

A47 Blofield to North Burlingham Dualling

Scheme Number: TR010040

Volume 3

3.3 Consents and Licences Position Statement

APFP Regulation 5(2)(q)

Planning Act 2008

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

October 2021

Deadline 5

Infrastructure Planning

Planning Act 2008

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

**A47 Blofield to North Burlingham
Development Consent Order 202[x]**

CONSENTS AND LICENCES POSITION STATEMENT

Regulation Number:	Regulation 5(2)(q)
Planning Inspectorate Scheme Reference	TR010040
Application Document Reference	3.3
BIM Document Reference	HE551490-GTY-LSI-000-RP-TX-30003
Author:	A47 Blofield to North Burlingham Dualling Project Team, Highways England

Version	Date	Status of Version
Rev 0	December 2020	Application Submission
Rev 1	July 2021	Deadline 1
Rev 2	August 2021	Deadline 3
Rev 3	September 2021	Deadline 4
Rev 4	October 2021	Deadline 5

CONTENTS

1	INTRODUCTION.....	1
1.1	Purpose of this Document.....	1
1.2	Description of the Scheme	1
2	STRATEGY.....	3
2.1	Consent Strategy	3
2.2	Highways England Approach	3
3	CONSENTS AND AGREEMENTS	4
3.1	Consents.....	4
3.2	Agreements.....	5
	APPENDIX A – TABLE OF CONSENTS AND AGREEMENTS	6

1 INTRODUCTION

1.1 Purpose of this Document

- 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 Blofield to North Burlingham 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 an existing highway by way of an upgrade to an existing 2.6km of single carriageway between Blofield and North Burlingham. It will create a new dual carriageway, to improve traffic flow and reduce congestion on the route.
- 1.2.2 The A47 trunk road in question forms part of the national strategic road network (SRN) which is located 9km to the east of Norwich and connects Norwich with Great Yarmouth (see Figure 1.1).

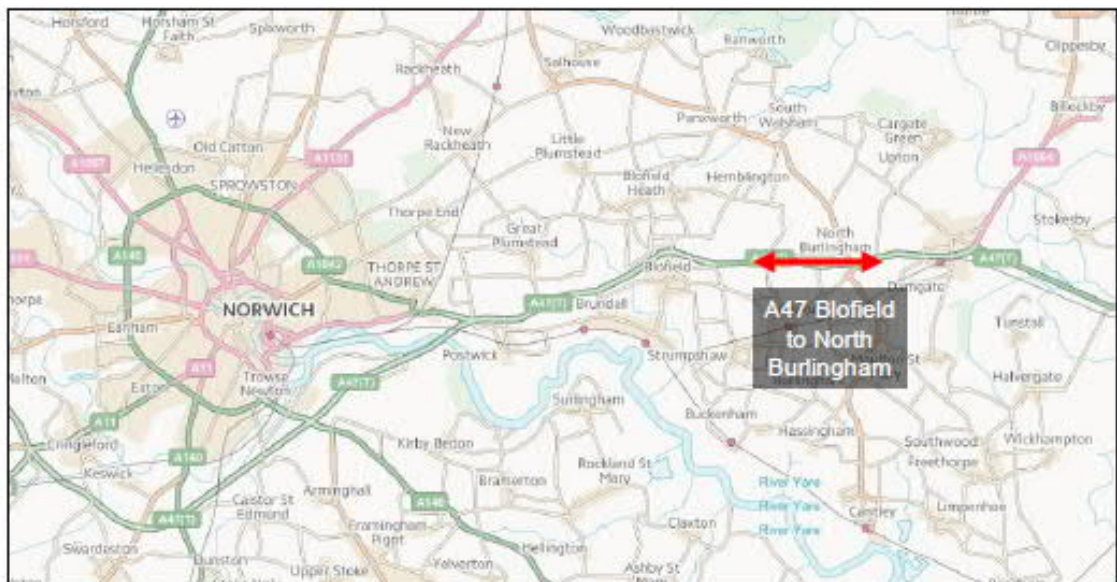


Figure 1.1 Location of the Scheme

- 1.2.3 The Scheme aims to create improvements to the western junction at Blofield for access to the A47 from Yarmouth Road and a westbound only access onto the A47, as well as the realignment of the Yarmouth Road / Waterlow junction with a new link road and bridge designed to connect the old A47 alignment. East of North Burlingham, the development will include a new access link from Main Street to South Walsham Road and a new compact grade separated junction with a connection to South Walsham and White House Lane.

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 (**TR010040/APP/7.1**).

3 CONSENTS AND AGREEMENTS

3.1 Consents

- 3.1.1 The principal consent for the Scheme will be the DCO. The DCO 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 has declined to allow a consent to be contained within the DCO
 - c) it is not desirable or 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 categories below:
- 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 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 (Wildlife and Countryside Act 1981, s. 16) for Great Crested Newts
 - 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 matter on which the parties agree and disagree, 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 SoCGs 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	Natural England	Further GCN surveys will be necessary prior to construction. Depending on the results a GCN Licence may be required	Negotiations will be undertaken following the outcome of further surveys
Protected Species Licences	Conservation of Habitat and Species Regulations 2017 Wildlife and Countryside Act 1981	Natural England	Bats	Consents required, and the detail required for the consents will be provided once the detailed design for the Scheme has been developed. If required a licence will be applied for prior to commencement.
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)	Broadland District Council	-	Discussions will take place with Broadland District 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
	Regulations 2016.			
Waste materials	CL:aire Materials Management Plan. CL:aire (2001) Definition of Waste: Development Industry Code of Practice (V.2) (DoWCOP).	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 (TR010040/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).
Noise and vibration during the construction stage	Section 61 Control of Pollution Act 1974 - consent if proposed by the contractor.	Broadland District 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 between the contractor and the local authority should it be considered necessary to do so during the construction phase.
Consent for felling of trees	Felling Licence – Forestry Act 1967	Local authority/Forestry Commission	Powers for removal of trees for construction of the scheme including trees protected by Tree Preservation Orders are sought within the Development Consent Order. However trees that are felled for purposes other than construction (for instance ecological enhancement) may require	No discussions have taken place with the Forestry Commission and/or local authority regarding an application, and a prior 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.

Issue	Consent/Licence Agreement and Legislation	Consenting Authority	Requirement	Status of negotiation
			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.	
Diversion of watercourses	Water Resources Act 1991	Environment Agency	Construction activities planned for the diversion of watercourses prior to works starting.	
Temporary water discharge activities (this does not apply to operational discharges from the highway)	Environmental Permitting (England and Wales) Regulations 2016 Water Resources (Abstraction and Impounding) Regulations 2008 Water Abstraction and Impounding (Exemptions) Regulations 2017).	Environment Agency	Discharging of dewatered volumes may also require a bespoke discharge permit. Treatment measures may be required depending on the quality of water abstracted, and the receiving waterbody.	
Temporary abstraction for construction dewatering	Water Resources Act 1991 Water Resources (Abstraction and Impounding) Regulations 2008 The Water Abstraction and Impounding (Exemptions) Regulations 2017 Environmental Permitting (England and Wales) Regulations 2016	Environment Agency	Works within the saturated aquifer may require dewatering. Dewatering volumes above 100m ³ /day require a transfer or abstraction licence. Exemptions may apply but are only applicable if the works will take less than 6	

Issue	Consent/Licence Agreement and Legislation	Consenting Authority	Requirement	Status of negotiation
			months ¹ . A licensing exemption limit may be reduced to 50m ³ /day, depending on whether there are conservation sites within 500m or springs, wells or boreholes used to supply water for any lawful use within 250m of the proposed abstraction. Licensing will be subject to further impact assessments on any identified receptors.	

¹ Note: dewatering at rates of up to 100m³/day (or 50m³/day within the restricted areas identified) is exempt from the need for an abstraction licence if the works would take less than 6 months in total. If the works take place over a longer time period, an abstraction licence will be required for any dewatering at rates over 20 m³/d. The exemption allows increased dewatering to occur without the need for an abstraction licence for short term works of less than 6 months