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Our Ref: 6364E
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The Planning Inspectorate
National Infrastructure Planning
Temple Quay House
2 The Square
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Dear Planning Inspectorate,

PLANNING ACT 2008 – WRITTEN REPRESENTATIONS (DEADLINE 2)

RE: A12 WIDENING SCHEME BETWEEN JUNCTIONS 19 (BOREHAM INTERCHANGE) AND 25 (MARKS TEY INTERCHANGE).

We act on behalf of Countryside Zest (Beaulieu Park) LLP 'CZ', a joint venture made up of Countryside Partnerships and L&Q, who are the landowner and developer of the Beaulieu Outline Planning Permission (OPP), which was granted in 2014 for 3,600 homes, new roads, schools, neighbourhood centre and business park (ref. 09/01314/EIA).

As noted in our previously submitted Relevant Representation on 10/11/2022, CZ continue to support the principle of the Proposed Development which includes the widening where necessary of the A12 between Chelmsford and the A120 from two lanes to three in each direction, as well as ancillary improvements to a number of junctions.

CZ are continuing to work proactively with National Highways in order to come to an agreement on a number of issues where the DCO works are on CZ land, and potentially affect the implementation of the wider Beaulieu OPP and approved Parameter Plans (see appendix 2, 3 and 4). On 17/12/2021 CZ provided comments to National Highways with regard to the Paynes Lane bridge design which is located across the A12 running into land owned by CZ, as part of the November 2021 design consultation. Following these discussions, the design was revised to ensure the bridge would not conflict with approved Beaulieu OPP and the revised design of the Paynes Lane bridge can be found on the General Arrangement Plan Sheet 2 of 21 (Drawing No. HE551497-JAC-LDC-SCHW-DR-C-0022 Rev. P01). Following on from this, further comments were provided by CZ as part of the July 2022 consultation on 28/07/2022 which noted additional comments on the proposed Order Limits alterations following the November 2021 consultation.

While a number of these matters discussed in previous responses to the application have been agreed, there remain a number of areas of disagreement between both parties, CZ and National Highways. Discussions are ongoing in order to come to an agreement on these matters, particularly in regard the Landowner Option Agreement. The Land Transfer Plan Sheet 1 of 1 (Drawing No. Z03100-CP-NA-SU-G_6053 Rev P01), with an overlay of the relevant Beaulieu applications is included at Appendix 1 and highlights the areas of disagreement which are currently still being discussed.

There are a number of key planning consents currently being implemented within CZ's land, as well as two submitted DCO's and it therefore needs to be considered how they can all be accommodated without impacting the delivery of the approved Beaulieu OPP. These are:

- The Beaulieu OPP (Ref: 09/01314/EIA) – approved by Chelmsford City Council on 7th March 2014;
- The Beaulieu Park Railway Station and car park (Ref: 10/00021/EIA) – approved by Chelmsford City Council on 28th May 2013;
- The Longfield Solar Farm DCO (Ref: EN010118) – submitted on 28th February 2022.

The areas of disagreement are shown on the plan in Appendix 1 and summarised as follows:

- Green Area 2/15b - cuts through land zoned for employment use, temporary use timing to be agreed with CZ to ensure there is no impact on delivery of employment use, the location of the access to be adjusted to avoid the Railway Station car park land;
- Red Area 2/15a – permanent acquisition of this land with the current boundary cannot be granted as it is also required by CZ to deliver strategic cycleway link between train station, the business park and the allotments as well as public open space as shown on the enclosed approved Parameter Plans. Land boundary to be amended in consultation with CZ to ensure there are no conflicts. It is also noted that part of this land is required by Network Rail for the Railway Station car park delivery and there are several existing easements across this land;
- Green Area 2/15f – temporary access over the land can be granted for construction but CZ cannot grant permanent rights;
- Blue Area 2/15c – land boundary needs to be changed to avoid SuDS basin and other infrastructure. CZ can offer alternative access for both temporary and permanent access to avoid development infrastructure; and
- Blue Area 2/17j – land boundary needs to be changed to avoid development infrastructure. CZ can offer alternative access for both temporary and permanent access to avoid development infrastructure.

The areas of disagreement noted above need to be resolved between CZ and National Highways to ensure all of these key schemes can be delivered in a comprehensively planned and coordinated way. A meeting was held between both parties on Friday 10th February and National Highways indicated they are not willing to revise the plans through the DCO process but were willing to amend them through the landowner option agreement between both parties. Until these option agreements are finalised CZ maintain an objection to the DCO plans as currently submitted. It is also CZ's preference that the plans should be revised and submitted to the Planning Inspector and assessed as part of the DCO examination process.

The Hillside Parks Appeal

You will be aware of the recent Supreme Court Judgement given on the 2 November 2022 in relation to the Hillside Parks Ltd (Appellant) v Snowdonia National Park Authority (Respondent). In summary, the appeal case concerned a full detailed planning permission granted in 1967 for 401 homes in the Snowdonia National Park, which was the subject of a detailed masterplan drawing. The masterplan showed the layout of each house and the road system but in the years since it was granted only 41 homes has been built. Due to a number of subsequent drop-in applications which were inconsistent with the original masterplan, and therefore made it physically impossible to complete the original development, the Supreme Court established it was therefore unlawful to carry out any further development under the original permission.

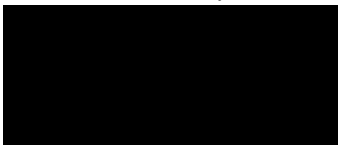
The A12 Proposed Development DCO will be a drop-in application on the original Beaulieu OPP and therefore CZ will need to be assured that both applications are consistent, and CZ can fully implement the Beaulieu OPP.

Conclusion

In summary, CZ continue to support the principle of the Proposed Development which includes the widening, where necessary, of the A12 between Chelmsford and the A120 from two lanes to three in each direction, as well as ancillary improvements to a number of junctions.

While discussions continue between both CZ and National Highways regarding the matters outlined above, CZ maintain an objection to the submitted plans until the revised plans are agreed by both parties under the Landowner Option Agreement and in order to come to a mutual agreement on these issues through the DCO process CZ are willing to enter into a Statement of Common Ground (SoCG).

Yours faithfully,



Barry Murphy
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Enc Appendix 1 – Land Transfer Plan
 Appendix 2 – Land Use Parameter Plan 1
 Appendix 3 – Footpaths Cycleways and Bridleways Parameter Plan 4
 Appendix 4 – Public Open Space Parameter Plan 6