

Lower Thames Crossing

3.3 Consents and Agreements Position Statement

APFP Regulation 5(2)(q)

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

Volume 3

DATE: October 2022

Planning Inspectorate Scheme Ref: TR010032
Application Document Ref: TR010032/APP/3.3

VERSION: 1.0

Lower Thames Crossing

3.3 Consents and Agreements Position Statement

List of contents

| | Page number |
|---|-------------|
| 1 Executive summary | 1 |
| 2 Introduction | 2 |
| 2.1 Purpose of this document | 2 |
| 2.2 The need for the Project | 2 |
| 2.3 The Project | 2 |
| 3 Strategy | 5 |
| 3.1 National Highways' consents strategy | 5 |
| Background | 5 |
| Strategy..... | 5 |
| 4 Consents and agreements | 6 |
| 4.1 Consents..... | 6 |
| 4.2 Agreements | 8 |
| Statements of Common Ground | 8 |
| Section 106 agreements..... | 8 |
| Land agreements | 8 |
| Environmental mitigation | 8 |
| Highway Side Agreements | 10 |
| Appendix A Permits and consents that may be required | 14 |

1 Executive summary

- 1.1.1 This Consents and Agreements Position Statement (this Statement) outlines National Highways' (the Applicant's) strategy for securing consents and associated agreements needed to implement the proposed A122 Lower Thames Crossing (the Project).
- 1.1.2 The purpose and objective of this Statement is to identify, at a high level, the consents and agreements needed to construct and operate the Project and how the consents and agreements would be obtained.
- 1.1.3 This Statement details the consents that would be included in the Development Consent Order (DCO) and identifies the consents and agreements that would be required for the Project and their timescales.
- 1.1.4 The consents and agreements that will be incorporated within the DCO are defined within paragraph 4.1.2 of this document. While the DCO will be the principal consenting mechanism for the Project, there are some consents and agreements that will need to be acquired outside of the DCO, which are detailed in paragraph 4.1.1 and Appendix A respectively.

2 Introduction

2.1 Purpose of this document

- 2.1.1 National Highways (the Applicant) has submitted an application under section 37 of the Planning Act 2008 for an order to grant development consent for the A122 Lower Thames Crossing (the Project)
- 2.1.2 This Consents and Agreements Position Statement (this Statement), submitted in accordance with Regulation 5(2)(q) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, sets out the Applicant's intended strategy for obtaining the consents and associated agreements needed to implement the Project.
- 2.1.3 The purpose and objective of this Statement is to identify what consents and agreements are expected to be needed for the Project, and how these will be obtained.
- 2.1.4 In preparing this Statement, consideration has been given to the former Department for Communities and Local Government's (2013) Planning Act 2008: Application Form Guidance (paragraphs 45 and 46). As required, this Statement summarises the Applicant's understanding on the likelihood of the relevant consents being granted.
- 2.1.5 Any consents required for specific construction activities will be required to be obtained by the Contractor in accordance with Schedule 2 (Requirements) of the draft Development Consent Order (DCO) (Application Document 3.1).
- 2.1.6 This Statement is part of a suite of documents which accompanies the application to grant development consent. A full description of all the Application Documents is provided in the Introduction to the Application (Application Document 1.3) which also accompanies the application.

2.2 The need for the Project

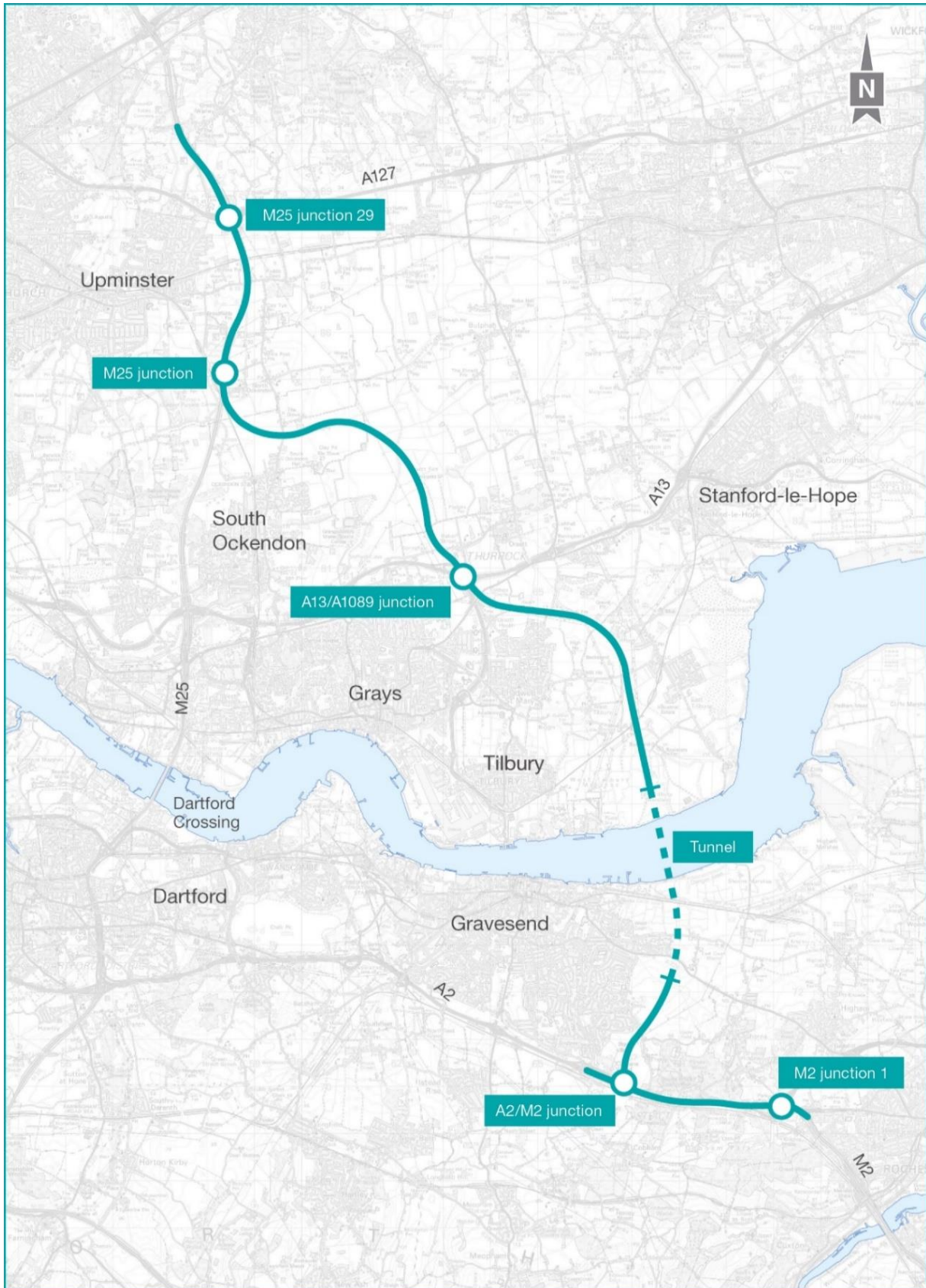
- 2.2.1 For over 58 years the Dartford Crossing has provided the only significant road crossing of the River Thames to the east of London. It is a critical part of the country's road network, connecting communities and businesses and providing a vital link for the nearby major ports. However, traffic flows on the Dartford Crossing are consistently in excess of the design capacity of the road which results in frequent congestion and poor journey time reliability, making it one of the least reliable sections of the strategic road network. The current operational challenges have significant negative impacts on users and non-users in terms of economic productivity and trade, social and user experience, and environmental impacts. For more information on the need case, refer to the Need for the Project (Application Document 7.1).

2.3 The Project

- 2.3.1 The Project would provide a connection between the A2 and M2 in Kent and the M25 south of junction 29, crossing under the River Thames through a tunnel. The Project route is presented in Plate 2.1.

- 2.3.2 The A122 would be approximately 23km long, 4.25km of which would be in tunnel. On the south side of the River Thames, the Project route would link the tunnel to the A2 and M2. On the north side, it would link to the A13, M25 junction 29 and the M25 south of junction 29. The tunnel portals would be located to the east of the village of Chalk on the south of the River Thames and to the west of East Tilbury on the north side.
- 2.3.3 Junctions are proposed at the following locations:
- a. New junction with the A2 to the south-east of Gravesend
 - b. Modified junction with the A13/A1089 in Thurrock
 - c. New junction with the M25 between junctions 29 and 30
- 2.3.4 To align with National Policy Statement for National Networks (Department for Transport, 2014) policy and to help the Project meet the Scheme Objectives, it is proposed that road user charges would be levied in line with the Dartford Crossing. Vehicles would be charged for using the new tunnel.
- 2.3.5 The Project route would be three lanes in both directions, except for:
- a. link roads
 - b. stretches of the carriageway through junctions
 - c. the southbound carriageway from the M25 to the junction with the A13/A1089, which would be two lanes
- 2.3.6 In common with most A-roads, the A122 would operate with no hard shoulder but would feature a 1m hard strip on either side of the carriageway. It would also feature technology including stopped vehicle and incident detection, lane control, variable speed limits and electronic signage and signalling. The A122 design outside the tunnel would include emergency areas. The tunnel would include a range of enhanced systems and response measures instead of emergency areas.
- 2.3.7 The A122 would be classified as an ‘all-purpose trunk road’ with green signs. For safety reasons, walkers, cyclists, horse riders and slow-moving vehicles would be prohibited from using it.
- 2.3.8 The Project would include adjustment to a number of local roads. There would also be changes to a number of Public Rights of Way, used by walkers, cyclists and horse riders. Construction of the Project would also require the installation and diversion of a number of utilities, including gas pipelines, overhead electricity powerlines and underground electricity cables, as well as water supplies and telecommunications assets and associated infrastructure.
- 2.3.9 The Project has been developed to avoid or minimise significant effects on the environment. The measures adopted include landscaping, noise mitigation, green bridges, floodplain compensation, new areas of ecological habitat and two new parks.

Plate 2.1 Lower Thames Crossing route



3 Strategy

3.1 National Highways' consents strategy

Background

- 3.1.1 It is possible for a wide range of matters to be included within the scope of a DCO. Section 33 of the Planning Act 2008 disapplies a number of consents required. In addition, section 120 of the Planning Act 2008 provides that a DCO may make provision for, or relating to, any matters listed in Schedule 5 of the Planning Act 2008, including the application, modification or disapplication of certain relevant statutory provisions where necessary or expedient for the purposes of giving full effect to the DCO. In addition, there are specific sections within the Planning Act 2008, which provide that a DCO may include certain other provisions.
- 3.1.2 There are however some limitations, most notably in section 150 of the Planning Act 2008, which stipulates that certain prescribed non-planning consents may only be disapplied or otherwise modified within a DCO with the agreement of the relevant consenting body.

Strategy

- 3.1.3 A DCO must be sought as the principal consent for the works (under the Planning Act 2008) including provision of the powers required for any necessary land acquisition and temporary land possession.
- 3.1.4 The Project benefits from the intent of the Planning Act 2008 and Government policy to enable development and construction-related consents to be included within the DCO. Therefore, where feasible and practical, additional consents have been included within the DCO. This would reduce the need for any further approvals before the works covered by the DCO can commence, as most of the consents required for construction would be in place at the point at which the DCO is granted.
- 3.1.5 The Project has been, and will continue to be, developed based on strong collaboration between the stakeholders, and any additional consents and agreements will be secured at relevant stages of the Project's development, as necessary. The progress on these items will be reported to the Examining Authority, with a summary of the current situation reported in Appendix A.

4 Consents and agreements

4.1 Consents

- 4.1.1 While the DCO will be the principal consenting mechanism for the Project, as described in paragraph 3.1.3, the DCO application may need to be supplemented by other applications if:
- 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 under section 150 of the Planning Act 2008
 - c. it is not desirable, or it is inappropriate, to include a consent within a DCO due to the stage of design development meaning the detail required is unavailable
- 4.1.2 At the point of submission, most of the consents and all the powers required will have been included, or addressed, within the DCO as permitted by various provisions of the Planning Act 2008. These fall into the following categories:
- a. Authorisation of all permanent and temporary works and, where necessary, Listed Building Consent and Scheduled Monument Consent (including work in Conservation Areas)
 - b. Consent to carry out works in a Site of Special Scientific Interest
 - c. Compulsory acquisition of land (including subsoil) and/or rights over land such as easements, restrictive covenants and the temporary possession of land
 - d. Consent to construct works on open spaces and other special category land
 - e. Consent to carry out street works
 - f. Highways matters (such as the classification of highways)
 - g. Traffic regulation matters (such as speed limits, clearways and prohibitions on use)
 - h. Powers to permanently stop-up streets and private means of access
 - i. Powers to temporarily close, alter, divert or restrict the use by vehicles, or classes of vehicles, or pedestrians of any street or private means of access
 - j. Consent to use private roads for construction and maintenance
 - k. Consent to carry out tree works, such as felling (including works to trees subject to a Tree Preservation Order, or in a Conservation Area, or subject to a felling licence)

- l. Consent to remove hedgerows, including any ‘important hedgerows’ (consent for which is not ordinarily required under The Hedgerows Regulations 1997 as National Highways benefits from the permission in Regulation 6(1)(h) of those regulations)
- m. Consent to undertake works in respect of flood risk activities
- n. Consent to undertake activities requiring drainage to ordinary watercourses
- o. Consents required under Water Resources Act 1991 and Land Drainage Act 1991 byelaws
- p. Consent to undertake works in the River Thames
- q. Consent to modify and maintain structures in, over or under a main river (subject to Deemed Marine Licence conditions)
- r. Consent to obstruct ordinary watercourses
- s. Consent to discharge to sewers
- t. Consent and powers to install and remove any apparatus belonging to utility undertakers and/or carry out utilities diversions
- u. Powers to make byelaws relating to the tunnel area

4.1.3 The draft DCO (Application Document 3.1) also proposes the disapplication and modification of local legislation. This is explained in further detail in the Explanatory Memorandum (Application Document 3.2).

4.1.4 A number of the above consents are prescribed in the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015. As a result, under section 150 of the Planning Act 2008, the relevant consenting body must agree to the inclusion (that is, disapplication) of these consents within the DCO.

4.1.5 Discussions between the Applicant and consenting bodies are ongoing.

4.1.6 The Applicant is confident that the necessary consents and agreements will be obtained before or during the Examination of its DCO application, in exchange for the Applicant including the appropriate protective provisions in the DCO.

4.1.7 The permits, consents and agreements that may need to be sought separately from the DCO are identified in Appendix A.

4.1.8 The permits and consents included in Appendix A are largely dependent on finalisation of the detailed design, the detailed construction site set-up and methodologies, and discussions with the consenting authorities. These are not sufficiently developed at this stage to confirm the requirements, and therefore it is not practical to include them within the DCO.

4.2 Agreements

- 4.2.1 Agreements with relevant stakeholders may be required in parallel to the DCO process and may take a variety of forms.

Statements of Common Ground

- 4.2.2 A fundamental part of the DCO process is the preparation and agreement of Statements of Common Ground (SoCGs) with a variety of relevant stakeholders to identify the matters on which parties agree and disagree, to narrow the focus of the Examination and to make the Examination process more efficient.
- 4.2.3 At the time of DCO application submission, SoCGs were being progressed with a number of parties as set out in the Statements of Common Ground (Application Document 5.4). The Statement of Commonality (Application Document 5.3) provides a matrix that sets out the status of each of the issues that are common between stakeholders.
- 4.2.4 Progress on finalising any SoCG or other forms of agreement, along with updated/final documents, will be reported to the Examining Authority before the close of the Examination.

Section 106 agreements

- 4.2.5 The Applicant is seeking to negotiate section 106 agreements with the host local authorities to agree matters that may be required to make the proposal acceptable in planning terms.
- 4.2.6 At the time of the DCO application submission, draft Heads of Terms have been set out (Application Document 7.3) and they will be subject to further discussion with the local authorities with the expectation of final agreements being negotiated by the close of the Examination.

Land agreements

- 4.2.7 To deliver the Project, both the temporary possession and permanent acquisition of land is required in accordance with section 120 of the Planning Act 2008. The case for the Project is set out in the Statement of Reasons (Application Document 4.1).
- 4.2.8 Chapter 4 and Annex B of the Statement of Reasons (Application Document 4.1) sets out the discussions the Applicant has had with land interest holders to acquire the land by agreement. The Applicant is satisfied that compulsory acquisition and temporary possession powers are required to ensure that the Project can be delivered in a reasonable timescale and in the event that it does not prove possible to acquire all of the land by agreement.

Environmental mitigation

- 4.2.9 All the environmental mitigation required and associated with the Project, including any aspects listed above, are secured under the DCO. See the Register of Environmental Actions and Commitments within the Code of Construction Practice (Application Document 6.3, Environmental Statement (ES) Appendix 2.2), and the outline Landscape and Ecology Management Plan (Application Document 6.7).

- 4.2.10 Letters of No Impediment (LONIs) are being sought with Natural England regarding the translocation of protected species and for works that may be undertaken in close proximity to protected species. Further detail is provided in Appendix A.
- 4.2.11 Discussions are ongoing with the following parties to deliver the following mitigation and compensation (though this does not affect the fact that the mitigation measures themselves are secured by the DCO and the Applicant will be required to deliver such mitigation in the absence of an agreement):
- a. Natural England – where protected species licences are required, discussions are ongoing with Natural England to ensure the draft licence applications are robust, and that Natural England will be able to issue LONIs for the following species: bats, badgers, dormice, great crested newts and water voles. Further information on the status of these licences is included in Appendix A.
 - b. Coalhouse Point habitat creation – the creation of a wetland at Coalhouse Point and construction of an associated water inlet with self-regulating valve or equivalent structure to ensure appropriate water supply to the wetland (via a formal agreement with Thurrock Council to supply water from the existing infrastructure within the Coalhouse Fort moat).
 - c. The Applicant is proposing to improve the pedestrian crossing infrastructure along Elaine Avenue in Strood, Brennan Road in Tilbury, Valley Drive in Gravesend and New Barn Road in Dartford, following an operational assessment of severance (based on traffic modelling and population data). This infrastructure will be secured by section 106 agreements with local authorities, as described in paragraphs 4.2.5 and 4.2.6.
 - d. Hole Farm Community Woodland – the creation of a community woodland that includes the early delivery of compensation for the Project. Refer to ES Chapter 2: Project Description (Application Document 6.1) for more information. The site would be managed by Forestry England on behalf of National Highways. Forestry England in partnership with National Highways are preparing a planning application to be submitted to Brentwood Borough Council under the Town and Country Planning Act 1990 for the hard infrastructure needed for the new community woodland. The tree planting (afforestation) would be undertaken in accordance with Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999.
- 4.2.12 In addition to the essential mitigation that must be delivered as detailed above, the Applicant is engaged in discussions with organisations relating to the delivery of mitigation outside the Order Limits, including the following:
- a. Water vole translocation – an agreement for a translocation site outside of the Order Limits is being discussed with Essex Wildlife Trust, in consultation with Natural England.

- b. Barn owl habitat mitigation – an agreement for the provision of barn owl boxes for essential mitigation, outside the Order Limits, is being discussed with Essex Wildlife Trust.
- c. Dormice – the Applicant has reached an agreement with Kent County Council and work has already begun within Shorne Woods Country Park to supplement dormouse mitigation, and to enhance habitat at the park.
- d. Reptile translocation – agreements for translocation sites outside of the Order Limits are being discussed with private landowners.

Highway Side Agreements

- 4.2.13 The Project is engaged in discussions with local highway authorities on draft highway agreements covering matters such as the handover of assets upon their completion.
- 4.2.14 The Contractor delivering the works would seek to enter into Detailed Local Operating Agreements or Local Operating Agreements with local highway authorities in relation to maintenance and operational matters during construction. Further information on this is provided in the outline Traffic Management Plan for Construction (Application Document 7.14).

References

Department for Communities and Local Government (2013). Planning Act 2008: Application Form Guidance. Accessed September 2022.
<https://www.gov.uk/government/publications/planning-act-2008-application-form>.

Department for Transport (2014). National Policy Statement for National Networks.

Glossary

| Term | Abbreviation | Explanation |
|--|------------------------|---|
| A122 | | The new A122 trunk road to be constructed as part of the Lower Thames Crossing project, including links, as defined in Part 2, Schedule 5 (Classification of Roads) in the draft DCO (Application Document 3.1) |
| A122 Lower Thames Crossing | Project | A proposed new crossing of the Thames Estuary linking the county of Kent with the county of Essex, at or east of the existing Dartford Crossing. |
| Application Document | | In the context of the Project, a document submitted to the Planning Inspectorate as part of the application for development consent. |
| Construction | | Activity on and/or offsite required to implement the Project. The construction phase is considered to commence with the first activity on site (e.g. creation of site access) and ends with demobilisation. |
| Department for Communities and Local Government | DCLG | The former name of the Ministry of Housing, Communities and Local Government, now the Department for Levelling Up, Housing and Communities. |
| Development Consent Order | DCO | Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008. |
| Development Consent Order application | DCO application | The Project Application Documents, collectively known as the 'DCO application'. |
| Environmental Statement | ES | A document produced to support an application for development consent that is subject to Environmental Impact Assessment (EIA), which sets out the likely impacts on the environment arising from the proposed development. |
| Health and Safety Executive | HSE | The government body responsible for health and safety regulation in Great Britain. |
| Letter of No Impediment | LONI | This is designed to provide the Planning Inspectorate and the Secretary of State with confidence that the competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of the proposals. |
| National Highways | | A UK government-owned company with responsibility for managing the motorways and major roads in England. Formerly known as Highways England. |
| National Policy Statement for National Networks | NPSNN | Sets out the need for, and Government's policies to deliver, development of Nationally Significant Infrastructure Projects (NSIPs) on the national road and rail networks in England. It provides planning guidance for promoters of NSIPs on the road and rail networks, and the basis for the examination by the Examining Authority and decisions by the Secretary of State. |

| Term | Abbreviation | Explanation |
|-----------------------------------|--------------|---|
| North Portal | | The North Portal (northern tunnel entrance) would be located to the west of East Tilbury. Emergency access and vehicle turn-around facilities would be provided at the tunnel portal. The tunnel portal structures would accommodate service buildings for control operations, mechanical and electrical equipment, drainage and maintenance operations. |
| Operation | | Describes the operational phase of a completed development and is considered to commence at the end of the construction phase, after demobilisation. |
| Order Limits | | The outermost extent of the Project, indicated on the Plans by a red line. This is the Limit of Land to be Acquired or Used (LLAU) by the Project. This is the area in which the DCO would apply. |
| Planning Act 2008 | | The primary legislation that establishes the legal framework for applying for, examining and determining Development Consent Order applications for Nationally Significant Infrastructure Projects. |
| Project road | | The new A122 trunk road, the improved A2 trunk road, and the improved M25 and M2 special roads, as defined in Parts 1 and 2, Schedule 5 (Classification of Roads) in the draft DCO (Application Document 3.1). |
| Project route | | The horizontal and vertical alignment taken by the Project road. |
| South Portal | | The South Portal of the Project (southern tunnel entrance) would be located to the south-east of the village of Chalk. Emergency access and vehicle turn-around facilities would be provided at the tunnel portal. The tunnel portal structures would accommodate service buildings for control operations, mechanical and electrical equipment, drainage and maintenance operations. |
| Statement of Common Ground | SoCG | A Statement of Common Ground is a written statement containing factual information about the proposal which is the subject of the appeal that the appellant reasonably considers will not be disputed by the local planning authority. |
| The tunnel | | Proposed 4.25km (2.5 miles) road tunnel beneath the River Thames, comprising two bores, one for northbound traffic and one for southbound traffic. Cross-passages connecting each bore would be provided for emergency incident response and tunnel user evacuation. Tunnel portal structures would accommodate service buildings for control operations, mechanical and electrical equipment, drainage and maintenance operations. Emergency access and vehicle turn-around facilities would also be provided at the tunnel portals. |

Appendix A Permits and consents that may be required

Table A.1 Consents and permits

| Issue | Consent/licence/agreement and legislation | Consenting authority | Requirement | Current position |
|---|--|----------------------|---|--|
| Installation/operation/plant operation/solvent emissions activities | Regulation 12 of the Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2016 (as amended) | Environment Agency | <p>Multiple permits are likely to be required for construction activities, e.g., storage and treatment activities such as materials crushing, concrete/bitumen plants, remediation plant, transfer stations, short-term (less than three years) material storage.</p> <p>Locations where such permits would be required are primarily construction compounds across the Project. During construction, construction compounds would be located along the Project route. Larger compounds would be required at the North and South Portals to allow for tunnelling operations and materials management.</p> | The requirement for this consent is not disapplied under the DCO. These environmental permits will be sought following detailed design when more specific information regarding construction operations and activity locations will be available. The Environment Agency is being consulted extensively on the likely nature of permits. |
| Water abstraction and impoundment | Water Abstraction: Licence under sections 24 and 25 of the Water Resources Act 1991 | Environment Agency | <p>Permits are likely to be required for construction activities, e.g., water abstraction for concrete processing; impoundment requiring changes to existing assets and de-watering.</p> <p>Locations where such permits would be required are primarily construction compounds across the Project.</p> | The requirement for this consent is not disapplied under the DCO. These consents will (where appropriate) be sought following detailed design, when more specific information regarding water usage and asset impoundments will be available. |

| Issue | Consent/licence/ agreement and legislation | Consenting authority | Requirement | Current position |
|---|---|----------------------|---|--|
| | | | During construction, construction compounds would be located along the Project route. Larger compounds would be required at the North and South Portals to allow for tunnelling operations and materials management. | |
| Environmental permits (water discharge and/or groundwater activity) | Regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016 (as amended) | Environment Agency | Permits will be required for dewatering, discharges to surface or groundwater from construction. At the northern tunnel entrance compound, a permit will be required for dewatering and discharge of groundwater, as well as for discharging other construction effluents, e.g. those generated by operation of the tunnel boring machine. At the southern tunnel entrance compound, a permit will be required for discharge of surface water runoff from the construction compound due to the potential for entrainment of chalk fines. The discharge would be received by a ditch that would convey flows to the River Thames. Additional permits may also be required for discharge of foul water to the sewage network under consent of the relevant utilities company. | These consents are likely to be sought following detailed design. The Environment Agency is being consulted extensively on the likely nature of permits, and the Applicant is engaging in enhanced pre-application advice. |

| Issue | Consent/licence/ agreement and legislation | Consenting authority | Requirement | Current position |
|--|---|----------------------|--|--|
| Environmental Permit (using, treating, storing and disposing of waste) | Regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016 (as amended) | Environment Agency | Permits will be required where treatment or storage of waste is proposed during construction or operation where it exceeds the provisions/requirements of an appropriate waste exemption. At the northern tunnel entrance compound, a permit(s) will be required where construction activities interact with the extant and currently permitted waste activities (operated by others). | The requirement for this consent is not disapplied under the DCO. Due to the complexity of interactions between construction activities and existing waste operations at the North Portal, these consents are likely to be sought as a priority. The Environment Agency is being consulted extensively on the likely nature of permits, and the Applicant continues to engage in enhanced pre-application advice. |
| European Protected Specie licensing | Conservation of Habitats and Species Regulations 2017 | Natural England | Required for the translocation of species in the Order Limits prior to the commencement of construction. | Ecology surveys have identified that the Project may have an impact upon bats, great crested newts and dormice. These licences are therefore likely to be required prior to commencement of construction activities. The licences will be sought in full following detailed design and further programme development, because survey information will be required that is specific to the timeframes and status of those undertaking the work. Natural England has been consulted extensively. At the time of application, a LONI is being sought for each of the following draft licences: bats, dormice and great crested newt. |

| Issue | Consent/licence/ agreement and legislation | Consenting authority | Requirement | Current position |
|-------------|--|----------------------|--|--|
| | | | | Further information can be found in ES Appendix 8.16: Draft EPS licence – bats; ES Appendix 8.17: Draft EPS licence – great crested newts; and ES Appendix 8.18: Draft EPS licence – dormouse (Application Document 6.3). |
| Water voles | Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) | Natural England | Required for the translocation of species in the Order Limits prior to the commencement of construction. | <p>Ecology surveys have identified that the Project may have an impact upon water voles. This licence is therefore likely to be required prior to commencement of construction activities.</p> <p>The licence will be sought in full following detailed design and further programme development, because survey information will be required that is specific to the timeframes and status of those undertaking the work.</p> <p>Natural England has been consulted extensively. At the time of application, a LONI is being sought for a draft licence with Natural England for the translocation of water voles.</p> <p>Further information can be found in ES Appendix 8.20: Draft Water Vole Conservation Licence Application (Application Document 6.3).</p> |

| Issue | Consent/licence/ agreement and legislation | Consenting authority | Requirement | Current position |
|----------------|---|----------------------|---|---|
| Badger licence | Protection of Badgers Act 1992 (section 10(1)(d)) | Natural England | Badger setts have been identified within the Order Limits and it may be necessary to undertake the closure and removal of confirmed badger setts during construction. This consent is therefore likely to be required prior to commencement of construction activities. | <p>Ecology surveys have identified that the Project may have an impact upon badgers. This licence is therefore likely to be required prior to commencement of construction activities.</p> <p>The licence will be sought in full following detailed design and further programme development, because survey information will be required that is specific to the timeframes and status of those undertaking the work. Natural England has been consulted extensively. At the time of application, a LONI is being sought for a licence for the closure and removal of empty badger setts identified within the Order Limits.</p> <p>The setts would be closed outside of the badger breeding season (between 1 December and 30 June). For any main setts that will be closed with no suitable naturally occurring alternative sett, an artificial sett will be constructed in a suitable location.</p> <p>Further information can be found in ES Appendix 8.19: Draft Badger Development Licence Application (Confidential) (Application Document 6.3)</p> |

| Issue | Consent/licence/ agreement and legislation | Consenting authority | Requirement | Current position |
|---|--|--------------------------------|--|---|
| Noise, vibration and environmental impact of construction works | Section 61 consent under the Control of Pollution Act 1974 | Local authority | For construction works and associated operations to approve further controls for potential disruption and impacts. | This consent is usually gained (where appropriate) immediately prior to or during construction when a detailed description of the construction programme is available. The requirement for this consent is not disapplied under the DCO, but its application has been modified and an appeals mechanism is included within Schedule 2 (Requirements) of the draft DCO (Application Document 3.1), relating to the Control of Pollution Act 1974 in the event an approval under section 61 is refused, or granted subject to conditions. |
| Self-Service Marine Licence | Marine and Coastal Access Act 2009 | Marine Management Organisation | For works that may be undertaken in the River Thames, or on the foreshore, which are not addressed through provisions made in the Deemed Marine Licence, a Self-Service Marine Licence would be required in addition to the Deemed Marine Licence. Such works would include: reprofiling, moving material, specific construction activities, maintenance, dredging, and the deposit or removal of any substance or object. | The requirement for this consent is not disapplied under the DCO. These consents will be applied for, following further detailed design when the required level of detail becomes available regarding river works. |
| Permits for road works and street works | Schemes made under the Traffic Management Act 2004 | Local authority | To book road space, enable the coordination of works and put in | The DCO proposes to apply local authority permit schemes subject to modifications that are compatible |

| Issue | Consent/licence/ agreement and legislation | Consenting authority | Requirement | Current position |
|---------------------------|--|----------------------|---|---|
| | | | place temporary traffic management on local roads. | with the precedented approach to disapplying provisions of the New Roads and Street Works Act 1991, and which would ensure that conditions which may conflict with an Order (if granted) could not be imposed on National Highways. |
| Hyperbaric working | The Work in Compressed Air Regulations 1996. Regulation 21 of the 1996 Regulation grants the Health and Safety Executive (HSE) the power to <i>'exempt any person or class of persons from all or any of the requirements or prohibitions imposed by these [1996] Regulations'</i> . | HSE | HSE to sign off a derogation from the regulations to authorise work above 3.45 bar. | The requirement for this consent is not disapplied under the DCO. Outline requirements agreed with HSE and incorporated into Project specifications and scope. This is recorded in the Statement of Common Ground between National Highways and the Health and Safety Executive (Application Document 5.4.3.8). |
| Material assets and waste | The Control of Asbestos Regulations 2012 | HSE | Required for any work with asbestos. | The requirement for this consent is not disapplied under the DCO. Given the age of some of the buildings to be demolished, it is possible that asbestos will be encountered. As such, a licence may be needed. If required, a licence will be sought by the Contractor prior to work taking place. |

| Issue | Consent/licence/ agreement and legislation | Consenting authority | Requirement | Current position |
|-------------------|--|-------------------------|---|--|
| Discharging waste | Trade Effluent Consent under the Water Industry Act 1991 | Local water undertaker | For the purposes of discharging trade effluent from welfare facilities. | The requirement for this consent is not disapplied under the DCO. The requirement for a Trade Effluent Consent will be discussed with the relevant local water undertaker should it be required during the construction phase. |

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

© Crown copyright 2022.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence:

visit www.nationalarchives.gov.uk/doc/open-government-licence/

write to the **Information Policy Team, The National Archives, Kew, London TW9 4DU**, or email psi@nationalarchives.gsi.gov.uk.

Mapping (where present): © Crown copyright and database rights 2022 OS 100030649. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

If you have any enquiries about this publication email info@nationalhighways.co.uk or call **0300 123 5000***.

*Calls to 03 numbers cost no more than a national rate call to an 01 or 02 number and must count towards any inclusive minutes in the same way as 01 and 02 calls.

These rules apply to calls from any type of line including mobile, BT, other fixed line or payphone. Calls may be recorded or monitored.

Printed on paper from well-managed forests and other controlled sources when issued directly by National Highways.

Registered office Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ

National Highways Company Limited registered in England and Wales number 09346363