

A57 Link Roads

TR010034

3.3 Consents and Agreements Position Statement

APFP Regulation 5(2)(q)

Planning Act 2008

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

December 2021

Infrastructure Planning Planning Act 2008

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

A57 Link Roads Development Consent Order 202[x]

3.3 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”) sets out [Highways England/National Highways](#)’ intended strategy for obtaining the consents and associated agreements needed to implement the proposed A57 Link Roads (the “Scheme”).
- 1.1.2 This Consents and Agreements Position Statement (CAPS) is submitted in accordance with regulation 5(2)(q) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures Regulations) 2009, as amended.
- 1.1.3 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 (subject to the Scheme gaining development consent).
- 1.1.4 This document should be read in conjunction with the Draft Development Consent Order [[TR010034/APP/3.1APP-020](#)] and the Explanatory Memorandum [[TR010034/APP/3.2APP-021](#)].

1.2 The Scheme

- 1.2.1 The A57 and A628 between Manchester and Sheffield currently suffer from heavy congestion, creating unreliable journeys, which limits journey time reliability. This restricts economic growth due to the delays experienced by commuters and business users alike. The congestion also results in rat running through smaller towns and villages, as vehicles attempt to reduce queuing times.
- 1.2.2 The Scheme has been developed to improve journeys between Manchester and Sheffield, and has evolved over more than 50 years, as different improvements have been explored. The current A57 around Mottram in Longdendale suffers from congestion which limits journey time reliability. This restricts economic growth due to the delays experienced by commuters and business users alike. This has a negative effect on local businesses and employment opportunities. The congestion also results in rat running through smaller towns and villages, as vehicles attempt to reduce queuing times. Much of this heavy traffic travels along local roads, which disrupts the lives of communities, and makes it difficult and potentially unsafe for pedestrians to cross the roads. It is likely that these issues would get worse with time, if significant improvements are not made.
- 1.2.3 A full Scheme description is provided in Chapter 2 of the Environmental Statement (ES) [[TR010034/APP/6.3APP-060](#)] and is summarised below:
- A new offline bypass of approximately 1.2 miles (1.8 km) of dual carriageway road connecting the M67 junction 4 to Mottram Moor
 - A new offline bypass of 0.81 miles (1.3 km) of single carriageway connecting the A57(T) Mottram Moor to the A57 Woolley Bridge
 - Creation of two new junctions, Mottram Moor Junction and Woolley Bridge Junction and improvement works to the existing M67 Junction 4
 - Creation of five new structures (Old [Mill Hall](#) Farm Underpass, Mottram Underpass, Carrhouse Lane Underpass, River Etherow Bridge and Roe Cross Road Overbridge)

- One main temporary construction compound area located on agricultural land to the east of the M67 Junction 4
- Detrunking, including safety measures from the M67 Junction 4 to Mottram Back Moor Junction, to be agreed with Tameside Metropolitan Borough Council (Tameside MBC).
- Safety measures and improvements to the A57 from Mottram Moor Junction to Gun Inn Junction and from Gun Inn Junction to Woolley Lane Junction, to be agreed with Tameside MBC.

2. Strategy

2.1 Background to the consenting regime under the Planning Act 2008

- 2.1.1 It is possible for a wide range of matters to be included within the scope of a Development Consent Order (DCO). Section 120 of the Planning Act 2008 (the "2008 Act") provides that a DCO may make provision for, or relate to, any matters listed in Schedule 5 of the Act, including the application, modification or disapplication of certain relevant statutory provisions where necessary or expedient for the purposes of giving full effect to the Order. In addition, there are specific sections within the Act, which provide that a DCO may include certain other provisions.
- 2.1.2 There are however some limitations, most notably in Section 150 of the Act, which stipulates that certain prescribed non-planning consents may only be included within a DCO with the agreement of the relevant consenting body. The DCO does not include any Section 150 consents.

2.2 ~~Highways England~~National Highways' Consents Strategy

- 2.2.1 The basis of ~~Highways England~~National Highways' consents strategy is that:
- A DCO must be sought as the principal consent for the works (under 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 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.
- 2.2.2 The consents strategy is informed by the National Policy Statement for National Networks to ensure that all relevant permissions that need to be obtained for activities within the development have been identified.

3. Consents and Agreements

3.1 Introduction

- 3.1.1 The principal consent for the proposed Scheme will be a DCO itself, a draft version is submitted as part of this application [[TR010034/APP.3.1APP-020](#)]. 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 meaning the detail required is unavailable.

3.2 Consents included within the DCO

- 3.2.1 At this point (the submission of the DCO application) most 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 (equivalent of planning permission)
 - Compulsory acquisition of land (including subsoil) 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 (including matters such as, construction of site access, designating highway as trunk road or special road, de-trunking the existing A57, specification of classes of traffic authorised to use the highway, adoption of a new highway, highway drainage)
 - Traffic regulation matters (including speed limits)
 - Consent to temporarily or permanently stop / extinguish and divert public and private rights of way (including footpaths, cycleways and diversion of restricted byways)
 - Consent to carry out tree works (including works to trees subject to a Tree Preservation Order)
 - Consent to carry out tree works (including works to trees in Conservation Areas)
 - Consent to remove hedgerows (including any 'important hedgerows')
 - Powers to carry out utility diversions (subject to protective provisions)
 - Consent to carry out any required utility diversion (subject to protective provisions)
 - Authority to survey and investigate the land

- Matters relating to Statutory Nuisance including the working outside of specified hours and the exceedance of thresholds
- Consent to carry out civil engineering or other works including landscaping works and tree planting
- Consent and powers to remove any apparatus belonging to statutory undertakers and / or carry out utility diversions (subject to protective provisions), plus consents to keep electric lines installed above ground
- Consent and powers to carry out miscellaneous tasks including payment of contributions and compensation, the transfer, leasing, suspension, discontinuance and revival of undertakings, the transfer of property, rights, liabilities or function, exclusion of obligation act and the protection of the property or interests of any person.

3.2.2 With the exception of planning permission, none of the consents listed in Section 33 (1) of the Act will be required for the Scheme. This includes the following consents:

- Listed Building Consent under the Planning (Listed Buildings and Conservation Areas) Act 1990. This is because the Scheme will not involve any works to a Listed Building;
- Common Land Consent under the Planning Act 2008. This is because the Scheme will not affect any Common Land;
- Site of Special Scientific Interest (SSSI) under the Conservation of Habitats and Species Regulations 2010. This is because the Scheme will not affect any SSSI;
- Scheduled Ancient Monument consent or any consent under the Ancient Monuments and Archaeological Areas Act 1979. This is because no works are proposed within the boundary of any Scheduled Ancient Monument and the Scheme is not situated within an area of archaeological importance designated under the 1979 Act;
- A pipe-line construction authorisation under the Pipe-lines Act 1962. This is because the Scheme will not require the diversion of a pipeline of more than 800mm in diameter or exceeding 8 bar gauge or any other limit stipulated by the 1962 Act; and
- A consent under the Gas Act 1965 the Energy Act 1976 or the Electricity Act 1989.

3.3 Other Consents to be obtained

3.3.1 The permits, consents and agreements that may need to be sought separately from the DCO are identified in Appendix A.

3.3.2 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.

3.4 Agreements

3.4.1 Agreements with relevant stakeholders may be required in parallel to the DCO process and may take a variety of forms.

- 3.4.2 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.
- 3.4.3 ~~Highways England~~[National Highways](#) is currently in discussions with:
- Natural England
 - Environment Agency
 - Historic England
 - Tameside Metropolitan Borough Council (TMBC)
 - Derbyshire County Council (DCC)
 - High Peak District Council (HPDC)
 - United Utilities
 - National Grid
 - Cadent
 - Electricity North West
 - BT Openreach
 - Greater Manchester Archaeological Advisory Service (GMAAS), and
 - Transport for Greater Manchester (TfGM)
- 3.4.4 The Draft SoCG with TMBC; DCC/HPDC and TfGM are all provided as part of this DCO submission [~~TR010034/APP/8.2-8.4~~ [APP-190 - APP192](#)].
- 3.4.5 The remaining SoCG will be progressed by ~~Highways England~~[National Highways](#) where appropriate.
- 3.4.6 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.
- 3.4.7 Other forms of agreement are also likely to be required alongside SoCGs, e.g. legal agreements regulating land and works powers, undertakings, memoranda of understanding, letters of comfort, etc.

Appendix A. Agreements and Consenting Authorities Table

Table 3.1: Consents and Agreements Table

Issue:	Consent/Licence/Agreement & Legislation:	Consenting Authority:	Requirement:	Status of negotiations:	Progress made by Deadline 1 (1 December 2021)
Protected species licensing	A license under section 10 of the Protection of Badgers Act 1992	Natural England (NE)	Active badger setts have been identified within the DCO boundary and will require relocation. This consent is therefore likely to be required prior to commencement of construction activities.	The Principal Contractor is to gain this consent and liaise with NE to obtain a Letter of No Impediment during the Examination period. Discussions with NE are ongoing. Badger activity may alter before construction commences.	Badger surveys to be undertaken from autumn 2021 through to DCO determination to keep survey data updated. SOCG with NE is being progressed. Draft Licence has been prepared. This will be updated ready for submitting to NE upon receipt of a successful DCO determination.
	Regulation 55 of the Conservation of Habitats and Species Regulations 2017, a European Protected Species mitigation licence from Natural England (in respect of Bats)		Ecology surveys have identified that the Scheme may have an impact upon bats. This consent is therefore likely to be required prior to commencement of construction activities.	The Principal Contractor is to gain this consent and liaise with NE to obtain a Letter of No Impediment during the Examination period. Discussions with NE are ongoing.	Additional bat surveys to be undertaken throughout 2022. SOCG with NE is being progressed. Draft Licence has been prepared. This will be updated ready for submitting to NE upon receipt of a successful DCO determination.
Hazardous substance	Revocation of hazardous substances consent on change of control of land. Determination of applications for continuation of hazardous substances consent under	Environment Agency	Determination of applications for continuation of hazardous substances consent or presence of	Further site investigations are necessary to determine whether the excavations include hazardous substances. Discussions with the EA are ongoing.	Additional site investigations now completed. Reporting will be used to inform whether consents will be required. Once confirmed these

Issue:	Consent/Licence/Agreement & Legislation:	Consenting Authority:	Requirement:	Status of negotiations:	Progress made by Deadline 1 (1 December 2021)
	the Planning (Hazardous Substances) Act 1990. Any consignment note or notification under the Hazardous Waste (England and Wales) Regulations 2005.		hazardous substances within condition attached to previous consent. The consents are applicable if the disposal of hazardous waste is required.		requirements will be agreed in consultation with the Environment Agency.
Waste	Materials Management Plan (MMP) Any waste carrier licences or transfer licences that may be required under the Control of Pollution (Amendment) Act 1989.	Environment Agency	A MMP is required for the reuse of materials defined as non-waste or end-waste and greater than exemption limits. The Principal Contractor is required to ensure their selected waste disposal contractor holds a Waste Carrier Licence.	Further site investigations and the assessment of potential surplus of material reuse is required. Specific deposit sites are identified within Schedule 1 of the DCO, work numbers 17 and 18. The use of a MMP in relation to the CL:AIRE guidance, and the requirement for other waste consents is currently being examined with the EA. Discussions are ongoing.	Additional site investigations now completed. Reporting will be used to verify potential areas/sources of contamination to inform the following: - MMP to be developed during the Detailed Design stage. - Waste carrier licences to be obtained, if required, prior to the movement of any material
Regulation 12 consents	Environmental Permitting (England and Wales) Regulations 2016 (as amended) Mobile plant permit • Waste exemption	Environment Agency and Local Authorities	A variety of environmental permits will be required to support the Scheme.	Discussion regarding the use of waste permits are ongoing with the EA and are documented within the SOCG. Following Brexit, this regulation is being reviewed.	SOCGs with Local Authorities and the Environment Agency are being progressed. Meeting held on 25 November 2021 with the

Issue:	Consent/Licence/Agreement & Legislation:	Consenting Authority:	Requirement:	Status of negotiations:	Progress made by Deadline 1 (1 December 2021)
	permit <ul style="list-style-type: none"> Concrete batching plant Mobile crushers Grout plants Environmental permit for waste —operation Environmental permit for discharge to surface water or groundwater 		They are to be gained by the Principal Contractor who will be responsible for their acquisition and works associated with them.		Environment Agency. Discussions to agree requirements for consents and permits will be ongoing through examination process and Detailed Design stage. Permits will be applied for, if required, prior to the start of works.
Noise pollution	Section 61 consent (Control of Pollution Act 1974).	Local Authority	It is possible that a Section 61 consent may be sought due to the creation of noise related to construction.	This consent is usually gained immediately prior to or during construction when a detailed description of the construction programme is available.	No progress to date. To be secured prior to the start of works.
Invasive species	Consent under the Control of Pesticides Regulations 1986 (as amended) for the use of and control of any pesticides within 8m of a watercourse (e.g. if Himalayan Balsam is found and requires to be sprayed)	Environment Agency, DEFRA and Natural England	Consent required for disposal of invasive species to a waste facility, if required. Consent for associated storage of pesticides.	Site surveys have identified Japanese Knotweed, Himalayan Balsam, Cotoneaster and Variegated Yellow Archangel on site. It has yet to be determined whether invasive species are present or will require removal. Consents to be gained by the Principal Contractor.	Pre-construction invasive species surveys to be undertaken. Details of invasive species identified on site to be issued to Principal Contractor to inform consents process. To be secured prior to the start of works.
	Notification to the Environment Agency of any Japanese Knotweed, Goldenrod, Himalayan Balsam or Giant Hogweed removal, treatment or burial under the Waste				To be undertaken as necessary

Issue:	Consent/Licence/Agreement & Legislation:	Consenting Authority:	Requirement:	Status of negotiations:	Progress made by Deadline 1 (1 December 2021)
	(England and Wales) Regulations 2011				
Health and Safety	Notification to the Health and Safety Executive about the commencement of construction in accordance with the Construction (Design and Management) Regulations 2015 (F10 Notification)	Health and Safety Executive, Local Authority, Fire and Rescue Authority, Fire Inspector, Asbestos Removal Contractors Association	Consents required to demonstrate compliance with fire safety duties and site safety legislation.	Consents to be gained by the Principal Contractor, following its preparation of associated documentation.	No progress to date.
	Approvals under the Health and Safety at Work Act 1974				
	Compliance with duties under The Regulatory Reform (Fire Safety) Order 2015				
	Asbestos Management in line with CAR-SOILS				
Transport	Consent under Road Traffic Regulations Act 1984 – s.14 (Temporary Traffic Regulation Order)	Highways England National Highways and Local Authority	Traffic management diversions, including temporary traffic signals, which are not included in the DCO	Consents to be gained by the Principal Contractor as the detailed construction programme is required to inform the application process.	No progress to date.
Water and Drainage	The Environmental Permitting (England and Wales) Regulations 2016 (as amended)	Environment Agency	Works in, under or over a main river watercourse, including culverting, construction of bridges and viaducts.	Consents to be gained by the Principal Contractor	To be obtained prior to the commencement of the relevant works. Discussions with the Environment Agency will be ongoing through examination process and Detailed Design stage.

Issue:	Consent/Licence/Agreement & Legislation:	Consenting Authority:	Requirement:	Status of negotiations:	Progress made by Deadline 1 (1 December 2021)
	Environmental Permit – Surface Water discharge consent (Regulation 12(1)(b) of the Environmental Permitting Regulations 2016)		Discharge into main river watercourses		To be obtained prior to the commencement of the relevant works. Discussions with the Environment Agency will be ongoing through examination process and Detailed Design stage.
	Environmental Permit - Groundwater discharge consent. Consent to discharge into an available watercourse under the Regulation 12(1) (b) of the Environmental Permitting Regulations 2016		Discharge of a pollutant into groundwater		To be obtained prior to the commencement of the relevant works. Meeting with the Environment Agency to discuss the permitting requirements for the abstraction and discharge of groundwater both during construction and for long term drainage is programmed for December 2021. Discussions will be ongoing through examination process and Detailed Design stage.
	Water Abstraction Licence Section 24 of the Water Resources Act 1991 Consent to Investigate a groundwater source Licence under sections 24 of the Water Resources Act 2003 (restrictions on abstraction).		A consent under section 32 (restriction on abstracting) Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003 (47).		
	Water Impoundment Licence - Licence under sections 25 of the Water Resources Act 2003 (restrictions on impounding).		Water Impoundment		To be obtained prior to the commencement of the relevant works.

Issue:	Consent/Licence/Agreement & Legislation:	Consenting Authority:	Requirement:	Status of negotiations:	Progress made by Deadline 1 (1 December 2021)
					Discussions to be held with the Environment Agency.
	Section 143 of the Planning Act 2008 and Schedule 5 Pt 1.		The diversion of navigable or non-navigable watercourses.		To be obtained prior to the commencement of the relevant works. Discussions to be held with the Environment Agency.
	Water Framework Directive (WFD)		A WFD risk assessment will need to be undertaken. If the works will affect a water body that is at high status or high status morphology or if applying for a Flood Risk Assessment Permit (FRAP) for a specific type of activity on a main river (see FRAP below).		WFD and Flood Risk Assessment submitted with DCO application. No formal comment received from Environment Agency to date, however, discussions for SOCG are currently ongoing and both WFD and FRA were discussed at meeting held on 25 November 2021.
	Foundation works and piling risk assessment.		For piling and piling over an aquifer.		To be obtained prior to the commencement of the relevant works. Piling risk assessment work to be undertaken during the Detailed Design stage.

Issue:	Consent/Licence/Agreement & Legislation:	Consenting Authority:	Requirement:	Status of negotiations:	Progress made by Deadline 1 (1 December 2021)
					Discussions to be held with the Environment Agency.
	Environmental Permit - Flood Risk Activities (for Main Rivers) under the Environmental Permitting (England and Wales) Regulations 2016.		A Flood Risk Activity Permit will be required where works are to be carried out within eight metres of the bank of a main river. This is also relevant for ecological bank side habitats, such as otters. A WFD risk assessment must be undertaken for the EA to issue the permit (see WFD above).	Discussions with Environment Agency are ongoing.	Flood Risk Assessment submitted with the DCO application. No formal comment received from the Environment Agency to date, however, WFD was discussed at meeting held on 25 November 2021. Flood Risk Activity Permit to be obtained prior to the commencement of the relevant works. Discussions to be held with the Environment Agency throughout the examination process and Detailed Design stage.
	Ground Dewatering under the Water Resources Act 1991 sec 32.		Temporary dewatering during construction works.	Discussions with Environment Agency are ongoing.	To be obtained prior to the commencement of the relevant works. Discussions to be held with the Environment Agency. Initial meeting to discuss temporary dewatering requirements is programmed for December 2021.

Issue:	Consent/Licence/Agreement & Legislation:	Consenting Authority:	Requirement:	Status of negotiations:	Progress made by Deadline 1 (1 December 2021)
	Land Drainage Act 1991 (and sections 20 and 32) and any LLFA Byelaws or for Highways Authorities Section 339 of the Highways Act 1980. 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.	Lead Local Flood Authority – Tameside MBC	Works affecting the flow of an ordinary river watercourse.	Consents to be gained by the Principal Contractor.	To be obtained prior to the commencement of the relevant works. Discussions to be held with the LLFA. Initial meeting to be held in early 2022 to discuss requirements.
	Section 100 of the Highways Act 1980.	Highway Authority	Highway drainage.	Consents to be gained by the Principal Contractor.	To be obtained prior to the commencement of the relevant works. Discussions to be held with Local Highway Authorities.

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