



Our ref: TR010060

A12 Chelmsford to A120 widening
Project Team

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3 January 2023

Dear Mr Blackmore

Application Ref: TR010060

Application by National Highways for an Order Granting Development Consent for the A12 Chelmsford to A120 widening scheme

Applicant's Response to Rule 6 Letter of 12 December 2022

This letter is National Highways' response to the ExA's Rule 6 letter setting out the proposed process for examining the proposed A12 Chelmsford to A120 widening scheme Order.

In advance of the Preliminary Meeting in respect of the application for the A12 Chelmsford to A120 Widening Order (the **Application**), the intention of this letter is for National Highways (the **Applicant**) to provide a brief update on the progress of the Application since submission.

This letter addresses a number of matters raised in the Examining Authority's (**ExA**) notice of the Preliminary Meeting (the **Rule 6 Letter**), to be discussed further at the Preliminary Meeting if necessary.

The Applicant will attend at, and participate in, the Preliminary Meeting on 12 January, principally represented by Mr Reuben Taylor, Kings Counsel.

1. Statements of Common Ground

- 1.1 Since acceptance of the Application, National Highways has been working towards producing a number of Statements of Common Ground (**SoCG**) with statutory and non-statutory consultees in relation to the scheme. In relation to the four host planning authorities, and Essex County Council, Statement of Common Ground working groups were set up in the first quarter of 2022 to build on previous engagement, and develop Statements of Common Ground. With each authority the structure of the SOCG follows consultation responses received. The status of these items, including progress made, as well as a complete list of engagement with each authority will be presented within the SOCG.
- 1.2 National Highways will endeavour to meet the deadlines imposed in relation to submissions of the SoCGs. However, the ability to do so will also depend on active engagement from the relevant bodies with whom the SoCG will be settled.

2. Updated Documents and Outline Plans

- 2.1 The Applicant will be providing two Appendices to the first tranche of responses to relevant representations.
- 2.2 Appendix A consists of the letter exchanges with Essex County Council regarding junction 21, which provide further insight to the progress of discussions between the parties.
- 2.3 Appendix B is a technical note on Junction 20A Southbound Merge Assessment of Alternatives Report explaining the traffic measures around Boreham and the reasons as to why the Applicant proposes to close Junction 20A as part of the scheme. This is in response to several Relevant Representations made about the subject, so the note draws information from several application documents to provide a single source of information for a number of interested parties to refer to.
- 2.4 The Applicant will submit at deadline 1 a supplementary borrow pits report to explain in further detail how the initial site selection was carried and what was taken into account to make site selection.
- 2.4 The applicant will submit at deadline 1 an updated application document tracker as per point 5 of rule 6 Appendix F (guide to the application) and will keep updating this tracker at each deadline until the 3 of July 2023.
- 2.5 The Applicant will submit by deadline 1 the additional plans requested by the ExA on the Rule 6 letter (point 8 of Appendix F) and low-resolution plans as requested on point 9 of the Appendix F of the Rule 6 letter.

3. Landowner and Statutory Undertaker negotiations

- 3.1 Following submission, the Applicant has continued to actively liaise with landowners affected by the project in an attempt to reach agreement.
- 3.2 The Applicant is also liaising with various statutory undertakers. It is anticipated that Protective Agreements or Protective Provisions for the statutory undertakers will be agreed during the course of the Examination.

4. Timetable for Examination

- 4.1 The Applicant has the following comments on the ExA's timetable:
- a. Timetable items 9 -12 are all close in time - especially if the hearings in w/c 27 February run all week. There will only be 4 working days for parties to conclude their written submissions after the last of the hearing days. The Applicant suggests that each of the times in lines 10 to 12 are moved back a few days, for instance:
 - Deadline 3 is Tuesday 14 February (Item 10)
 - EXAQ by 24 March (Item 11)
 - Deadline 4 Friday 14 April (Item 12)
 - b. Deadline 5 is on a Bank Holiday following the Coronation. It may be prudent to move it back two working days? Deadline 6 should remain unaffected by such a delay, even if the Panel choose to push item 15 back by a similar length of time to that the Applicant suggests for Deadline 5.
 - c. Deadline 7 is very close to the final hearings. It may be prudent to allow all parties until 5 July ?
- 4.2 In addition, whilst the Applicant recognises that the ExA will publish the submissions from each deadline and/or written questions as soon as possible, in view of (in some instances) the very short timeframes between deadlines, it will be essential for the Applicant to have sight of these documents swiftly following the timetabled Deadline in order to meet the subsequent Deadlines.
- 4.3 It will also assist all parties' preparation to have full agendas for all hearings as soon as is practicable and in good time prior to a hearing. This is to enable Applicant to best assist the ExA in hearings.
- 4.4 The Applicant would be grateful if the ExA is able to provide an early indication of the precise nature of any additional Issue Specific Hearings (**ISHs**) in order for the Applicant, and stakeholders, to secure the availability of appropriate experts for the respective hearings.

ExA's Request for NPS Tracker

- 4.5 We note the ExA has asked for a NPS Tracker at Deadline 1. Does the ExA have a particular format in mind that it could share with the Applicant as well as the frequency the ExA will require it to be updated in the Examination?

5. Principal issues

- 5.1 The Applicant notes the ExA's initial assessment of principal issues.
- 5.2 In order to facilitate the ExA's consideration of the principal issues as currently identified, the Applicant includes at Schedule 2 a list of the issues and where they are dealt with in the Environmental Statement, or otherwise in the application documents.

6. List of proposed attendees at the Preliminary Meeting and Subsequent Hearings

- 6.1 The Applicant will attend the Preliminary Meeting and proposes to address the ExA on the matters set out in this letter. The list of proposed attendees on behalf of the Applicant is enclosed at Schedule 3.
- 6.2 The Applicant will attend all hearings listed at Annex E of the Rule 6 letter and, following receipt of the agendas, the Applicant will produce a list of proposed speakers and present this to the ExA at the start of the relevant hearing.

7. Open Floor Hearings 12 January 2023

- 7.1 The Applicant will attend the two Open Floor Hearings.
- 7.2 The Applicant will have a number of persons in attendance. The principal representative for the Applicant will be Reuben Taylor KC.
- 7.3 Whilst it is noted that an agenda item for the Open Floor Hearings is time for responses from the Applicant, it is anticipated the ExA will wish to make the fullest use of the time at the Open Floor Hearings to hear from the public. Accordingly, the Applicant is not anticipating to respond in detail to parties at the Open Floor Hearings nor provide any detailed statements at the Open Floor Hearings.
- 7.4 The Applicant will instead provide written responses to the representations made at the Open Floor Hearings. The Applicant otherwise intends to restrict its contributions to points of clarification, if it can assist the ExA.
- 7.5 The ExA is asked to please let the Applicant know if this is not the expected level of participation by the Applicant at the Open Floor Hearings.

8. Accompanied Site Visits (ASI)

- 8.1 The Applicant's suggestions for ASI are to be found at Schedule 4.

9. Additional Documents

- 9.1 The dDCO had not been validated at submission. The dDCO has now successfully completed validation. It is intended a revised dDCO will be provided to the Panel at Deadline 1, to reflect updates such as the change of monarch and change of status of Colchester from Borough to City.

9.2 In addition a number of minor errata have been discovered since submission. We propose to provide amended documents and an errata sheet detailing the changes at Deadline 1.

9.3 The Applicant can apply formally at the Preliminary Meeting for submission of these revised documents if required.

Yours Sincerely



Tracey Harvey

Project Manager

National Highways

SCHEDULE 1

Status of Statements of Common Ground (as at 3 January 2023)

1. Introduction

- 1.1 The Applicant has subsequently sought to take a proactive approach with a number of key statutory bodies, to take advantage of the Statement of Common Ground (SoCG) process in advance of the Preliminary Meeting.
- 1.2 During the pre-examination phase the Applicant has engaged with a number of key statutory and non-statutory parties with a view to reaching common ground on outstanding issues.

General SoCG status

(a) The table below reflects the list of SoCGs proposed to be submitted by the Applicant in order to assist the ExA. The Applicant has highlighted the progress of these SoCGs in the table below.

Individual SoCG status

SoCG	Status update requested by the ExA
Essex County Council	Several Discussions held, Draft SoCG in preparation
Braintree District Council	Several Discussions held, Draft SoCG in preparation
Chelmsford City Council	Several Discussions held, Draft SoCG in preparation
Maldon District Council	Several Discussions held, Draft SoCG in preparation
Colchester City Council	Several Discussions held, Draft SoCG in preparation
Environment Agency	Draft SoCG in preparation. The draft SoCG will be shared with the ExA by Deadline 2 as requested.
Natural England	Draft SoCG in preparation. The draft SoCG will be shared with the ExA by Deadline 2 as requested.
Historic England	Draft SoCG in preparation

SoCG requested in Annex G of the Rule 6 Letter	Status Update
Anglian Water Services Limited	Discussions are continuing. Priority is being given to reaching agreement with the relevant party
National Grid Electricity Transmission plc	Discussions are continuing. Priority is being given to reaching agreement with the relevant party
Cadent Gas Limited	Discussions are continuing. Priority is being given to reaching agreement with the relevant party
UK Power Networks	Discussions are continuing. Priority is being given to reaching agreement with the relevant party
Network Rail	Discussions are continuing. Priority is being given to reaching agreement with the relevant party

SCHEDULE 2

Initial Response to Assessment of Principal Issues

In order to assist the ExA in considering the principal issues the Applicant has, at the outset, prepared a table to cross-reference where the issue is initially addressed in the Application.

Issue Topic	ExA Comments	Applicant's References
Air Quality	The approach to the air quality assessment, including baseline conditions and robustness of surveys.	Air Quality Chapter of the ES (APP-073). Assessment Approach: Section 6.5. Baseline + Surveys: Section 6.8
	Construction impacts, including dust, upon human and ecological receptors.	Constriction: Section 6.9
	Operational impacts upon human and ecological receptors.	Operational: Section 6.9
	The effects of Nitrogen Deposition, in particular upon identified ecological receptors.	Section 6.9.10 Section 6.9.25
	The suitability of mitigation, monitoring and the Environmental Management Plan.	Section 6.10 Section 6.11.15
Biodiversity Ecology and the Natural Environment	The approach to assessment, including baseline conditions and robustness of surveys.	Section 9.5 within Chapter 9 of the Environmental Statement [APP-076] sets out assessment methodology, with Section 9.6 within the same document detailing the assessment assumptions and limitations. Section 9.8 within Chapter 9 of the Environmental Statement [APP-076] sets out the baseline conditions

Issue Topic	ExA Comments	Applicant's References
		relevant to biodiversity effects.
	Implications for European sites and their qualifying features, including in-combination assessment.	<p>An assessment of likely significant effects on European sites is presented in Section 9.11 (specifically paragraphs 9.11.1 to 9.11.8 for construction and paragraphs 9.11.265 to 9.11.276 for operation) within Chapter 9 of the Environmental Statement.</p> <p>Section 9.8 (specifically paragraphs 9.8.141 – 9.8.142) within Chapter 9 of the Environmental Statement [APP-076] summarises the potential for cumulative effects, and these are detailed in Chapter 16 of the Environmental Statement [APP-083].</p>
	Potential impacts on other designated sites, including National, County and Local levels.	<p>An assessment of likely significant effects on other designated sites including National, County and Local levels is presented in Section 9.11 (specifically paragraphs 9.11.9 to 9.11.52 for construction and paragraphs 9.11.268 to 9.11.293 for operation) within Chapter 9 of the Environmental Statement.</p>
	Potential impacts on species and habitats, included protected species.	<p>An assessment of likely significant effects on species and habitats, including protected species, is presented in Section 9.11 (specifically paragraphs 9.11.58 to 9.11.263 for construction</p>

Issue Topic	ExA Comments	Applicant's References
		<p>and paragraphs 9.11.294 to 9.11.373 for operation) within Chapter 9 of the Environmental Statement [APP-076].</p> <p>A summary of construction effects on biodiversity receptors is provided in Table 9.29 within Chapter 9 of the Environmental Statement [APP-076].</p> <p>A summary of operation effects on biodiversity receptors in provided in Table within Chapter 9.31 of the Environmental Statement [APP-076].</p>
	<p>Potential impacts on protected habitats and habitats of conservation concern, including ancient woodland, other woodland, trees, hedgerows, grassland and ponds.</p>	<p>An assessment of likely significant effects on protected habitats and habitats of conservation concern is presented in Section 9.11 of Chapter 9 of the Environmental Statement [APP-076].</p> <p>The assessment specific to ancient woodland is presented in paragraphs 9.11.53 to 9.11.54 for construction and in paragraphs 9.11.294 to 9.11.297 for operation [APP-076].</p> <p>The assessment for other habitats (woodland, trees, hedgerows, grassland and ponds) is presented in paragraphs 9.11.58 to 9.11.115 for construction and in paragraphs 9.11.298 to 9.11.319 for operation [APP-076].</p>
	<p>Biodiversity Net Gain and No Net Loss.</p>	<p>Appendix 9.14 of the Environmental Statement [APP-138] details the</p>

Issue Topic	ExA Comments	Applicant's References
		<p>methodology and results of the biodiversity metric exercise undertaken for the proposed scheme.</p>
	<p>Design, mitigation and enhancement measures.</p>	<p>Details of proposed design, mitigation and enhancement measures are presented in Section 9.10 within Chapter 9 of the Environmental Statement [APP-076].</p> <p>The Register of Environmental Actions and Commitments [APP-185] sets out commitments relevant to biodiversity (BI1 – BI47) and how they would be secured in the DCO.</p>
<p>Climate Change</p>	<p>The approach to climate change and greenhouse gas (GHG) emissions assessment, including baseline conditions.</p>	<p>The approach to climate change and GHG emissions assessment is set out in Section 15.5 Assessment Methodology of Environmental Statement Chapter 15 Climate (APP-082), whilst baseline conditions are described in Section 15.8 Baseline Conditions of Environmental Statement Chapter 15 Climate (APP-082),</p>
	<p>Design, mitigation, enhancement, adaptation and monitoring measures.</p>	<p>Design Mitigation, enhancement, adaptation, and monitoring measures are set out in Section 15.10 Design, Mitigation and Enhancement Measures of Environmental Statement Chapter 15 Climate (APP-082).</p>

Issue Topic	ExA Comments	Applicant's References
	Compliance with the under review National Networks National Policy Statement.	Compliance with the under review National Networks National Policy Statement is set out in Table 15.3 of Environmental Statement Chapter 15 Climate (APP-082) and the Case for the Scheme Appendix A: National Networks National Policy Statement Accordance Table (APP-250).
Compulsory Acquisition	Whether all relevant statute and guidance has been complied with, including compliance with the PA2008 and with relevant guidance, including “Planning Act 2008: guidance related to procedures for the compulsory acquisition of land Department for Communities and Local Government (DCLG) September 2013”.	See Applicant's Statement of Reasons [APP-042]
	Accuracy of the Book of Reference; and accuracy of the Land Plans.	The Applicant believes these are accurate – for discussion at CA Hearings.
	Whether the full extent of the land, rights and powers that are sought to be compulsorily acquired, including access for maintenance, temporary possession, powers to override easements are necessary to facilitate or are incidental to the Proposed Development.	See Applicant's Statement of Reasons [APP-042]
	Whether the resulting creation of a number of island sites as a result of	For discussion at CA Hearings.

Issue Topic	ExA Comments	Applicant's References
	the Proposed Development is necessary and reasonable.	
	Whether the powers sought are required for the development to which the order relates, whether they are legitimate, necessary and proportionate and whether it is clear how the Applicant intends to use the land.	See Applicant's Statement of Reasons [APP-042]
	Whether there is a compelling case in the public interest for the compulsory acquisition of the land, rights and powers that are sought by the draft DCO that justifies interference with the human rights of those affected.	See Applicant's Statement of Reasons [APP-042]
	Whether the temporary possession powers sought are needed to enable the construction of the Proposed Development; the notice period for obtaining temporary possession; the total period of time for which the land may be subject to temporary possession; and whether the powers sought are compatible with Human Rights tests.	See Applicant's Statement of Reasons [APP-042]. For discussion at CA Hearings.
	Minimisation of the need for acquisition of land and rights, including full consideration of acquisition by agreement and the exercise of any existing land option agreements.	See Applicant's Statement of Reasons [APP-042]. For discussion at CA Hearings

Issue Topic	ExA Comments	Applicant's References
	Whether all reasonable alternatives to compulsory acquisition have been explored.	See Applicant's Statement of Reasons [APP-042].
	The effects of the proposed acquisition on any statutory undertakers' land or rights over such land and the detriment that may be caused to the carrying on of the undertaking in question.	See Applicant's Statement of Reasons [APP-042].
	The adequacy of the Protective Provisions set out in the draft DCO and the need for any other Protective Provisions to safeguard relevant interests.	For discussion at S127 Hearings if required
	Potential impediments to development.	See Applicant's Statement of Reasons [APP-042].
	Any objections, the Applicant’s responses, and related evidence; updates on attempts to negotiate with landowners.	The Applicant will update its ongoing schedule of discussions with landowners during the Examination
	Whether adequate funding would be available to enable the Applicant to carry out the compulsory acquisition within the statutory period.	See Applicant's Funding Statement [APP-043]
Draft Development Consent Order (dDCO)	The overall structure of the dDCO and adequacy of the Explanatory Memorandum.	For discussion at Issue Specific Hearings if required
	The clarity of definitions and the consistency of use of terms and phrases within the dDCO.	For discussion at Issue Specific Hearings if required

Issue Topic	ExA Comments	Applicant's References
	Relationships with other consents, permits and licences and any impediments of them being granted.	See Consents and Licences Position Statement [APP-041]
	Design flexibility and justification.	For discussion at Issue Specific Hearings if required
	Whether the proposed Requirements effectively secure the mitigation identified in the Environmental Statement.	See Register of Environmental Actions and Commitments [APP-185]
	Whether the proposed Requirements are relevant to planning, relevant to the development to be consented, enforceable, precise and reasonable,	For discussion at Issue Specific Hearings if required
	Whether there is a need for any additional Requirements.	The Applicant does not believe so
	Matters for which detailed approval needs to be obtained, the discharging authority and the roles of the local authorities and of other independent statutory and regulatory authorities.	See Consents and Licences Position Statement [APP-041]
	The identification of all relevant statutory undertakers for which protective provisions are required and the adequacy and agreement of those provisions.	The Applicant believes all relevant undertakers have been identified. For discussion at Issue Specific Hearings if required
	Other provisions in the dDCO, including for removal of consent requirements, compulsory	For discussion at Issue Specific Hearings if required

Issue Topic	ExA Comments	Applicant's References
	acquisition and documents to be certified.	
	Whether the dDCO is satisfactory in all other respects.	For discussion at Issue Specific Hearings if required
Gas Pipeline Diversion	Design principles for gas pipeline diversion.	ES Chapter 2 paragraphs 2.5.95 to 2.5.99 [APP-069] and ES Chapter 3 Assessment of Alternatives [APP-070]. Describe how the gas diversion corridor was developed considering the environmental impacts, industry standards and community responses due to the early stage of the Gas Main Diversion development. Cadent will during their detail design and subsequent development stages incorporate industry guidance and standardisations in compliance with adopted Energy Statements. The Case for the Scheme [APP-249] and its accordance tables [APP-251] also provide an initial overview of the Gas Main Diversion and compliance against regulation 6(4).
	Consideration of diversion route and alternative routes.	Supplementary Consultation Brochure [APP-057] provided an overview of the environmental assessment for the Cadent Gas Main. Alongside the brochure the project published a full report, available on the link below: https://highwaysengland.citizenspace.com/he/a12ch

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		<p>elmsford-to-a120-widening-consultation-nov21/supporting documents/A12%20Chelmsford%20to%20A120%20Widening%20Supplementary%20Consultation%20Environment%20Report_November%204.pdf) on the corridor options. Consultation Report Annex N [APP-062] shows how the applicant incorporated the comments from consultation into the final corridor route contained on the ES Chapter 3 Assessment of Alternatives [APP-070].</p>
	<p>Assessment of environmental impacts of gas pipeline diversion and mitigation proposals.</p>	<p>Supplementary Consultation Brochure [APP-057] provided an overview of the environmental assessment for the Cadent Gas Main. Alongside the brochure the project published a full report, available on the link below: https://highwaysengland.citizenspace.com/he/a12chelmsford-to-a120-widening-consultation-nov21/supporting documents/A12%20Chelmsford%20to%20A120%20Widening%20Supplementary%20Consultation%20Environment%20Report_November%204.pdf) on the corridor options. The assessment is incorporated in the ES across the technical chapters. The Scheme also has a Gas Main Diversion Screening</p>

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		Assessment on ES Appendix 5.2 [APP-097],
Geology and Soils	Potential impacts upon agricultural land and soil quality.	ES 10.9.3 ES 10.11.3-5 (assessment of impacts)
	The protection of soils during construction.	ES 10.10.5 First Iteration Environmental Management Plan Appendix M: Soil Handling Management Plan
	Agricultural land restoration matters.	ES 10.10.5 First Iteration Environmental Management Plan Appendix M: Soil Handling Management Plan
Good Design	How the proposed development meets the criteria for ‘good design’.	The applicant has prepared a Design Access Statement [APP- 268 and APP269] that explain how the scheme has evolved through the options stage, and how consultation responses changed the scheme. The Applicant has also submitted a Design Principles [APP-280] that demonstrates how the scheme considered good design throughout its preliminary stage having consideration to the NNNPS, the Design Principles for National Infrastructures, Essex Green Infrastructure Strategy and the Road to good design (National Highways design guidance).

Issue Topic	ExA Comments	Applicant's References
	The design principles and scheme objectives.	<p>The proposed scheme objectives are explained on the Case for the Scheme [APP-249] on paragraph 1.5 and table 1.2.</p> <p>The objectives have been incorporated onto the scheme design as shown on the Design & Access Statement [APP-268] as explained on the executive summary and points 3.2.19 3.5.4 and 8.1 of the DAS.</p>
Historic Environment	The extent to which the effects of the construction and operational phases of development on the Cultural Heritage and archaeology of the site have been considered and if the post development interpretation details are appropriate.	<p>Section 7.5 of Chapter 7: Cultural Heritage, of the Environmental Statement [APP-074];</p> <p>Section 7.12 of Chapter 7: Cultural Heritage, of the Environmental Statement [APP-074].</p>
	The impacts on designated and non-designated heritage assets including the two scheduled monuments, and listed buildings.	Section 7.11 of Chapter 7 Cultural Heritage of the Environmental Statement
	The effects on the historic landscape.	Paragraph 7.11.4, Chapter 7: Cultural Heritage, of the Environmental Statement [APP-074];
	Archaeological assets discovered during construction.	Tables A1 and A4 of Appendix 7.9: Cultural Heritage Impact Summary Tables [APP-117].
	Adequacy of proposed mitigation.	Section 7.3 and Table 7.1 of Appendix 7.10:

Issue Topic	ExA Comments	Applicant's References
		Archaeological Mitigation Strategy [APP-118].
	Whether any harm would be substantial or less than substantial and weighting against public benefits.	Paragraph 7.4.12, 7.5.19, and 7.13.2, Chapter 7: Cultural Heritage, of the Environmental Statement [APP-074].
Land Use	The effects on economic development and regeneration.	<p>Monetised economic benefits are set out in the Statement of Reasons (APP-042) Section 2.3.</p> <p>Effects on development land are addressed in Chapter 13: Population and Human Health (APP-080) in paragraphs 13.10.15 – 20 and 13.10.43-44.</p> <p>Issues relevant to economic development (access to services, employment and education) are also addressed in Chapter 13: Population and Human Health (APP-080) in paragraphs 13.18.24 – 13.18.34 and 13.18.82 – 13.18.88 Tables A.3, A.7, A.11, A.15 and A.19 in Appendix 13.3 (APP-155).</p>
	The effects on construction employment.	Potential effects on construction employment are addressed in Chapter 13: Population and Human Health (APP-080) in paragraphs 13.18.29 – 13.18.34.
	The effects on the labour market, businesses, business opportunities and the supply chain.	The effects on labour market, business opportunities and supply chain are addressed in Chapter 16: Cumulative

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		Effects (APP-083) para 16.7.50ff.
	The impacts on housing delivery arising from land-take and construction works.	Effects on housing arising from land-take and construction are set out in Section 13.10 of Chapter 13: Population and Human Health (APP-080), notably paragraphs 13.10.2 – 13.10.8,
	The effects of displacing existing residential dwellings.	Effects on housing arising from land-take and construction are set out in Section 13.10 of Chapter 13: Population and Human Health (APP-080), notably paragraphs 13.10.2 – 13.10.8, The effect of demolition of two properties is identified in para 13.10.5.
	The effects on community uses, including open spaces, public rights of way and other recreational or community facilities, and the associated effects on local communities.	<p>Social effects on individuals and communities are addressed in Chapter 13: Population and Human Health (APP-080) in section 13.18,</p> <p>Impacts on PRoW are addressed in Section 13.10 of Chapter 13: Population and Human Health (APP-080), notably paras 13.10.25 – 38 and 13.10.48 – 58. Further detail in each PRoW affected is provided in Tables A.4, A.8, A.12, A.16 and A.20 of Appendix 13.3 (APP-155).</p> <p>The assessment of effects on community facilities is addressed in Chapter 13: Population and Human Health (APP-080), notably</p>

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		paras 13.10.9 – 14 and 13.10.42. Further details are in Tables A.2, A6, A.10, A.14 and A.18 in Appendix 13.3 (APP-155).
	The effects on human health and well-being, including the effects on the living conditions of surrounding residents from construction and operational activities and changes to the natural environment.	The assessment of likely significant effects on living conditions of surrounding residents is in Chapter 13: Population and Human Health (APP-080) Section 13.18, addressing impacts on relevant determinants of health such as noise, air pollution, active travel, community severance, access to services and greenspace.
	Proposed mitigation.	Proposed mitigation of relevance to population and human health are in Sections 13.9 (for land use) and 13.17 (for human health) of Chapter 13: Population and Human Health (APP-080).
Landscape and Visual	The approach to the assessment of landscape and visual effects including baseline conditions.	Section 8.5 within Chapter 8 of the Environmental Statement [App-075] sets out the approach to the assessment of landscape and visual effects. Section 8.8 within Chapter 8 of the Environmental Statement [App-075] sets out the baseline conditions relevant to landscape and visual effects.
	Potential landscape and visual impacts and assessment of likely significant effects.	Section 8.9 within Chapter 8 of the Environmental Statement [App-075] presents potential landscape and visual impacts during construction and operation.

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		<p>Section 8.11 within Chapter 8 of the Environmental Statement [App-075] summarises the likely significant landscape and visual effects.</p> <p>Appendix 8.2 of the Environmental Statement [APP-120] and Appendix 8.3 of the Environmental Statement [APP-121] provide full details relating to landscape and visual effects, including a description of the landscape and visual effects during construction, operation year 1 and operation year 15; differences between assessment during winter and summer; and the magnitude and significance of effect on each receptor at each assessment timeframe.</p>
	<p>Stakeholder engagement and resulting actions taken.</p>	<p>Section 8.3 within Chapter 8 of the Environmental Statement [App-075] describes stakeholder engagement and resulting actions in relation to the landscape and visual impact assessment.</p>
	<p>Design, mitigation and enhancement measures.</p>	<p>Section 8.10 within Chapter 8 of the Environmental Statement [App-075] describes landscape design, mitigation and enhancement measures.</p> <p>Figure 2.1 of the Environmental Statement [APP-086, APP-087, APP-</p>

Issue Topic	ExA Comments	Applicant's References
		<p>088] illustrates landscape mitigation.</p> <p>The Design Principles document [APP-280] presents design principles for landscape, borrow pit restoration and veteran trees.</p> <p>The Register of Environmental Actions and Commitments [APP-185] sets out commitments relevant to landscape (LV1 – LV18) and how they would be secured in the DCO.</p>
Material assets and Waste	The impacts on local and regional waste infrastructure.	<p>APP-078: Sections 11.8, 11.9 and 11.11 APP-146</p>
	The safeguarding of mineral resources.	<p>APP-078: Sections 11.8 and 11.10 APP-144 APP-145</p>
	Materials management and re-use.	<p>APP-078: Sections 11.10 and 11.11 APP-184 APP-188 APP-194 APP-196 APP-197</p>
	The impact of the proposed development upon existing and future extraction operations.	<p>APP-078: Sections 11.8, 11.9 and 11.11 APP-144 APP-145</p>

Issue Topic	ExA Comments	Applicant's References
	The suitability of proposed mitigation measures and the Environmental Management Plan.	APP-078: Sections 11.10 and 11.12 APP-184 APP-188 APP-194 APP-196 APP-197
Need for proposed development	The need case in terms of the National Networks National Policy Statement.	See APP-249, Case for the Scheme
	Relevant alternatives, particularly concerning route selection and overall junction strategy.	Environmental Statement, Chapter 3, Assessment of Alternatives, APP-070
Noise and Vibration	The approach to noise and vibration assessment, including baseline conditions and robustness of surveys.	<p>Summary of approach to assessment:</p> <ul style="list-style-type: none"> • Section 12.5 of Chapter 12 [APP-079] <p>Full assessment methodology:</p> <ul style="list-style-type: none"> • Appendix 12.2 [APP-148] <p>Summary of baseline conditions and survey locations:</p> <ul style="list-style-type: none"> • Section 12.8 of Chapter 12 [APP-079] • Survey locations shown on Figure 12.1 [APP-228] <p>Full baseline survey results:</p> <ul style="list-style-type: none"> • Appendix 12.3 [APP-149] <p>Rational for selecting baseline locations:</p> <ul style="list-style-type: none"> • Table 2.2 of Appendix 12.3 [APP-149]

Issue Topic	ExA Comments	Applicant's References
	<p>Potential construction impacts upon identified receptors.</p>	<p>Impacts at representative receptors:</p> <ul style="list-style-type: none"> • Section 12.9 of Chapter 12 [APP-079] <p>Location of construction representative receptors:</p> <ul style="list-style-type: none"> • Figure 12.3 [APP-230] <p>Airborne Noise:</p> <ul style="list-style-type: none"> • Paragraphs 12.9.13 to 12.9.20 including Tables 12.17, 12.18 and 12.19 of Chapter 12 [APP-079] <p>Ground-borne vibration:</p> <ul style="list-style-type: none"> • Paragraphs 12.9.21 to 12.9.30 and Table 12.20 of Chapter 12 [APP-079] <p>Construction traffic noise:</p> <ul style="list-style-type: none"> • Paragraphs 12.9.31 to 12.9.36 of Chapter 12 [APP-079] <p>Full construction calculations:</p> <ul style="list-style-type: none"> • Appendix 12.4 [APP-150]
	<p>Potential operational impacts upon identified receptors.</p>	<p>Impacts upon identified receptors:</p> <ul style="list-style-type: none"> • Paragraphs 12.9.37 to 12.9.68 and Tables 12.21 and 12.22 of Chapter 12 [APP-079] <p>Full noise calculation results:</p> <ul style="list-style-type: none"> • Appendix 12.6 [APP-152] <p>Locations of sensitive receptors:</p>

Issue Topic	ExA Comments	Applicant's References
	<p>Proposed mitigation measures and its effectiveness, including noise barriers and the use of low and ultra-low noise road surfacing.</p>	<ul style="list-style-type: none"> • Figure 12.2 [APP-229] <p>Principles of mitigation adopted:</p> <ul style="list-style-type: none"> • Paragraphs 12.10.1 to 12.10.4 of Chapter 12 [APP-079] <p>Construction noise and vibration mitigation:</p> <ul style="list-style-type: none"> • Paragraphs 12.10.11 to 12.10.12 of Chapter 12 [APP-079] <p>Operational noise, noise barriers:</p> <ul style="list-style-type: none"> • Defined within paragraphs 12.10.14 to 12.10.15 of Chapter 12 [APP-079] • Effectiveness in paragraphs 12.11.36, 12.11.38 and 12.11.50 to 12.11.52 of Chapter 12 [APP-079] <p>Operational noise, low noise road surfacing:</p> <ul style="list-style-type: none"> • Defined within paragraphs 12.10.10 of Chapter 12 [APP-079] • Effectiveness in paragraphs 12.11.40, 12.11.42, 12.11.43, 12.11.45 and 12.11.49 in Chapter 12 [APP-079] <p>Operational noise, ultra-low noise road surfacing:</p> <ul style="list-style-type: none"> • Defined within paragraphs 12.10.16

Issue Topic	ExA Comments	Applicant's References
		<p>to 12.10.18 of Chapter 12 [APP-079]</p> <ul style="list-style-type: none"> Effectiveness in paragraphs 12.11.32, 12.11.34 to 12.11.39, 12.11.50 to 12.11.52, and 12.11.54 in Chapter 12 [APP-079] <p>Locations of noise mitigation:</p> <ul style="list-style-type: none"> Figure 12.4 [APP-231]
	<p>Residual effects and their significance.</p>	<p>Airborne construction noise:</p> <ul style="list-style-type: none"> Paragraphs 12.11.2 to 12.11.19 including Tables 12.23 to 12.30 of Chapter 12 [APP-079] <p>Ground-borne construction vibration:</p> <ul style="list-style-type: none"> Paragraphs 12.11.20 to 12.11.21 of Chapter 12 [APP-079] <p>Use of diversion routes:</p> <ul style="list-style-type: none"> Paragraphs 12.11.22 to 12.11.24 of Chapter 12 [APP-079] Diversion route shown in Appendix A [APP-273 & APP-274] of the Outline Construction Traffic Management Plan [APP-272] <p>Operational noise:</p> <ul style="list-style-type: none"> Paragraphs 12.11.25 to 12.11.63 and Tables 12.31 and 12.32 of Chapter 12 [APP-079] <p>Full noise calculation results:</p>

Issue Topic	ExA Comments	Applicant's References
		<ul style="list-style-type: none"> • Appendix 12.4 construction [APP-150] • Appendix 12.6 operation [APP-152] <p>Operational noise significant effects (with mitigation):</p> <ul style="list-style-type: none"> • Figure 12.5 [APP-232] <p>Operational noise change contour plot:</p> <ul style="list-style-type: none"> • Figure 12.8 [APP-235]
	<p>Design, Mitigation and enhancement measures.</p>	<p>Design:</p> <ul style="list-style-type: none"> • Paragraphs 12.10.5 to 12.10.10 of Chapter 12 [APP-079] <p>Mitigation:</p> <ul style="list-style-type: none"> • Paragraphs 12.10.11 to 12.10.19 of Chapter 12 [APP-079] <p>Enhancement:</p> <ul style="list-style-type: none"> • Paragraph 12.10.20 of Chapter 12 [APP-079]
<p>Population and Human Health</p>	<p>The approach to the assessment of population, human health and equalities and baseline conditions.</p>	<p>This is addressed in sections 13.4, 13.7, 13.12 and 13.15 of Chapter 13: Population and Human Health (APP-080) and Section 1.3 of the EqlA (APP-270).</p>
	<p>Non-motorised users and public rights of way, accessibility, suitability of replacements, impacts on recreation and</p>	<p>Impacts on walkers, cyclists and horse riders including impacts on PRow and accessibility are addressed in Section 13.10 of Chapter 13: Population and Human</p>

Issue Topic	ExA Comments	Applicant's References
	opportunities for improvement.	<p>Health (APP-080), notably paras 13.10.25 – 38 and 13.10.48 – 58. Further detail in each PRow affected is provided in Tables A.4, A.8, A.12, A.16 and A.20 of Appendix 13.3 (APP-155). Health outcomes associated with impacts on active travel are addressed in paras 13.18.14-15, and 13.18.67 – 70. Impacts on recreation are addressed in Chapter 13: Population and Human Health (APP-080), notably paras 13.18.36-43 and 13.18.89 – 94.</p> <p>Information on the Walking, Cycling and Horse Riding strategy is provided in Chapter 5 of the Design and Access Statement (APP-268).</p>
	Potential impacts on businesses, agriculture, and social or community facilities.	Potential impacts are addressed in Chapter 13: Population and Human Health (APP-080) Section 13.8, while an assessment of likely significant effects is provided in Section 13.10.
	Potential impacts on living conditions of surrounding residents, both from construction and operational activities.	The assessment of likely significant effects on living conditions of surrounding residents is in Chapter 13: Population and Human Health (APP-080) Section 13.18, addressing impacts on relevant determinants of health such as noise, air pollution, active travel, community severance, access to services and greenspace.

Issue Topic	ExA Comments	Applicant's References
	Design, mitigation and enhancement measures.	Design, mitigation and enhancement measures of relevance to population and human health are in Sections 13.9 and 13.17 of ES Chapter 13: Population and Human Health (APP-080).
Scope of Development and Environmental Impact Assessment	The parameters and description of the Proposed Development.	Section 2.5 of ES Chapter 2: The proposed scheme [APP-69]
	Assessment of reasonable alternatives.	ES Chapter 3: Assessment of alternatives [APP-70]
	Scope of surveys and baseline data, the approach to flexibility and definitions of the significance of effects in the Environmental Statement.	<p>Scope of surveys</p> <ul style="list-style-type: none"> • Section 5.3 of Chapter 5: Environmental assessment methodology [APP-072] • ‘Assessment methodology’ section of each topic chapter [APP-073 to APP-082] <p>Baseline data</p> <ul style="list-style-type: none"> • ‘Baseline conditions’ section of each topic chapter [APP-073 to APP-082] <p>Approach to flexibility</p> <ul style="list-style-type: none"> • Section 2.10 of Chapter 2: The proposed scheme [APP-69] • ‘Assumptions and limitations’ section of each topic chapter [APP-073 to APP-082].

Issue Topic	ExA Comments	Applicant's References
		Definition of significant effects Section 5.7 of Chapter 5: Environmental assessment methodology [APP-072]
	The effectiveness of mitigation measures including the content of the Environmental Management Plan and the Record of Environmental Actions and Commitments.	First iteration Environmental Management Plan [APP-184] First iteration Environmental Management Plan Appendix A: Register of Environmental Actions and Commitments [APP-185] ‘Assessment of likely significant effects’ section of each topic chapter [APP-073 to APP-082].
	Whether all other necessary consents and licences have been considered.	Consents and licences position statement [APP-041].
	Cumulative effects on, and with, other major projects and proposals.	Section 16.7 of Chapter 16: Cumulative effects assessment [APP-083] Appendix 16.1: Long list and short list of other developments [APP-182].
	Whether the mitigation identified in the Environmental Statement is adequately secured by the dDCO and how this relates to other consents, permits and licences that may be necessary.	See Register of Environmental Actions and Commitments [APP-185]
	Whether the proposal maximises the opportunities for environmental benefits.	Approach <ul style="list-style-type: none"> • Section 5.5 of Chapter 5:

Issue Topic	ExA Comments	Applicant's References
		<p>Environmental assessment methodology [APP-072]</p> <p>Opportunities</p> <p>‘Design, mitigation and enhancement measures’ section of each topic chapter [APP-073 to APP-082].</p>
	<p>The significance of residual effects after mitigation.</p>	<p>Approach</p> <ul style="list-style-type: none"> • Section 5.7 of Chapter 5: Environmental assessment methodology [APP-072] <p>Residual effects</p> <p>‘Assessment of likely significant effects’ and ‘Summary’ section of each topic chapter [APP-073 to APP-082].</p>
<p>Socio-economic</p>	<p>Effects on local economic activity and employment including the labour market, business opportunities and the supply chain.</p>	<p>The assessment of effects on labour market, business opportunities and supply chain addressed in Chapter 16: Cumulative Effects (APP-083) para 16.7.50ff.</p>
	<p>Effects on green infrastructure.</p>	<p>Effects on green infrastructure in the context of access to greenspace and outdoor recreation are addressed in Chapter 13: Population and Human Health (APP-080), notably paras 13.18.36-43 and 13.18.89 – 94 as well as within the Mental Wellbeing Impact Assessment (APP-156), Table 5.1.</p>

Issue Topic	ExA Comments	Applicant's References
	<p>Impacts on farming and agriculture operations and in particular the fragmentation and viability of remaining agricultural land.</p>	<p>The assessment of effects on agricultural landholdings is in Chapter 13: Population and Human Health (APP-080), notably paras 13.10.45-47 address where fragmentation of landholdings is anticipated. Further detail on individual landholdings is in Table A.21 of Appendix 13.3 (APP-155).</p>
	<p>Social and economic effects on individuals and communities including community facilities.</p>	<p>Social effects on individuals and communities are addressed in Chapter 13: Population and Human Health (APP-080) in section 13.18, Impacts on economic security are addressed in the Mental Wellbeing Impact Assessment (APP-156) (Table 5.1). The assessment of effects on community facilities is addressed in Chapter 13: Population and Human Health (APP-080), notably paras 13.10.9 – 14 and 13.10.42. Further details are in Tables A.2, A6, A.10, A.14 and A.18 in Appendix 13.3 (APP-155).</p>
	<p>Potential impediments to future development.</p>	<p>The assessment of effects on residential and employment development land is addressed in Chapter 13: Population and Human Health (APP-080), Section 13.10 under ‘Private Property and Housing’ and ‘Development Land and Business’. Further details</p>

Issue Topic	ExA Comments	Applicant's References
		on community facilities is in Tables A.1, A.3, A.5, A.7, A.9, A.11, A.13, A.15 and A.17 and A.19 in Appendix 13.3 (APP-155).
	Effects on the living conditions of surrounding residents from the construction and operational activities.	The assessment of effects on living conditions is addressed in Chapter 13: Population and Human Health (APP-080) throughout section 13.18,
Traffic and Transport	The approach to the transport assessment including baseline, current and future conditions.	The assessment methodology is provided in Chapter 2 of the Transport Assessment [APP-253].
	The likely impacts of the proposed scheme.	<p>A summary of the likely traffic impacts of the scheme is provided in Chapter 9 of the Combined Modelling and Appraisal Report [APP-261].</p> <p>A summary of the predicted changes in traffic flows is provided in Transport Assessment - Appendix C: Traffic Flow Diagrams – Communities and A12 Mainline [APP-256].</p> <p>A summary of the predicted economic impacts of the scheme is provided in Chapter 11 of the Combined Modelling and Appraisal Report [APP-261].</p>
	Traffic impacts on the local communities.	A summary of the predicted traffic impact on local roads is provided in Chapter 5 of the Transport Assessment [APP-253].

Issue Topic	ExA Comments	Applicant's References
		<p>A summary of the predicted changes in traffic flows is provided in Transport Assessment - Appendix C: Traffic Flow Diagrams – Communities and A12 Mainline [APP-256].</p> <p>Impacts of traffic on community severance: Chapter 13: Population and Human Health (APP080) paras 13.18.16 – 19 and 13.18.71 – 81.</p>
	<p>Construction stage traffic impacts and mitigation measures.</p>	<p>A summary of the traffic impacts and mitigation measures during the construction stage is provided in Chapter 6 of the Transport Assessment [APP-253].</p>
	<p>Impacts on public rights of way.</p>	<p>A summary of the impacts on public rights of way is provided in Chapter 8 of the Transport Assessment [APP-253].</p> <p>Impacts on PRoW and accessibility are addressed in Tables A.4, A.8, A.12, A.16 and A.20 of Appendix 13.3 (APP-155).</p>
	<p>Stakeholder engagement and resulting actions taken.</p>	<p>In addition to documents published at consultation and as part of the application for Development Consent, throughout the development of the scheme, traffic modelling data has been used to inform presentations with the Parish Councils, Local Planning Authorities and Essex County Council (ECC). This included a</p>

Issue Topic	ExA Comments	Applicant's References
		<p>traffic working group being set up with the ECC.</p> <p>Issues raised by stakeholders relating to traffic that have been actioned by the applicant include:</p> <ul style="list-style-type: none"> • Traffic on The Street, Hatfield Peverel (2017 consultation) • Traffic on Kelvedon High Street (2017 Consultation) • Interventions on Inworth Road (Statutory Consultation) • Restricted access proposed for Easthorpe Road (Statutory Consultation) • Speed reductions on Main Road (Statutory Consultation)
<p>Water, drainage and Flood Risk</p>	<p>The approach to the assessment of the water environment, including baseline conditions and robustness of surveys.</p>	<p>The assessment methodology is covered in Section 14.5, and the baseline conditions are summarised in Section 14.8 of Chapter 14 of the ES (APP-081). Reference is made to surveys throughout the chapter.</p>
	<p>Potential construction impacts upon groundwater, existing water courses and water bodies, including ponds.</p>	<p>Potential construction impacts on the water environment are summarised in Section 14.9 of Chapter 14 of the ES (APP-081).</p>
	<p>Flood risk including site drainage and surface water flooding and hydrogeology.</p>	<p>The assessment of potential impacts is covered in Section 14.9 of</p>

Issue Topic	ExA Comments	Applicant's References
		Chapter 14 of the ES (APP-081), flood risk starts on page 86 and hydrogeology on page 84 (entitled Groundwater) which also makes reference to site drainage. Site drainage mitigation is also covered in the mitigation measures (Section 14.10).
	Climate change allowances.	The incorporation of climate change allowances is summarised in Paragraph 14.5.28 and Section 14.6 (page 61 onwards) of Chapter 14 of the ES (APP-081). Further detail is provided in Section 1.6 of Appendix 14.5 to the ES: the Flood Risk Assessment (APP-167).
	Surface water drainage proposals.	The surface water drainage proposals are covered by the Surface Water Drainage Strategy, Appendix 14.6 to the ES (APP-174 to APP-179 inclusive).
	Compliance with the Water Framework Directive.	The WFD Compliance Assessment is Appendix 14.2 to the ES (APP-159)
	The effectiveness of mitigation, compensation and enhancement measures.	The proposed water environment mitigation measures are set out in Section 14.10, and their effectiveness assessed in Section 14.11 of Chapter 14 of the ES (APP-081).

SCHEDULE 3**List of Applicant’s Attendees at Preliminary Meeting and Open Floor Hearings, 12 January 2023**

	Attendee	Organisation
	Reuben Taylor (Barrister – Speaker at PM and OFHs)	Kings Counsel, Landmark Chambers
	Richard Guyatt, Partner, WBD (Speaker at PM and OFHs) on dDCO/ overall procedure)	Womble Bond Dickinson (UK) LLP
	Emma Harling Phillips, Partner, WBD (Speaker at PM and OFHs) on dDCO/ overall procedure)	Womble Bond Dickinson (UK) LLP
	Tracey Harvey	National Highways
	Andrew Goodwin	CJP - Construction
	David Orr Ewing	CJP - Stakeholder
	Nuno Fernandes	CJP - Consents
	Carolyn Francis	CJP - Environment

SCHEDULE 4

Applicant's Suggestions for Accompanied Site Visit(s)

Area	Locations	Purpose Description
Junction 25	Old London Road and A120 Interchange	New WCH bridge over the A12, new junction layout (Noise and vibration), on public highway main junction works and severance to community
Junction 24 to Junction 25	Doggets Lane Shell Garage	Private access onto the SRN, viewed from the A12, safety and access issues, new bypass
Inworth Intervention	B1023 Inworth Village	Localised widening interventions, Drainage and road safety local constraints, public highway, constraints and character of the road, traffic.
Junction 24 Inworth Road towards J23 via Ewel Chase Lane, subject to agreement with landowner)	Inworth Road junction with Kelvedon Rd (proposed new J24)	Junction layout and connection to local road network, private land/ road otherwise view from public highway B1023) new location topography and Compulsory acquisition
Rivenhall End	BP garage (no footpath to Oak Road) or come from Inworth via Braxted Rd	New Bypass, community severance, sub-standard junctions (case for the scheme) and safety. View from public footpath.
Witham Bypass	Whetmead Nature Reserve	Utilities Diversion, Replacement Land, Anglian Water sewage Works, view from public footpath
Witham Bypass	Oliver’s Bridge (Maldon Road)	Cadent Gas Diversion at Maldon Road, Blue mills Golf Course, A12 Widening CPO, Replacement Land, view from public footpath

Witham Bypass	Howbridge Hall Road	Replacement Land, Gas Main Diversion, view from public highway
Hatfield Peverel	Wellington Mini Roundabout and Bridge	Junction 21 Location and layout, Maldon Road junction physical constraints, view from public highway
Hatfield Peverel	Station Road	Construction traffic management, bridge replacement sequence and community mitigation during construction, view from public highway
Boreham Main Road/ Junction 20A closure	Junction 20A, Crix	Junction 20a closure, view from public highway, (Crix is private, but parking available along the road)
Junction 19	Southern Roundabout/ Boreham Interchange/ Boreham House	Constraints around heritage buildings and TPO’s, Proposed A12 Improvements to J19 Local Plan and Development, view from public highway
Junction 19	Paynes Lane (North side), Boreham	Scheme interaction with Countryside Zest, Beaulieu Railway Station (NR) and Chelmsford CC Masterplan for the area. Landscape and visual Impact, view from public footpath