

**A12 CHELMSFORD TO A120 WIDENING SCHEME DEVELOPMENT CONSENT ORDER  
PARKER STRATEGIC LAND AND HENRY SIGGERS  
WRITTEN REPRESENTATIONS SUMMARY**

**1 INTRODUCTION**

- 1.1 This summary representation is made on behalf of Henry Siggers (“Mr Siggers”) and Parker Strategic Land Limited (“Parker”).
- 1.2 Mr Siggers is the owner of Plots 11/8d and 12/4a as shown on the Land Plans accompanying the draft DCO (the “Site”). Parker has a promotion agreement with Mr Siggers and is currently promoting the Site for employment led development.
- 1.3 Mr Siggers and Parker object to the permanent acquisition of the Site as part of the A12 Chelmsford to A120 Widening Scheme (the “Scheme”) for the reasons set out below.

**2 ABSENCE OF A COMPELLING CASE IN THE PUBLIC INTEREST AND FAILURE TO COMPLY WITH THE ECHR**

- 2.1 The Statement of Reasons does not disclose a compelling case in the public interest for the exercise of compulsory purchase powers in respect of the Site. In fact, no detailed justification for the inclusion of the borrow pits is set out in either the Statement of Reasons or ‘Case for the Scheme’ document.
- 2.2 The only explanation is set out in the Borrow Pits Report (“BPR”). However, the case for the inclusion of the borrow pit on the Site is inadequately justified within it. In particular:
  - 2.2.1 There is no analysis of the availability of material from off-site sources or the economic/environmental viability of using that material verses material from borrow pits.
  - 2.2.2 There is no proper justification for seizing land locally and having such a significant interference with the landowner’s interest. Such an approach would be irrational, in the legal sense of the word.
  - 2.2.3 The assessment as to which borrow pits were preferred within Table 5.1 of the BPR is lacking in detail.
  - 2.2.4 National Highways (“NH”) have already budgeted for a large amount of inert off-site fill material to be imported during construction. Paragraph 2.4.9 of the BPR notes that an “additional 950,000m<sup>3</sup> of fill material may be required to backfill Colemans Quarry in the event that the quarry operators cannot perform this task in advance of construction works. In this event, the intention would be to import 650,000m<sup>3</sup> of inert material from offsite”. This completely undermines NH’s argument that importing large volumes of off-site fill material is neither possible nor economically viable.
  - 2.2.5 NH has provided a statement which asserts that the Scheme will be adequately funded through the Road Investment Strategy (RIS). There is no suggestion that the Scheme’s funding is in any way dependent on the use of the Site as a borrow pit.

2.2.6 There is limited information available at this stage regarding the precise material requirements and waste quantities associated with constructing the Scheme. Therefore, NH cannot properly assess the likely fill deficit that needs to be met and, consequently, cannot properly calculate how much land is needed for borrow pits.

2.2.7 The restored borrow pits are not required for ecological mitigation.

2.2.8 Finally, there is no planning policy support for use of the Site as a borrow pit. It is not allocated for mineral extraction within the Essex Minerals Local Plan (2014) and there is no overriding justification and/or overriding benefit for the proposed extraction in accordance with Policy S6.

2.3 The justification for depriving Mr Siggers of his property is also inadequate in the context of NH's obligations under the European Convention on Human Rights.

### **3 SITE NOT NEEDED DUE TO ALTERNATIVE MEANS OF BRINGING ABOUT OBJECTIVE OF THE ORDER**

3.1 The Site is not needed as there are alternative sources of inert fill material to meet any deficit. In particular:

3.1.1 The Waste Local Plan for Essex (2017) notes that there is a significant amount of inert disposal in the region (1.95mtpa).

3.1.2 NH's evidence also notes that "constructing the proposed scheme would result in large quantities of surplus materials and waste".

Much of this material could be utilised for the Scheme rather than taking it from borrow pits.

3.2 There are also several other borrow pits identified within the Order Land that could be utilised more effectively so as to remove the need for the Site. For example, borrow pits 'E' and 'F' could be excavated to a greater depth and provide much more fill material. This would remove the need to acquire the Site for borrow pit 'I'.

3.3 Furthermore, the BPR notes that, in the event that Colemans Farm Quarry needs to be backfilled, an additional 300,000m<sup>3</sup> of fill material could be taken from borrow pit 'J'. This would cover most of the fill material which would be expected to come from borrow pit 'I' and would also remove the need to acquire the Site if Colemans Farm Quarry does not need to be backfilled.

### **4 LACK OF CONSIDERATION OF ALTERNATIVES**

4.1 NH has failed to properly consider reasonable detailed alternatives in terms of the manner of delivery of the Scheme in accordance with the requirements of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. This has not been carried out properly as there has been no consideration of alternatives to the use of borrow pits as part of the Scheme.

4.2 Whilst the ES Chapter 3 does refer to alternatives, the inclusion of the borrow pit on the Site is always an 'assumption'. The ES provided as part of the application is therefore flawed.

4.3 More broadly, the alternative to using the Site as a borrow pit is also an obviously material consideration in the DCO examination (as per the principles established in *Trusthouse Forte v Secretary of State for the Environment* (1987) 53 P & CR 293 at 299-300). Therefore, it would

be irrational for NH to not explore the alternative in more detail and for that alternative to not be considered by the Secretary of State in this matter.

**5 INADEQUATE ATTEMPTS TO ACQUIRE SITE BY AGREEMENT**

- 5.1 NH has provided little information about the compulsory purchase process and made minimal effort to acquire the Site by agreement. Mr Siggers has received just one letter dated 23.03.22 inviting them to complete and return a form expressing their desire to enter into negotiations.
- 5.2 We have also recently been approached by NH and invited to a meeting to discuss our clients' concerns regarding the Scheme. We are hoping to arrange a meeting soon. However, overall, NH's approach has been inadequate.