

**A47 North Tuddenham to Easton Dualling
Scheme Number: TR010038**

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-September 2021

Infrastructure Planning

Planning Act 2008

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

A47 North Tuddenham to Easton
Development Consent Order 202[X]

**CONSENTS AND AGREEMENTS POSITION
STATEMENT**

Regulation Number:	5(2)(q)
Planning Inspectorate Scheme Reference:	TR010038
Application Document Reference:	TR010038/APP/3.3
BIM Document Reference:	PCF STAGE 3 HE551489-GTY-LSI-000-RP-TX-30024 C02
Author:	A47 North Tuddenham to Easton Dualling Project Team, Highways England

Version	Date	Status of Version
Rev. 0	March 2021	Application Issue
Rev. 1	September August 2021	Updated for Deadline 1

CONTENTS

1. Introduction	4
1.1. Purpose and Objective.....	4
1.2. Description of the Proposed Scheme.....	4
2. Strategy	6
2.1. Consent Strategy.....	6
2.2. Highways England Approach.....	6
3. Consents and Agreements	7
3.1. Consent.....	7
3.2. Agreements.....	9

List of Appendices

Appendix A – Table of Consents and Agreements

1. INTRODUCTION

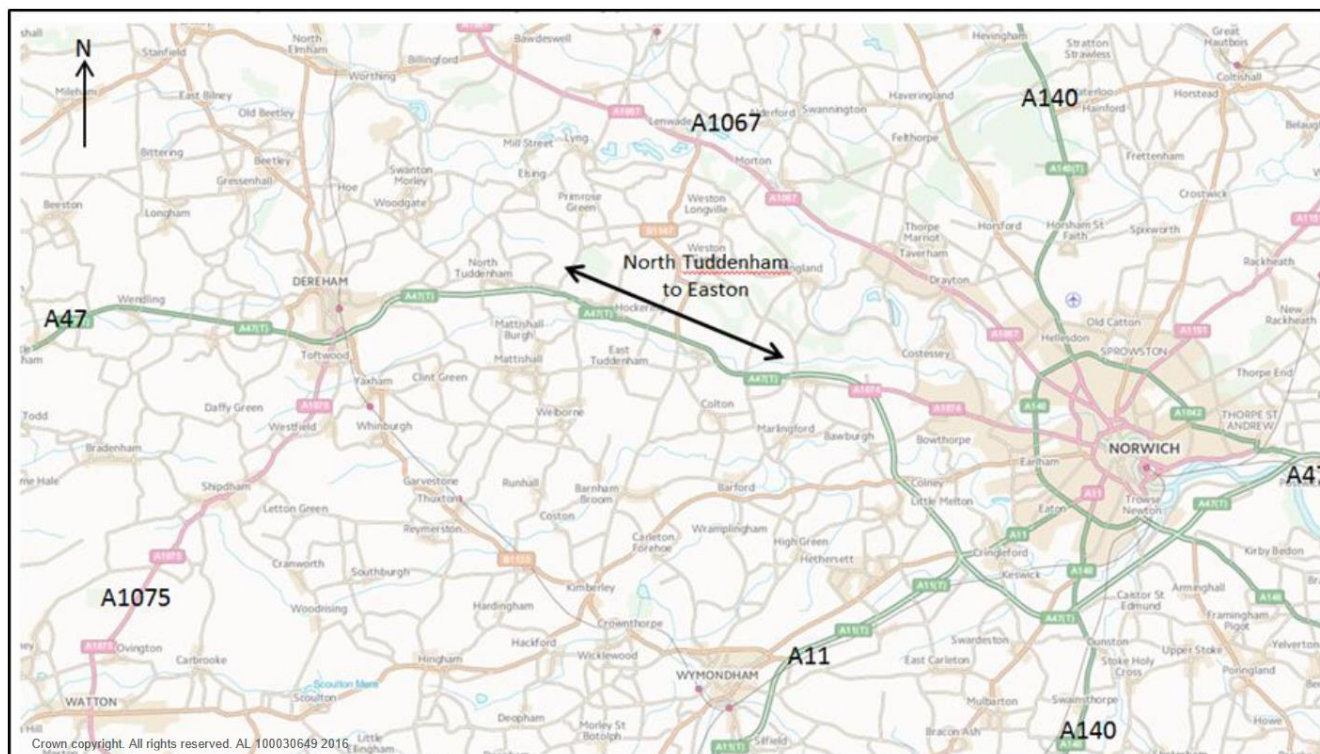
1.1. Purpose and Objective

- 1.1.1. This Consents and Agreements Position Statement (this 'Statement') sets out Highways England's intended strategy for obtaining the consents and associated agreements needed to implement the A47 North Tuddenham to Easton Dualling Scheme (the 'Scheme'). It is submitted in accordance with regulation 5(2)(q) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures Regulations) 2009 as a document that Highways England considers necessary to support the application.
- 1.1.2. The purpose and objective of this Statement is to identify what consents and agreements are expected to be needed for the Scheme and how these will be obtained.

1.2. Description of the Scheme

- 1.2.1. The Scheme is located between the villages of North Tuddenham and Easton, in Norfolk, where there is currently a section of single carriageway forming part of the main arterial highway route connecting Norwich and Great Yarmouth to King's Lynn and then on to Peterborough, Leicester and the Midlands.
- 1.2.2. The Scheme will upgrade the section of the A47 between North Tuddenham and Easton, west of Norwich, to a new dual carriageway running south of the existing A47 at Hockering and to the north of the existing A47 at Honingham. This will relieve congestion, reduce journey times, encourage economic growth and improve our customers' experience.
- 1.2.3. A detailed description of the Scheme is provided in Chapter 2 (The Proposed Scheme) of the Environmental Statement (**TR010038/APP/6.1**).

Figure 1.1: Location of the Scheme¹



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 Planning Act 2008 ("the 2008 Act")) including to provide the necessary land acquisition and temporary possession powers;
- The intent of the 2008 Act and Government policy is to enable development and construction-related consents to be included within the DCO; therefore, where possible and practicable, additional consents have been included within the DCO.
- The Scheme benefits from the intent of the 2008 Act 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; and
- The Scheme has and will be developed based on strong collaboration between the key stakeholders, and any additional consents and agreements will be secured at key stages of project development as necessary. The progress on

¹ Extracted from RIS East Area 6, A47 North Tuddenham to Easton, Scheme Assessment Report.

these items will be reported to the Examining Authority, with a summary of the current situation reported in section 3 of this document and in the Appendices.

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; or
- c) It is not desirable, or it is inappropriate, 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 2008 Act. These fall into the following categories:

- authorisation of all permanent and temporary works
- 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)
- consent to stop up and re-provide private means of access
- consent to carry out tree works (including works to trees subject to a Tree Preservation Order)
- consent to remove hedgerows (including any 'important hedgerows')
- 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, to narrow the focus for examining the application concerned and to make the examination process more efficient.
- 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	Conservation of Habitat and Species Regulations 2017 Wildlife and Countryside Act 1981	Natural England	Great Crested Newts Bats Badgers Water Voles	Consents required, and the detail required for the consents will be provided once the detailed design for the Scheme has been developed. The licence will be applied for prior to commencement,
Temporary and permanent works affecting the flow in ordinary watercourses	Land Drainage Act 1991 Section 23 Flood and Water Management Act 2010	Lead Local Flood Authority (Norfolk County Council)	County Council (as Lead Local Flood Authority, LLFA) 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))	Multiple consents will be required. The LLFA has previously been consulted on the form, size and design of proposed ordinary watercourse crossings. This has included a review of the FRA, for which the LLFA provided comments. In principle it is understood that the LLFA is content with the design proposals. The above will be covered in a Statement of Common Ground with SCC prepared after submission of the DCO application. However, detail required for the consents cannot be provided until a detailed design for the Scheme has been developed.
Temporary water discharge activities (this	Environmental Permitting (England and	Environment Agency	Water discharge permits	Progress in these discussions will be reported in a SOCG

Issue	Consent/ Licence Agreement and Legislation	Consenting Authority	Requirement	Status of Negotiation
does not apply to operational discharges from the highway)	Wales) Regulations 2016 Water Resources (Abstraction and Impounding) Regulations 2008 Water Abstraction and Impounding (Exemptions) Regulations 2017).		required for the discharge or entry of any poisonous, noxious or polluting matter, waste matter, trade or sewerage effluent to any inland freshwater, coastal waters or territorial waters. It also includes disturbance of existing sediments being held back by a structure or the cutting or uprooting of a substantial amount of vegetation in any inland freshwaters or so near to any such waters that it falls into them where it is not reasonable to take steps to remove the vegetation from these waters	produced in discussion with the EA following submission of the DCO application.
Temporary dewatering during construction at works	Water Resources Act 1991 Water Resources (Abstraction and	Environment Agency	A temporary water abstraction licence is required for the temporary	Progress in these discussions will be reported in a SOCG produced in discussion with the Environment Agency

Issue	Consent/ Licence Agreement and Legislation	Consenting Authority	Requirement	Status of Negotiation
Temporary water abstraction works	Impounding) Regulations 2008 The Water Abstraction and Impounding (Exemptions) Regulations 2017 Environmental Permitting (England and Wales) Regulations 2016		abstraction of waterfall, watercourse or groundwater where more than 20m ³ /day for less than 28 consecutive days, or a full licence for a longer period, and no exceptions apply.	following submission of the DCO application.
Diversion of watercourses/ dewatering of ponds	Water Resources Act 1991	Environment Agency	A transfer licence may be required from the Environment Agency for the diversion of a watercourse where more than 20m ³ of water per day is moved from one source to another without intervening use. An impoundment licence may also be required subject to consultation with the Environment Agency (see below).	Progress in these discussions will be reported in a SOCG produced in discussion with the Environment Agency following submission of the DCO application.
Impoundment of water bodies	Water Resources Act 1991	Environment Agency	An impoundment licence may be	Progress in these discussions will be reported in a SOCG

Issue	Consent/ Licence Agreement and Legislation	Consenting Authority	Requirement	Status of Negotiation
			required from the Environment Agency for structures within inland waters that can change water levels and flow.	produced in discussion with the Environment Agency following submission of the DCO application.
<p>Waste and materials</p>	<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</p> <p>Environmental Permitting) England and Wales) Regulations 2016.</p>	<p>Environment Agency.</p>	<p>For importation and treatment of limited quantities and types of waste material on to site.</p> <p>–May be required depending on nature of activities taking place during construction.</p> <p><u>Environmental permit may be required in the unlikely event of the importation and treatment of waste falling outside the scope or limits detailed in either a Regulatory Position Statement or a waste exemption.</u></p>	<p>The Environment Agency will be informed of the intention by Highways England 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.</p>

Issue	Consent/ Licence Agreement and Legislation	Consenting Authority	Requirement	Status of Negotiation
Material Assets and Waste materials	<p>Mobile plant permit for crushing operations on site if not using a contractor with their own mobile permit.</p> <p>Pollution Prevention and Control Act 1999, Environmental Permitting (England and Wales) Regulations 2016.</p>	<p>Environment Agency and the local authority.</p>	-	<p>Discussions will take place with the Environment Agency and local authority in advance of the construction works requiring crushing operations and mobile plant to determine the need for these permits.</p>
Material Assets and Waste materials	<p>CL:AIREaire Materials Management Plan.</p> <p>CL:AIREaire (2001) Definition of Waste: Development Industry Code of Practice (V.2) (DoWCOP).</p>	<p>Environment Agency.</p>	<p>It is considered that the majority of soils and stones materials excavated during the works could be reused within order limits following guidance in CL:AIREaire (2001) Definition of Waste: Development Industry Code of Practice (V.2) (DoWCOP).</p>	<p>It is not required to discuss this with the Environment Agency at this time. It is the intention of Highways England to commence discussions regarding the use of a materials management plan and put suitable management plans in place following examination and prior to commencement of construction.</p>
<p>Noise and vibration during the construction stage</p>	<p>Section 61 Control of Pollution Act 1974 - consent if proposed by the contractor.</p>	<p>Broadland District Council</p>	<p>Consent would provide Highways England with protection from subsequent action by the local authority</p>	<p>Discussions with the Council regarding a Section 61 Agreement will be undertaken directly between the contractor and the local authority should</p>

Issue	Consent/ Licence Agreement and Legislation	Consenting Authority	Requirement	Status of Negotiation
			under Section 61 of the Control of Pollution Act 1974 or under Section 80 of the Environmental Protection Act 1990.	it be considered necessary to do so during the construction phase.
Consent for felling of trees	Felling Licence – Forestry Act 1967	Local authority/ Forestry Commission	Powers for removal of trees for construction of the scheme including trees protected by Tree Preservation Orders are sought within the Development Consent Order. However, trees that are felled for purposes other than construction (for instance ecological enhancement) may require further approval from the Forestry Commission or local authority under a Felling Licence. This involves notifying the Forestry Commission in advance of	No discussions have taken place with the Forestry Commission and/or local authority regarding an application in relation to the Scheme, and 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
			felling such trees. Certain tree felling can be carried out under an exemption that limitations apply so Felling Licences may be required.	
<p>Consent for:</p> <ul style="list-style-type: none"> - discharge of surface water into watercourses - alterations to a watercourse (including infilling, culverting, or amending) - works within 9m of adopted watercourse or other drainage or flood risk management infrastructure 	<p>Consent from Norfolk Rivers Internal Drainage Board under:</p> <ul style="list-style-type: none"> - Byelaw 3 - Byelaw 4; and - Byelaw 10 <p>Land Drainage Act 1991 Section 23</p>	<p>Norfolk Rivers Internal Drainage Board</p>	<p>Consent is required from the Norfolk Rivers Internal Drainage Board to introduce any water into drainage/flood risk management infrastructure managed by the IDB, alterations to the watercourse or structures, and for any works to be carried out within 9m of the IDB's infrastructure that are required as a result of the Scheme.</p>	<p>The Norfolk Rivers Internal Drainage Board have been contacted in relation to the Scheme and a response is awaited. Highways England will continue to liaise with the IDB in relation to required consents and approvals.</p>
<p>Flood Risk Activity Permit/Licence (temporary and permanent works affecting a main river)</p>	<p>Environmental Permitting (England and Wales) Regulations 2016 Act (as amended)</p>	<p>Environment Agency</p>	<p>Construction activities are planned within 8m of the River Tud and its floodplain (a main river)</p>	<p>Permit/Licence required, and the detail required for the permit/licence will be provided once the detailed design for the Scheme has been developed.</p>

Issue	Consent/ Licence Agreement and Legislation	Consenting Authority	Requirement	Status of Negotiation
	Flood and Water Management Act (2010)		PC or subcontractor to apply for permit prior to works starting. Licence must be applied for 12 months in advance of the works.	Once further detail is known, the Applicant will liaise with the EA.