

A47/A11 Thickthorn Junction
Scheme Number: TR010037

Volume 3

**3.3 Consents and Agreements Position
Statement**

APFP Regulation 5(2)(q)

Planning Act 2008

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

March 2024

Infrastructure Planning

Planning Act 2008

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

A47/A11 Thickthorn Junction Development Consent
Order 202[X]

**CONSENTS AND AGREEMENTS POSITION
STATEMENT**

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|--|---|
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1. INTRODUCTION

1.1. Purpose and Objective

1.1.1. This Consents and Agreements Position Statement (this Statement) relates to an application made by Highways England (the Applicant) to the Secretary of State for Transport via the Planning Inspectorate (the Inspectorate) under the Planning Act 2008 (PA 2008) for a Development Consent Order (DCO). If made, the DCO would grant consent for the A47/A11 Thickthorn Junction Scheme (the Scheme).

1.1.2. The Scheme comprises

1.1.2.1. a single-lane free-flowing road connecting the A11 northbound to the A47 eastbound via two underpasses (under the A11 and A47 respectively)

1.1.2.2. improvements to the junction:

- widening the existing slip road on the A47 westbound and building a dedicated left-hand free flow lane to the A11 southbound
- widening the southern section of the roundabout from three lanes to four
- new traffic lights on the approach to / from the junction with the B1172 Norwich Road
- new road surface on the circulatory, plus new road signs and road markings throughout the junction

1.1.2.3. removal of the Cantley Lane South direct connections between the A11 and A47 exit slip roads

1.1.2.4. new link road connecting Cantley Lane South with the B1172 Norwich Road to the north and construction of two new bridges

1.1.2.5. new junction connecting the B1172 Norwich Road to Cantley Lane Link Road

1.1.2.6. new junction connecting Cantley Lane South to Cantley Lane Link Road

1.1.2.7. existing Cantley Lane stream and access track realigned and one new stream culvert constructed

1.1.2.8. new Cantley Lane Footbridge over the A47 for walkers, cyclists and horse riders (WCH) approximately 45m south-east of the existing footbridge, which will be demolished; the footbridge will have higher railings to improve safety for horse riders

1.1.2.9. paths for walking and cycling proposed along the new Cantley Lane Link Road giving access to local amenities and links to other recreational routes

1.1.2.10. access to the Park and Ride from the Cantley Lane Link Road for walkers and cyclists

- 1.1.3. A detailed description of the Scheme can be found in Chapter 2: The Proposed Scheme of the Environmental Statement (ES) (**TR010037/APP/6.1**).
- 1.1.4. The purpose of this Statement is to identify the consents and associated agreements which will be needed to implement the Scheme along with the Applicant's intended strategy for obtaining those consents and agreements.
- 1.1.5. This Statement has been prepared and submitted in compliance with Regulation 5(2)(q) of the Infrastructure Planning (Prescribed Forms and Procedure) Regulations 2009 which states the application must be accompanied by

“...(q) any other documents considered necessary to support the application”.

2. STRATEGY

2.1. Highways England's Consent 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 PA 2008) and to provide the necessary land acquisition and temporary possession powers
- The intent of the PA 2008 and Government policy is to enable development and construction-related consents to be included within the DCO; therefore, where possible and practicable, other necessary consents have been included within the DCO that will authorise the Scheme
- The Scheme benefits from the intent of the PA 2008 and Government policy as most of the consents required for the construction of the Scheme will be 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
- The Scheme has been, and will be, developed based on strong collaboration between the key stakeholders. Consents and agreements are expected to be secured at key stages of Scheme development as necessary. Progress on these items will be reported to the Examining Authority, with a summary of the current situation reported in **Appendix A** of this Statement.

3. CONSENTS AND AGREEMENTS

3.1. Consents

3.1.1. The principal consent for the Scheme will be a DCO. The DCO process provides development consent for the works and enables land acquisition and temporary possession, along with many consents and powers to be dealt with at the same time.

3.1.2. However, the DCO application may 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
- c) It is not desirable, nor appropriate, to include a consent within a DCO due to the stage of design development because the detail required is not yet available.

3.1.3. At this point (the submission of the DCO application) the majority of the consents and all the powers required have been included, or addressed, within the DCO as permitted by various provisions of the PA 2008. These fall into the following categories:

- authorisation of all permanent and temporary works (equivalent of planning permission). Conservation area consent and listed building consent do not need to be addressed for this Scheme.
- compulsory acquisition of land and / or 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 and classifying types of highway)
- traffic regulation matters (such as speed limits, clearways and restrictions on use)
- powers 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 and consent to carry out any required utility diversions (subject to protective provisions).

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

3.1.5. The content of **Appendix A** is 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 practicable to include them within the DCO.

3.2. **Agreements**

3.2.1. Agreements with relevant stakeholders 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 a variety of relevant stakeholders to identify the matters on which parties agree and disagree, Their purposes is to narrow the focus for examining the application concerned and to make the Examination process more efficient. This will be prohedressed by the Applicant where appropriate. In this regard SoCGs are proposed with:

- South Norfolk Council
- Norfolk County Council
- Historic England
- Natural England
- Environment Agency

- 3.2.3. These will be progressed by Highways England where appropriate and will be accompanied by a Statement of Commonality setting out the SoCG's being prepared, the progress with each and the common issues on which each party agrees. A Statement of Commonality will be submitted when there is sufficient progress with SoCGs for this to add value to the process.
- 3.2.4. 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.
- 3.2.5. 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.

Appendix A – Table of consents and agreements

| Issue | Consent/ Licence Agreement and Legislation | Consenting Authority | Requirement | Status of negotiation |
|---|--|---|---|---|
| Protected Species Licences | <p>A licence under Section 16, Wildlife and Countryside Act 1981</p> <p>Conservation of Habitat and Species Regulations 2017</p> | Natural England | Licences for bats and water voles will be required, <u>and may be required for GCN depending on survey results</u> | <p>Chapter 8: Biodiversity of the Environmental Statement (TR010037/APP/6.1) confirms the presence of bat roosts and water voles.</p> <p>Draft licences have been prepared and will be submitted to Natural England, in order to obtain a letter of no impediment.</p> |
| Temporary and permanent works affecting the flow in ordinary watercourses | <p>Land Drainage Act 1991 Section 23</p> <p>Flood and Water Management Act 2010</p> | Lead Local Flood Authority (Norfolk County Council) | Land Drainage Consent application will be required to allow for any temporary or permanent works that may affect the flow of an ordinary watercourse (i.e. all watercourses/ ditches that can convey water at times (except Main Rivers)) | Consents will be required for construction works within, over or adjacent to ordinary watercourses. However, detail required for the consents cannot be provided until a detailed design for the Scheme has been developed. The above will be covered in a SoCG with Norfolk County Council prepared after submission of the DCO application. |
| Temporary water discharge activities (this does not apply to operational | Environmental Permitting (England and Wales) Regulations 2016 | Environment Agency | Water discharge permits required for the discharge | The detail required for the consents cannot be provided until a detailed design for the Scheme has |

| Issue | Consent/ Licence Agreement and Legislation | Consenting Authority | Requirement | Status of negotiation |
|--|---|----------------------|--|---|
| discharges from the highway) | | | or entry of any poisonous, noxious or polluting matter, waste matter, trade or sewerage effluent to any inland freshwater, coastal waters or territorial waters. | been developed. Progress of these discussions will be reported in a SOCG produced with the Environment Agency following submission of the DCO application. |
| Groundwater dewatering during construction works | <p><u>Abstraction Licence</u> Water Resources (Abstraction and Impounding) Regulations 2008 & Water Abstraction and Impounding (Exemptions) Regulations 2017). Discharge of water from dewatering operations (Environmental Permitting (England and Wales) Regulations 2016).</p> | Environment Agency | Works within the saturated aquifer may require dewatering. Dewatering volumes above 100m ³ /day require a transfer or abstraction licence. A licensing exemption limit may be reduced to 50m ³ /day (<u>for 6 or less consecutive months</u>) or <u>>20m³/day (for over 6 consecutive months)</u> , depending on whether there are conservation sites within 500m or springs, wells or boreholes | Need to confirm whether a licence is required prior to works starting. Progress of these discussions will be reported in a SOCG produced in discussion with the Environment Agency following submission of the DCO application. |

| Issue | Consent/ Licence Agreement and Legislation | Consenting Authority | Requirement | Status of negotiation |
|---|---|----------------------|---|---|
| | | | used to supply water for any lawful use within 250m of the proposed abstraction. Licensing will be subject to further impact assessments on any identified receptors. | |
| Water discharges during groundwater dewatering activities | Environmental Permit Water Resources (Abstraction and Impounding) Regulations 2008 & Water Abstraction and Impounding (Exemptions) Regulations 2017). Discharge of water from dewatering operations (Environmental Permitting (England and Wales) Regulations 2010). | Environment Agency | Discharging of dewatered volumes may also require a bespoke discharge permit. Treatment measures may be required depending on the quality of water abstracted, and the receiving waterbody. | The permit will be applied for prior to works starting. Progress in these discussions will be reported in a SOCG produced in discussion with the Environment Agency following submission of the DCO application. |
| Diversion of watercourses/de watering of ponds | Water Resources Act 1991 | Environment Agency | Construction activities planned for the diversion of watercourses prior to works starting. | Progress in these discussions will be reported in a SOCG produced in discussion with Norfolk County Council following |

| Issue | Consent/ Licence Agreement and Legislation | Consenting Authority | Requirement | Status of negotiation |
|---------------------|---|---|---|--|
| | | | | submission of the DCO application. |
| Waste and materials | <p>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).</p> <p>Pollution Prevention and Control Act 1999 (Environmental Permitting) England and Wales) Regulations 2016</p> | Environment Agency | For importation and treatment of limited quantities and types of material site. May be required depending on nature of activities taking place during construction. | The Environment Agency will be informed of the intention by the Applicant to seek such exemptions prior to the start of construction activities in the location where these exemptions are required. If further detail on the need for these exemptions arises during the examination this will be provided in a draft SOCG between the parties. |
| Waste materials | <p>Mobile plant licence<u>permit</u> for crushing operations on site</p> <p>Pollution Prevention and Control Act 1999, Environmental Permitting (England and Wales) Regulations 2016.</p> | <p><u>Local authority</u></p> <p>Environment Agency</p> | If the contractor does not have their own mobile plant permit. | Discussions will take place with the Environment Agency in advance of the construction works requiring crushing operations and mobile plant to determine the need for these permits. |
| Waste materials | <p>CL:aire Materials Management Plan.</p> <p>CL:aire (2011) Definition of Waste: Develop</p> | Environment Agency | It is considered that the majority of soil materials excavated during the works could be | It is not required to discuss this with the Environment Agency at this time. The Environmental Management Plan (TR010037/APP/7.6) |

| Issue | Consent/ Licence Agreement and Legislation | Consenting Authority | Requirement | Status of negotiation |
|------------------|---|----------------------|---|---|
| | <p>ment Industry Code of Practice (V.2) (DoWCOP).</p> | | <p>reused within order limits following guidance in CL:aire (2001) Definition of Waste: Development Industry Code of Practice (V.2) (DoWCOP).</p> | <p>secures a materials management plan which will be discussed with the Environment Agency and developed further in accordance with requirement 4 of the DCO (TR010037/APP/3.1)</p> |
| Trade effluent | <p>Trade effluent consent</p> <p>Water Industry Act 1991</p> | Anglian Water | <p>To discharge trade effluent into a public sewer a trade effluent consent is required from the Sewerage Undertaker responsible for the upkeep of the public sewer. Anglian Water is the Sewerage Undertaker in the east of England.</p> | <p>Discussion will take place with Anglian Water following examination and prior to commencement of construction</p> |
| Waste Operations | <p>Environmental permit for waste operations</p> <p>Pollution Prevention and Control Act 1999, Environmental Permitting (England and Wales) Regulations 2016.</p> | Environment Agency | <p>If it can't be demonstrated that the use of materials can be used within the requirements of the CL:aire (2011) Definition of Waste: Development Industry Code of Practice</p> | <p>Discussions will take place with the Environment Agency in advance of the construction works to determine the need for this permit.</p> |

| Issue | Consent/ Licence Agreement and Legislation | Consenting Authority | Requirement | Status of negotiation |
|---|---|-----------------------|---|--|
| | | | (V.2) (DoWCOP) | |
| Noise and vibration during the construction stage | Section 61 Control of Pollution Act 1974 (if proposed by the contractor). | South Norfolk Council | Consent would provide the Applicant from protection from subsequent action by the local authority under Section 61 of the Control of Pollution Act 1974 or under Section 80 of the Environmental Protection Act 1990. | Discussions with South Norfolk Council regarding a Section 61 consent will be undertaken with the local authority should it be considered necessary to do so during the construction phase. |
| Consent for felling of trees | Felling Licence – Forestry Act 1967 | Forestry Commission | Powers for removal of trees for construction of the Scheme including trees protected by Tree Preservation Orders are sought within the draft DCO (TR010037/AP P/3.1). However, trees that are felled for purposes other than construction (for instance ecological enhancement) may require further approval from | No discussions have taken place with the Forestry Commission and/or local authority regarding an application, but a prior notification can be made 2-3 months prior to works being carried out. There is currently insufficient detail of the design to enable such an application to be prepared. |

| Issue | Consent/ Licence Agreement and Legislation | Consenting Authority | Requirement | Status of negotiation |
|-------|--|----------------------|---|-----------------------|
| | | | <p>the Forestry Commission or local authority under a Felling Licence. This involves notifying the Forestry Commission in advance of felling such trees. Certain tree felling can be carried out under an exemption that limitations apply so Felling Licences may be required.</p> | |