



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

The Examining Authority's written questions and requests for information (ExQ1)

Issued on 20 January 2023

The following table sets out the Examining Authority's (ExA) written questions and requests for information - ExQ1. If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ2.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annex C to the Rule 6 letter of 12 December 2022. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 1 (indicating that it is from ExQ1) and then has an issue number and a question number. For example, the first question on air quality and emissions issues is identified as Q1.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice.

If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact A12chelmsfordA120@planninginspectorate.gov.uk and include 'A12 ExQ1' in the subject line of your email.

Responses are due by Deadline 2 (Monday 13 February 2023).



Abbreviations used:

PA2008	The Planning Act 2008	ExA	Examining Authority
Art	Article	GI	Geological Investigation
ALA 1981	Acquisition of Land Act 1981	HE	Historic England
ANPR	Automatic Number Plate Recognition	LIR	Local Impact Report
AQMA	Air Quality Management Area	LNR	Local Nature Reserve
BDC	Braintree District Council	LPA	Local Planning Authority
BMV	Best and Most Versatile	MDC	Maldon District Council
BoR	Book of Reference	NE	Natural England
CA	Compulsory Acquisition	NH	National Highways, the Applicant
CoCC	Colchester City Council	NPS	National Policy Statement
CCC	Chelmsford City Council	NSER	No Significant Effects Report
CPO	Compulsory purchase order	NSIP	Nationally Significant Infrastructure Project
dDCO	Draft DCO	R	Requirement
DQRA	Detailed Quantitative Risk Assessment	RR	Relevant Representation
EA	Environment Agency	SI	Statutory Instrument
ECC	Essex County Council	SoS	Secretary of State
EM	Explanatory Memorandum	TP	Temporary Possession
EMP	Environmental Management Plan		
ES	Environmental Statement		



The Examination Library

References in square brackets (eg [APP-010]) are to documents catalogued in the [Examination Library](#). This is updated as the Examination progresses.

Referring to questions

Questions in this table should be cited as follows:

Question reference (ExQ1), topic reference (1), question number (0.1).

Example: These questions are referred to as ExQ1. The first topic is 'General and cross – topic questions'. Question 1 would be referenced: ExQ1 1.0.1



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ExQ1	Question to:	Question:
1.	General and Cross-topic Questions	
1.01	The Applicant	The description of the Proposed Development in ES Chapter 2 [APP-069] is linked to the General Arrangement Plans [APP-020 – APP-024], but the dDCO [APP-039] does not state that the detailed design of the Proposed Development must accord with the General Arrangement Plans. Can the Applicant clarify how the detailed design will be secured through the draft DCO in accordance with the General Arrangement Plans?
2.	Air Quality and Emissions	
2.01	CoCC, CCC, MDC, BDC, ECC	Has the Applicant's Construction Dust Assessment, as set out in Section 6.9 of ES Chapter 6 [APP-073], had regard to the latest guidance and is the method used by the Applicant acceptable? Are the LPAs satisfied with the Applicant's proposed mitigation in relation to dust as outlined in the Dust Management Plan, Appendix E to EMP [APP-189]? If not, please explain why.
2.02	MDC	Does the Council agree with the Applicant's conclusion in relation to the air quality impacts within Hatfield Peverel and the recent AQMA declarations in Maldon and Danbury? If not, please explain why.
2.03	CoCC	Are the Council in agreement with regards to the Applicant's conclusion on air quality issues at the junction with A120 and around Marks Tey junction? If not, please explain why.
2.04	CoCC, CCC, MDC, BDC, ECC	Has Table 6.5 of ES Chapter 6 [APP-073] identified all the key relevant local policies that relate to air quality? If not, please identify those that are missing.
2.05	CCC	Are the Council satisfied with the approach taken by the Applicant to AQMAs within Chelmsford? If not, please explain why not.
2.06	The Applicant	In relation to 6.8.23 of ES Chapter 6 [APP-073], and notwithstanding the explanation provided in 1.10 of Appendix 6.3 [APP-102], please provide more detail to justify the human health receptor locations. In particular, please explain why and how the 267 locations were identified. Furthermore, 1.10.2 of Appendix 6.3 [APP-102] refers to the 267 receptors being worst-case human receptors, whereas 6.8.24 of ES Chapter 6 [APP-073] states, ' <i>Equally, receptors were selected to indicate where air quality is likely to improve as a result of the proposed scheme.</i> ' Please provide further clarification.

ExQ1: 20 January 2023

Responses due by Deadline 2 (Monday 13 February 2023).

ExQ1	Question to:	Question:
20.7	The Applicant	Paragraphs 6.11.2 and 6.11.7 of ES Chapter 6 [APP-073] identify that there are two human health receptors (R189 and R193) during construction and three human health receptors (R193, R189 and R225) during operation which are at risk of exceeding the nitrogen oxide (NO ₂) threshold. Whilst the level of change may be small at these receptors, given that levels could be in excess of the identified threshold, please provide further explanation and justification for the significance attributed to these changes.
20.8	The Applicant	Paragraph 6.6.5 of ES Chapter 6 [APP-073] states that ' <i>the resulting traffic activity is likely to be worst case.</i> ' Please explain and provide further justification for this statement.
20.9	The Applicant	The Applicant's NO ₂ diffusion survey was undertaken across 11 sites between May 2017 and July 2018, as reported in paragraph 6.8.12 of ES Chapter 6 [APP-073]. Can the Applicant explain why they consider this data remains representative for the air quality assessment baseline and why no further surveys were considered necessary, other than the 2019 surveys undertaken in the Lucy Lane North AQMA? In responding to this question the Applicant should explain whether the survey approach and results were agreed with the relevant local planning authorities.
3. Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))		
30.1	NE, CoCC, CCC, MDC, BDC, ECC	In relation to Applicant's approach toward biodiversity net gain, are the parties satisfied with this approach and the Applicant's conclusion? If not, please explain why.
30.2	NE, CoCC, CCC, MDC, BDC, ECC	Has ES Chapter 8: Biodiversity [APP-076], identified all relevant legislation and policy, in particular local policy? If not, please identify which elements are missing and how this relates to the proposed development.
30.3	NE, CoCC, CCC, MDC, BDC, ECC	In terms of ES Chapter 8: Biodiversity [APP-076] and its Assessment Methodology, including scope, approach, assessment of significance, assumptions and limitations and study area, do the parties consider the approach and conclusions to be robust? If not, please explain why and what is required.
30.4	NE, CoCC, CCC, MDC, BDC, ECC	Are the parties satisfied with Applicant's approach towards mitigation of impact upon protected species? If not, please explain why.
30.5	The Applicant	Paragraph 9.10.26 of ES Chapter 9 [APP-076] states ' <i>Impacts to Whetmead LNR and LWS would be offset through creation of habitats within the proposed scheme. Due to ground</i>

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ExQ1	Question to:	Question:
	NE, CoCC, CCC, MDC, BDC, ECC	<i>conditions, there is limited scope for additional planting to improve the existing LNR/LWS or to restore or improve the condition of formerly wet habitats within the site.</i> Please explain in more detail and in particular, identify where within the proposed scheme will the impact be offset. Are the parties satisfied with the Applicant's approach?
3.06	The Applicant	Paragraph 9.5.8 of ES Chapter 9 [APP-076] states that there was a deviation from best practice in relation to bats and refers back to Table 9.1 for discussions with relevant stakeholders. Please provide the evidence to confirm agreement to this deviation.
3.07	The Applicant	Paragraph 9.5.10 of ES Chapter 9 [APP-076] states that <i>'The assessment takes a worst-case scenario approach'</i> . Please explain in more detail what is meant by this in relation to the approach towards biodiversity and how this applies to all species and habitats.
3.08	The Applicant	Please explain how bat connectivity will be maintained over the Proposed Development. Paragraph 9.11.320 refers to linear planting to guide bats to culvert crossing points and overbridges. Where would crossings be provided, would they be monitored for their effectiveness during the operation of the proposed development? What happens if crossing points fail to achieve their aims? How is this reflected in the assessment? Please also clarify what is meant by a low unsafe crossing rate.
3.09	The Applicant	The Applicant's NSER [APP-201] states that a buffer of terrestrial habitats <i>"...would persist between the proposed scheme and the [Coleman's] reservoir, including a shelter belt of trees of approximately 15–20m in depth, around the entire perimeter of the reservoir"</i> . However, Sheet 11 of the vegetation removal plans [APP-035/APP-036] shows an area of trees around the eastern perimeter of the reservoir as "to be removed". Can the Applicant clarify this apparent discrepancy?
3.0.10	The Applicant	In reaching the conclusion that disturbance would not result in a likely significant effect on waterbird species which are qualifying features of relevant SPA/ Ramsar sites, the Applicant's NSER [APP-201] states that: <i>"Typically, for most waterfowl species in winter, noise and visual effects beyond 300m (less for many species) are considered to be of low magnitude and unlikely to elicit a reaction from birds"</i> . However, it is noted that the Proposed Development would result in the main carriageway being located approximately 200m to the north of Coleman's Reservoir (closer than it is at present), where the waterbird qualifying features of relevant SPA/Ramsar sites were recorded

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		<p>in largest numbers during the wintering bird surveys. There would also be minor access road works along part of the eastern edge of the reservoir.</p> <p>Can the Applicant explain the basis for concluding that likely significant effects on waterbird qualifying features as a result of disturbance would not occur, given that since construction works would take place (and the operational development would be located at) distances closer than 300m?</p>
30.11	The Applicant	<p>The ExA notes that the route for the East Anglia Grid Energy Enablement (GREEN) project, a proposed NSIP on the Planning Inspectorate project page, would run to the north of the Proposed Development application site. New information has been published regarding East Anglia GREEN (the EIA Scoping Report, November 2022), following submission of the application for the Proposed Development. Based on the available information, can the Applicant explain whether the Proposed Development together with East Anglia GREEN is likely to result in significant cumulative or in-combination effects?</p>
4. Climate change		
4.01	The Applicant	<p>With regard to Climate and Carbon Emissions, identify any aspects of the proposed development which are unlikely to comply with the under review National Networks National Policy Statement (NPS), and the under review Energy NPSs. For those aspects which are unlikely to comply explain changes to the proposed development to ensure compliance.</p>
4.02	The Applicant	<p>Please update the benefit cost ratio calculations to include construction and operational stage carbon emissions.</p>
4.03	The Applicant	<p>With regard to introducing new construction and operational carbon emissions into Essex, please update the examination on the ability of the Government to meet its carbon reduction targets.</p>
5. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations		
5.01	The Applicant	<p>Please complete the CA Schedule (Annex A) providing updates where appropriate on the position of ongoing negotiations for acquisition by agreement and include the total number of plots for which agreement has not been reached. The Applicant is requested to provide regular updates throughout the Examination.</p>

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ExQ1	Question to:	Question:
5.02	The Applicant	The Book of Reference (BoR) [APP-044] includes a number of Statutory Undertakers with interests in land. Please provide a progress report on negotiations with each of the Statutory Undertakers listed in the BoR, with an estimate of the timescale for securing agreement from them. Indicate whether there are any envisaged impediments to the securing of such agreements. State whether any additional Statutory Undertakers have been identified since the submission of the BoR as an application document.
5.03	The Applicant	The former Department for Communities and Local Government published Guidance related to procedures for Compulsory Acquisition (September 2013) in "Planning Act 2008: procedures for the compulsory acquisition of land". This states at paragraph 17 that as much information as possible should be provided: "about the resource implications of both acquiring the land and implementing the project" and at para 18 that "Applicants should be able to demonstrate that adequate funding is likely to be available to enable the compulsory acquisition within the statutory period following the order being made, and that the resource implications of a possible acquisition resulting from a blight notice have been taken account of." Please explain the anticipated cost of CA, how this figure was arrived at, and how these costs are going to be met.
5.04	The Applicant	Para 5.2.1 (although please note there is duplication of the numbering in this section which needs correcting) of the Statement of Reasons (APP-042) refers to there being "a reasonable prospect of the necessary funds for acquisition being available". However, as outlined above in the DCLG guidance referred to, it is not just the acquisition costs but also the cost of implementation which needs to be covered. Is this the case?
5.05	The Applicant	Following from the above question, the National Audit Office issued a report in November 2022 which indicated that the cost of delays and inflation would prevent many highways projects being delivered within budget. Does the Applicant have any response to the concerns outlined in this report?
5.06	The Applicant	In the light of the relevant Guidance related to CA, 'Planning Act 2008: procedures for the compulsory acquisition of land' and in particular paragraph 8, how can the ExA be assured that all reasonable alternatives to CA (including modifications to the scheme) have been explored? The ExA has read para 2.5.15 of the Statement of Reasons but the relevant consultation was

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ExQ1	Question to:	Question:
		carried out in 2019. Set out in summary form, with document references where appropriate, if any further assessments or comparisons have been made of the alternatives to the proposed acquisition of land or interests in each case.
50.7	The Applicant	Can there be clarity over the period for the temporary use of land as referred to in paragraph 3.4.4 of the Statement of Reasons and Article 29 of the draft DCO? When will the relevant part of the proposed scheme be “completed”?
	The Applicant	At the Preliminary Meeting, it was stated that one objector (Parker Strategic) had entered into a promotion agreement. Details of this would be provided to the Applicant to assess whether or not Parker Strategic were an “Affected Person” under section 59, Planning Act 2008 by virtue of holding an interest in land. Can this be clarified?
50.8	The Applicant	The existing route of the A12 and much of the proposed new route runs parallel with the main railway line. Network Rail have sought various reassurances from the Applicant before being satisfied with the proposed works. What progress has been made with these discussions?
50.9	The Applicant	In their representation, the Crown Estates raised certain concerns relating to a proposed future development. What steps are being taken to allow for the planned growth, the associated strategy and the highway improvements required by Policy LLP21 of the Braintree Local Plan?
50.10	The Applicant	The Statement of Reasons [APP-042] refers to temporary possession powers. Please provide further details to justify the extent of the land sought to be used temporarily. For each area explain why such a size is required and the justification for the extent of the plots proposed to accommodate them.
50.11	The Applicant	The Statement of Reasons [APP-042] states that there is a compelling case in the public interest for the CA. What assessment, if any, has been made of the effect upon individual Affected Persons and their private loss that would result from the exercise of CA powers in each case? Where is it demonstrated within the application that the public benefits of the scheme outweigh any residual adverse effects including private loss suffered by individual landowners and occupiers? Demonstrate how such a conclusion has been reached and how the balancing exercise between public benefit and private loss has been carried out.

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ExQ1	Question to:	Question:
50.12	The Applicant	Paragraph 2.1.1 of the Funding Statement [APP-043] states that to date twenty-one valid blight notices have been served. The Applicant is asked to provide details and to update the ExA if any further notices are served.
50.13	The Applicant	Section 6 of the Statement of Reasons [APP-042] addresses human rights. Paragraph 6.5 Where is it demonstrated that interference with human rights in this case would be proportionate and justified? How has the proportionality test been undertaken and explain how this approach has been undertaken in relation to individual plots?
50.14	The Applicant	What evidence can the Applicant provide of the accuracy of the land interests identified as submitted and indicate whether there are likely to be any changes to these land interests, including the identification of further owners/interests or monitoring and update of changes in interests?
6. Draft Development Consent Order (dDCO)		
60.1	The Applicant	Please supply subsequent versions of the draft Development Consent Order (dDCO) in both .pdf and Word formats and in two versions, with the first forming the latest consolidated draft and the second showing changes from the previous version in tracked changes, along with comments/explanations outlining the reason for the change. The consolidated draft version in Word is to be supported by a report validating that version of the dDCO as being in the SI template and with updated revision numbers.
60.2	The Applicant	Throughout the Explanatory Memorandum (EM) [APP-040] there are a number of precedents referred to justify the wording of a number of Articles within the dDCO [APP-039]. Please provide extracts for all the precedents referred to, along with an identification of which Article each one relates to.
60.3	The Applicant	Within Art 2 Interpretation of the dDCO [APP-039], there is no definition of 'commence'. Neither is this explained in the EM [APP-040]. Furthermore, the Protective Provisions for Cadent Gas define 'commence' as having the same meaning as in article 2 (1) of dDCO. Please review and provide the necessary definition.

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ExQ1	Question to:	Question:
6.04	The Applicant	In relation to the definition of 'maintain' as set out in Art 2 Interpretation of the dDCO [APP-039], please provide further justification, in particular in relation to the need for 'alter' and 'adjust' and explain how and why these would be necessary in relation to maintenance of the proposed development.
6.05	The Applicant	Art 5 Development consent etc, granted by the Order: The intent of this article appears to be to avoid inconsistency with other relevant statutory provisions applying in the vicinity. Notwithstanding other precedents, please provide as much information as possible about "any enactments" together with clarification about how far from the Order limits the provision might bite.
6.06	The Applicant	Please justify and provide further explanation as to the need and purpose for Art 8 Planning permission, of the dDCO [APP-039], especially as the SoS, in a number of recently made transport DCOs has deleted similar articles.
6.07	The Applicant	Art 10 – Limits of deviation. Part 3a refers to limits of deviation in relation to flood mitigation works and borrow pit restoration work, with paragraph 4.36 of the EM [APP-040] identifying that the extent of these shown on the permanent works plans. Please provide further clarification on this and whether the areas shown on the plans represent the maximum extent of these works.
6.08	The Applicant	Art 10 – Limits of deviation. Please provide further explanation as to why Work Nos 45 (b) and 74 (a) have been identified..
6.09	The Applicant	Art 10 – Limits of deviation. No explanation is provided within the EM [APP-040] in relation to part 6. Please provide a justification. Please also clarify how the limits of deviation would apply to both underground utilities and overhead works and where this is contained within the dDCO.
6.010	The Applicant	Art 10 – Limits of deviation. Please explain and how paragraphs 7 and 8 are represented on the drawings.
6.011	The Applicant	Paragraph 4.38 of the EM [APP-040] states that the vertical limits of deviation have been taken into account in the preparation of the ES and the potential impacts of a deviation within the permitted limits have been assessed. Please provide evidence to support this statement, along

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ExQ1	Question to:	Question:
		with details of how all the matters set out on Art 10 of the dDCO [APP-039] have been assessed within the ES?
6.0.12	The Applicant	Art 15 - Classification of road, (4) refers to Part 8 of Schedule 3, yet the EM [APP-040] refers to Part 12 of Schedule 3, please clarify and update as necessary.
6.0.13	The Applicant	In relation to Art 15, 16 and 22, variation of the application of provisions in these articles is possible under any enactment (see articles 15 (7), 16 (8), 22 (17)) and arguably this has the effect of disapplying s153 which provides a procedure for changing a DCO. There may be precedent in other made DCOs for the same drafting, but it should be clear under which s120 power these articles are made and justification provided as to why the provisions are necessary or expedient to give full effect to any other provision of the DCO.
6.0.14	The Applicant	Paragraph 4.67 of EM [APP-040] refers to 'Paragraph (14)', please identify where this reference is.
6.0.15	The Applicant ECC	Art 17, Power to alter layout etc, of streets. This is a wide power, authorising alteration etc. of any street within the Order limits. Please provide further justification as why this power is necessary. Has consideration been given to whether or not it should be limited to identified streets? What is the view of ECC in respect of this Article?
6.0.16	The Applicant ECC	Art 18, Street works: Should this article be restricted to specific streets set out in a Schedule? Should the powers be exercised with the consent of the street authority subject to consultation? What is the view of ECC in respect of this Article?
6.0.17	The Applicant	Art 19 – Temporary alteration, diversion, prohibition and restriction of the use of streets: Notwithstanding other precedents, justification should be provided as to why the power is appropriate and proportionate having regard to the impacts on pedestrians and others of authorising temporary working sites in these streets.
6.0.18	The Applicant	Art 24, Discharge of water: Please confirm that the applicant, in drafting this Art has been aware and mindful of s146 of the PA2008.
6.0.19	The Applicant	Art 26 Authority to survey and investigate the land. Please justify and explain the need for that part of the wording that departs from model provisions, in particular in relation to authorisation

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ExQ1	Question to:	Question:
		of surveys on land outside, but adjacent to Order limits. Provide examples of when and why such a power is necessary, reasonable and expedient. Furthermore, (2) does not actually require that permission is obtained from the relevant landowner, only that at least 14 days notice must be given. Please review and provide justification.
6.020	The Applicant	In relation to Art 27-32, please confirm that these provisions have been drafted in accordance with the guidance contained in Advice Note 15. If not, please provide a justification for departing from this guidance.
6.021	The Applicant	Art 40 Temporary possession: The wording of this Art (see 40(1)(a)(ii)), appears to allow temporary possession of any land within the Order limits, regardless of whether or not it is listed within Schedule 7 of dDCO [APP-039]. Please can the Applicant justify why those wider powers (which also allow temporary possession of land not listed in that Schedule) are necessary and appropriate and explain what steps they have taken to alert all landowners, occupiers, etc. within the Order limits to this possibility.
6.022	The Applicant	Art 46, Felling or lopping of trees and removal of hedgerows: Parts 1 and 2 of Schedule 9 identifies those trees to be removed, however 4(b) appears to allow for the removal of any hedgerow regardless of whether it has been identified for removal or not. Please explain and justify why this element of Art 46 is required.
6.023	The Applicant	Art 47, Trees subject to tree preservation orders etc: please explain and justify why there is no firm commitment to replacement trees, with 2(b) only identifying this will take place 'where possible'.
6.024	The Applicant	Art 53, Crown Rights: Please replace all references to 'Her Majesty', with 'His Majesty'. Please also check other parts of the dDCO [APP-039] and amended as necessary.
6.1	Requirements	
6.1.1	The Applicant	In relation to 1. Interpretation, should this include a definition of the 'authorised development', 'relevant planning authority' and the 'highway authority', given they are used extensively throughout the Requirements?
6.1.2	The Applicant NE	Requirements 3 and 4. Are there other bodies, such as Natural England, Environment Agency and Historic England and/or local groups that should be consulted, along with those already

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ExQ1	Question to:	Question:
	EA HE	identified? If so, please amend as necessary, if not please explain. Please clarify how long the parties would be given to review and comment on the documents?
6.1.3	The Applicant	Requirement 5. The opening line refers to 'A part...', whereas other Requirements refer to 'No part...' Please review and explain why this Requirement differs. Furthermore, part 2 refers to landscaping scheme for each part, how and where are the parts identified?
6.1.4	The Applicant ECC	Requirement 7. Should (5) also include for consultation with the County Archaeologist?
6.1.5	The Applicant EA	Requirement 11. In relation to (2), should the Environment Agency be included as a consultee?
6.1.6	The Applicant EA	Requirement 12. The reference to landowners agreement in (2), appears to remove the need to agree changes with the EA. Please explain further and provide justification.
6.1.7	The Applicant	Requirement 13. In relation to (5), should this also include provision for mitigation measures to be maintained and managed?
7.	Gas pipeline diversion	
7.0.1	The Applicant	Please confirm the design principles for the gas pipeline diversion.
7.0.2	The Applicant	Noting ES paragraph 5.2.2 [APP-072] which explains that the gas main diversion works would give rise to likely significant effects, the Applicant is requested to provide a signposting document such that the significance of effects of the gas main diversion can be clearly distinguished from the wider development.
7.0.3	The Applicant	It is unclear why the field surveys for the gas main diversion did not cover other species which could potentially be affected such as reptiles and riparian mammals. Can the Applicant explain why they limited the scope of the survey for the gas main diversion to the species considered and whether mitigation was considered for any other species?

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ExQ1	Question to:	Question:
8.	Geology and Soils	
8.01	CoCC, CCC, MDC, BDC, ECC	In relation to best and most versatile land, are the LPAs satisfied with the approach and conclusions taken by the application with regards to unsurveyed agricultural land? If not, please explain why.
8.02	The Applicant	Table 10.5 of ES Chapter 10, Geology and Soils [APP-077] refers to the loss of Best and Most Versatile (BMV) land but in a quantitative way. Has the Applicant undertaken an assessment in relation to the quality of remaining agricultural fields eg. size, workability etc? If so, please identify where such an assessment can be found in the application documents. If not, please explain why?
8.03	The Applicant	Please can the Applicant clarify how the delivery of the Detailed Quantitative Risk Assessment (DQRA) will be secured via the application? Will it be subject to consultation and if so, with whom?
8.04	The Applicant	Paragraph 10.9.8 of ES Chapter 10, Geology and Soils [APP-077], refers to further GI of the historical Whetmead LNR Witham landfill being undertaken. Please can the Applicant provide an update on the progress of these additional investigations.
8.05	The Applicant	Paragraph 10.10.5 of ES Chapter 10, Geology and Soils [APP-077], identifies a number of measures to be undertaken to protect soils. Please explain how all these measures will be secured through the DCO?
8.06	The Applicant	In relation to paragraph 10.11.14, please can the Applicant provide the evidence to confirm the EA's position.
8.07	The Applicant	Can the Applicant clarify how the maximum depths of the borrow pits (as set out in ES Table 2.10 [APP-069]) are constrained by the draft DCO? Can the Applicant confirm what vertical LoD would apply to the borrow pit excavation works?
9.	Good Design	
9.01	The Applicant	Re Design & Access statement [APP- 268]. It would be helpful to have a note explaining how the dDCO will secure compliance with each of the design principles. Para 4.1.3 states that this is one of a number of documents but a further explanation of how they relate to each other would assist.

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ExQ1	Question to:	Question:
9.02	The Applicant	Please show how the design principles referenced in the Design & Access Statement [App-268] will be translated into physical form, by providing indicative examples for eg. bridges, fences, noise barriers etc.
9.03	The Applicant	Re Design Principles [APP-280]: STR.05 Value for money – “Cost effectiveness will be weighed against aesthetic value, safety and other design principles discussed in this chapter.” The Applicant may wish to add that the weight to be placed upon the different factors will vary according to the quality and existing aesthetic qualities of various locations with regard to the preservation and enhancement of the local landscape character. It would be useful to indicate locations where other considerations are likely to outweigh those relating to cost.
10.	Health	
10.01	The Applicant	In relation to paragraph 13.8.10 of ES Chapter 13 [APP-080], please provide more detail to identify which properties this refers to and how the re-availability of these properties would be delivered and secured through the DCO.
10.02	The Applicant	In relation to paragraph 13.9.3 of ES Chapter 13 [APP-080] please explain how and where the proposed development has done this and where within the application documents this is evidenced.
10.03	The Applicant	Please explain how the measures set out in paragraph 13.9.11 of ES Chapter 13 [APP-080] would be secured and delivered.
10.04	The Applicant	In relation to paragraph 13.9.23 of ES Chapter 13 [APP-080], please provide evidence to demonstrate that all affected local residents and stakeholders have been consulted on the measures identified in this paragraph. Please also provide further evidence to support the conclusions in relation to ‘rat-running’ in paragraph 13.9.25. Furthermore, have car parking surveys been undertaken to support the conclusions in paragraph 13.9.24? If not, please explain why and provide further evidence to justify the conclusion.
10.05	The Applicant	Please provide further details of the ANPR measures set out in paragraph 13.9.25 of ES Chapter 13 [APP-080]. How and which residents would be entitled to register? Has consideration been given to other users such as visitors to surrounding properties and taxis accessing the train station? How would these measures be secured within the DCO?

ExQ1: 20 January 2023**Responses due by Deadline 2 (Monday 13 February 2023).**

ExQ1	Question to:	Question:
10.06	The Applicant	In relation to the business identified in 13.18.86 of ES Chapter 13 [APP-080], has the Applicant undertaken an assessment of the impact of the proposal upon these businesses to inform this conclusion?
11.	Historic Environment	
11.01	The Applicant Historic England Local Authorities	<p>There are a number of archaeological remains, in and close to the Order Limits, which would be adversely affected by the construction of the Proposed Development. In addition, please provide more detailed justification for concluding moderate adverse residual effects from the Proposed Development on the archaeological remains [APP-074]. Historic England and LAs to comment.</p> <p>Applicant – what consideration has been given to the effect of the Proposed Development on all these remains combined?</p> <p>Are parties satisfied with the approach, scope and conclusions of the archaeological assessment, and proposed mitigation?</p>
11.02	The Applicant	Historic England have noted (RR-043) that the information provided in the Archaeological Mitigation Strategy [RR-118] is of a high standard (chapter 7.10) and there has clearly been extensive consultation with the relevant Local Authorities. Are there any updates appropriate to the Strategy?
11.03	The Applicant Historic England	Specific reference is made to two Scheduled Monuments being the Neolithic Mortuary at Appleford Farm, Rivenhall and the moat at Marks Tey Hall. Are the Applicant and Historic England satisfied that adequate mitigation measures are proposed to safeguard these important assets? HE have said they will submit further written representations but have the proposed discussions with HE taken place concerning these Monuments?
11.04	The Applicant	The Cultural Heritage report [APP-074] identifies 45 significant effects during construction and 6 significant effects during operation. None of these impacts are assessed as meeting the test equating to substantial harm. Is the Applicant still satisfied with this assessment?

ExQ1: 20 January 2023**Responses due by Deadline 2 (Monday 13 February 2023).**

ExQ1	Question to:	Question:
11.05	The Applicant	The Archaeological Strategy [APP-118] makes a number of suggestions concerning possible public engagement in the future reporting on the outcome of any historical discoveries during the progress with the project. Is the Applicant prepared to make a firm commitment to this?
12. Landscape and Visual		
12.01		No questions at this stage
13. Land use		
13.01	The Applicant	Provide details of the public rights of way (PROW) to be temporarily stopped up and the estimated length of time over which each temporary stopping up order would occur.
13.02	The Applicant	There is a provision of new cycle lanes around the proposed Junction 21. Heading in an easterly direction from the new Junction, the Woodend Bridge is intended to be demolished and it is not clear how this new route can be accessed by a cyclist heading towards Junct 21 in a westerly direction – the relevant plan is Sheet 6 of 21 in App-017. Has the Applicant considered a replacement link across the new proposed route to provide connectivity in this area for walkers, cyclists and horse-riders?
13.03	The Applicant	Are any works proposed to the River Ter Bridge and, if so, will this cause any interruption to the PROW?
13.04	The Applicant	Ramblers Essex (RR-004) have asked for wider routes to be provided along the 2-way cycle/footway paths where the existing A12 is to be de-trunked. Has this been considered?
13.05	The Applicant	Colchester Cycling Campaign have made a request (RR-213) for cycling improvements overall to be more clearly shown and in particular for there to be clarity as to the proposals for cyclists around Marks Tey station, the new Junction 25 and the housing development taking place at Stanway. Can this be provided?
13.06	The Applicant	The Essex Local Access Forum [RR-026] have expressed concern for access for disabled users. Can it be confirmed that they will be able to access the new pedestrian routes?
13.07	The Applicant	The Crown Estate has a significant land interest near the village of Feering. They report that there have been lengthy discussions concerning the proposed route, but these have yet to be

ExQ1	Question to:	Question:
		resolved. Please update progress concerning these as a resolution is important to safeguard the development intention of the land referred to in LLP21 of the Local Plan?
14.	Material assets and waste	
14.0.1	ECC	Are ECC satisfied that the Applicant, through their Minerals Resource Assessment [APP-144] have proposed appropriate sterilisation mitigation measures to safeguard mineral resources. If not, please explain why?
14.0.2	ECC	Are ECC content with the Applicant's baseline assessment, assessment methodology and significance categories and criteria as identified in ES Chapter 11 Material Assets and Waste [APP-078]? Is it based upon the most recent data? If not, please explain why?
14.0.3	ECC	In the view of ECC, has the Applicant sought to minimise the volume of waste produced and the volume of waste that will be sent for disposal? If not, please explain why and what needs to be done to achieve this.
14.0.4	The Applicant ECC	Please can the parties provide an update on the current position of the planning application referred to in 11.6.16 of Paragraph 11.6.6 of ES Chapter 11 Material Assets and Waste [APP-078], along with a likely position by the end of Examination. It would be helpful if regular updates can be provided by the parties during the course of the Examination.
14.0.5	The Applicant	Please clarify whether the proposed development would result in the loss of the existing Colemans Quarry processing plant footprint? If so, how is this to be addressed through the DCO?
14.0.6	The Applicant	Does the proposal achieve the aims and objections in relation to waste as set out in Net Zero: Making Essex Carbon Neutral (ECC 2021) and, if so, please explain how? If not, please provide justification.
14.0.7	The Applicant	Paragraph 11.6.6 of ES Chapter 11 Material Assets and Waste [APP-078] identifies that a 15% uplift has been applied to all material and waste quantities. Please explain why 15%, and confirm if this in industry standard approach?
14.0.8	The Applicant	Paragraph 11.6.6 of ES Chapter 11 Material Assets and Waste [APP-078] identifies that ' <i>While the proposed vertical limits of deviation may result in additional materials needing to be sourced from the borrow pits or additional excavation waste being transported offsite, such</i>

ExQ1: 20 January 2023

Responses due by Deadline 2 (Monday 13 February 2023).

ExQ1	Question to:	Question:
		<i>changes are unlikely to affect the predicted levels of likely significant effects reported in this assessment'. Please provide further explanation and justification for this statement.</i>
14.0.9	The Applicant	Paragraph 11.9.7 of ES Chapter 11 Material Assets and Waste [APP-078] identifies that ' <i>Any new land that is to be permanently acquired and used by the proposed scheme, inside the MSAs for sand and gravel and brick clay, could therefore result in partial sterilisation of the safeguarded mineral resource by constraining or preventing existing and potential future use and extraction of those resources.</i> '. Please explain why this is considered to be only partial sterilisation of the resource?
14.0.10	The Applicant	The contents of paragraph 11.11.8 and 11.11.30 of ES Chapter 11 Material Assets and Waste [APP-078] are noted, however please explain how this has been reflected within the assessment undertaken in ES Chapter 11. Is the Principal Contractor bound by any contractual obligations to deliver specific NH targets?
14.0.11	The Applicant	Paragraph 11.11.17 of ES Chapter 11 Material Assets and Waste [APP-078] refers to embedded mitigation measures to mitigate any significant effects to the consented quarry operations caused by the construction of the proposed scheme to be put in place through varying quarry planning applications or within the DCO application. Please provide further details and explain how these are secured with dDCO, and how the SoS can be confident that these measures will be delivered.
15. Noise and Vibration		
15.0.1	CoCC, CCC, MDC, BDC, ECC	ES Chapter 12: Noise and Vibration [APP-079], does table 12.4 reflect the latest and most relevant development plan policies? If not, please identify those that are missing.
15.0.2	CoCC, CCC, MDC, BDC, ECC	Are the LPAs satisfied with the Applicant's identified methodology as set out in 12.5 of ES Chapter 12: Noise and Vibration [APP-079]? If not, please explain why. In particular, do the parties have any views on the Applicant's use, approach and conclusions with regards to the use of SOAEL and LOAEL?
15.0.3	CoCC, CCC, MDC, BDC, ECC	Paragraph 12.5.24 of ES Chapter 12: Noise and Vibration [APP-079]? identifies the Applicant's consideration of significant effects from construction activities. Are the parties satisfied with this approach as set out? If not, please explain why.

ExQ1: 20 January 2023**Responses due by Deadline 2 (Monday 13 February 2023).**

ExQ1	Question to:	Question:
15.04	The Applicant	Please explain and justify why only the south bound side of the existing A12 between J19 and existing J20a is to be surfaced with better noise reducing surface. Would provision of such a surface on both sides deliver further noise reduction?
15.05	The Applicant	Paragraph 12.10.19 of ES Chapter 12: Noise and Vibration [APP-079] refers to discounting the insertion of noise barrier alongside proposed development by Boreham. Please provide further detail and justification for this decision. How would these barriers perform in comparison to the identified mitigation measures?
15.06	The Applicant	Paragraph 12.11.21 of ES Chapter 12: Noise and Vibration [APP-079] refers to the use of vibratory compaction for structures backfilling as an activity that may remain in one location for above the temporal thresholds and therefore could cause a significant adverse effect at dwellings nearby to these works. Please provide more explanation of this, identify where these locations are likely to occur and what specific mitigation options are proposed.
15.07	The Applicant	In relation to increased traffic at Hatfield Peverel during construction, Paragraph 12.11.22 of ES Chapter 12: Noise and Vibration [APP-079] refers to expected closure of bridges for 6months. However, paragraph 12.11.23 subsequently refers to night closures amounting to 500 nights. Please clarify the position and explain in more detail. In particular, please provide more detail around the 500 nights.
15.08	The Applicant	Please clarify what part of the proposed development is causing the significant noise effect at the 28 dwellings along Main Road as identified in paragraph 12.11.31 of ES Chapter 12: Noise and Vibration [APP-079]?
15.09	The Applicant	Paragraph 12.12.3 of ES Chapter 12: Noise and Vibration [APP-079] states that no noise monitoring is proposed following the opening of the scheme. Please provide further justification as to why this is not considered necessary.
16.	Socio Economic Effects	
16.01	The Applicant	Concerns have been raised within a number of the Relevant Representations, that the current route alignment would sterilise land with development potential. Can the Applicant explain how the route selected minimises any such constraints?
16.02	The Applicant	Paragraph 2.3.1 of the Statement of Reasons [APP-042] provides an assessment of the monetised benefits of the project. Is there any update on these especially taking into account

ExQ1: 20 January 2023**Responses due by Deadline 2 (Monday 13 February 2023).**

ExQ1	Question to:	Question:
		the widely fluctuating level of fuel costs over the past 18 months and the resultant impact on tax revenues.
16.03	The Applicant	Certain emergency services (including the Police and East of England Ambulance) have expressed concerns as to their operations during construction. How is it proposed that any impacts are minimised?
16.04	The Applicant	A relevant representation has been made concerning potential adverse effects of the Proposed Development upon the popular Chelmsford car boot sale. What mitigation is proposed to protect access to this facility?
16.05	The Applicant	This point has already been raised in the CA section, but is also relevant to the socio-economic effects so warrants repeating. Several of the Relevant Representations from objectors who have farming businesses in the locality refer to the creation of island sites which could make it either extremely difficult or in some cases impossible for complete fields to be worked. Is it possible for the Applicant to make further adjustments to the amount of land required in order to respond to the need to ensure the more efficient use of farmland?
16.06	The Applicant	The objector along Springfield Road (RR-030) operates a distribution business with a significant number of traffic movements. They state 25 lorries, 120 vans and 38 cars each weekday to and from the premises. What steps are proposed to minimise disruption to this business?
16.07	The Applicant	The Crown Estate has a significant land interest near the village of Feering. They confirm that there have been detailed discussions about the project but these have still to be completed. Please confirm the latest position?
16.08	The Applicant	There are several petrol service stations along the proposed route and most have raised Representations stating that there have been negotiations concerning the interruption to be caused to their businesses. It is stated that negotiations have been continuing so please can the Applicant provide an update so far as this particular sector is concerned?
17.	Traffic and Transport	
17.01	General comment	The ExA is grateful for and has noted the detailed questions concerning traffic and transport which have been asked by parties in various submissions and during the hearings. In order to make best use of everyone's time at this stage the ExA is not going to ask further questions

ExQ1: 20 January 2023

Responses due by Deadline 2 (Monday 13 February 2023).

ExQ1	Question to:	Question:
		concerning the matters raised, but anticipates pursuing these issues further having had the benefit of reviewing the answers to these questions submitted at Deadline 1.
18.	Water Environment	
18.01	EA, CoCC, CCC, MDC, BDC, ECC	Are the parties content with the Applicant's Flood Risk Assessment (FRA) and drainage proposals as detailed in Appendix 14.5 [APP-162] and Appendix 14.6 [14.6] of ES Chapter 14: Road drainage and the water environment [APP-081]? If not, please explain why and what additional information is required.
18.02	EA, CoCC, CCC, MDC, BDC, ECC	ES Chapter 14: Road drainage and the water environment [APP-081], do the parties agree that section 14.8, baseline conditions, is an accurate assessment of the current situation? If not, why not.

ExQ1: 20 January 2023

Responses due by Deadline 2 (Monday 13 February 2023).

ANNEX A

A12 Chelmsford to A120 widening scheme:

List of all objections to the grant of Compulsory Acquisition or Temporary Possession powers (ExQ1: Questions [5.0.1])

In the event of a new interest in the land, or Category 3 person, being identified the Applicant should inform those persons of their right to apply to become an Interested Party under s102A PA2008.

Obj No. ⁱ	Name/ Organisation	IP/AP Ref No ⁱⁱ	RR Ref No ⁱⁱⁱ	WR Ref No ^{iv}	Other Doc Ref No ^v	Interest ^{vi}	Permanent/ Temporary ^{vii}	Plot(s)	CA? ^{viii}	Status of objection

i Obj No = objection number. All objections listed in this table should be given a unique number in sequence.

ii Reference number assigned to each Interested Party (IP) and Affected Person (AP)

iii Reference number assigned to each Relevant Representation (RR) in the Examination library

iv Reference number assigned to each Written Representation (WR) in the Examination library

v Reference number assigned to any other document in the Examination library

vi This refers to parts 1 to 3 of the Book of Reference:

- Part 1, containing the names and addresses of the owners, lessees, tenants, and occupiers of, and others with an interest in, or power to sell and convey, or release, each parcel of Order land;
- Part 2, containing the names and addresses of any persons whose land is not directly affected under the Order, but who “would or might” be entitled to make a claim under section 10 of the Compulsory Purchase Act 1965, as a result of the Order being implemented, or Part 1 of the Land Compensation Act 1973, as a result of the use of the land once the Order has been implemented;
- Part 3, containing the names and addresses of any persons who are entitled to easements or other private rights over the Order land that may be extinguished, suspended or interfered with under the Order.

vii This column indicates whether the Applicant is seeking compulsory acquisition or temporary possession of land/ rights

viii CA = compulsory acquisition. The answer is ‘yes’ if the land is in parts 1 or 3 of the Book of Reference and National Grid are seeking compulsory acquisition of land/ rights.