

A46 Newark Bypass

TR010065/APP/3.3

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
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A46 Newark Bypass
Development Consent Order 202[x]

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 the A46 Newark Bypass (the “Scheme”). A detailed description of the Scheme can be found in Chapter 2, (The Scheme) of the Environmental Statement (ES) **[APP-046]**.
- 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 associated agreements.
- 1.1.3 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 that the application must be accompanied by
- “...(q) any other documents considered necessary to support the application”*

2 Strategy

2.1 The Applicant's Consents Strategy

2.1.1 The basis of the Applicant's 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;
- 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;
- 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 on the basis of strong collaboration between 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 and temporary possession of land, along with other 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 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 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 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 including such powers as are necessary to replace the requirement for separate listed building consent;

- 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 highway as trunk road and designating highway as classified and unclassified roads etc.); Traffic regulation matters (such as speed limits, clearways and restrictions on use);
- Consent to stop up and divert public and private rights of way;
- Consent to carry out tree works (including works to trees subject to a Tree Preservation Order);
- Consent to remove hedgerows (including any 'important hedgerows');
- Powers to carry out utility diversions (subject to protective provisions); and
- Consent to carry out any required utility diversion (subject to protective provisions);
- Consent to remove buried human remains; and
- Suspension of navigation rights in the River Trent.

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 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 progressed by the Applicant working with stakeholders and as follows:

- Nottinghamshire County Council
- Newark and Sherwood District Council
- Newark A46 Active Travel Partnership
- Newark and Nottinghamshire Agricultural Society
- Environment Agency
- Historic England
- Lindum Group Limited

- Lincolnshire County Council
- Natural England
- Canal and River Trust
- Trent Valley Internal Drainage Board
- Network Rail
- Think Again Winthorpe Action Group

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.

3.2.4 Other possible forms of agreement alongside SoCG's are legal agreements regulating land and works powers, undertakings, memoranda of understanding and letters of comfort. Again, these will be progressed by the Applicant where appropriate.

3.2.5 The table contained in Appendix B sets out the current position in relation to the side agreements, letters of undertaking or licences being pursued by the Applicant.

~~3.2.5 Applicant is currently proposing to enter into side agreements, licences of letters of undertaking with the following parties:~~

- ~~• Agreement with the landowners of Doddington Hall in relation to the provision of offsite compensatory planting;~~
- ~~• Off-site licences for barn own and bird boxes with legal agreements to follow in order to secure environmental mitigation;~~
- ~~• An agreement with Lindum Developments Limited in relation to the possible relocation of the footpath/cycletrack currently shown on Sheet 5 of the Streets, Rights of Way and Access Track;~~
- ~~• The following Basic Asset Management Agreements (BAPAs) with Network Rail:~~
 - ~~a. One to govern the structures being built over the railway; and~~
 - ~~b. One in relation to the work the Applicant is requesting NR to undertake on the Overhead Catenary System.~~
- ~~• An agreement with Nottinghamshire County Council in relation to the monitor and mitigate commitment for Pelham Street;~~
- ~~• A letter of undertaking with Newark and Sherwood District Council in relation to the impacts on the Lorry Park and the internal design.~~

APPENDICES

APPENDIX A: Consents and Agreements Table

APPENDIX A: CONSENTS AND AGREEMENTS TABLE

Issue	Consent / Licence / Agreement & Legislation	Consenting Authority	Requirement	Status of Negotiations
Ecology Arboriculture - Trees	<p>Consent / licence for the felling of trees under the Forestry Act 1967</p> <p>The Applicant is not seeking to disapply the requirement for this consent in the draft DCO (REP1-001)</p>	Local Authority / Forestry Commission	<p>Powers for the removal of trees for the construction of the Scheme including trees protected by Tree Protection Orders are sought within the dDCO. However, trees that are felled for purposes other than construction e.g. ecological enhancement may require approval from the Forestry Commission under a Felling Licence. This involves notifying the Forestry Commission in advance of felling additional trees. Certain tree felling can be carried out under an exemption however limitations apply to size of area and so a felling licence may be required.</p>	<p>Appendix 7.4 (Arboricultural Impact Assessment) of the ES Appendices (APP-140 to APP-144) has identified trees to be felled solely based on sound arboricultural management and therefore a felling licence will be required in respect of those trees.</p> <p>Discussions will take place with the Forestry Commission post consent, once the precise requirements for a Felling Licence have been established.</p>

Materials & Waste	<p>Waste exemptions for operations such as U1 (import of waste for use in construction) under the Environmental Permitting (England and Wales) Regulations 2016</p> <p>The Applicant is not seeking to disapply the requirement for this consent in the draft DCO (REP1-001)</p>	Environment Agency	<p>A waste exemption may be required for the storage, treatment, use or disposal of limited quantities and types of material during construction of the 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 all limits and conditions must still be complied with.</p>	<p>Chapter 9 Geology and Soils of the ES (APP-053) identifies the potential requirement for a waste exemption. If excavated Made Ground (soil and stones (from construction and demolition sites) not containing hazardous substances) is proposed to be reused on-site, then up to 1000t may be placed under a U1 Exemption.</p> <p>Post DCO consent, the Environment Agency will be informed of the intention by the Applicant to seek such exemptions prior to the start of construction activities in the location where these exemptions are required. This involves a standard online registration process and as such negotiations with the Environment Agency will not be required.</p> <p>Should the activities not be exempt, a Standard Rules Permit (SRP) would be required.</p>
	<p>Environmental Permit - Part B Local Authority Pollution Prevention and Control under the Local Authority Pollution Prevention and Control Act 1999</p> <p>The Applicant is not seeking to disapply the requirement for this consent in the</p>	Local Authority	<p>A Part B Local Authority Environmental Permit may be 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 may also apply where demolition material is screened by machine prior to crushing, and to any other pre-treatment activity and the screening of the product. This permit would be required if a subcontractor without a mobile plant permit is used.</p>	<p>Should this consent be required, post DCO consent discussions will take place with the Local Authority in advance of construction works requiring crushing and mobile plant permits to determine the need for these permits.</p>

	draft DCO (REP1-001)		REAC commitment M3 in the First Iteration Environmental Management Plan (EMP) (APP-184) states that waste arisings from demolition works will be sorted and managed as high up in the waste hierarchy as possible; reuse on-site will be the first option (i.e. by crushing, blending and subsequent reuse, as an aggregate), or sent to a recycling/recovery facility.	
	<p>Environmental Permit - Mobile Treatment Plant Permit and Deployment under the Environmental Permitting (England and Wales) Regulations 2016 and the Pollution Prevention and Control Act 1999</p> <p>The Applicant is not seeking to disapply the requirement for this consent in the draft DCO (REP1-001)</p>	Environment Agency	<p>A mobile plant licence for crushing operations or site permits will be required if not using a subcontractor with their own mobile licences for the purposes set out above.</p> <p>REAC commitment M3 in the First Iteration EMP (APP-184) states that waste arisings from demolition works will be sorted and managed as high up in the waste hierarchy as possible; reuse on-site will be the first option (i.e. by crushing, blending and subsequent reuse, as an aggregate), or sent to a recycling/recovery facility.</p>	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.
Materials & Waste	Environmental Permit - Waste operation under the Environmental Permitting (England and Wales) Regulations 2016 and Pollution Prevention and Control Act 1999	Environment Agency	An Environmental Permit may be required if the borrow pits cannot be restored under the CL:AIRE Definition of Waste: Development industry Code of Practice (DoWCoP). Relevant permits may include those authorising the deposit of waste for recovery operations.	Post DCO consent, it is currently envisaged that the borrow pits located at Farndon West Borrow Pits Area and Brownhills Borrow Pits Area (as shown on the General Arrangement Plans (AS-007)) will be restored using excavated material arising, that passes re-use acceptability criteria (based on findings of quantitative risk assessment), for the Scheme and the associated land use of

	The Applicant is not seeking to disapply the requirement for this consent in the draft DCO (REP1-001)			the restored borrow pits. It is therefore anticipated that this permit will not be required. However, this will be kept under review during the detailed design phase in consultation with the Environment Agency.
Materials & Waste	<p>Materials Management Plan</p> <p>The Applicant is not seeking to disapply the requirement for this consent in the draft DCO (REP1-001)</p>	Environment Agency	<p>Use of excavated materials within the 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.</p> <p>A Materials Management Plan will cover the reuse of uncontaminated soil and other materials excavated during the works, for example for earthworks and borrow pit restoration, within the Order Limits.</p>	<p>The commitment to producing this plan has been made in REAC commitment M1 in the First Iteration EMP. An Outline Materials Management Plan is appended to the First Iteration EMP at Appendix B.2 (APP-184).</p> <p>Post DCO consent, agreement will be sought from the Environment Agency that they are satisfied that the DoWCoP route is acceptable for the excavated materials proposed at the site and that the correct procedures have been followed.</p>
Materials & Waste	<p>Licence to work with Asbestos under the Control of Asbestos Regulations 2012</p> <p>The Applicant is not seeking to disapply the requirement for this consent in the draft DCO (REP1-001).</p>	Health and Safety Executive	Required for any work with asbestos.	Given the age of the buildings to be demolished it is possible that asbestos will be encountered. Commitment GS6 of the REAC in the First Iteration EMP (APP-184) states that if any asbestos is identified as part of the works, a specialised contractor should be contacted to advise on potential asbestos risk and remediation requirements. If asbestos is encountered then asbestos quantification should be undertaken and then actions should be determined by a

				licensed asbestos specialist, as such a licence may be needed.
Noise and vibration during the construction stage	<p>Section 61 consent if proposed by the contractor under Section 61 of the Control of Pollution Act 1974</p> <p>The Applicant is not seeking to disapply the requirement for this consent in the draft DCO (REP1-001)</p>	Newark and Sherwood District Council	Section 61 consent offers the Applicant 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 would be required prior to construction with the relevant local authority to determine whether or not Section 61 agreements are necessary.
Protected Species Licensing	<p>Bats: European Protected Species licence under the Conservation of Habitats and Species Regulations 2017</p> <p>Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019; Wildlife and Countryside Act 1981</p>	Natural England	<p>Required for activity that affects a protected species e.g. disturb or remove wildlife, or damage habitats.</p> <p>A licence would be required for the disturbance or removal of bat roosts in the Order Limits prior to the commencement of construction to ensure legal compliance with the Conservation of Habitats and Species Regulations 2017</p>	Chapter 8 (Biodiversity) of the ES (APP-052) sets out that a European Protected Species Mitigation (EPSM) licence will be required to allow for derogation from legislation and therefore the lawful destruction of a bat roost (F004). A full draft mitigation licence for bats has been compiled and will be provided to Natural England for review, to obtain a Letter of No Impediment (LONI). The LONI will be used to support the development consent application during the determination period to evidence that there is no impediment to a licence being granted in the future should the DCO be issued (subject to Natural England response timescales). The Method Statement supporting the licence application will detail impacts

	The Applicant is not seeking to disapply the requirement for this consent within the draft DCO (REP1-001).			and appropriate mitigation measures, informed by robust survey data.
	<p>Badgers: A licence to interfere with setts (dens) under section 10 of the Protection of Badgers Act 1992</p> <p>The Applicant is not seeking to disapply the requirement for this consent within the draft DCO (REP1-001)</p>	Natural England	A licence will be required if it is necessary to undertake permanent closure and destruction of confirmed badger setts during the construction of the Scheme. This will ensure that badgers are not disturbed and to ensure legal compliance with the Protection of Badgers Act 1992.	<p>Chapter 8 (Biodiversity) of the ES (APP-052) sets out that based on survey data collected to date (inactive sett), it is considered unlikely that a development licence from Natural England will be required for badger sett closure(s).</p> <p>However, in the event any badger setts are confirmed during pre-commencement surveys (as required under commitment B6 of Table 3-2 REAC within the First Iteration EMP (APP-184)), a mitigation licence will be sought and obtained from Natural England at that time by the Principal Contractor, prior to undertaking any works impacting badgers or their setts.</p>
	<p>Water Vole Mitigation Licence under the Wildlife and Countryside Act 1981</p> <p>The Applicant is not seeking to disapply the requirement for this consent within the draft DCO (REP1-001)</p>	Natural England	A licence will be required for activity that affects a protected species e.g. disturb or damage burrows; displacement of water voles.	<p>Chapter 8 (Biodiversity) of the ES (APP-052) states that surveys have confirmed water vole presence along Old Trent Dyke, outside of the Order Limits, however no confirmed water vole burrows or latrines have been recorded within the Order Limits. As the species is mobile, there are seasonal fluctuations in population size and distribution could alter due to numerous factors. Therefore, pre-commencement surveys (as required under commitment B5 of Table 3-2 REAC within the First Iteration</p>

				<p>EMP (APP-184) of areas to be cleared of vegetation along Old Trent Dyke will be undertaken by an ecologist who holds a displacement licence (or is accredited under one), within 24 hours of works commencing.</p> <p>In the event any water voles are confirmed during pre-commencement surveys, a mitigation licence will be sought and obtained from Natural England at that time by the Principal Contractor, prior to undertaking any works impacting water voles.</p>
Trade Effluent Discharge	<p>Consent to discharge trade effluent under Section 119 of the Water Industry Act 1991</p> <p>The Applicant is not seeking to disapply the requirement for this consent within the draft DCO (REP1-001)</p>	Local water undertaker	Required for (but not limited to) disposal of concrete washout and vehicle wheel wash waters.	The requirement for a Trade Effluent Consent will be discussed with the relevant local water undertaker should it be required during the construction phase.
Water – Flood Risk Activities	<p>Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2016. Flood Risk Activity - standard permit/bespoke permit for <u>temporary</u> flood risk associated</p>	Environment Agency	<p>Required for works within 8m of a main watercourse (16 for tidal watercourses) or flood defences.</p> <p>Consent to carry out flood risk activities for temporary structures altering water levels in main rivers e.g. bridge, borrow pit excavation, haul road construction, temporary culvert installation, piling and crane platforms, installation of temporary boundary fence. Stockpiling of materials and the temporary</p>	<p>Flood Risk Activity Permits will be obtained from the EA prior to construction where disapplication has not been granted as required under commitment RDWE13 of Table 3-2 REAC within the First Iteration EMP (APP-184).</p> <p>Multiple consents will be required for temporary works.</p>

	<p>with the <u>construction</u> of the Scheme</p> <p>The Applicant is not seeking to disapply the requirement for this consent within the draft DCO (REP1-001).</p>		<p>diversion of ditches and rivers (Slough Dyke). Installation of temporary compound areas. Dewatering of excavations. Please note that this is not an exhaustive list.</p>	
Water – Flood Risk Activities	<p>Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2016- Flood Risk Activity - standard permit/bespoke permit for <u>permanent</u> flood risk associated with <u>the operation</u> of the Scheme</p> <p>The Applicant is not seeking to disapply the requirement for this consent within the draft DCO (REP1-001)</p>	Environment Agency	<p>Required for works within 8m of a main watercourse (16 for tidal watercourses) or flood defences.</p> <p>A Flood Risk Activity Permit is required for the permanent flood risk associated with e.g. topsoil strip, flood compensation excavation, culvert installation, ground improvements, embankment construction, sheet piling, rotary and continuous flight auger piling, piling and crane platforms, utility diversions, pile cap excavation and bridge substructure construction, bridge deck installation, headwall construction, installation of drainage swales and pipes, installation of fence lines and accommodation work and maintenance tracks. Please note that this is not an exhaustive list.</p>	<p>As required by commitment RDWE13 of Table 3-2 REAC within the First Iteration EMP (APP-184), Flood Risk Activity Permits will be obtained from the EA prior to construction (where disapplication has not been granted).</p>
Water Abstraction	<p>Full Water Abstraction Licence under Section 24 of the Water Resources Act 1991 (as amended by the Water Act 2003) Water Abstraction and Impounding</p>	Environment Agency	<p>Consent is required to carry out water abstraction activities.</p> <p>Full Abstraction Licence is required for abstraction of groundwater during earthworks (primarily borrow pits) as programmed durations will exceed the 6 month threshold. The licence will also allow for abstraction of surface waters for dust suppression where</p>	<p>Chapter 13 (Road Drainage and the Water Environment) of the ES (APP-057) sets out that Environmental Permits for groundwater abstraction and water discharge would be sought from the Environment Agency before this work commenced. It is anticipated that any borrow pit dewatering discharge would be directed to silt lagoons within</p>

	<p>(Exemptions) Regulations 2017</p> <p>The Applicant is not seeking to disapply the requirement for this consent within the draft DCO (REP1-001)</p>		<p>more than 20 cubic metres per day is required.</p>	<p>the borrow pit area for settlement and attenuation before discharge to local watercourses. The requirement to obtain a Water Activity Permit for these discharges are included below.</p> <p>Discussions regarding the requirement for abstraction licences are planned to take place with the Environment Agency.</p>
Water Discharge	<p>Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2016 bespoke water discharge activity and groundwater (point source) environmental permit <u>during construction</u> (i.e. this does not apply to operational discharges from the highway)</p> <p>The Applicant is not seeking to disapply the requirement for this consent within the draft DCO (REP1-001)</p>	Environment Agency	<p>A Water Activity Permit (formerly discharge consent) is required for discharge or entry of any poisonous, noxious or polluting matter, waste matter, trade or sewage effluent into an inland freshwater, coastal waters or relevant territorial waters.</p> <p>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.</p>	<p>Chapter 9 Geology and Soils of the ES (APP-053) has identified that excavations may require dewatering of runoff waters, perched waters or groundwater. In particular, dewatering is likely in the identified flood compensation areas and borrow pit areas. A Water Activity Permit will be obtained from the Environment Agency relating to these dewatering works before the work commences as identified in Chapter 2 (The Scheme) of the ES (APP-046).</p> <p>Discussions regarding the consents required are planned to take place with the Environment Agency.</p>
Water Discharge	<p>Environmental Permit - bespoke water discharge activity and</p>	Environment Agency	<p>A Water Activity Permit is required for discharge or entry of any poisonous, noxious or polluting matter, waste matter, trade or</p>	<p>Discussions regarding the consents required are planned to take place with the Environment Agency.</p>

	<p>groundwater (point source) environmental permit <u>during operation</u></p> <p>The Applicant is not seeking to disapply the requirement for this consent within the draft DCO (REP1-001)</p>		<p>sewage effluent into an inland freshwater, coastal waters or relevant territorial waters.</p> <p>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.</p> <p>A Water Activity Permit may be required during operation for operational discharges from the highway.</p>	
Ordinary Watercourse	<p>Land Drainage Consent under Section 23 Land Drainage Act 1991</p> <p>The Applicant is not seeking to disapply the requirement for this consent within the draft DCO (REP1-001)</p>	<p>Lead Local Flood Authority (LLFA) or Internal Drainage Board (IDB)</p>	<p>A consent application will be required to allow for any temporary 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"> • obstructing ordinary watercourses; • temporary crossings; • structures (if they encroach into the channel); • diversions; • realignment; and • discharge to Ordinary Watercourses 	<p>Discussions regarding the requirement for these consents are ongoing with the LLFA and the IDB.</p>
Land Drainage Consent	<p>Internal Drainage Board consent under The Trent Valley and Lindsay Marsh IDB Byelaws dated January 2018</p>	<p>Trent Valley and Lindsey Marsh Internal Drainage Board</p>	<p>A consent application will be required to undertake works to Slough Dyke including:</p> <ul style="list-style-type: none"> • Works in, over, under or within nine metres of a Board maintained watercourse. • Diversion or stopping up of the watercourse. 	<p>Discussions regarding these consents are ongoing with the Trent Valley and Lindsay Marsh Internal Drainage Board.</p>

	The Applicant is not seeking to disapply the requirement for this consent within the draft DCO (REP1-001)		<ul style="list-style-type: none"> • Installation of a culvert, weir or other like obstruction within any watercourse. • Any works that increase the flow of surface water or treated foul effluent to any watercourse within the Board's district. 	
Building Demolition	<p>Local Authority (section 80 notice under the Building Act 1984 and Building Regulation compliance)</p> <p>The Applicant is not seeking to disapply the requirement for this consent within the draft DCO (REP1-001)</p>	Local Authority Notice	For the demolition of buildings, written notice is required to be submitted to the Local Authority (and if applicable, an occupier of any adjacent building, public gas supplier and public electricity supplier) setting out the building and the related demolition works intended to be carried out.	Discussions with the Local Authorities where demolition is required as a result of the Scheme have taken place. Notice of demolition will be given post DCO consent once precise details in relation to the methodology for demolition and timing of the demolition works proposed are known.

Appendix B: Table of side agreements, letters of undertaking and licences

<u>Short Description of Agreement etc.</u>	<u>Purpose of Agreement etc</u>	<u>Status</u>	<u>Implication of no agreement being reached</u>
<p><u>Doddington Hall Agreement</u></p> <p><u>An agreement pursuant to section 253 of the Highways Act 1980 with the landowners of Doddington Hall in relation to the provision of offsite compensatory planting</u></p>	<p><u>The purpose of this agreement is to secure off site compensation planting at Doddington Hall.</u></p>	<p><u>Agreement has been reached between the parties and engrossments are being prepared with execution expected imminently and in any event prior to the end of the Examination.</u></p> <p><u>As soon as the agreement is complete the Applicant will provide a copy to the Examining Authority which they can rely on but which the Applicant asks is not made public.</u></p>	<p><u>Not applicable on the basis that the agreement is in final form. Therefore it is the Applicant's view that the off-site compensatory planting is secured and as such there is no need for an additional requirement to be added to the draft Development Consent Order [REP6-004].</u></p>
<p><u>Offsite Barn Owl and Bat Boxes</u></p> <p><u>Offsite licences for barn owl and bat boxes with legal agreements under section 253 of the Highways Act 1980 to follow in order to secure environmental mitigation;</u></p>	<p><u>The purpose of these agreements is to secure offsite barn owl and bat boxes which have been identified as essential environmental mitigation.</u></p>	<p><u>A licence has been agreed with the relevant land owner in relation to the placing of the required offsite barn owl box which is already in place and a draft section 253 agreement is currently being negotiated between the landowner and the Applicant.</u></p> <p><u>In relation to the section 253 agreement required for the offsite bat boxes this is also currently being negotiated with the landowner.</u></p>	<p><u>On the basis that the section 253 agreements are not yet in place the Applicant has included requirements 21 and 22 into the draft Development Consent Order [REP6-004] which ensures that the works which trigger the need for the offsite boxes cannot commence unless and until the boxes are in place in accordance with the relevant specifications as defined in the draft Development Consent Order and submitted to the Examination at Deadline 7.</u></p> <p><u>On the basis of requirements 21 and 22 of the draft Development</u></p>

<u>Short Description of Agreement etc.</u>	<u>Purpose of Agreement etc</u>	<u>Status</u>	<u>Implication of no agreement being reached</u>
			<u>Consent Order being in place, the Examining Authority and Secretary of State can be assured that the essential mitigation is secured appropriately.</u>
<p><u>Lindum Agreement</u></p> <p><u>An agreement with Lindum Developments Limited and NDC Group Limited in relation to the possible relocation of the footpath/cycletrack currently shown on Sheet 5 of the Streets, Rights of Way and Access Plans [REP4-002].</u></p>	<p><u>The purpose of the agreement is to potentially relocate the location of the footpath/cycletrack currently shown on Sheet 5 of the Streets, Rights of Way and Access Plans [REP4-002]. The agreement also deals with the transfer of land parcels required for the widening of the A46 carriageway to the south of the existing carriageway and the transfer of land required to accommodate the footpath/cycletrack.</u></p>	<p><u>The parties have both shared various rounds of comments on a draft legal agreement and the points in principle have been narrowed. The parties had a further meeting on 6 March 2025 and the Applicant shared a revised draft agreement on 10 March 2025 seeking to address the points raised during that meeting. The Applicant received a response from Lindum on 24 March 2025 and will review and return any comments as quickly as possible.</u></p> <p><u>The parties have also agreed many of the points in relation to the land transfer aspects which are required in order to bring the footpath/cycletrack forward using the Alternative Route (i.e. across land outside of the Order Limits and across Lindum's land).</u></p> <p><u>The parties are working collaboratively in order to finalise the agreement and are both working towards reaching agreement prior to completion of the Examination.</u></p>	<p><u>In the event that an agreement cannot be reached the Applicant stands behind the route provided for the footpath/cycletrack as shown on Sheet 5 of the Streets, Rights of Way and Access Plans [REP4-002].</u></p> <p><u>Article 15 of the draft Development Consent Order [REP6-004] provides the ExA and the community with certainty that a route will be provided to replace the diverted footway that currently runs along the A46 carriageway, be that the route set out in the Application or that proposed by Lindum. This is because Article 15 requires the Applicant to provide the footpath/cycletrack listed in Schedule 3, Part 10 in the location shown on the Streets, Rights of Way and Access Plans [REP4-002] unless otherwise agreed with the Local Highway Authority.</u></p> <p><u>Therefore, the Applicant is required to either provide the footpath/cycletrack in the location shown in the Application or to</u></p>

<u>Short Description of Agreement etc.</u>	<u>Purpose of Agreement etc</u>	<u>Status</u>	<u>Implication of no agreement being reached</u>
			provide a suitable alternative with the consent of the Local Highway Authority. It is this control mechanism coupled, with the fact that the Applicant is not proposing to relinquish its powers to provide the footpath/cycletrack in the location shown in the Application unless and until the Alternative Route has been secured and dedicated for public use to the satisfaction of the Local Highway Authority, that should provide the ExA comfort that there is no scenario envisaged where a path servicing this location will not be provided and the benefits delivered whether through private agreement with Lindum or through exercising the powers of the Order.
<p><u>Network Rail BAPAs</u></p> <p>The following Basic Asset Protection Agreements (BAPAs) with Network Rail:</p> <p>a) One to govern the structures being built over the railway; and</p> <p>b) One in relation to the work the Applicant is requesting NR to undertake on the Overhead Catenary System.</p>	<p>BAPA's are agreements required to be entered into between parties who are proposing to carry out work on a Network Rail asset. The Applicant and Network Rail have a long history of entering into this sort of agreement and have completed many before.</p>	<p>The BAPA required to govern the structures being built over the railway was signed by both parties in October 2024.</p> <p>The BAPA required in relation to the work the Applicant is requesting Network Rail to undertake on the Overhead Catenary System is still in progress.</p> <p>However, if agreement cannot be reached prior to that stage the parties will continue to discuss, and it will form part of the ongoing discussions between the two as envisaged by the protective provisions contained in Part</p>	<p>Not applicable on the basis that there are protective provisions in place between the Applicant and Network Rail which govern the ongoing relationship between the two parties.</p>

<u>Short Description of Agreement etc.</u>	<u>Purpose of Agreement etc</u>	<u>Status</u>	<u>Implication of no agreement being reached</u>
		4 of Schedule 9 of the draft Development Consent Order [REP6-004].	
<u>Pelham Street Agreement</u> <u>An agreement with Nottinghamshire County Council in relation to the monitor and mitigate commitment for Pelham Street.</u>	<u>The purpose of this agreement is to secure monitoring and possible mitigation (should that prove necessary) in relation potential traffic impacts at Pelham Street.</u>	<u>The terms of the agreement are close to being agreed with one final issue relating to costs outstanding. The parties are working collaboratively to resolve this final point and still envisage that agreement can be reached before the end of the Examination.</u>	<u>Not applicable on the basis that the agreement is likely to be concluded prior to the close of Examination. Therefore, it is the Applicant's view that the possible impacts at Pelham Street will be appropriately addressed by the Applicant and as such there is no need for an additional requirement to be added to the draft Development Consent Order [REP6-004].</u>
<u>Lorry Park Undertaking</u> <u>A letter of undertaking with Newark and Sherwood District Council in relation to the impacts on the Lorry Park and the internal design.</u>	<u>The letter of undertaking is being provided by the Applicant to set out the commitments made by the Applicant in relation to the reconfiguration requirements of the Lorry Park as a result of the Scheme.</u>	<u>The parties are progressing discussions in relation to the letter of undertaking and anticipate that it will be agreed prior to the end of the Examination.</u> <u>A productive meeting was held between the parties on 26 February 2025 with a further revised letter of undertaking shared with Newark and Sherwood District Council on 17 March 2025 which the Applicant hopes addresses the outstanding points raised by the Council. The Applicant is waiting for a response from the Council on the latest draft of the letter of undertaking.</u>	<u>If the letter of undertaking it is not completed prior to the close of Examination the Applicant is not proposing to secure the object of this undertaking in any other way, as the need for it is not an essential part of the Scheme. The purpose of the undertaking is to seek to limit the impact on a particular landowner by agreeing to work collaboratively.</u>