

A47 Wansford to Sutton Dualling

Scheme Number: TR010039

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 2022 July 2024

Deadline 3

Infrastructure Planning

Planning Act 2008

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

A47 Wansford to Sutton
Development Consent Order 202[x]

3.3 CONSENTS AND AGREEMENTS POSITION STATEMENT

Regulation Number:	Regulation 5(2)(q)
Planning Inspectorate Scheme Reference	TR010039
Application Document Reference	3.3
BIM Document Reference	PCF STAGE 3 HE551494-GTY-LSI-000-RP-TX-30073 P01.01
Author:	A47 Wansford to Sutton Dualling Project Team, Highways England

Version	Date	Status of Version
Rev 0	July 2021	Application Issue
<u>Rev 1</u>	<u>March 2022</u>	<u>Deadline 3</u>

CONTENTS

1	INTRODUCTION	1
1.1	Purpose and Objective.....	1
1.2	Description of the Scheme.....	1
2	STRATEGY	1
2.1	Consent Strategy.....	1
2.2	Highways England Approach.....	1
3	CONSENTS AND AGREEMENTS	2
3.1	Consents.....	2
3.2	Agreements.....	3

1 INTRODUCTION

1.1 Purpose and Objective

1.1.1 This Consents and Licences Position Statement (this 'Statement') sets out Highways England's intended strategy for obtaining the consents and associated agreements needed to implement the proposed A47 Wansford to Sutton 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 the consents and agreements which are expected to be necessary to implement the Scheme and confirm how these consents will be obtained (subject to the Scheme attaining development consent).

1.2 Description of the Scheme

1.2.1 The Scheme comprises the alteration of the existing highway by way of an upgrade to an existing 2.6km of single carriageway between Wansford and Sutton. It will create a new dual carriageway to improve traffic flow and reduce congestion on the route.

1.2.2 The A47 trunk road forms part of the national strategic road network located at the junction of the A1 and the A47 to the west of Peterborough.



Figure 1.1 Location of the Scheme

1.2.3 A detailed description of the Scheme is provided in Chapter 2 The Proposed Scheme of the Environmental Statement (ES) **(TR010039/APP/6.1)**. In summary, the key elements of the Scheme include:

- approximately 2.6km of new dual carriageway constructed largely offline of the existing A47, including the construction of two new underpasses
- a new free-flow link road connecting the existing A1 southbound carriageway to the new A47 eastbound carriageway
- a new link road from the Wansford eastern roundabout to provide access to Sacrewell Farm, the petrol filling station and the Anglian Water pumping station
- closure of the existing access to Sacrewell Farm with a new underpass connecting to the farm from the link road provided
- a new slip road from the new A47 westbound carriageway also providing access to the petrol filling station
- a link road from the relocated A47 Sutton Heath roundabout, linking into Sutton Heath Road and Langley Bush Road
- new junction amendments for access to Sutton Heath Road and Langley Bush Road
- closure of the existing access to the A47 from Sutton Heath Road, Sutton Drift and Upton Road
- new passing places and limited widening along Upton Drift (also referenced as Main Road)
- new walking and cycling routes, including a new underpass at the disused railway
- new safer access to the properties on the A1, north of Windgate Way
- installation of boundary fencing, safety barriers and signage.
- new drainage systems including:
 - two new outfalls to the River Nene
 - a new outfall to Wittering Brook
 - extension of the A1 culvert at the Mill Stream
 - realignment and extension of Wansford Sluice
 - new attenuation basins, with pollution control devices, to control discharges to local watercourses
- River Nene compensatory flood storage area
- works to alter or divert utilities infrastructure, such as electricity lines, water pipelines and telecommunications lines

- temporary compounds, material storage areas and vehicle parking required during construction
- environmental mitigation measures.

1.2.4 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.

2 STRATEGY

2.1 Consent Strategy

2.1.1 The basis of Highways England's consent 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;
- the Scheme has been 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. Progress on these items will be reported to the Examining Authority.

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. Therefore, where possible and practicable, additional consents have been included within the DCO.

2.2.2 The consents strategy reflects 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.

2.2.3 Engagement with statutory consultation bodies has informed the approach during the pre-application stage. Highways England is seeking to agree with each relevant 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.

2.2.4 The need for the Scheme is set out in the Case for the Scheme (**TR010039/APP/7.1**).

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 The DCO 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
- 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
- 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 flood risk and water discharge activities
- 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 identified below and described in more detail in Appendix A. They include:

- Protected Species Licences (Conservation of Habitat and Species Regulations 2017, Wildlife and Countryside Act 1981 and Badgers Act 1992) for Great Crested Newts, bats, badgers and water voles).
- Exemption 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 2016)
- 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 2016)
- CL:AIRE Materials Management Plan (CL:AIRE (2011) Definition of Waste: Development Industry Code of Practice (v.2) (DoWCoP))
- Trade effluent consent (e.g. for welfare facilities) (Water Industry Act 1991)
- Environmental Permit for Waste Operations (Pollution Prevention and Control Act 1999, Environmental Permitting (England and Wales) Regulations 2016)
- Section 61 consent for noise and vibration during the construction stage if requested by the Local Authority (Control of Pollution Act 1974)
- Consent/ licence for the felling of trees (the Forestry Act 1967)

3.1.5 This list is not exhaustive and the final set of permits, consents and agreements 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 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 purpose is 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 Protection of Badgers Act 1992	Natural England	Further GCN, badger and water vole surveys will be necessary prior to construction. Depending on the results one or more Protected Species Licences may be required	Negotiations will be undertaken following the outcome of further surveys
Waste and materials	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). Environmental Permitting England and Wales) Regulations 2016	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 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.
Waste materials	Mobile plant licences for crushing operations or site permits if not using a contractor with their own mobile licences. Environmental Permitting (England and Wales) Regulations 2016.	Peterborough City Council	-	Discussions will take place with Peterborough City Council in advance of the construction works requiring crushing and mobile plant licences to determine the need for these permits.

Issue	Consent/Licence Agreement and Legislation	Consenting Authority	Requirement	Status of negotiation
Waste materials	<p>CL:aire Materials Management Plan.</p> <p>CL:aire (2001) Definition of Waste: Development Industry Code of Practice (V.2) (DoWCOP).</p>	Environment Agency	It is considered that the majority of soil materials excavated during the works could be reused within order limits following guidance in CL:aire (2001) Definition of Waste: Development Industry Code of Practice (V.2) (DoWCOP).	It is not required to discuss this with the Environment Agency at this time. The EMP (TR010039/APP /7.7) includes a Materials Management Plan and a Soils Management Plan. These will be discussed with the Environment Agency and developed further. The EMP will be developed further prior to construction as set out in Requirement 4 to the draft DCO (TR010039/APP /3.1).
Noise and vibration during the construction stage	Section 61 Control of Pollution Act 1974 - consent if proposed by the contractor.	Peterborough Council	Consent would provide Highways England from protection from subsequent action by the local authority under Section 60 of the Control of Pollution Act 1974 or under Section 80 of the Environmental Protection Act 1990.	Discussions with the Council regarding a Section 61 Agreement will be undertaken directly by the contractor should it be considered necessary to do so during the construction phase.
Consent for felling of trees	Felling Licence – Forestry Act 1967	Peterborough City Council/Forestry Commission	Powers for removal of trees for construction of the scheme including trees protected by Tree Preservation Orders are sought within the Development	No discussions have taken place with the Forestry Commission and/or local authority regarding an application, and a prior

Issue	Consent/Licence Agreement and Legislation	Consenting Authority	Requirement	Status of negotiation
			<p>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 felling such trees. Certain tree felling can be carried out under an exemption that limitations apply so Felling Licences may be required.</p>	<p>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. At this stage the Applicant is not aware of any Felling Licence being required but the Applicant will continue to monitor this.</p>