

M60/M62/M66 Simister Island Interchange

TR010064

3.3 CONSENTS AND AGREEMENTS POSITION STATEMENT

APFP 5(2)(q)

Planning Act 2008

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

Infrastructure Planning

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

M60/M62/M66 Simister Island Interchange
Development Consent Order 202[]

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 National Highways (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 improvements to the M60 / M62 / M66 Simister Island Interchange (the “Scheme”). A detailed description of the Scheme can be found in Chapter 2, The Scheme, of the Environmental Statement (TR010064/APP/ 6.1).

1.1.2 The purpose of this Statement is to set out what consents and agreements are expected to be needed for the Scheme, along with the Applicant’s intended strategy for obtaining those consents and agreements.

1.1.3 This Statement has been prepared and submitted in compliance with Regulation 5(2)(q) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (the “2009 Regulations”), which states that the application must be accompanied by:

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

2 Strategy

2.1 National Highways' Consents Strategy

2.1.1 The basis of National Highways' consents strategy is that:

- 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 to deliver those works;
- 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, any necessary 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 authorised by the DCO can commence; and
- The Scheme has and will be developed based on strong collaboration between key stakeholders, and any additional consents 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 **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 provides development consent for the works and enables land acquisition and temporary possession of land, along with other consents and powers.

3.1.2 The DCO application may however need to be supplemented by other consents and agreements 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 appropriate to include a consent within the DCO due to the stage of design development and /or because the detail required is not yet available.

3.1.3 At this point of the DCO application (submission of the DCO application), the majority of consents and all the powers required have been included, or addressed, within the DCO as permitted by the relevant 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;
- Highways matters (such as designating and classifying types of highway);
- Traffic regulation matters (such as speed limits, clearways and restrictions on use);
- Consent to stop and divert public rights of way;
- 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'); and
- Consent to carry out any required utility diversions (subject to protective provisions).

3.1.4 The consents and agreements that may need to be sought separately from the DCO are identified in **Appendix A** of this Statement.

- 3.1.5 **Appendix A** does not contain an exhaustive list of all other consents and agreements that may be required. It is instead largely dependent on the final detailed design, the detailed construction site set up and methodologies, and discussions with the consenting authorities from whom consents may be required. 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. These have been and will be progressed by the Applicant working with stakeholders and include:
- Bury Metropolitan Borough Council
 - Natural England
 - Environment Agency
 - 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/Licence/Agreement & Legislation:	Consenting Authority:	Requirement:	Status of negotiations:
1) Ecology - Invasive Non Native Species	Agreement to use herbicides in or near water. <i>Food and Environment Protection Act 1985</i> <i>Control of Pesticides Regulations 1986, as amended</i>	Environment Agency	Use of herbicides within 8m of a watercourse (e.g. if Himalayan Balsam is found at a culvert location and requires to be sprayed).	Not required at this stage but to be discussed with the Environment Agency if required at a later stage.
2) Materials & Waste	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) <i>Environmental Permitting (England and Wales) Regulations 2016</i>	Environment Agency	A waste exemption may be required for the storage, treatment, use or disposal of limited quantities and types of material during construction of the proposed scheme. This will be dependent on the nature of the activities taking place during the construction phase. Whilst an exemption is provided for temporary storage of waste at the place of production (Non Waste Framework Directive (NWFd) exemption NWFd 2), this does not need to be registered with the Environment Agency. Though	Post DCO consent, If required exemptions will be registered online prior to construction activities.

Issue:	Consent/Licence/Agreement & Legislation:	Consenting Authority:	Requirement:	Status of negotiations:
	<i>Pollution Prevention and Control Act 1999</i>		all limits and conditions must still be complied with.	
3) Materials & Waste	Environmental Permit - Part B Local Authority Pollution Prevention and Control <i>Local Authority Pollution Prevention and Control I Act, 1999</i> <i>Environmental Permitting (England and Wales) Regulations 2016</i>	Local Authority	A Part B Local Authority Environmental Permit is required from the Local Authority to operate mobile plant for crushing, grinding, screening, grading or mixing, with machinery designed for that purpose of: bricks, tile or concrete or any designated mineral. This applies where demolition material is screened by machine prior to crushing, and to any other pre-treatment activity and the screening of the product.	Post DCO consent, discussions will take place with the Local Authority and subcontractors if it is deemed crushing or screening activities are required. This will be well in advance of construction works.
4) Materials & Waste	Environmental Permit - Mobile Treatment Plant Permit and Deployment <i>Environmental Permitting (England and Wales) Regulations 2016</i>	Environment Agency	A mobile plant permit for crushing operations or site permits will be required if not using a subcontractor with their own mobile licences	Post DCO consent, discussions will take place with the Environment Agency in advance of construction works requiring crushing and mobile plant permits to determine the need for these permits.

Issue:	Consent/Licence/Agreement & Legislation:	Consenting Authority:	Requirement:	Status of negotiations:
	<i>Pollution Prevention and Control Act 1999</i>			
5) Materials & Waste	Environmental Permit - Waste operation <i>Environmental Permitting (England and Wales) Regulations 2016</i> <i>Pollution Prevention and Control Act 1999</i>	Environment Agency	A Standard Rules or Bespoke Environmental Permit may be required for the storage, treatment, use, recovery or disposal of waste where not already authorised agreement will be sought regulatory position statement or low risk waste position.	Post DCO consent, discussions will take place with the Environment Agency in advance of construction works resulting in the use, storage, treatment or disposal of waste to determine the need for these permits.
6) Materials & Waste	Materials Management Plan (or Earthworks Plan)	CL:aire Qualified Person Environment Agency	Use of excavated materials within the proposed scheme will be undertaken in accordance with the principles of the Contaminated Land: Applications in Real Environments (CL:AIRE) (2011). The Definition of Waste: Development Industry Code of Practice (DoWCoP) Version 2. A Material Management Plan (or earthworks plan) will cover the reuse of uncontaminated soil and	The DCO includes reuse of uncontaminated soils within the scheme. Post DCO consent, agreement will be sought from the Environment Agency that they are satisfied that the DoWCoP route is acceptable for the earthworks proposed at the site and that the correct procedures have been followed.

Issue:	Consent/Licence/Agreement & Legislation:	Consenting Authority:	Requirement:	Status of negotiations:
			<p>other materials excavated during the works for earthworks within the Order Limits.</p> <p>CL:AIRE (2011) DoWCoP should be used for reuse of any soils which contain contamination (i.e. non-natural concentrations) that needs treatment or use of waste from the M60 on another nearby site.</p>	
7) Materials & Waste	<p>Licence to work with Asbestos</p> <p><i>Control of Asbestos Regulations 2012</i></p>	Health & Safety Executive	A Licenced Asbestos contractor is required for work with asbestos.	Sub-contractors will be contacted prior to any Asbestos removal works and Licences obtained.
8) Noise and vibration during the construction stage	<p>Section 61 consent if proposed by the contractor</p> <p><i>Section 61 of the Control of Pollution Act 1974</i></p>	Bury Metropolitan Borough Council	Section 61 consent offers National Highways protection from any 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 to impose further controls on noise from the site.	Discussions to be held within the project team to identify activities with the potential to generate noise and determine need and approach to Section 61 agreement with the relevant local authority.

Issue:	Consent/Licence/Agreement & Legislation:	Consenting Authority:	Requirement:	Status of negotiations:
9) Protected Species	<p>Great crested newts: Conservation of Habitats and Species Regulations Licence</p> <p><i>Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019</i></p>	Natural England	Activity that affects a protected species e.g. disturb or remove wildlife, or damage habitats.	Working with Natural England the Applicant has secured a countersigned Great Crested Newt District Level Licence Impact Assessment and Conservation Payment Certificate (IACPC) in January 2024. The IACPC is provided within Appendix 8.15 Great Crested Newt District Level Licence Impact Assessment and Conservation Payment Certificate of the Environmental Appendices (TR010064/APP/6.3)
10) Protected Species	<p>Bats: Conservation of Habitats and Species Regulations Licence</p> <p><i>Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019</i></p>	Natural England	Activity that affects a protected species e.g. disturb or remove wildlife, or damage habitats. A European Protected For the disturbance or removal of bat roosts in the Order Limits prior to the commencement of construction.	Discussions with Natural England will take place on the potential impact of the proposed scheme and the requirement for a European Protected Species Mitigation (EPSM) licence post DCO consent.

Issue:	Consent/Licence/Agreement & Legislation:	Consenting Authority:	Requirement:	Status of negotiations:
11) Protected Species	Badgers: Licence to interfere with setts (dens) <i>Protection of Badgers Act 1992, s. 10</i>	Natural England	Badgers have been observed within the Order limits. It will be necessary to undertake permanent closure and destruction of confirmed badger setts during the construction of the proposed scheme.	A development licence will be required to interfere with (to close) badger setts. A draft badger licence has been prepared based on the current baseline data for consultation with Natural England to support a Letter of No Impediment (LONI) from Natural England with respect to badgers. This is provided in Appendix 8.14: Draft Badger Licence Application (Confidential) of the Environmental Statement Appendices (TR010064/APP/6.3). The Applicant continues to work with Natural England and will submit the LONI to the Inspectorate at the earliest opportunity and provide updates as appropriate through the Examination.
12) Sewage Discharge	S106 Water Industry Act connection	United Utilities	Foul water connection for site compounds.	Discussions will take place with United Utilities in advance of construction once detailed information is known on the requirement for foul water

Issue:	Consent/Licence/Agreement & Legislation:	Consenting Authority:	Requirement:	Status of negotiations:
	<i>Section 106 of The Water Industry Act 1991</i>			connections during the construction phase.
13) Trade Effluent Discharge	Trade Effluent / Groundwater Discharge Licence <i>Water Industry Act 1991 (Section 119) Consent to discharge trade effluent</i>	United Utilities	Consent to carry out water discharge activities for Trade Effluent (incl. silt) /surface water/groundwater discharged to the sewer.	n/a
14) Water - Flood Risk Activities	Environmental Permit - Flood Risk Activity - standard permit/bespoke permit for <u>temporary flood risk</u> associated with the construction of the proposed scheme and permanent flood risk associated with the operation of the proposed scheme. <i>Environmental Permitting (England and Wales) Regulations 2016</i>	Environment Agency	Works within 8m of a main watercourse (16 for tidal watercourses) or flood defences. Consent to carry out flood risk activities for <u>temporary</u> structures altering water levels in main rivers e.g. temporary headwall, bridge, culvert, works within the floodplain, temporary storage in a flood plain, dewatering within a flood plain and the temporary diversion of a watercourse. A Flood Risk Activity Permit is required for the <u>permanent flood risk</u> associated with e.g. permanent headwall, bridge, culvert, and permanent diversion of a watercourse.	Multiple consents will be required. Discussions regarding the consents required are planned to take place with the Environment Agency following detailed design. Following consultation applications for consents will be prepared and submitted.

Issue:	Consent/Licence/Agreement & Legislation:	Consenting Authority:	Requirement:	Status of negotiations:
15) Water - Ordinary Watercourses	<p>Ordinary Watercourse Consent for temporary changes including for discharge to Ordinary Watercourse during construction (i.e. this does not apply to operational discharges from the highway)</p> <p><i>Water Resources Act 1991</i></p> <p><i>Land Drainage Act 1991</i></p>	<p>Bury Metropolitan Borough Council Local Flood Authority (LLFA)</p>	<p>Consent application will be required to allow for any temporary or permanent works that will affect the flow of water or cross-sectional area of an ordinary watercourse.</p> <p>For example, this consent would be required to carry out activities such as:</p> <ul style="list-style-type: none"> • obstruct ordinary watercourses; • temporary or permanent crossings; • structures (if they encroach into the channel); • diversions; • realignment; and • Discharge to Ordinary Watercourses 	<p>Multiple consents will be required. Following detailed design, discussions regarding the consents required are planned to take place with the LLFA. Following consultation applications for consents will be prepared and submitted.</p>
16) Water Abstraction	<p>Form WR32: Water abstraction: application for a consent to investigate a groundwater source. To inform an Abstraction licence application. (Including</p>	<p>Environment Agency</p>	<p>Required to carry out water abstraction activities such as investigate a groundwater source e.g. pump test. To inform rates required under a full abstraction permit.</p>	<p>If required consultation with Environment Agency will take place during detailed design.</p>

Issue:	Consent/Licence/Agreement & Legislation:	Consenting Authority:	Requirement:	Status of negotiations:
	<p>Hydrogeological Impact Assessment)</p> <p><i>Water Resources Act 1991 (as amended by the Water Act 2003)</i></p> <p><i>Water Abstraction and Impounding (Exemptions) Regulations 2017</i></p> <p><i>Environment Act 1995</i></p>			
<p>17) Water Abstraction</p>	<p>Abstraction Licence - Full or Temporary Licence <u>during construction</u></p> <p><i>Section 24 of the Water Resources Act 1991 (as amended by the Water Act 2003)</i></p> <p><i>Water Abstraction and Impounding (Exemptions) Regulations 2017</i></p>	<p>Environment Agency</p>	<p>Consent to carry out water abstraction activities:</p> <p><u>Full Abstraction Licence</u> for abstraction which lasts more than 6 consecutive months and more than 20 cubic metres of water a day, for dewatering of underground strata and abstractions of surface waters to prevent interference with building or engineering works, subject to restrictions.</p> <p><u>Temporary Abstraction Licence</u> for abstraction from a watercourse or groundwater of more than 20 cubic</p>	<p>Following initial planning advice from the Environment Agency, it is likely that abstraction and an abstraction licence will be required.</p> <p>Further investigation and assessment will be carried as part of detailed design. This will include an extended groundwater monitoring dataset that will allow for detailed assessment and calculation of groundwater volumes which might be</p>

Issue:	Consent/Licence/Agreement & Legislation:	Consenting Authority:	Requirement:	Status of negotiations:
			metres of water per day for less than 28 consecutive days.	intercepted. These volumes will inform likely licences to be applied for.
18) Water Abstraction	<p>Abstraction Licence - Full Licence for <u>permanent works</u></p> <p><i>Section 24 of the Water Resources Act 1991 (as amended by the Water Act 2003)</i></p> <p><i>Water Abstraction and Impounding (Exemptions) Regulations 2017</i></p>	Environment Agency	Full Abstraction Licence would be needed for most types of water abstraction over 20 cubic metres a day.	Following initial planning advice from the Environment Agency, it is unlikely that abstraction and an abstraction licence will be required for permanent works.
19) Water Abstraction	<p>Exemption for passive dewatering – permanent works</p> <p><i>Applies to abstractions that were exempt under section 29(1) of the Water Resources Act 1991 (before section 5 of the Water Act 2003 was published).</i></p>	Environment Agency	Prevent flooding to road cuttings (construction or maintaining the operational life) only through passive dewatering – where groundwater is discharged or drained by gravity.	If needed this will be applied for once additional Ground Investigation and detailed design is complete.

Issue:	Consent/Licence/Agreement & Legislation:	Consenting Authority:	Requirement:	Status of negotiations:
20) Water Transfer	<p>Transfer Licence <u>during construction</u></p> <p><i>Section 24 of the Water Resources Act 1991 (as amended by the Water Act 2003)</i></p> <p><i>Water Abstraction and Impounding (Exemptions) Regulations 2017</i></p>	Environment Agency	<p>Diversion of watercourses / dewatering of ponds</p> <p><u>Water Transfer Licences</u> are required or the diversion of a watercourse where more than 20 cubic metres of water a day is moved from one source to another without intervening use.</p>	<p>Discussions with the Environment Agency have not yet taken place in respect of this consent. These discussions will take place once more information is available following detailed design. Following consultation applications for consents will be prepared and submitted where required.</p>
21) Water Transfer	<p>Transfer Licence <u>during operation</u></p> <p><i>Section 24 of the Water Resources Act 1991 (as amended by the Water Act 2003)</i></p> <p><i>Water Abstraction and Impounding (Exemptions) Regulations 2017</i></p>	Environment Agency	<p>Diversion of watercourses / dewatering of ponds</p> <p><u>Water Transfer Licences</u> are required or the diversion of a watercourse where more than 20 cubic metres of water a day is moved from one source to another without intervening use.</p>	<p>Discussions with the Environment Agency have not yet taken place in respect of this consent. These discussions will take place once more information is available following detailed design. Following consultation applications for consents will be prepared and submitted where required</p>
22) Water Discharge	Environmental Permit - bespoke water discharge activity and groundwater	Environment Agency	A Water Discharge Activity Permit is required for discharge or entry of any poisonous, noxious or polluting	Multiple consents will be required. Following detailed design, discussions regarding the

Issue:	Consent/Licence/Agreement & Legislation:	Consenting Authority:	Requirement:	Status of negotiations:
	<p>(point source) environmental permit <u>during construction</u> and operation.</p> <p><i>Environmental Permitting (England and Wales) Regulations 2016</i></p>		<p>matter, waste matter, trade or sewage effluent into an inland freshwater, coastal waters or relevant territorial waters. It also permits 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. The permit will be required for run off associated with construction works and the dewatering of excavations.</p>	<p>consents required are planned to take place with the Environment Agency. Following consultation applications for consents will be prepared and submitted.</p>
<p>23) Water – Ordinary Watercourse</p>	<p>Ordinary Watercourse Consent for permanent changes including for permanent discharge to Ordinary Watercourse during operation</p> <p><i>Land Drainage Act 1991</i></p>	<p>Bury Metropolitan Borough Council Local Flood Authority (LLFA)</p>	<p>Consent application will be required to allow for any permanent works that will affect the flow of water or cross-sectional of an ordinary watercourse.</p> <p>For example, this consent would be required to carry out flood risk activities such as:</p> <ul style="list-style-type: none"> • Obstruct ordinary watercourses • Permanent crossings of Ordinary Watercourses 	<p>High level discussions have taken place with LLFA. Engagement with LLFA is ongoing and the current status will be recorded in the SoCG.</p> <p>Following detailed design, discussions regarding the consents required are planned to take place with the LLFA. Following consultation applications for</p>

Issue:	Consent/Licence/Agreement & Legislation:	Consenting Authority:	Requirement:	Status of negotiations:
			<ul style="list-style-type: none"> • Structures (if they encroach into the channel); • Diversions; and • Realignment 	consents will be prepared and submitted.