

A1 in Northumberland: Morpeth to Ellingham

Scheme Number: TR010041

3.3 Consents and Agreements Position Statement

APFP Regulation 5(2)(q)

Planning Act 2008

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

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

**The A1 in Northumberland: Morpeth to Ellingham
Development Consent Order 20[xx]**

CONSENTS AND AGREEMENTS POSITION STATEMENT

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1 INTRODUCTION

1.1 Purpose of this Document

- 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 (the “2008 Act”) for a Development Consent Order (DCO). If made, the DCO would grant consent for the A1 in Northumberland: Morpeth to Ellingham (the “Scheme”).
- 1.1.2 The Scheme comprises two sections known as Part A: Morpeth to Felton (Part A) and Part B: Alnwick to Ellingham (Part B). A detailed description of the Scheme can be found in **Chapter 2: The Scheme** of the Environmental Statement (ES) (**Application Document Reference: TR010041/APP/6.1**).
- 1.1.3 The purpose of this Statement is to set out what consents and associated agreements are expected to be needed for the Scheme along with the Applicant’s intended strategy for obtaining those consents and associated agreements.
- 1.1.4 This Statement has been prepared and submitted in compliance with Regulation 5(2)(q) of the Infrastructure Planning (Prescribed Forms and Procedure) Regulations 2009 (the “2009 Regulations”) which states the application must be accompanied by:
- “(q) any other documents considered necessary to support the application”*

2 STRATEGY

2.1 Consents Strategy

2.1.1 The basis of the Applicant's consents strategy is:

- a) A DCO must be sought as the principal consent for the works (under the 2008 Act) and to provide the necessary land acquisition and temporary possession powers;
- b) 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, other necessary consents have been included within the DCO that will authorise the Scheme;
- c) 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 making the DCO, this minimises the need for any further approvals before works covered by the DCO can commence; and
- d) The Scheme has and will be developed on the basis of strong collaboration with key stakeholders, and agreements are expected to be secured at key stages of the Scheme development as necessary. The progress on these items will be reported to the Examining Authority, with a summary of the current situation reported in **Section 3** and **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, 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 for example because:

- a) A specific consent cannot be contained within 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 meaning the detail required is unavailable.

3.1.3 At this point of the DCO application the majority of consents and all of 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:

- a) Authorisation of all permanent and temporary works (equivalent of planning permission). None of the following consents need to be addressed on the Scheme: Conservation area consent, Crown Land agreement or Listed Building consent.
- b) Compulsory acquisition of land and/or rights over land such as easements, the imposition of restrictive covenants and the temporary possession of land;
- c) Consent to carry out street works and stop up highways permanently or temporarily;
- d) Highway matters (such as designating highway as trunk road and de-trunking highways);
- e) Traffic regulation matters (such as speed limits, clearways and restrictions on use);
- f) Powers to stop up and divert public and private rights of way;
- g) Consent to discharge into an available watercourse, public sewer or drain for the drainage of water but without prejudice to the need for an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016;
- h) Consent to carry out tree works including works to trees subject to a Tree Preservation Order;
- i) Consent to remove hedgerows (including 'important hedgerows');
- j) Consent or approval for the carrying out of the works required under any relevant byelaws made under the Water Resources Act 1991 or the Land Drainage Act 1991;

- k) Consent to erect structures in, over or under a 'main river' under the Environmental Permitting (England and Wales) Regulations 2016 (as amended); and
- l) Powers and consents to carry out 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 in **Appendix A**.

3.1.5 The content of **Appendix A** is largely dependent on final detailed design, the detailed construction site set up and methodologies and discussions with the relevant public authorities from whom consents may be required. These are not sufficiently developed at this stage to confirm the requirements and therefore is not practicable to include them in 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 stakeholders to identify the matters on which parties are in agreement, to narrow the focus for examining the application concerned and to make the examination process more efficient. This will be progressed by the Applicant where appropriate and SoCG are proposed as follows for:

- The Environment Agency;
- Natural England;
- Northumberland County Council; and,
- Historic England.

3.2.3 Progress on finalising any SoCG or other forms of agreement, along with updated/final documents, will be reported to the Examining Authority as part of the examination process.

APPENDIX A: CONSENTS AND AGREEMENTS TABLE

Issue:	Consent/ License/ Agreement & Legislation:	Consenting Authority:	Requirement:	Status of negotiations:
Protected Species Licensing	<p>Badgers: A license under section 10 of the Protection of Badgers Act 1992.</p>	Natural England	To ensure badgers are not disturbed and ensure legal compliance with the Protection of Badgers Act 1992.	<p>Chapter 9: Biodiversity, Volume 2 of the ES (Application Document Reference: TR010041/APP/6.2) for Part A sets out that badger setts have been identified and a Badger Method Statement has been produced.</p> <p>The Badger Method Statement (Confidential) for Part A can be found at Appendix 9.23, Volume 7 of the ES (Application Document Reference: TR010041/APP/6.7). Prior to any works commencing, a pre-commencement walkover survey of the works area and a 30m buffer would be undertaken by a Suitably Experienced Ecologist (SEE) to confirm that the baseline remains accurate and relevant. It is recommended that this is undertaken at least 3 months in advance of works commencing (which is a requirement for the badger license).</p> <p>Should badger activity be confirmed within the area of works, a Natural England license can then be applied for if required, in advance of the commencement of the Scheme.</p> <p>Chapter 9: Biodiversity, Volume 2 of the ES (Application Document Reference:</p>

				<p>TR010041/APP/6.2) for Part A provides details covering the proposed mitigation for badgers. A Letter of No Impediment (LoNI) has been drafted and discussions are ongoing with Natural England. The Applicant expects that the LoNI will be submitted during the course of the examination.</p> <p>Communication with Natural England has also confirmed approval of the license will take a minimum of 30 working days to complete.</p> <p>An application can be applied for and acquired taking into account this timescale.</p>
	<p>Bats: A license under section 16 of the Wildlife and Countryside Act 1981 (power to grant license) for roosting bats with associated mitigation and compensation requirements</p>	<p>Natural England</p>	<p>To comply with conservation legislation and protect roosting bat species.</p>	<p>Chapter 9: Biodiversity, Volume 2 of the ES (Application Reference: TR010041APP/6.2) for Part A and Chapter 9: Biodiversity, Volume 3 of the ES (Application Document Reference: TR010041/APP/6.3) for Part B sets out that bat roosts have been identified.</p> <p>Chapter 9: Biodiversity, Volume 2 of the ES (Application Document Reference: TR010041/APP/6.2) for Part A and Chapter 9: Biodiversity, Volume 3 of the ES (Application Document Reference: TR010041/APP/6.3) for Part B provides details covering the proposed mitigation for bats.</p> <p>A LoNI has been drafted and discussions are ongoing with Natural England. The Applicant expects that the LoNI will be submitted during the course of the examination.</p>

				<p>Communication with Natural England has also confirmed that approval of the license will take a minimum of 30 working days to complete.</p> <p>An application can be applied for and acquired taking into account this timescale.</p>
	<p>Great Crested Newts: A license under section 16 of the Wildlife and Countryside Act 1981 (power to grant license) for Great Crested Newts.</p>	Natural England	<p>To ensure Great Crested Newts are not disturbed and ensure legal compliance with the Wildlife and Countryside Act 1981.</p>	<p>Chapter 9: Biodiversity, Volume 2 of the ES (Application Document Reference: TR010041/APP/6.2) for Part A confirms the presence of Great Crested Newts. A European Species (EPS) License application(s) and associated mitigation and compensation requirements will be required to enable construction of the Scheme.</p> <p>A LoNI has been drafted and discussions are ongoing with Natural England. The Applicant expects that the LoNI will be submitted during the course of the examination.</p>
	<p>Red Squirrels: A license under section 16 of the Wildlife and Countryside Act 1981 (power to grant license) for red squirrels and their dreys.</p>	Natural England	<p>To comply with conservation legislation and protect red squirrels and their dreys in areas close to woodlands to the north of the River Coquet and around Felton Park.</p>	<p>Chapter 9: Biodiversity, Volume 2 of the ES (Application Document Reference: TR010041/APP/6.2) for Part A confirms that all the woodlands with known red squirrel presence are either located, or have connectivity, within 100m of the offline section of Part A, and red squirrel populations may be at risk from disturbance, isolation or habitat degradation and/or destruction as a result.</p> <p>A pre-commencement inspection by a SEE will be undertaken within woodland where red squirrels are known to be present or those</p>

				<p>connected (woodlands to the north of the River Coquet and around Felton Park) prior to any felling to confirm the absence of dreys. Where deemed necessary, felling will be supervised by the SEE.</p> <p>If red squirrels and/or their dreys are found during the pre-commencement inspection a license would be applied for.</p> <p>A LoNI has been drafted and discussions are ongoing with Natural England. The Applicant expects that the LoNI will be submitted during the course of the examination</p>
Water /Drainage Consents	<p>Water Abstraction License: Under sections 24 and 25 of the Water Resources Act 1991 (restrictions on abstraction and impounding; restrictions on impounding), as amended by the Water Act 2003 (also refer to The Environment Act 1995 and The Water Resources (Abstraction and Impounding) Regulations 2006).</p>	Environment Agency	<p>To comply with environmental legislation. Required if construction works need to remove more than 20m³/day.</p>	<p>Should a water abstraction license be deemed necessary, this would be obtained prior to the start of construction works.</p> <p>Communication with the Environment Agency has confirmed that an application for a license will take a minimum of 4 months to complete.</p> <p>An application can be applied for and acquired taking into account this timescale.</p>
	<p>Flood Risk Activities: An Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2016 for Flood Risk Activities (also refer to Pollution Prevention and Control Act 1999).</p>	Environment Agency	<p>To comply with environmental legislation. Required if construction works need to discharge waste water into surface waters.</p>	<p>Environmental Standard Rules Permit (Flood Risk Activity) for any works within the channel or 8m from the top of the River Coquet (including construction of the bridge and modifications to outfalls) would be applied for prior to the start of construction and once construction methods are known.</p>

	<p>Flood Risk Activities: An Environmental Permit (previously known as a Flood Defence Consent) for Flood Risk Activities under the Environmental Permitting (England and Wales) (Amendment) (No: 2) Regulations 2016.</p>	<p>Environment Agency</p>	<p>To comply with environmental legislation for any works required within a flood plain.</p>	<p>Communication with the Environment Agency has confirmed that an application for a license will take a minimum of 13 weeks to complete.</p> <p>An application can be applied for and acquired taking into account this timescale.</p>
	<p>Land Drainage Consent: under Section 23 of The Land Drainage Act 1991.</p>	<p>Lead Local Flood Authority (LLFA) (Northumberland County Council) (NCC)</p>	<p>To obtain Ordinary Watercourse Consent for works, in, under or over any relevant watercourses.</p>	<p>Should ordinary watercourse consent be required for works in, under or over any relevant watercourses, then an Ordinary Watercourse Consent would be applied for, from NCC as the LLFA, in advance of the works commencing.</p> <p>Communication with NCC has confirmed that a consent can be expected within 28 days however NCC has up to 2 months to determine an application.</p> <p>An application can be applied for and acquired taking into account this timescale.</p>
<p>Waste /Pollution Consents</p>	<p>Waste 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) under the Environmental Permitting (England and Wales) Regulations 2016 (also refer to Pollution Prevention and Control Act 1999).</p>	<p>Environment Agency</p>	<p>To ensure waste exemptions for re-use of material on site are in place (if required).</p>	<p>Should a waste exemption be required to enable materials identified as waste to be reused on the Scheme, then a waste exemption license will be applied for in advance of the works commencing.</p> <p>Relevant exemptions to be identified and registered in advance of works (pre-construction).</p> <p>Communication with the Environment Agency has confirmed that a waste exception license will be active with immediate effect on application.</p>

	<p>Trade effluent consent: under the Water Industry Act 1991.</p>	<p>Northumbrian Water</p>	<p>To obtain consent for discharge of any trade effluent into a public sewer</p>	<p>Should a trade effluent consent be required to discharge any trade effluent into a public sewer, then a consent would be applied for in advance of the works commencing.</p> <p>Communication with Northumbrian Water has confirmed that an application for consent will take a maximum of 8 weeks to complete.</p> <p>An application can be applied for and acquired taking into account this timescale.</p>
	<p>Section 61 agreement under the Control of Pollution Act 1974 (if requested by the local authority).</p>	<p>NCC</p>	<p>To obtain agreement (if requested by NCC) for construction sites which may result in significant noise and vibration impacts.</p>	<p>The Applicant will contact NCC prior to commencement of the Scheme to confirm if they would want the main contractor to submit an application for a Section 61 agreement.</p> <p>Communication with NCC has confirmed that an application for consent will take a maximum of 28 days.</p> <p>An application can be applied for and acquired taking into account this timescale.</p>
<p>Site of Special Scientific Interest (SSSI)</p>	<p>Natural England Assent: SSSI consent</p>	<p>Natural England</p>	<p>Consent to undertake works in the River Coquet SSSI and Coquet Valley Woodlands SSSI.</p>	<p>Natural England may take up to four months to make a decision although they have confirmed they will attempt to do so within 28 days after an application is made valid (10 days).</p> <p>SSSI Assent has been discussed with Natural England and the application for SSSI consent will be advanced during the detailed design stage of the Scheme which is when the detail required for the application will be known.</p>

