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## Overview

This Unit is about identifying and evaluating legal requirements affecting transportation projects as well obtaining statutory consent for them. You will need to determine, with professional advisers, any legal factors that may affect the changes proposed and sources of additional information required. You will also need to consider the programming of the process, the estimation of time and costs and the seeking of client (or others) agreement for the process including commissioning investigations with a specification.

You will need to evaluate legal factors to produce a report that assesses the relevant factors and related legislation and guidance. You will also need to provide advice to interested parties.

You will need to arrange for the preparation and submission of an application for statutory consent. You will also need to prepare for a possible refusal, and to demonstrate the identification and understanding of the appeals process, the preparation and submission of an appeal and resultant changes to the applicatio

## Performance criteria

- You must be able to:*
- Identify legal investigation requirements
  - P1 consult professional advisers for help in identifying legal factors
  - P2 select the areas and sources of information sources of information sources of information which will be needed for the legal investigation and prioritise them
  - P3 estimate the time and costs which will be involved in the investigation
  - P4 agree with the client a clear and realistic specification, programme and budget for the investigation
  - P5 check that any permissions that will be needed to carry out the investigation have been obtained and confirm that they are valid before the investigation starts
  - P6 commission investigations by selecting people and organisations who are competent to do the work
  - Evaluate legal requirements and constraints
  - P7 arrange for investigations in areas where it appears that legal factors legal factors legal factors legal factors may adversely affect the development and the development process
  - P8 produce a report based on the investigation findings which clearly evaluates the legal factors legal factors legal factors legal factors which may affect the options for developing the site
  - P9 match findings which have legal implications to relevant legislation, legal precedent and related guidance
  - P10 provide clear and accurate advice on the findings and the implications of the investigation to people who have an interest people who have an interest people who have an interest
  - Obtain statutory consent
  - P11 arrange for the preparation and submission of a clear and valid application for consent
  - P12 plan and agree alternatives with the client in anticipation of approval being refused
  - P13 identify, within the appeal period, whether there are grounds for a formal appeal against a refusal to grant a consent against a refusal to grant a consent against a refusal to grant a consent
  - P14 identify the strengths and weaknesses of the application

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P15 prepare an appropriate appeal based on clearly specified grounds,  
and submitting it in the proper form and within the time allowed  
P16 agree changes to proposals following the results of appeals

## Knowledge and understanding

*You need to know and understand:* Identify legal investigation requirements

K1 how to consult professional advisers for help in identifying legal factors legal factors legal factors legal factors (application)

K2 how and why to select the areas and sources of information sources of information sources of information which will be needed for the legal investigation (evaluation)

K3 how and why to prioritise the areas and sources of information sources of information sources of information which will be needed for the legal investigation (analysis)

K4 how and why to estimate the time and costs which will be involved in the investigation (analysis)

K5 how and why to agree with the client a clear and realistic specification, programme and budget for the investigation (evaluation)

K6 how to check that any permissions that will be needed to carry out the investigation have been obtained and confirming that they are valid before the investigation starts (application)

K7 how and why to commission investigations by selecting people and organisations who are competent to do the work (evaluation)

Evaluate legal requirements and constraints

K8 how to arrange for investigations in areas where it appears that legal factors legal factors legal factors legal factors may adversely affect the development and the development process (application)

K9 how to produce a report based on the investigation findings which clearly evaluates the legal factors legal factors legal factors legal factors which may affect the options for developing the site (application)

K10 how and why do match findings which have legal implications to relevant legislation, legal precedent and related guidance (synthesis)

K11 how and why to provide clear and accurate advice on the findings and the implications of the investigation to people who have an interest people who have an interest people who have an interest people who have an interest

Obtain statutory consent

K12 how to arrange for the preparation and submission of a clear and valid application for consent (application)

K13 how and why to plan and agree alternatives with the client in anticipation of approval being refused (evaluation)

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K14 how and why to agree alternatives with the client in anticipation of approval being refused (evaluation)

K15 what to identify as the grounds for a formal appeal against a refusal to grant a consent within the appeal period (understanding)

K16 what to identify as the strengths and weaknesses of the application (understanding)

K17 how to prepare an appropriate appeal based on clearly specified grounds, and submitting it in the proper form and within the time allowed (application)

K18 how and why to agree changes to proposals following the results of appeals (evaluation)

## Scope/range

legal investigation requirements

1 Legal factors:

1.1 ownership of site and adjoining land

1.2 landlord and tenant

1.3 previous and existing land uses

1.4 restrictive covenants

1.5 wayleaves

1.6 easements

1.7 common law rights

2 Sources of information:

2.1 client legal records

2.2 tenants

2.3 site owners

2.4 site managers

2.5 previous owners

2.6 statutory authorities

2.7 public and specialist record libraries and archives

3 Investigation:

3.1 standard search procedure

3.2 case law and appeals procedure

4 Permission from:

4.1 the client

4.2 site owner and occupiers

4.3 adjoining owners

4.4 government departments

Evaluate legal requirements and constraints

5 Legal factors:

5.1 ownership of site and adjoining land

5.2 landlord and tenant

5.3 previous and existing land uses

5.4 restrictive covenants

5.5 wayleaves

5.6 easements

5.7 common law rights

6 Advice - provided:

6.1 orally

- 6.2 in writing
- 6.3 using graphics
- 6.4 using photographs
- 6.5 using computer models
- 7 People who have an interest:
  - 7.1 the client
  - 7.2 owners
  - 7.3 tenants
  - 7.4 planning authorities
  - 7.5 civic and historical societies
  - 7.6 statutory authorities (e.g. environment & heritage bodies)
  - 7.7 public enquiries
- Obtain statutory consent
- 8 Consents for:
  - 8.1 development and use of land
  - 8.2 transport infrastructure
  - 8.3 buildings
  - 8.4 renewal and clearance
  - 8.5 health, safety and welfare
  - 8.6 funding applications
- 9 Alternatives:
  - 9.1 amending the proposal
  - 9.2 appealing
  - 9.3 abandoning the application
- 10 Appeal against a refusal to grant a consent for:
  - 10.1 development and use of land
  - 10.2 transport infrastructure
  - 10.3 buildings
  - 10.4 renewal and clearance
  - 10.5 health, safety and welfare
  - 10.6 funding applications

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<b>Developed by</b>	Construction Skills
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<b>Version Number</b>	1
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<b>Date Approved</b>	April 2003
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<b>Indicative Review Date</b>	November 2019
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<b>Validity</b>	Current
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<b>Status</b>	Original
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<b>Originating Organisation</b>	ConsgrtructionSkills
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<b>Original URN</b>	COSTRPO12
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<b>Relevant Occupations</b>	Civil engineers; Town Planning Managers
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<b>Suite</b>	Transportation
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<b>Keywords</b>	Transportation; consent; statutory; projects; programme; costs; application
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