

A46 Coventry Junctions (Walsgrave) Scheme number: TR010066

3.3 Consents and Agreements Position Statement

Planning Act 2008

Regulation 5(2)(~~gh~~)

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

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**The Infrastructure Planning
(Applications: Prescribed
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A46 Coventry Junctions (Walsgrave)
Development Consent Order 202[x]

CONSENTS AND AGREEMENTS POSITION STATEMENT

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CONTENTS

| | | |
|--------------------|---|----------|
| 1 | Introduction | 1 |
| 1.1 | Purpose of this document | 1 |
| 2 | Strategy | 1 |
| 2.1 | National Highways' Consents Strategy | 1 |
| 3 | Consents and Agreements | 2 |
| 3.1 | Consents | 2 |
| 3.2 | Agreements | 3 |
| | APPENDICES | 4 |
| APPENDIX A: | CONSENTS AND AGREEMENTS TABLE | 5 |

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 Coventry junctions (Walsgrave) (the Scheme). A detailed description of the Scheme can be found in Chapter 2 (The Scheme) of the Environmental Statement (ES) (**TR010066/APP/6.1**)
- 1.1.2 The purpose of this Statement is to set out what consents and agreements are expected to be needed for the Scheme, along with the Applicant's intended strategy for obtaining those consents and 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 National Highways' Consents Strategy

- 2.1.1 The basis of National Highways' consents strategy is that:
- A DCO must be sought as the principal consent for the works 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.
 - 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, along with many consents and powers.
- 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 where it is one of the list of consents where its approval is required.
 - 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 various 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 and classifying types of highway);
 - Traffic regulation matters (such as speed limits, clearways and restrictions on use).
 - Consent to stop, divert and create public and private rights of way.
 - Consent to stop up and provide replacement 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 diversion (subject to protective provisions).
 - Consent to abstract and/or discharge water from/to the sub-soil.
 - None of the following consents need to be addressed on this Scheme:

- consents relating to conservation areas
- consents relating common land.

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:

- Warwickshire County Council
- Coventry City Council
- Rugby Borough Council
- The Environment Agency
- Historic England
- Natural England

3.2.3 Progress on finalising any SoCG or other forms of agreement, along with updated / final documents, will be reported to the Examining Authority as part of the examination process.

APPENDICES

APPENDIX A: Consents and Agreements Table

APPENDIX A: CONSENTS AND AGREEMENTS TABLE

| Issue: | Consent/Licence/Agreement & Legislation: | Consenting Authority: | Requirement: | Status of negotiations: |
|------------------------------------|---|-----------------------|---|--|
| Protected species licensing | <p>Badgers: licence to interfere with setts (dens)</p> <p><i>Section 10 of the Protection of Badgers Act 1992</i></p> <p>The Applicant is not seeking to disapply the requirement for this consent within the draft DCO (TR010066/APP/3.1)</p> | Natural England | To ensure legal compliance with the Protection of Badgers Act 1992 when a sett is to be closed to facilitate the works. | <p>ES Chapter 8 (Biodiversity) (TR010066/APP/6.1) sets out that badger setts have been identified within the Order Limits.</p> <p>ES Appendix 8.13 (Draft Badger Mitigation Licence) (TR010066/APP/6.3) details the badger mitigation to be undertaken and includes a draft licence application which was issued to Natural England.</p> <p>Natural England have reviewed the draft licence and issued a Letter of No Impediment, included as ES Appendix 8.14 (TR010066/APP/6.3).</p> |
| Protected species licensing | <p>Bats: European Protected Species licence under the Conservation of Habitats and Species Regulations 2019.</p> <p><i>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</i></p> | Natural England | Required for activity that affects a protected species e.g. disturb or remove wildlife, or damage habitats. | <p>ES Chapter 8 (Biodiversity) (TR010066/APP/6.1) states that no known bat roosts would be lost as a result of the Scheme.</p> <p>Whilst no roosts were identified during targeted surveys, bats are known to regularly change roost sites and as such may sporadically use the identified features with roosting potential or may begin to use these features in future. Updated bat roost surveys undertaken in 2025 would confirm if alternative mitigation measures are required in addition to those provided within the First Iteration</p> |

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|------------------------------------|---|-----------------------|---|---|
| | The Applicant is not seeking to disapply the requirement for this consent within the draft DCO (TR010066/APP/3.1) | | | Environmental Management Plan (EMP) (TR010066/APP/6.5). This licence requirement is included in case additional works are identified during updated surveys in 2025. |
| Protected species licensing | <p>Great Crested Newts</p> <p>Conservation of Habitats and Species Regulations Licence</p> <p><i>Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019</i></p> <p>The Applicant is not seeking to disapply the requirement for this consent within the draft DCO (TR010066/APP/3.1)</p> | Natural England | Required for activity that affects a protected species e.g. disturb or remove wildlife, or damage habitats. | <p>ES Chapter 8 (Biodiversity) (TR010066/APP/6.1) states that a mitigation licence from Natural England to facilitate works is not required for the Scheme due to the distance to great crested newt ponds and fragmented commuting corridors.</p> <p>This licence requirement is included in case changes to the Scheme or updated surveys in 2025 result a licence being deemed necessary. A licence will be sought and obtained from Natural England at that time by the Principal Contractor, prior to undertaking any works impacting great crested newts.</p> |
| Protected species licensing | <p>Water Vole</p> <p><i>Mitigation Licence under the Wildlife and Countryside Act 1981</i></p> <p>The Applicant is not seeking to disapply the requirement for this</p> | Natural England | Required for activity that affects a protected species e.g. disturb or remove wildlife, or damage habitats. | ES Chapter 8 (Biodiversity) (TR010066/APP/6.1) summarises the findings of the water vole surveys, which found potential signs of burrows and a feeding station. However, following a lack of definitive field signs, water vole are considered absent from the study area. |

| Issue: | Consent/Licence/Agreement & Legislation: | Consenting Authority: | Requirement: | Status of negotiations: |
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| | consent within the draft DCO (TR010066/APP/3.1) | | | <p>As the species is mobile, there are seasonal fluctuations in population size and distribution could alter due to numerous factors.</p> <p>This licence requirement is included in case changes to the Scheme or updated surveys in 2025 result a licence being deemed necessary. 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> |
| Protected species mitigation | Bats and Barn Owls Legal agreement required between the Applicant and Coventry City Council | Coventry City Council | <p>ES Chapter 8 (Biodiversity) (TR010066/APP/6.1) identifies the mitigation requirement for bat and barn owl boxes outside of the Scheme Order Limits within land owned by Coventry City Council.</p> <p>Bat boxes are required to mitigate the loss of potential roosts from within the Scheme.</p> <p>Barn owl boxes are required to provide alternative nesting habitat during construction works.</p> | <p>A draft legal agreement has been issued to the Council (sent in June 2024) for the installation of barn owl boxes within Coombe Country Park, and bat boxes in Coombe Country Park or such other location as is agreed between the Applicant and Coventry City Council (owner of Coombe Country Park).</p> |
| Materials & Waste | Waste exemptions for operations such as U1 (import of waste for use in construction) under the | Environment Agency | A waste exemption may be required for the storage, treatment, use or disposal of limited quantities and types of | ES Chapter 10 (Material Assets and Waste) (TR010066/APP/6.1) identifies the potential requirement for a waste exemption. If excavated |

| Issue: | Consent/Licence/Agreement & Legislation: | Consenting Authority: | Requirement: | Status of negotiations: |
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| | <p>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 (TR010066/APP/3.1)</p> | | <p>material during construction of the Scheme. This will be dependent on the nature of the activities taking place during the construction phase.</p> <p>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>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> |
| Materials & Waste | <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 draft DCO (TR010066/APP/3.1)</p> | Local Authorities | <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</p> | <p>Should this consent be required, post DCO consent discussions will take place with the Local Authorities in advance of construction works requiring crushing and mobile plant permits to determine the need for these permits.</p> |

| Issue: | Consent/Licence/Agreement & Legislation: | Consenting Authority: | Requirement: | Status of negotiations: |
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| | | | subcontractor without a mobile plant permit is used. | |
| Materials & Waste | <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 (TR010066/APP/3.1)</p> | Environment Agency | 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. | 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 | <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 (TR010066/APP/3.1)</p> | Health and Safety Executive | A Licenced Asbestos contractor is required for work with asbestos. | Sub-contractors will be contacted prior to any Asbestos removal works and Licences obtained. |
| Noise and Vibration during Construction | <p>Noise:</p> <p><i>Section 61 Control of Pollution Act 1974</i></p> | Warwickshire County Council and Coventry County Council | Section 61 consent would provide the Applicant protection from any subsequent action by the Local Authority under Section 60 of the Control of Pollution Act 1974 or under | Discussions would be required prior to construction with the relevant local authorities to determine whether or not Section 61 agreements are necessary. |

| Issue: | Consent/Licence/Agreement & Legislation: | Consenting Authority: | Requirement: | Status of negotiations: |
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| | | | Section 80 of the Environmental Protection Act 1990 to impose further controls on noise from the site. | |
| Water abstraction | <p>A water abstraction transfer licence is likely to be required under Section 24 of the Water Resources Act 1991 (as amended by the Water Act 2003) and the Water Abstraction and Impounding (Exemption) Regulations 2017.</p> <p>If the abstracted water requires treatment prior to discharge or is required for a consumptive use, for example dust suppression, then a full abstraction licence would be required.</p> <p>In accordance with the Memorandum of Understanding between the Environment Agency and the Highways Agency 2009, an abstraction licence is not required for permanent dewatering during the operational phase, providing that abstraction from the Scheme complies with</p> | Environment Agency | <p>Water abstraction during the construction phase would not be exempt from permitting as the programmed duration will exceed 6 months.</p> <p>As Coombe Pool Site of Special Scientific Interest (SSSI) is less than 500 metres from the Scheme, the threshold abstraction rate for the Scheme as a whole would be 50 cubic metres per day for a transfer licence (abstraction from, and subsequent discharge to the same catchment with no intervening use or treatment).</p> <p>The threshold abstraction rate for a full abstraction licence is 20 cubic metres per day.</p> <p>Passive dewatering is not anticipated to be required other than via existing filter drains.</p> | <p>ES Chapter 13 (Road Drainage and the Water Environment) (TR010066/APP/6.1) has identified that excavations may require dewatering of groundwater during construction as groundwater levels are close to surface.</p> <p>Dewatering is likely to be required during construction of detention basins and ponds, the B4082 cutting and service trenches. The chapter notes that a groundwater abstraction licence would be sought from the Environment Agency before construction dewatering commenced.</p> <p>It is anticipated that dewatering discharges during the construction phase would be directed to settling tanks or lagoons to allow suspended solids to settle out prior to discharge.</p> <p>Additional water treatment is not anticipated to be required. However, if water quality sampling indicates that it is needed, then this is likely to be in the form of Siltbuster or equivalent.</p> |

| Issue: | Consent/Licence/Agreement & Legislation: | Consenting Authority: | Requirement: | Status of negotiations: |
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| | <p>the Environment Agency's Regulatory Position Statement for passive dewatering 2020. The Environment Agency define passive dewatering as groundwater discharged to the surface under the influence of gravity.</p> <p>The Applicant is not seeking to disapply the requirement for this consent within the draft DCO (TR010066/APP/3.1).</p> | | | |

| Issue: | Consent/Licence/Agreement & Legislation: | Consenting Authority: | Requirement: | Status of negotiations: |
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| Discharge of abstracted groundwater | <p>Under Regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016, a discharge environmental permit would be required for dewatering discharges during the construction phase.</p> <p>If the water requires treatment other than settlement prior to discharge, then a bespoke environmental permit would be required.</p> <p>The Applicant is not seeking to disapply the requirement for this consent within the draft DCO (TR010066/APP/3.1).</p> | Environment Agency | <p>Dewatering discharges may be exempt from permitting if they comply with the requirements of the Environment Agency's Regulatory Position Statement for temporary dewatering from excavations to surface water updated 2023.</p> <p>However, as the programmed duration will exceed 3 months, this regulatory position statement would not apply.</p> | <p>ES Chapter 13 (Road Drainage and the Water Environment) (TR010066/APP/6.1) has identified that excavations may require dewatering of groundwater during construction as groundwater levels are close to surface.</p> <p>Dewatering is likely to be required during construction of detention basins and ponds, the B4082 cutting and service trenches. The chapter notes that a water discharge activity permit for dewatering discharges would be sought from the Environment Agency before construction dewatering commenced.</p> |

| Issue: | Consent/Licence/Agreement & Legislation: | Consenting Authority: | Requirement: | Status of negotiations: |
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| Coombe Pool reservoir | <p>Reservoir Act 1975 as applied in England</p> <p>The provisions of the Reservoir Act 1975 will ensure that Controlled Reservoirs are managed and operated to minimise the risk of flooding due to an uncontrolled release of water resulting from dam failure in order to protect people, the environment, cultural heritage and economic activity.</p> | Environment Agency | <p>Consent / Licence / Agreement is not expected to be required as the Scheme does not directly impact the Coombe Pool reservoir, which is located upstream of the Scheme.</p> <p>As such, works under the Reservoir Act 1975 are included in case further works are required that are not currently expected.</p> | <p>The Applicant is in discussions with the Environment Agency and Coventry City Council about the impact of the Scheme on the Coombe Pool reservoir. These ongoing discussions are focused on a secondary defence. <u>Both the Environment Agency and Coventry City Council agree that there is no expected need for a consent, licence or agreement under the Reservoir Act 1975.</u></p> |
| <u>Flood Risk Activities</u> | <p><u>Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2016- Flood Risk Activity - standard permit/bespoke permit for temporary flood risk associated with the construction of the Scheme.</u></p> <p><u>The Applicant is not seeking to disapply the requirement for this consent within the draft DCO (PD1-003).</u></p> | <u>Environment Agency</u> | <p><u>A Flood Risk Activities Permit (FRAP) will be required for certain activities within a main river or floodplain of a main river, as detailed on the .gov.uk website - https://www.gov.uk/guidance/flood-risk-activities-environmental-permits</u></p> <p><u>At present it is not envisaged that a FRAP will be required to deliver the works, but this is to be confirmed by the contractor once the final methodology and design is confirmed.</u></p> | <p><u>The Applicant and the Environment Agency have agreed that an application for a FRAP, will be submitted by the contractor following the DCO consent, if required.</u></p> <p><u>The Environment Agency are willing to discuss the requirement for a FRAP with the Applicant / Contractor in due course.</u></p> |

| Issue: | Consent/Licence/Agreement & Legislation: | Consenting Authority: | Requirement: | Status of negotiations: |
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| <u>Land Drainage Consent / Ordinary Watercourse Consent</u> | <u>Section 23 of the Land Drainage Act 1991 requires that before the erection or alteration of any obstruction to the flow in an ordinary watercourse, a written consent is obtained from the Lead Local Flood Authority (LLFA) for the area. These obstructions include: any mill dam, weir or like obstruction, or a culvert.</u> | <u>Warwickshire County Council and Coventry City Council</u> | <u>Warwickshire County Council and Coventry City Council (as LLFA) have confirmed that a Land Drainage Consent application will be required to allow for any temporary or permanent works that may affect the flow of an ordinary watercourse (i.e. all watercourses / ditches that can convey water at times (except Main Rivers)).</u> | <p><u>The Applicant has agreed with Warwickshire County Council that an application for Land Drainage Consent will be submitted during the DCO examination period, to enable Warwickshire County Council to grant consent without the requirement for the inclusion of protective provisions or other requirements in the DCO.</u></p> <p><u>The Applicant has yet to enter substantive discussions with Coventry City Council regarding Land Drainage Consent, this will be progressed in due course.</u></p> |