND LICENCES

Planning Act 2008

APFP Regulation 5(2)(q)
Infrastructure Planning (Applications: Prescribed
Forms and Procedure) Regulations 2009

Volume 7

August 2018

Infrastructure Planning

Planning Act 2008

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

**A30 Chiverton to Carland Cross
Development Consent Order 201[x]**

7.2 DETAILS OF OTHER CONSENTS AND LICENCES

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| Regulation Number: | Regulation 5(2)(q) |
| Planning Inspectorate Scheme Reference | TR010026 |
| Application Document Reference | 7.2 |
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| Version | Date | Status of Version |
|----------------|-------------|--------------------------|
| Rev: C01 | 22/08/18 | Application Issue |

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1 Introduction

- 1.1.1 This document has been prepared to accompany an application by Highways England (the Applicant) for a Development Consent Order (DCO) under section 37 of the Planning Act 2008 (the Act) for the construction of an 8.7-mile dual carriageway between Chiverton and Carland Cross in Cornwall; this is known as the A30 Chiverton to Carland Cross (the scheme). The scheme falls wholly within the administrative boundary of Cornwall Council.
- 1.1.2 This document summarises the other consents, licences and agreements that, in addition to the **draft Development Consent Order** (Volume 3, Document Reference 3.1), Highways England intends to obtain, to allow the construction, operation and maintenance of the scheme.
- 1.1.3 This document is not required by the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, but is recommended in Department for Communities and Local Government (now The Ministry of Housing, Communities and Local Government) guidance¹ on application forms (paragraph 45):
- “Where the proposed development will also require other consents, licences, permits, etc, to enable it to be constructed and/or operational, and for which the Secretary of State is not the authorising body under the Planning Act, then the applicant must list and briefly describe these in Box 24. Reference should be made to any that have already been applied for, and a copy enclosed of any that the applicant may already be in the possession of. Such other consents could be required for controlling pollution, for example.”*
- 1.1.4 The purpose of, and objective of, this document is to identify at a high level what consents are expected to be needed for the scheme, together with how those consents would be obtained.

¹ Planning Act 2008: Guidance on the pre-application process (DCLG, 2015)

2 Consents Strategy

2.1 Overview

- 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 scheme has and will be developed on the basis of strong collaboration between key stakeholders, and agreements will be secured at key stages of scheme development as necessary.
- 2.1.2 The intent of the 2008 Act and Government policy is to enable development and construction-related consents to be included within the DCO.
- 2.1.3 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.
- 2.1.4 The consents strategy is based on the National Policy Statement for National Networks to ensure that relevant permissions that need to be obtained for activities within the development have been identified.
- 2.1.5 Engagement with statutory consultation bodies has informed the approach during the pre-application stage. Highways England is seeking to agree with each body the principles against which applications for the other consents, licences, and permits should be considered, in order that all relevant issues may be explored during the Examination of the application for development consent. As detailed in the **Statements of Common Ground** (Volume 7, Document Ref 7.5), Highways England is in discussion with all statutory consultation bodies.

2.2 Licences, Consents and Permits

- 2.2.1 The following remaining licences, consents, permits etc. are expected to be required:

Protected species:

Bats – European Protected Species Licence(s):

- 2.2.2 Licence(s) from Natural England in relation to affect European Protected Species pursuant to regulation 55 of the Conservation of Habitats and Species Regulations 2017.

Badgers – Licence(s) to interfere with a sett:

- 2.2.3 Licence(s) from Natural England to affect badgers pursuant to section 10 of the Protection of Badgers Act 1992.

Barn Owls – Licence(s) to disturb nesting Barn Owls:

- 2.2.4 Licence(s) from Natural England to affect protected species under section 16 of the Wildlife and Countryside Act 1981.

Fish relocation:

- 2.2.5 Consent(s) from the Environment Agency to catch fish (using means other than rod and line) pursuant to section 27a of the Salmon & Freshwater Fisheries Act 1975.

Noise:

- 2.2.6 Consent(s) from Cornwall Council pursuant to section 61 of the Control of Pollution Act 1974.

Water:

- 2.2.7 Consent(s) from Cornwall Council (the Lead Local Flood Authority) to alter ordinary watercourses pursuant to section 23 of the Land Drainage Act 1991.
- 2.2.8 Permit(s) from the Environment Agency to discharge to surface/ground waters pursuant to the Environmental Permitting (England and Wales) (Amendment) Regulations 2018.

Waste:

- 2.2.9 Permit(s) from the Environment Agency for waste operations pursuant to the Environmental Permitting (England and Wales) (Amendment) Regulations 2018.

2.3 Statements of Common Ground and Agreements

- 2.3.1 Agreements with third parties may be required in parallel to the DCO process and may take a variety of forms.
- 2.3.2 A fundamental part of the DCO process is the preparation of Statements of Common Ground (SoCG) with third parties to identify matters on which parties agree and to track progress towards the resolution of any matters where agreement has not yet been reached. The Statements of Common Ground (Volume 7, Document Reference 7.5) provides a position on specific points on each of the SoCGs at the point of submission of the application.
- 2.3.3 These will be progressed by Highways England where appropriate.
- 2.3.4 Other possible forms of agreement alongside the SoCGs are legal agreements, memoranda of understanding and letters of comfort. Again, these will be progressed by Highways England where appropriate.

If you need help accessing this or any other Highways England information, please call **0300 123 5000** and we will help you.