



# MetroWest+

## Portishead Branch Line (MetroWest Phase 1)

TR040011

**Applicant: North Somerset District Council**

**5.3 Consents and Licences required under Other Legislation**

**Infrastructure Planning (Applications: Prescribed Forms and Procedure)**

**Regulations 2009, regulation 5(2)(q)**

**Planning Act 2008**

**Author: Womble Bond Dickinson (UK) LLP**

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## **Purpose of Document**

The document lists regulatory consents, licences and permits required to deliver the DCO Scheme, which fall outside the DCO process.

North Somerset District Council

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Consents and licences required under other legislation

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	<b>Nature of Consent</b>	<b>Legislation</b>	<b>Consenting Authority</b>	<b>Anticipated Application Date</b>	<b>Content of Consent/Licence</b>
1	Habitat Regulations Assessment	The Conservation of Habitats and Species Regulations 2017	Secretary of State	Parallel to DCO process	The relevant Secretary of State is the competent authority for the purposes of the Habitats Directive and the 2017 Habitats Regulations. The Applicant has submitted a Habitat Regulations Report (DCO Document Reference 5.5) with the Application.
2	Building Regulation approval	Building Regulations 2010	Local Authorities	Post DCO	Operational buildings may require Building Regulations approval if they are manned and therefore not covered by the exemption set out in Building Regulations 2010, Regulation 9 & Schedule 2 'Exempt Buildings and Work' – "Part CLASS2" – 'Buildings not frequented by people'. This would be sought by the contractor.
3	Consent for working on Site of Special Scientific Interest (SSSI) land	Section 28E of the Wildlife and Countryside Act 1981	Natural England	Parallel to / post-DCO	In order to carry out works within the Avon Gorge, the Applicant is required to seek consent from Natural England under section 28E of the Wildlife and Countryside Act 1981.  In accordance with Natural England advice on Nationally Significant Infrastructure Projects, draft licences are being prepared. Natural England

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					will be invited to consider the acceptability of the proposed works in principle at the pre-application and Examination stages. Letters of No Impediment will be submitted to the Planning Inspectorate when provided.
4	Crown Consent	Section 135 of the Planning Act 2008	Secretary of State	During the DCO process	Consent to acquire third party interests in Crown land.
5	Land Drainage Consent	Section 23 Land Drainage Act 1991	Internal drainage board (IDB) or, if no IDB is in place, the lead local flood authority for the area	Post DCO	Land Drainage Consent will be required if any obstructions to the flow of water in an ordinary watercourse (i.e. not a main river) are proposed.
6	Environmental Permit for water discharge or waste operations / registration of exempt waste operations and water discharges (as necessary)	Environmental Permitting (England and Wales) Regulations 2016	Environment Agency	Post DCO	The Environmental Permitting (England and Wales) Regulations 2016, which came into force on 1 January 2017, consolidate the Environmental Permitting (England and Wales) Regulations 2010 and subsequent amendments. They require most waste management activities and discharges to surface or groundwater to have a permit. However, there are some exceptions to this, being activities that do not need a permit but the exemptions

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					generally require to be registered with the Environment Agency.
7	Environmental Permit for flood defence or flood risk activity works	Environmental Permitting (England and Wales) Regulations 2016	Environment Agency	Post DCO, where flood defences need crossing	Flood Risk Activity Permits may be required pursuant to the Environmental Permitting (England and Wales) Regulations 2016 from the Environment Agency for river and main stream crossings.
8	European Protected Species ( <b>EPS</b> ) Licence	The Conservation of Habitats and Species Regulations 2017, Regulation 55	Natural England	Parallel to / post-DCO	It is an offence to deliberately kill, capture or disturb European protected species, and to damage or destroy their breeding sites or resting places. EPS Licences can be obtained to allow persons to carry out activities that would otherwise be prohibited, without committing an offence.
9	Water Abstraction Licence (if required)	Sections 24, 24A, 25 and 32 Water Resources Act 1991	Environment Agency	Post DCO	A Water Abstraction Licence may be required pursuant to the Water Resources Act 1991 from the Environment Agency by the contractor for the abstraction and/or impounding of water for construction works or during operation.
10	Wildlife Licences	Section 16 Wildlife and Countryside Act 1981	Natural England	Parallel to / post-DCO	It is an offence intentionally to kill, injure or take any wild bird or the nest of a wild bird included in Schedule

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					<p>ZA1 unless under and in accordance with the terms of a licence. DCO works are to be undertaken so as to avoid disturbance to nesting birds. Nevertheless, a licence may be requested to do so, but this would likely be granted only in exceptional circumstances such as for health and safety reasons.</p> <p>An application for a licence to displace any species protected under Schedule 5 or 8 would be made under section 16(3)(c) in the event that, prior to construction, the presence of such species is confirmed within any part of the Order land and the impacts on them cannot be avoided.</p>
11	Licence for work affecting badgers	Protection of Badgers Act 1992, Section 10	Natural England	Post DCO	<p>Badgers and their setts are protected under the Protection of Badgers Act 1992, which makes it illegal to kill, injure or take badgers or to interfere with a badger sett.</p> <p>Licences to allow works to proceed close to active Badgers setts, as works that would cause disturbance as defined by Natural England, will be acquired where necessary.</p>

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					All identified setts within the Order limits will be re-surveyed in a pre-construction walkover survey in order to assess their status and current use. The pre-construction walkover survey will also allow any newly excavated setts to be identified. Other measures to be complied with would be specified by Natural England within the licence.
12	National station access conditions ( <b>NatSACs</b> )	National Station Access Conditions 2013	Office of Rail Regulation	Post submission of DCO	<p>The NatSACs are the standard rules that govern the relationship between all contracting parties at a station and as such play an important role in managing the interface between different parties in the railway “system”. They cover matters such as the process for agreeing physical changes to a station, charging for access and the remedies available when things go wrong.</p> <p>Consents may be required from the Office of Rail Regulation in the event that variations to the NatSACs are required for the new stations being delivered as part of the DCO.</p>



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13	Notice of Street Works	Traffic Management Act 2004	Highways Authority	Post DCO	Permit schemes under the Traffic Management Act 2004 provide that the Applicant would need to book time on the highway through a permit.
14	Permit for transport of abnormal loads (if necessary)	Road Vehicles (Authorisation of Special Types) (General) Order 2003/Road Traffic Act 1988	Secretary of State, Highways England, Local Highway Authority or the police and bridge owners (if any) as appropriate	Post DCO	<p>The Road Vehicles (Construction and Use) Regulations 1986 (Construction and Use Regulations) are the primary legislation for the construction and maximum dimensions for all vehicles.</p> <p>The Road Vehicles (Authorisation of Special Type) General Order 2003 permits the use of vehicles and/or loads, which cannot comply with the maximum permitted weight, either gross or axle weight, for the class of vehicle being used for transporting a load. It also contains the regulations for loads, which exceed the maximum width permitted by the Construction and Use Regulations, agricultural vehicles and many other miscellaneous vehicles. The legislation is in the most part permissive in that (with some exceptions) providing the haulier complies with the requirements of notification procedures, an abnormal</p>

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					load can be moved without the need for any permit or authorisation.
15	Working in close proximity to aviation fuel pipeline	Part IV Energy Act 2013	CLH Pipeline System (CLH-PS) Limited	Post-DCO	The former Government Pipeline and Storage System (GPSS) was constructed under the Land Powers (Defence) Act 1958 and its ongoing operation is now pursuant to powers under Part IV of the Energy Act 2013. CLH Pipeline System (CLH-PS) Limited acquired the GPSS and has taken the benefit of the Part IV Energy Act 2013 rights. CLH-PS has wide-ranging powers to ensure the safe operation of its pipeline, and it may be necessary to obtain consents from CLH-PS in order to undertake proposed works under the DCO.
16	Temporary Road Traffic Orders (if construction phase requires closure of any public highway)	Road Traffic Regulation Act 1984	Highways Authority	Post-DCO	The Applicant has the power under the DCO to temporarily stop up, alter or divert any street within the Order limits. However Temporary Road Traffic Orders ( <b>TTRO</b> ) can be sought where construction activities require temporary restrictions to the public highway, which would include those outside the Order limits. Therefore if construction activity requires any restrictions to the public highway that

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					are not included in the proposed DCO, TTROs will be discussed with the relevant highway authority after the DCO is granted and before works commence.
17	Control of noise on construction sites	S60/61 Control of Pollution Act 1974	North Somerset District Council and Bristol City Council	Post-DCO	Network Rail Infrastructure Limited will apply to the relevant noise control officers for consent to emit noise from the works
18	Waste carrier registration	Waste (England and Wales) Regulations 2011 (S.I. 2011/988)	Environment Agency	Post-DCO	<p>All waste carriers, brokers or dealers must register with the Environment Agency. Network Rail or their contractors will need to be registered if they regularly transport waste as part of their business.</p> <p>The Regulations also impose an obligation on the waste transferor to maintain records of information including the material transferred, the amount, and the details of the transferor.</p>
19	F10 – Notification of Construction Project	Construction (Design and Management) Regulations 2015	Health and Safety Executive	Post-DCO	The Construction (Design and Management) Regulations 2015 require particulars of the Project to be notified to the Health and Safety Executive in advance of construction.

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					This notice would be issued by the appointed contractor.
20	Trade Effluent Discharge Consent	Section 118 Water Industry Act 1991	Wessex Water	Post-DCO	A consent to discharge trade effluent to the public sewer may be required pursuant to the Water Industry Act 1991 from the sewerage undertaker if the contractor needs to discharge effluent to the local sewerage network. If trade effluent is discharged to the public sewer without consent or authorisation the occupier of the premises shall be guilty of an offence.
21	Notice of Demolition	Section 80 Building Act 1984	North Somerset District Council and/or Bristol City Council	Post-DCO	Notice of intended demolition must be given to the Local Authority, the public gas and electricity suppliers, and the occupier(s) of any adjacent building, not less than 6 weeks before demolition works start.
22	Hazardous Substances Consent	Planning (Hazardous Substances) Regulations 2015	North Somerset District Council and/or Bristol City Council	Post-DCO	Sites which are to hold certain quantities of hazardous substances at or above defined limits (as detailed in Schedule 1 to the Planning (Hazardous Substances) Regulations 2015) are required to obtain consent from the 'Hazardous Substances Authority'. This body is usually the

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					<p>relevant local planning authority, which would consider any such application for consent in consultation with the Health and Safety Executive.</p> <p>The existing track ballast on the disused line contains hydrocarbons, heavy metals and asbestos. The contaminated ballast is to be removed from the site and processed at a licenced facility, but any on-site storage of hazardous substances will be subject to Hazardous Substances Consent where the substance/quantity thresholds are likely to be reached.</p>
23	Highway works agreement	Section 278 Highways Act 1980	Bristol City Council	During the DCO process	<p>The Applicant and Network Rail Infrastructure Limited will enter into a highway works agreement with Bristol City Council to secure the following works under the DCO on land forming part of the public highway and/or in Bristol City Council's ownership:</p> <ol style="list-style-type: none"> <li>1. The works shown in principle on the Ashton Vale Road and Winterstoke Road Highway Works Plan (APP-041); and</li> <li>2. The works shown in principle on the Clanage Road</li> </ol>

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					<p>Compound, Landscaping and Access Plan (APP-044).</p> <p>The Applicant will also seek a licence from Bristol City Council (in its capacities as highway authority for and as freehold owner of part of the land forming part of the River Avon Tow Path) for the purposes of constructing the DCO Scheme.</p>