

A12 Chelmsford to A120 widening scheme

TR010060

9.14 Applicant's Response to the Examining Authority's First Round of Written Questions (ExQ1)

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A12 Chelmsford to A120 widening scheme

Development Consent Order 202[]

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1 Introduction

- 1.1.1 The Development Consent Order (DCO) application for the A12 Chelmsford to A120 widening scheme (the Scheme) was submitted by National Highways to the Secretary of State for Transport via the Planning Inspectorate on 15 August 2022 and accepted for Examination on 12 September 2022.
- 1.1.2 This document sets out the Applicant's response to Examining Authority's First Round of Written Questions (ExQ1) contained with the Rule 8 letters issued on 23 January 2023. The Applicant's response can be found in Section 2 of this document.
- 1.1.3 The Applicant has replicated the Examining Authority layout for Written Question 1 for ease of reference.
- 1.1.4 For ease of reference, a table of abbreviations used in this document is provided in Table 1.1.

Table 1.1 Abbreviations Used

Abbreviation	Definition
AGI	Above Ground Installation
ALC	Agricultural Land Classification
ALO	Agricultural Liaison Officer
ANPR	Automatic Number Plate Recognition
AONB	Areas of Outstanding Natural Beauty
AQO	Air Quality Objective
ARN	Affected Road Network
BCR	Benefit Cost Ratio
BMV	Best and Most Versatile
CA	Compulsory Acquisition
CEA	Cumulative effects assessment
DCLG	Department for Communities and Local Government
DCO	Development Consent Order
DfT	Department for Transport
DM	Do Minimum
DMRB	Design Manual for Roads and Bridges
DQRA	Detailed Quantitative Risk Assessment
DS	Do Something

Abbreviation	Definition
EA	Environment Agency
ECC	Essex County Council
EIA	Environmental Impact Assessment
EM	Explanatory Memorandum
EMP	Environmental Management Plan
ES	Environmental Statement
FRA	Flood Risk Assessment
GCN	Great Crested Newts
GHG	Greenhouse gas
GI	Ground Investigation
GPDO	General Permitted Development Order
GREEN	Green Energy Enablement
HLT	Historic Landscape Type
HM	His Majesty
HRA	Habitats Regulations Assessment
IEMA	Institute of Environmental Management and Assessment
LAQM	Local Air Quality Management
LCA	Landscape Character Areas
LEMP	Landscape and Ecology Management Plan
LNR	Local Nature Reserve
LTN	Local Transport Note
LVIA	Landscape and Visual Impact Assessment
LWS	Local Wildlife Site
MITTS	Main Interconnected Transmission System
MSA	Mineral Safeguarding Areas
NH	National Highways
NHS	National Health Service
NNNPS	National Networks National Policy Statement
NPPF	National Planning Policy Framework
NSIP	Nationally Significant Infrastructure Project
OCTMP	Outline Construction Management Plan
PROW	Public Rights of Way

Abbreviation	Definition
REAC	Register of Environmental Actions and Commitments
RIS	Road Investment Strategy
RR	Relevant Representation
SIM	Search of the Index Map
SPA	Special Protection Area
SPZ	Source Protection Zones
SRN	Strategic Road Network
TAG	Transport Analysis Guidance
TCE	The Crown Estate
TDP	Transport Decarbonisation Plan
VOA	Valuation Office Agency
VPH	Vehicles Per Hour
WCH	Walking Cycling and Horse riding
WFD	Water Framework Directive
WR	Written Representation
WSI	Written Scheme of Investigation
ZOI	Zone of Influence

2 Applicant's Response to the Examining Authority's First Round of Written Questions

ExQ1	Question to/Response by:	Question/Answer:
1. General and Cross-topic Questions		
1.0.1	Question to: 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?
	The Applicant's Response	<p>The General Arrangement Plans [APP-020 – APP-024] (superseded by [AS-029 – AS-013]) collate design information from the Works Plans [AS-026], Engineering Section Drawings [APP-027 – AS-016], Structures Engineering Drawings and Sections [APP-031 - APP-032] and principles set out in the Environmental Masterplan [APP-086 – APP-088] which will be certified documents as set out in Schedule 12 of the draft DCO [APP-039] (superseded by [AS-020]), securing the detailed design as per Schedule 2 Requirements, Part 1 Requirement '10. Detailed Design' of the draft DCO [APP-039] (superseded by [AS-020]).</p> <p>The General Arrangements Plans were prepared and submitted with the intention that they were illustrative plans to help the Panel, Interested Parties and the community to understand the scheme's components in a single plan set, but not of themselves to be documents of record. The Applicant does not believe it is necessary for the General Arrangement drawings to be included in the plans listed in Requirement 10.</p>

ExQ1	Question to/Response by:	Question/Answer:
2. Air Quality and Emissions		
20.1	Question to: 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.
	The Applicant's Response	The methodology used to undertake the construction dust assessment is set out in paragraph 6.5.15 in Environmental Statement Chapter 6: Air quality [APP-073], which explains that the construction dust assessment was undertaken in accordance with DMRB LA 105 and identified all sensitive receptors (human health and designated ecological sites) within 50m, 50–100m and 100–200m of all construction activity bounded by the Order Limits. The proximity of nearby receptors was considered in combination with the likely magnitude of construction activities to inform a qualitative assessment of the dust risk potential of the proposed scheme to the receiving environment as per Tables 2.58a and 2.58b of DMRB LA 105. The resulting risk potential was then used to inform the proposed mitigation measures included in Chapter 6: Air quality [APP-073] and the first iteration of the Environmental Management Plan [APP-184]. The Applicant is therefore of the view that the approach has had regard to the latest guidance and is acceptable for road schemes of this type.
20.2	Question to: 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.
	The Applicant's Response	N/A

ExQ1	Question to/Response by:	Question/Answer:
203	Question to: 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.
	The Applicant's Response	N/A
204	Question to: 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.
	The Applicant's Response	N/A
205	Question to: CCC	Are the Council satisfied with the approach taken by the Applicant to AQMAs within Chelmsford? If not, please explain why not.
	The Applicant's Response	N/A
206	Question to: 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.
	The Applicant's Response	Placement of receptors is explained in paragraph 6.8.24 of the Environmental Statement Chapter 6: Air quality [APP-073]. Appendix 6.3 [APP-102], paragraph 1.10.2, correctly states that worst-case receptors have been chosen, but does not

ExQ1	Question to/Response by:	Question/Answer:
		<p>mention the receptors chosen to represent where air quality was likely to improve due to the proposed scheme. To clarify, the 267 receptors are primarily worst-case (as explained below), but also include some receptors to demonstrate where air quality would improve.</p> <p>The placement of human health receptors was generally focused on areas near the Affected Road Network (ARN), i.e., the network of roads with the potential to cause air quality issues at nearby sensitive receptors, should they exist. The ARN is triggered based on threshold traffic flow and speed criteria included in the Design Manual for Roads and Bridges LA 105. The threshold criteria can be triggered in both positive and negative directions i.e., due to an increase or decrease in emissions. Traffic modelling indicated that emissions were likely to increase (e.g. positive triggering on the mainline A12 between junction 19 and junction 25) or where the highest concentrations were expected to occur (e.g. properties alongside the A12 near to Halstead Road, Colchester). Equally, receptors were selected to indicate where air quality is likely to improve (e.g. negative triggering for the old A12 through Rivenhall End and High Street, Kelvedon) as a result of the proposed scheme. Receptors were also specifically located where residents raised concerns during consultation events held before the modelling was undertaken (e.g. Inworth Road).</p> <p>Of the total receptors (267) modelled, 25 receptors representing 39 consented mixed use developmental planning applications within 200m of the ARN, were also included (see Table 1.3 of Environmental Statement Appendix 6.3: Dispersion Modelling Process [APP-102]). The planning application receptors were modelled at the nearest point of the planning application boundary to the ARN unless information was made available as to the actual location and use of buildings.</p>

ExQ1	Question to/Response by:	Question/Answer:
20.7	Question to: 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.
	The Applicant's Response	<p>The justification for the significance of the exceeding receptors is described in paragraphs 6.5.20 to 6.5.23 of the Environmental Statement Chapter 6: Air quality [APP-073]. The significance of the environmental effects was determined following the DMRB LA 105 criteria.</p> <p>For the local air quality assessment at human health receptors, Table 6.7 in Chapter 6: Air quality [APP-073] shows the guideline bands for the number of properties experiencing a 'small' to 'large' magnitude change in NO₂ that would inform a judgement of significant air quality effects at human health receptors. Only those sensitive receptors where there are exceedances of the air quality objective (AQO) threshold in either the Do Minimum (DM) or Do Something (DS) scenarios were considered. A conclusion on significance was then based on the following:</p> <ul style="list-style-type: none"> • Where the total number of receptors are greater than the upper guideline band in DMRB LA 105 in any of the magnitude categories the project would trigger a significant air quality effect. • Where the number of properties resides between the lower and upper guideline bands for any of the magnitude of change criteria, then

ExQ1	Question to/Response by:	Question/Answer:
		<p>professional judgement would be applied with consideration of factors such as the absolute concentrations (i.e. how close the concentrations are to the AQO threshold) and balance of properties experiencing negative or beneficial changes.</p> <ul style="list-style-type: none"> • Where the total number of receptors is less than the lower guideline band for all six magnitude of change categories, the project is unlikely to trigger a significant air quality effect for human health (although professional judgment would still apply). <p>The air quality assessment concluded that two human health receptors (R189 and R193) would be at risk of exceeding the annual mean NO₂ AQO (40µg/m³) in the peak construction year 2025, in both the DM and the DS scenarios. However, the magnitude of change in concentration at these receptors was 0.1 and 0.2µg/m³ respectively, which is classed as imperceptible in accordance with DMRB LA 105. As the two receptors are well below the lower guideline band for small magnitude changes of 30 receptors (see Table 6.7 in Chapter 6 [APP-073]), it is concluded that there are no significant effects on human health receptors during construction.</p> <p>During operation of the proposed scheme, three human health receptors (R193, R189 and R225), representing a total of three residential properties, would be at risk of exceeding the threshold of the NO₂ AQO in the opening year 2027. Receptors R193 and R189 were in exceedance of the AQO in both the DM and the DS scenarios. In accordance with DMRB LA 105, the magnitude of change in concentration at these two receptors (0.9µg/m³ increase for both receptors) was deemed to be small. Receptor R225 was in exceedance in only the DS scenario and the magnitude of the change in concentration at this receptor (4.0µg/m³) was classed as medium in accordance with DMRB LA 105. These numbers of human receptors are well below</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>the lower guideline bands for small and medium magnitude changes of 30 and 10 respectively (see Table 6.7 in Chapter 6 Air quality [APP-073]), and therefore a conclusion of no significant effect on human health receptors from air quality was reached.</p> <p>There were no exceedances of the PM₁₀ or PM_{2.5} AQO thresholds (40µg/m³ and 20µg/m³ respectively), with the highest predicted concentrations of these pollutants being well below the respective AQOs (see paragraph 6.9.15 in Chapter 6: Air quality [APP-073]). The conclusion of significance was therefore based on NO₂.</p>
208	Question to: 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.
	The Applicant's Response	Traffic activity is a combination term to describe flow rates, road speed and composition of construction traffic for any given location. The air quality assessment uses traffic activity data to characterise the exhaust emissions for the do-minimum and do-something scenarios for a given future year. For construction, the assessment year was 2025. This is the year when construction activity is likely to peak (see paragraph 2.6.15 in Chapter 2: The proposed scheme, of the Environmental Statement [APP-069]). In reality, construction traffic over the full construction period (2023-2027) is likely to be less than that modelled for the peak construction year, and therefore the construction traffic assessment is considered to represent a worst-case. Further information on the approach to construction traffic, including assumptions and limitations, is provided in Environmental Statement Appendix 6.2: Traffic Data for the Affected Network [APP-101]).

ExQ1	Question to/Response by:	Question/Answer:
		<p>In addition, other assumptions are made regarding the likely make-up and characteristics of the construction vehicle fleet in the peak construction year (i.e. in terms of the performance of the vehicles' emission standards). In addition to using monitoring data trends to model the likely emissions standards of the construction vehicle fleet, long terms trends have also been analysed, to improve the accuracy of the assumptions made. This has been done because it has been found that monitoring data trends do not necessarily correlate with future emissions modelling forecasts based on projected fleet characteristics. In other words, the modelling assumptions have tended to be overly optimistic i.e. with new emission standards not reducing emissions as might be expected. The addition of using long term trends enables an adjustment to be undertaken to ensure that the modelling results are not overly optimistic, as outlined in Section 1.15 of Environmental Statement Appendix 6.3: Dispersion Modelling Process [APP-102].</p> <p>It is for these reasons that the modelling was deemed to be conservative or worst case.</p>
209	Question to: 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.
	The Applicant's Response	Baseline air quality monitoring was undertaken for the proposed scheme for one year between May 2017 and July 2018 at 11 locations between junctions 19 and 25 of the A12. There are two reasons why these data are collected. Firstly to indicate the status

ExQ1	Question to/Response by:	Question/Answer:
		<p>of air quality and secondly to verify any subsequent modelling work undertaken by a pollution dispersion model. The monitoring data for the periods above were annualised to the base year of the assessment (2019).</p> <p>Annualisation is the process of estimating annual means from the extrapolation of short-term monitoring results. The methodology consists of using concentration data from nearby continuous monitoring sites to assist in estimating annual mean concentrations at the site(s) in question. The above is in line with relevant guidelines (LAQM TG22) and so is taken to be representative of the air quality assessment baseline. The sites were selected based on appropriate guidance (LAQM TG16, now replaced by TG22). A discussion with the local Environmental Health Officer for the co-location site had occurred and permission granted. All monitoring in Lucy Lane North was undertaken by the Local Authority.</p> <p>Following on from annualisation, appropriate guidance was applied to adjust 2017-2018 monitoring data to the year 2019. The adjustment uses background monitoring data to account for changes expected in baseline concentrations. The adjusted 2019 data were then combined with local authority LA data for same year. This approach was therefore considered to provide a representative baseline for the study.</p> <p>Towards the end of 2019 it was proposed to undertake additional air quality monitoring to support the DCO revised baseline year 2019. It was proposed that several of the original monitoring locations (from the 2017-2018 monitoring programme) would be used, and new sites added. Monitoring was deployed in January and February 2020 and then owing to COVID restrictions the monitoring was abandoned on health and safety grounds and also because the resulting traffic</p>

ExQ1	Question to/Response by:	Question/Answer:
		activity was unrepresentative. There was no further opportunity to reinstate the monitoring to provide data of benefit to the DCO assessment.
3. Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))		
3.0.1	Question to: 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.
	The Applicant's Response	N/A
3.0.2	Question to: 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.
	The Applicant's Response	N/A
3.0.3	Question to: 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.
	The Applicant's Response	N/A
3.0.4	Question to: 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.

ExQ1	Question to/Response by:	Question/Answer:
	The Applicant's Response	N/A
3.05	Question to: The Applicant NE, CoCC, CCC, MDC, BDC, ECC	<p>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 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.</p> <p>Are the parties satisfied with the Applicant's approach?</p>
	The Applicant's Response	<p>As reported in paragraph 9.11.9 of Chapter 9: Biodiversity, of the Environmental Statement [APP-076] there would be permanent loss of 0.89ha of semi-natural broadleaved woodland habitats on the western boundary of Whetmead Local Nature Reserve (LNR)/Local Wildlife Site (LWS) to enable widening of the existing A12 carriageway. There would also be operational impacts through increased nitrogen deposition within the remaining grassland in the LNR/LWS. Owing to previous use as a landfill site (industrial and commercial) from 1964 until 1990 (see Table 10.9 of Chapter 10: Geology and soils [APP-077]), land within the LNR/LWS may not be suitable for the restoration of wet habitats or creation of new habitats. Soil samples collected close to the historical landfills at Whetmead LNR/LWS were found to be hazardous and groundwater quality was also poor (paragraph 10.9.12 of Chapter 10: Geology and soils [APP-077]). In addition, Whetmead LNR Management Plan 2015-2024 (Essex Ecology Services Limited, 2015) reports that much of the site is levelled with poorly structured soil, which is poorly draining and of variable composition. It also states that the nutrient poor substrate has severely limited the growth of any desired tree/shrub cover and that a small area of planted trees on the landfill have died because of the adverse soil conditions.</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>The Applicant has therefore concluded that conditions within the LNR/ LWS could compromise the success of any additional new planting and any works disturbing the landfill could lead to mobilisation of contaminants, thereby increasing the risk of releasing contaminants into the environment including the adjacent River Brain which flows into the River Blackwater nearby.</p> <p>The proposed mitigation is to create approximately 2ha of new habitat within an ecological mitigation area immediately south-west of the LNR/LWS. The habitats within the mitigation area would include species rich grassland, ponds and a ditch complex to enable the habitat to be used for reptile mitigation (although it would provide habitat for other species such as amphibians, water vole and bats as well). In addition, 0.8ha of woodland planting would be provided within an existing gap along the western boundary of the plot immediately to the west of the ecological mitigation area, where it provides the benefit of visual screening of the widened A12, and 0.1ha of wet woodland would be planted around the attenuation pond in this area (as shown on Figure 2.1 Environmental Masterplan, Part 1, Sheet 8 of 21 [APP-086]).</p> <p>The potential impacts of the proposed scheme on Whetmead LNR/LWS and high-level mitigation proposals were presented to Witham Town Council during two in-person meetings on 23 September 2021 and 9 March 2022. Witham Town Council supported the ideas put forward, although no formal agreements were made. The Applicant welcomes continued engagement with Witham Town Council as the design is refined.</p>
3.06	Question to:	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

ExQ1	Question to/Response by:	Question/Answer:
	The Applicant	relevant stakeholders. Please provide the evidence to confirm agreement to this deviation.
	The Applicant's Response	<p>Discussions with stakeholders were undertaken via MS Teams meetings and a virtual workshop, through subsequent feedback in emails, and through the Scoping Report and the Scoping Response and Statutory Consultation on the Preliminary Environmental Information Report (PEIR).</p> <p>Scoping Report and response</p> <p>The survey methodology for bats was provided to all stakeholders via 'Appendix I Species survey scope and methodology' of the Scoping Report (available on the Infrastructure Planning website at: https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010060/TR010060-000006-A12%20-%20Environmental%20Scoping%20Report.pdf).</p> <p>The Planning Inspectorate published its Scoping Opinion in December 2020 (and republished with an errata sheet in March 2021) which included responses from stakeholders including Natural England, Essex County Council, Essex Wildlife Trust and the four local authorities (Colchester Borough Council, Chelmsford City Council, Braintree District Council and Maldon District Council).</p> <p><u>Natural England</u></p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>Natural England commented that <i>'Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted standing advice for protected species which includes links to guidance on survey and mitigation.'</i></p> <p><u>Essex County Council</u></p> <p>In its response to the Scoping Report, Essex County Council stated <i>'We would not support applying the proposed deviation from the Bat Conservation Trust guidelines unless there is certainty of likely impacts on the bat populations at the local level which would be necessary to support a European Protected Species Mitigation Licence needed for a project. There is a need for sufficient survey and assessment on bats and trees affected by a road scheme. It needs to be evidence led and may therefore not be appropriate for this scheme.'</i></p> <p>Preliminary Environmental Information Report and workshop</p> <p>Prior to the publication of the PEIR, the Applicant hosted two workshops to help stakeholders understand the PEIR documentation when issued at statutory consultation and to obtain initial feedback on issues and likely responses to the consultation. Workshop No. 2 (held virtually on 29 April 2021) covered biodiversity. Representatives from Colchester City Council, Braintree District Council, Chelmsford City Council, Maldon District Council and Essex Wildlife Trust were in attendance, as follows:</p>

ExQ1	Question to/Response by:	Question/Answer:
		<ul style="list-style-type: none"> • A Landscape Adviser and Arboricultural Planning Officer from Colchester City Council • A Tree and Landscape Officer, Principal Planning Policy Officer and Senior Planning Policy Officer from Braintree District Council • A Principal Planning Officer and Natural Environment Officer from Chelmsford City Council • A Countryside and Case Manager from Maldon District Council • A Planning Coordinator from Essex Wildlife Trust <p>The workshop included a slide presentation on how the survey methodology used for bats had been amended with respect to survey effort for potential roosts and replacement of dawn/dusk tree surveys with climbing surveys. No comments from those attending specific to the methodology were made during the workshop.</p> <p>Feedback from Statutory Consultation in relation to the survey methodologies was as follows (see reference number OS/058 on page 1500 of Annex N: Table evidencing regard had to consultation responses of the Consultation Report [APP-062]).</p> <p>Natural England commented that <i>'Our advice is that survey effort, assessment and mitigation relating to protected species should generally accord with Natural England's standing advice. A clear rationale for any departures from this advice, and any likely consequences, should be provided in the ES.'</i></p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>Natural England's standing advice in relation to bats states that '<i>surveys must:</i></p> <ul style="list-style-type: none"> • <i>be carried out in the most recent, appropriate season - except if licensing policy 4 is used</i> • <i>identify the bat species and size of population</i> • <i>identify the type of roost and its importance, and any access points used by bats to enter the roost</i> • <i>identify important flight routes and foraging areas used by bats close to proposed developments.'</i> <p>The Applicant considers that the considerable survey effort undertaken has complied with this standing advice on the basis that surveys have been undertaken in the appropriate season, have identified the species present, roost types including access points, and important flight routes and foraging areas.</p> <p>Essex County Council commented (see reference number OQ/032 on page 707 of Annex N: Table evidencing regard had to consultation responses [APP-062] of the Consultation Report [APP-045]) '<i>Deviation from the Bat Conservation Trust survey guidelines – response noted. The ecology team at Place Services would welcome the proposed discussion on bat survey methodology to ensure a robust dataset is provided to support this NSIP at Examination.'</i></p> <p>Further discussions were held with Essex County Council, see the section on meetings below.</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>Colchester Borough Council commented that '<i>Colchester Borough Council supports Essex County Councils ... that 'Deviation from the Bat Conservation Trust guidelines would not be supported by Essex County Council unless there is certainty of likely impacts on the bat populations at the local level'</i> (see reference number OQ/291 on page 941 of Annex N: Table evidencing regard had to consultation responses [APP-062] of the Consultation Report [APP-045]).</p> <p>It is the Applicant's view that the baseline is robust and enables the assessment of significant effects, design of mitigation and is sufficient to obtain a European Protected Species licence to ensure legal compliance with respect to bats. The Applicant is working with Natural England to obtain a Letter of No Impediment with respect to bats.</p> <p>Chelmsford City Council, Maldon District Council and Braintree District Council did not raise any points with respect to the survey methodology for bats during the statutory consultation.</p> <p>Meetings</p> <p><u>Natural England</u></p> <p>In a DAS meeting with Natural England on 3 September 2020, the survey methodology, with particular focus on deviations from best practice, was discussed. Ecologists explained that bat roost survey effort would be focussed on trees and</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>buildings closer to the proposed scheme in order to identify roosts that were most likely to be impacted by the scheme, so that the survey effort was proportionate to the likelihood of impact. Roosts would be identified using tree climbing rather than emergence/re-entry surveys (where they could be safely undertaken) because this method enabled surveyors to identify evidence of recent occupation by bats as opposed to the snapshot provided during emergence or re-entry surveys. This therefore makes detection of bat roosts more effective. Natural England requested the survey method was issued following the meeting to provide them with an opportunity to respond fully.</p> <p>During a subsequent meeting with Natural England on 26 November 2020, the Applicant enquired about comments on the submitted methodologies. Natural England was unable to provide feedback at this time as the appropriate colleague had not received the methodology, and also advised that comments of the survey methodology would not be included in Natural England's formal Scoping Report response as that was being submitted that day.</p> <p>In an email dated 10 December 2020, Natural England provided feedback on the proposed survey methodology. Natural England did not raise concerns with respect to the two key ways in which the survey methodology had been adapted (use of climbing surveys to replace dawn/dusk surveys, and reduced number of surveys for potential roost features depending on distance from the proposed scheme and whether within an online widening or offline section). Natural England did raise a question on how missing the April surveys due to the Covid-19 pandemic had been mitigated and asked the Applicant to consider potential impacts on winter bat activity and hibernation roosts.</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>As explained in paragraph 4.2.133 in Appendix 9.4: Bat Survey Report [APP-128], the lack of surveys undertaken in April 2020 is not likely to have significantly constrained the baseline. It is considered by the Applicant that the quantity and quality of data are robust to enable an assessment of significant effects and appropriate mitigation, including a licence application where required. The Applicant proposes to update bat roost assessments pre-construction (as per commitment BI11 of the Register of Environmental Actions and Commitments, within the first iteration Environmental Management Plan [APP-185]).</p> <p>With respect to impacts to winter bat activity and hibernation roosts, the Applicant has undertaken hibernation surveys of buildings and trees, the results of which are presented within Appendix 9.4: Bat Survey Report [APP-128]. Four hibernation roosts were identified within the study area:</p> <ul style="list-style-type: none"> • Building B1291 supporting a single brown long-eared bat. • Building B1543, which was assessed as a minor common pipistrelle and soprano pipistrelle hibernation roost based on three calls and one call on the static detector respectively. • A well (reference B1738a) precautionarily assessed as a hibernation roosts as recorded <i>Myotis</i> sp., <i>Pipistrellus</i> sp., and brown long-eared bat calls may have come from inside or outside the well. • Building B3648 based on anecdotal evidence from the land owner (access was refused and so the Applicant was unable to undertake their own assessment).

ExQ1	Question to/Response by:	Question/Answer:
		<p>Best practice guidance (Bat Conservation Trust, Bat Surveys for Professional Ecologists: Good Practice Guidelines) states that <i>'the UK bat active period is generally considered to be between April and October inclusiveIt may be appropriate to survey for bat activity in the winter particularly if there are hibernation roosts in, or close to, the survey areas'</i>.</p> <p>Considering the relatively low value of the predominantly arable landscape to bats, and the low numbers of hibernation roosts recorded (within the context of the size of the proposed scheme), the Applicant assessed that the data available from the surveys which had been undertaken would be sufficient to assess the effects of the proposed scheme. It should be noted that with respect to the survey guidelines, the Bat Conservation Trust's website states that <i>'The guidelines are not a prescription for professional bat work. They do not aim to override professional judgement and cannot be used to replace experience. Deviations from the methods described are acceptable providing the ecological rationale is clear and the ecologist is suitably qualified and experienced.'</i></p> <p><u>Essex County Council (Place Services)</u></p> <p>In a meeting on 26 May 2022, the Applicant presented the bat survey methodology and results with a particular focus on barbastelle bats.</p> <p>Essex County Council was satisfied with the deviations from Bat Conservation Trust survey guidelines on the whole, with a small detail to be closed out regarding specific methodology for online/offline sections. Additionally, Essex County Council</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>commented that it was satisfied with the assessment of impacts to barbastelle bats but requested a response as to whether any international obligations contained within the Bern and Bonn Conventions (Annex II) needed to be considered.</p> <p>Further, information to address outstanding points was provided in an email dated 30 May 2022. However, no further communication has been received from the Council despite following up on multiple occasions.</p> <p>Statements of Common Ground</p> <p>The Applicant is working with Natural England and Essex County Council to produce a Statement of Common Ground with each organisation.</p> <p>The draft bat licence has been amended following feedback from Natural England and once submitted, Natural England is expected to produce the Letter of No Impediment</p>
3.0.7	Question to: 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.
	The Applicant's Response	As stated in Chapter 2: The proposed scheme [APP-069], the Environmental Statement is based on a preliminary design of the proposed scheme. In accordance with the guidance provided in the Planning Inspectorate's (2018) Advice Note Nine: Rochdale Envelope, the Order Limits of the proposed scheme have been drawn to

ExQ1	Question to/Response by:	Question/Answer:
		<p>allow some flexibility. Limits of deviation have been incorporated within the Order Limits to allow minor modifications to be made to the proposed scheme during the detailed design and construction stages. Limits of deviation provide an envelope of development, as opposed to specific dimensions, and are used to allow design flexibility.</p> <p>The approach of this Environmental Statement has been to assess the proposed scheme design based on the realistic worst-case scenario afforded by the limits of deviation being sought within the Development Consent Order application and this approach has been reflected within the biodiversity assessment in Chapter 9: Biodiversity [APP-076], as described in paragraph 9.6.13 of the chapter.</p> <p>The horizontal limits of deviation, as shown on the Works Plans [AS-025, AS-026, AS-003, AS-004] have been taken into account in the preparation of Chapter 9: Biodiversity [APP-076] and the potential impacts of deviation within the permitted limits have therefore been assessed. This approach dictated the development of biodiversity mitigation measures, to ensure that these are adequate to cover the impacts of the worst-case scenario i.e. were the proposed scheme to be built to its maximum limits.</p> <p>For example, as per paragraph 9.11.61 of Chapter 9: Biodiversity [APP-076], in the assessment of air quality impacts from construction traffic on Veteran/Ancient trees, the assessment has considered the construction traffic representative of the peak construction year as a worst-case scenario. However, in reality, this level of traffic would only occur over a short period of construction, with nitrogen levels fluctuating</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>over the entire duration of the construction period. The assessment is therefore precautionary, with the final impact anticipated to be lower.</p> <p>In determining the extent of impacts on designated sites from nitrogen deposition, as described in paragraph 3.5.25 of Appendix 9.15: Assessment of Air Quality Impacts on Ecological Receptors [APP-139], the method by which the area of impact is calculated is also considered worst case, as the magnitude of nitrogen deposition within affected areas is not constant across the whole area because deposition decreases with distance from the emission source, with effects most likely to be evident closer to the road. However, the assessment has assumed that the deposition across the designated site would be at the level experienced adjacent to the road rather than decreasing with distance. As such, as per the example above, this assessment is considered precautionary, with the final impact anticipated to be lower.</p> <p>For the purpose of the assessment, to calculate habitat loss, with the exception of the gas main diversion where a 30m corridor has been assumed, all vegetation at risk of removal (as shown in the Retained and Removed Vegetation Plans [APP-035 and AS-017]) has been assumed as lost in the assessment even though it may be possible to retain some of this 'at risk' vegetation during the detailed design or construction, thereby reducing impacts (paragraph 9.6.14 in Chapter 9: Biodiversity [APP-076]). Therefore the assessment adopts a worst-case scenario. This assumption also informs the impact assessment for species (e.g. bats) who utilise these habitats when considering areas of habitat lost. Therefore, the assessment of impacts to species is also undertaken using a worse-case scenario approach.</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>The worst-case scenario approach has also been reflected in the biodiversity net gain calculations, as described in paragraph 1.1.6 of Appendix 9.14: Biodiversity Net Gain Report [APP-138]. A precautionary approach has been applied in this analysis based on limitations of the data, the assumptions made to allow a quantitative forecast of biodiversity unit change and the preliminary nature of the design, resulting in the metric providing a realistic 'worst-case' assessment of biodiversity net gain.</p> <p>For area-based habitat types, condition is assumed for each habitat type based on limited supporting information. For example, field data was collected prior to the publication of condition criteria for either Metric 2.0 or 3.0, and therefore condition assessment has been applied retrospectively. To address this constraint, a precautionary approach has been taken which is likely to over-estimate the baseline and therefore raise the requirement in terms of units for achieving a net gain in biodiversity units</p> <p>Also, with respect to the biodiversity net gain assessment, habitat retention for the proposed scheme has been identified using the Retained and Removed Vegetation Plans [TR010060/APP/2.14], the data for which is based upon a canopy model, and therefore only shows the retention of trees and scrub. Due to the nature of this model, it is likely that the low-lying habitat surrounding this vegetation will also be retained, but it is currently not identified as such in the Metric. This will result in more habitat(s) being counted as lost than is actually likely to occur, and therefore represents a precautionary estimate.</p> <p>Where area-based habitat and hedgerows within the temporary land-take of the proposed scheme would be lost and then re-instated, it has been assumed that where</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>feasible, the same habitat is created post-construction. However, given the lack of certainty over the future management of habitats in these temporary land-take areas, that would not fall within the permanent ownership of National Highways, a precautionary approach has been taken to assigning post-intervention habitat condition for area-based and hedgerow habitats. This precautionary approach mitigates the risk of overvaluing post-intervention biodiversity unit forecasts for reinstated habitats.</p> <p>Lastly, with respect to the biodiversity net gain assessment, assumptions have been applied in respect of delays to habitat creation and restoration. Excluding those areas identified for advanced planting, for all other areas, a delay of four years is applied to recognise the current length of the construction phase. This is considered precautionary, and it may be that some areas of habitat creation are brought forward sooner than this. If this were the case, this would improve the post-intervention biodiversity unit forecast.</p>
3.0.8	Question to: 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.
	The Applicant's Response	How connectivity will be maintained and where would safe crossings be provided?

ExQ1	Question to/Response by:	Question/Answer:
		<p>The proposed scheme would cross seven different main rivers at eight locations (see Table 2.6 of Environmental Statement Chapter 2: The proposed scheme [APP-069]) which would require the retention and extension of some existing culverts and the provision of two new culverts (Rivenhall Brook and Domsey Brook East Crossing), in addition to numerous smaller culverts over ordinary watercourses. Rivers are well documented as key navigational routes for bats (Vaughan, Jones and Harris, 1997, Habitat Use by Bats (Chiroptera) Assessed by Means of Broad-Band Acoustic Method, Journal of Applied Ecology, Vol. 34 No.3 pp 716-730) and the proposed scheme has aimed to maximise connectivity across the landscape by maintaining these routes, as explained below.</p> <p>Hedgerows are also important features in the landscape to aid connectivity for bats. Bats are known to use hedgerow networks to navigate through the landscape (Boughey <i>et al.</i>, 2011, Improving the biodiversity benefits of hedgerows: How physical characteristics and the proximity of foraging habitat affect the use of linear features by bats, Biological Conservation, Vol 144 Issue 6 pp 1790-1798), and therefore minimising loss and fragmentation of hedgerows and maximising new hedgerows was desirable to maintain connectivity.</p> <p>In summary, connectivity for bats would be maintained through:</p> <ul style="list-style-type: none"> • The retention of existing culverts (Boreham Culvert, River Ter Bridge, Brain Bridge and Domsey Brook Bridge) which have been shown to be used by bats to cross under the A12.

ExQ1	Question to/Response by:	Question/Answer:
		<ul style="list-style-type: none"> • Provision of new culverts (Rivenhall Brook Culvert and Domsey Brook East crossing) which could be used by bats to cross under the new offline sections of the A12. • Sympathetic design of new and modified culverts to improve their value to bats. • Design of landscape planting to avoid fragmentation of foraging and commuting habitats and to improve the connectivity of habitats either side of the proposed scheme. • Where possible, linear planting would tie in with culverts to guide bats through these as opposed to over nearby side roads. • At detailed design, landscaping proposals would be developed to include linear woody planting on the embankments of Braxted Road Overbridge, Highfields Overbridge replacement, Ewells Overbridge replacement, Prested Hall Overbridge, Easthorpe Road Overbridge and Wishingwell Overbridge. • Use of larger stock and faster-growing native trees at strategic locations on the new embankments and existing A12 where practicable, to act as hop-overs and to guide bats over the new road. <p>These points are expanded on below.</p> <p><u>Retention of existing culverts and provision of new culverts</u></p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>Crossing point surveys were undertaken in 2020 as part of the baseline bat surveys for the proposed scheme and the results are presented in Environmental Statement Appendix 9.4: Bat Survey Report [APP-128]. Five crossing point locations were chosen to best represent the various habitat features along the proposed scheme, with four locations at existing structures (Boreham Culvert, River Ter Bridge, Brain Bridge and Domsey Brook Bridge) and one (Crossing Point D) in a field where a new culvert is proposed over Rivenhall Brook (see Figure 5 in Appendix 9.4 [APP-128]).</p> <p>The surveys identified that at the four existing structures average flight heights were below road level (0m), indicating that the majority of bats were crossing safely beneath the existing A12 (using existing culverts or overbridges). Given that the existing structures would be retained, there would be continued ecological function of these structures with respect to commuting bats.</p> <p>There are proposals to widen two of the four retained structures surveyed (Domsey Brook Bridge by 34.6m and Brain Bridge by 12m). The existing Roman River Culvert would also be extended (Table 2.5 in Chapter 2: The proposed scheme [APP-069]). Bats typically habituate dark spaces and have the ability to safely navigate the physical environment by using echolocation, so it is therefore considered likely that bats would continue to use these structures once extended.</p> <p>As described in Table 2.5 of Chapter 2: The proposed scheme [APP-069], new underbridges would be constructed to take the new A12 alignment over the Rivenhall Brook (Rivenhall Brook Culvert) and Domsey Brook (east) (Domsey Brook (east) Culvert). These are shown on sheet 11 of the General Arrangement Plans, Part 4 [AS-012] and sheet 15 of the Structures Engineering Drawings and Sections, Part 2</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>[APP-032] and sheet 17 of the General Arrangement Plans, Part 5 [AS-013] and sheet 26 of the Structures Engineering Drawings and Sections, Part 2 [APP-032] respectively. Where practicable, linear planting would tie in with culverts to guide bats through these as opposed to over nearby side roads (as committed in BI21 of the Register of Environmental Actions and Commitments (REAC), within the first iteration Environmental Management Plan [APP-185]).</p> <p>The Boreham Brook culvert and River Ter bridge would not be widened and so connectivity for bats would be unaffected.</p> <p><u>Landscape design</u></p> <p>Landscaping and habitat planting have been designed to increase connectivity across the landscape and avoid fragmentation of foraging and commuting habitats, as per paragraph 9.10.50 in Chapter 9: Biodiversity, of the Environmental Statement [APP-076] and as shown on Figure 2.1 Environmental Masterplan [APP-086, APP-087, APP-088]). As well as providing physical connectivity, landscape planting has also been designed to reduce visual and lighting impacts to habitats and species, therefore maintaining connectivity of existing habitats across the proposed scheme.</p> <p>The detail of landscaping proposals would be further developed at the detailed design stage to include linear woody planting on the embankments of Braxted Road Overbridge (new overbridge to take Braxted Road over the new A12 alignment), Highfields Overbridge Replacement, Ewells Overbridge Replacement, Prested Hall Overbridge, Easthorpe Road Overbridge (new overbridge to carry Easthorpe Road</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>over the new A12 alignment) and Wishingwell Overbridge (north-east of Easthorpe Green, new overbridge to take a local access road over the new A12 alignment) as per commitment BI21 of the (REAC) [APP-193] within the first iteration Environmental Management Plan [APP-184]. The linear planting at these locations would include larger stock and faster-growing native trees at strategic locations on the new embankments and existing A12 where practicable, to act as hop-overs and to guide bats over the new road (as committed to in BI21 of the REAC [APP-185]). Where possible, linear planting would tie in with culverts to guide bats through these as opposed to over nearby side roads (paragraphs I.3.25 and I.4.16 of first iteration Environmental Management Plan, Appendix I: Landscape and Ecology Management Plan [APP-193]). Bat crossing heights are strongly correlated with verge height (Berthinussen and Altringham, 2012, Do Bat Gantries and Underpasses Help Bats Cross Roads Safely?), suggesting that elevated verges may be of value as mitigation.</p> <p>Although construction of the proposed scheme would result in a loss of 15.81km of hedgerow, this would be mitigated through the creation of 42.15km of new hedgerow (paragraph 9.11.87 and 9.11.88 of Chapter 9: Biodiversity [APP-076]).</p> <p>Paragraph 9.11.320 of Chapter 9: Biodiversity [APP-076] concludes negligible impacts on bats during operation of the proposed scheme, as the implementation of embedded mitigation measures would reduce the risk of direct mortality of bats as a result of collisions with vehicles. These measures include new and existing culverts which have been incorporated into the design as near as practicable to known bat crossing points (paragraph I.3.25 of the Landscape and Ecology Management Plan [APP-193]) and would be of sufficient diameters to be permeable to commuting bats.</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>Linear planting would also be designed to guide bats to culvert crossing points and over bridges.</p> <p>What is meant by a low unsafe crossing rate?</p> <p>The crossing point survey methodology was based on best practice guidelines set out by Berthinussen and Altringham (WC1060 Development of a cost-effective method for monitoring the effectiveness of mitigation for bats crossing linear transport infrastructure, 2015), which defines 'safe' and 'unsafe' crossing points as being greater and less than 5m above the road surface, respectively. The rate of safe/unsafe crossings was determined based on the number of times each species of bat crossed the road at each location of the crossing point surveys (paragraphs 4.2.98 – 4.2.103 in Appendix 9.4: Bat Survey Report [APP-128]). Across all crossing point locations along the existing A12, bats were found to cross safely more regularly under the A12 rather than flying over it. Of the 160 passes recording at existing features (for example, culverts), 155 were through the existing feature or at a safe height over the road. Therefore, bats had a 3.13% (low) unsafe crossing rate at existing crossing points (paragraph 9.8.52 in Chapter 9: Biodiversity [APP-076]).</p> <p>Would they be monitored for effectiveness during operation?</p> <p>Crossing point surveys would be repeated during and post-construction to allow for comparative analysis with previously completed baseline bat surveys and to verify the effectiveness of the mitigation measures (as committed to in BI22 of the REAC [APP-</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>185]). The objective would be to analyse the effectiveness of mitigation measures designed to guide bats safely under or over the proposed scheme.</p> <p>Monitoring of the new habitats and planting would also be required annually for the first five years post-creation to identify any further work or remedial measures needed to deliver the landscape and habitat types committed to, and the appropriate level of mitigation. Monitoring may be required beyond this period if habitats have not established sufficiently, less frequent over time, until target habitats are considered to be successful (paragraph I.5.3 of the Landscape and Ecology Management Plan [APP-193]). This detail is also included in the draft bat licence (Appendix 9.16 of the Environmental Statement [APP-140). The final bat licence application will be updated following pre-construction bat surveys and submitted to Natural England. Once granted, works will be conducted in adherence with the terms and conditions of the licence.</p> <p>Monitoring proposals would be further developed during detailed design and documented in the second iteration Landscape and Ecology Management Plan.</p> <p>What if crossing points fail to achieve their aims? How is this reflected in the assessment?</p> <p>Connectivity across the landscape for bats would be maintained in several ways, through the retention of unaffected bridges, widened bridges (which already support commuting bats), and retention of linear navigational features either side of the A12 (i.e. hedgerows). In addition, bats would benefit from mitigation and enhancements in</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>the long-term including the creation of new habitats within landscape and ecology mitigation areas, and these features would connect severed commuting and foraging routes and increase foraging and roosting resource for bats once habitats have matured (paragraph 9.11.151 in Chapter 9: Biodiversity [APP-076]). By using different methods of maintaining connectivity and mitigating impacts the risk of the design not achieving its aim is lower compared to reliance on one method alone. With these points in mind, the Applicant is confident on the conclusion that there would be slight adverse (not significant) and neutral impacts on bats during construction and operation of the proposed scheme, respectively. Bat crossing points would be monitored during and post-construction, as per commitment BI22 in the REAC [APP-185], with monitoring proposals being developed further for the second and third iteration Environmental Management Plans. Natural England would be consulted on monitoring and reporting arrangements.</p>
3.0.9	<p>Question to: The Applicant</p>	<p>The Applicant's NSER [APP-201] states that a buffer of terrestrial habitats "...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". 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?</p>
	<p>The Applicant's Response</p>	<p>The Applicant acknowledges the discrepancy identified in ExQ1 3.0.9. The Examining Authority correctly points out that approximately 80m of trees located in a narrow strip of land between the eastern shore of Coleman's Reservoir and the existing Braxted Road would be removed in order to complete minor access road works (Braxted Road realignment) in this location, as shown on Sheet 11 of the Retained and Removed Vegetation Plan, part 2 [AS-017].</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>This conflicts with the statement in the Habitats Regulations Assessment No Significant Effects Report [APP-201] that, '<i>A buffer of terrestrial habitats would persist between the proposed scheme and the reservoir, including a shelter belt of trees of approximately 15-20m in depth, around the entire perimeter of the reservoir</i>'. A similar statement is also present in paragraph 9.11.6 of Chapter 9: Biodiversity, of the Environmental Statement [APP-076].</p> <p>The first part of this statement, in regard to a buffer of terrestrial habitats, remains correct. However due to the removal of trees along Braxted Road, there would be a temporary 80m gap in the shelter belt of trees which extends around the reservoir perimeter approximately 1.3km in length. Following the completion of construction activity in this location, a hedgerow with intermittent trees would be planted within this gap to ensure ecological connectivity in this area once the planting becomes established (as shown on Sheet 11 of Figure 2.1: Environmental Masterplan – Part 2 [APP-087]. New planting would be undertaken in the first available planting season following completion of the proposed scheme, typically between November and the end of March (as described in Section I.4 and I.5 of Appendix I Landscape and Ecology Management Plan (LEMP) in the first iteration Environmental Management Plan [APP-193]. In accordance with Chapter 8: Landscape and Visual [APP-075] and DMRB LA 107 it is assumed mitigation planting would have taken effect within 15 years of planting.</p> <p>Due to the small scale of works to this shelter belt, the large size of the reservoir and the persistence of more than 1km of vegetation around its perimeter, the Applicant is confident that the overall conclusions of the Habitats Regulations Assessment No Significant Effects Report [APP-201] remain valid with respect to disturbance of birds recorded on Coleman's Reservoir. The Applicant will amend the wording for</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>paragraph 9.11.6 of the Habitats Regulations Assessment No Significant Effects Report [APP-201] as follows: <i>'A buffer of terrestrial habitats would persist between the proposed scheme and the reservoir, including a shelter belt of trees of approximately 15–20m in depth, around the entire perimeter of the reservoir with the exception of an 80m section on the eastern boundary with Braxted Road. Following the completion of construction activity in this location, the gap would be replanted with a hedgerow with intermittent trees as shown on Sheet 11 of 21 of the Environmental Masterplan'</i>.</p>
3.0.10	<p>Question to: The Applicant</p>	<p>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>.</p> <p>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 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>
	<p>The Applicant's Response</p>	<p>The conclusion in paragraph 5.2.13 of the Habitats Assessment No Significant Effects Report [APP-201] that likely significant effects on waterbird qualifying features as a result of disturbance would not occur are based on:</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>i) Retention of a shelter belt between the works and the reservoir</p> <p>ii) The birds using Coleman's Reservoir are unlikely to form part of Special Protection Area (SPA) and Ramsar populations</p> <p>These points are expanded on below.</p> <p><u>Retention of a shelter belt between the works and the reservoir</u></p> <p>Both Chapter 9: Biodiversity, of the Environmental Statement [APP-076] and the Habitats Regulations Assessment No Significant Effects Report (paragraph 5.2.13) [APP-201] refer to the buffer of terrestrial habitats that would persist between the proposed scheme and the reservoir, including a shelter belt of trees which currently extends around the entire perimeter of the reservoir. This shelter belt, which has a canopy of approximately 15-20m depth, would be retained between the northern shore of the reservoir and the main carriageway therefore maintaining a screen between water fowl on the reservoir and the construction works on the main carriageway (see Sheets 10 and 11 of the Retained and Removed Vegetation Plans [APP-035 and AS-017]). Most of the shelter belt along Braxted Road would also be retained apart from a requirement to remove 80m of trees, this is addressed in the response to ExQ1 3.0.9.</p> <p><u>The birds using Coleman's Reservoir are unlikely to form part of SPA and Ramsar populations</u></p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>Paragraph 5.2.12 of the Habitats Assessment No Significant Effects Report [APP-201] also states that although species recorded on Coleman's Reservoir are the same as some of the qualifying features of Abberton Reservoir SPA and Ramsar, they are unlikely to form part of the SPA and Ramsar populations because there is no evidence that birds from Abberton Reservoir would interchange with a smaller reservoir nearly 10km distant. None of the Impact Risk Zones of the Sites of Special Scientific Interest that underpin the European sites assessed in the Habitats Assessment No Significant Effects Report [APP-201] overlap with the proposed scheme or with Coleman's Reservoir and consequently the habitats affected by the proposed scheme are not functionally linked to the Abberton Reservoir SPA and Ramsar or any of the other designated sites. During winter, both coot and tufted duck are likely to remain at or close by their home/roost waterbody. These species were recorded on Coleman's Reservoir on several visits during the survey period in numbers small relative to the population estimates for these species for the designated sites, suggesting these birds are likely to be resident at Coleman's Reservoir or on other waterbodies nearby and not part of the SPA and Ramsar populations. Along with the distance between the proposed scheme and the designated site (9.6km) this indicates that interchange of birds between Coleman's Reservoir and the SPA network is very unlikely.</p> <p>It should also be noted that the in-combination assessment (paragraph 6.2.10 of the Habitats Assessment No Significant Effects Report [APP-201]) considers the planning permission granted for extension and restoration of the quarry at Coleman's Farm, which is adjacent to the proposed scheme and to the western boundary of Coleman's Reservoir. The extent of the active quarry is currently closer to Coleman's Reservoir than the existing main carriageway of the A12 and the proposed extension abuts the western shore of the reservoir. In addition, the scale of the works along Braxted Road</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>as part of the proposed scheme are more minor than the proposed works for Coleman's Quarry. With respect to the most recent amendment to the planning permission, for which consent was granted in December 2019 under reference ESS/10/18/BTE, Essex County Council concluded that an appropriate assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 was not required for the mineral extraction proposals. The potential for disturbance of birds using the reservoir was not identified as a likely significant effect in the Environmental Statement.</p> <p>Therefore, even with construction and operation of the proposed scheme at a distance of approximately 200m, there is considered to be no likely significant effects as a result of disturbance.</p>
3.0.11	Question to: The Applicant	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?
	The Applicant's Response	As per available information, the East Anglia Green Energy Enablement (GREEN) project would facilitate the transfer of power from the East Anglia region to the rest of the Main Interconnected Transmission System (MITS) thereby enabling connection of offshore wind generation, nuclear power generation and interconnectors which are expected into East Anglia by 2035. An EIA Scoping Report was submitted to the Planning Inspectorate in November 2022, which forms the basis of the most up to

ExQ1	Question to/Response by:	Question/Answer:
		<p>date information on the project and therefore has formed the basis of the answer to this question, as set out in the table below. The following points should be noted.</p> <ul style="list-style-type: none"> • For East Anglia GREEN, it is anticipated that construction would commence in 2027 and the development would be operational in 2031. For the proposed scheme, construction is scheduled to commence in 2024 with an assumed opening year of 2027. Hence there is a potential temporal overlap with the two schemes' construction activities in 2027 and operational activities from 2031. • Approximately 14km of the proposed scheme and East Anglia GREEN are within 2km distance of each other. Thus, there is a potential for spatial overlap of effects from construction and operation of the two projects. • East Anglia GREEN's closest point is at Marks Tey at approximately 400m from the Order Limits of the proposed scheme. • Due to the early stages of the EIA process for the East Anglia GREEN project, assessment of environmental impacts has not yet been undertaken. Hence the table below only shows the likelihood of an effect based on the information available in the scoping report, without being able to assign any significance to the effects or identifying specific receptors in most cases. The East Anglia GREEN Environmental Impact Assessment, when completed, would be expected to include an assessment of cumulative effects with other projects including the proposed A12 scheme.

ExQ1	Question to/Response by:	Question/Answer:				
		<table border="1"> <thead> <tr> <th data-bbox="902 355 1128 437">Topic</th> <th data-bbox="1128 355 1975 437">Cumulative Effect Study</th> </tr> </thead> <tbody> <tr> <td data-bbox="902 437 1128 1310">Air Quality (Construction)</td> <td data-bbox="1128 437 1975 1310"> <p>For the proposed scheme, with standard construction phase mitigation measures in place (as detailed in the Environmental Statement Chapter 6: Air quality [APP-073]) it is unlikely that there would be significant air quality effects resulting from construction dust. Similarly, the Scoping Report for East Anglia GREEN has stated that by including a number of standard measures to reduce the generation of dust during construction, the Project is unlikely to result in significant effects as a result of construction related dust. Therefore, potential for significant cumulative effects relating to dust is unlikely during construction.</p> <p>The East Anglia GREEN development has not been included in the proposed scheme traffic modelling. This is because the East Anglia GREEN development is a recent proposal and at the time leading up to the A12 DCO application submission to the Planning Inspectorate, very limited information was available. At this stage, it is not possible to ascertain whether cumulative traffic emissions during construction would be significant. This would need to be assessed in the East Anglia GREEN Environmental Statement.</p> </td> </tr> </tbody> </table>	Topic	Cumulative Effect Study	Air Quality (Construction)	<p>For the proposed scheme, with standard construction phase mitigation measures in place (as detailed in the Environmental Statement Chapter 6: Air quality [APP-073]) it is unlikely that there would be significant air quality effects resulting from construction dust. Similarly, the Scoping Report for East Anglia GREEN has stated that by including a number of standard measures to reduce the generation of dust during construction, the Project is unlikely to result in significant effects as a result of construction related dust. Therefore, potential for significant cumulative effects relating to dust is unlikely during construction.</p> <p>The East Anglia GREEN development has not been included in the proposed scheme traffic modelling. This is because the East Anglia GREEN development is a recent proposal and at the time leading up to the A12 DCO application submission to the Planning Inspectorate, very limited information was available. At this stage, it is not possible to ascertain whether cumulative traffic emissions during construction would be significant. This would need to be assessed in the East Anglia GREEN Environmental Statement.</p>
Topic	Cumulative Effect Study					
Air Quality (Construction)	<p>For the proposed scheme, with standard construction phase mitigation measures in place (as detailed in the Environmental Statement Chapter 6: Air quality [APP-073]) it is unlikely that there would be significant air quality effects resulting from construction dust. Similarly, the Scoping Report for East Anglia GREEN has stated that by including a number of standard measures to reduce the generation of dust during construction, the Project is unlikely to result in significant effects as a result of construction related dust. Therefore, potential for significant cumulative effects relating to dust is unlikely during construction.</p> <p>The East Anglia GREEN development has not been included in the proposed scheme traffic modelling. This is because the East Anglia GREEN development is a recent proposal and at the time leading up to the A12 DCO application submission to the Planning Inspectorate, very limited information was available. At this stage, it is not possible to ascertain whether cumulative traffic emissions during construction would be significant. This would need to be assessed in the East Anglia GREEN Environmental Statement.</p>					

ExQ1	Question to/Response by:	Question/Answer:	
		Air Quality (Operational)	<p>Cumulative operational emissions are not considered significant as the Scoping Report of East Anglia GREEN states that there would be very small numbers of vehicles associated with operation and maintenance of the project. In addition, no dust sources have been identified. Operational air quality has been scoped out by East Anglia GREEN. Therefore, no likely significant effects in relation to air quality (including dust) are expected from both the projects during operation.</p>
		Cultural Heritage	<p>The Scoping Report for East Anglia GREEN states that there is a potential for adverse or beneficial effects (for example where existing overhead lines may be removed) on settings of built heritage, archaeological assets and historic landscape character during its construction and operation.</p> <p>Similarly, the proposed scheme has also identified a number of potential effects with significance of slight adverse or worse, on several cultural heritage receptors from the construction and operation of the scheme. Thus, there is a potential for adverse cumulative effects on overall cultural heritage assets, although it appears from available information that the closest that the East Anglia GREEN development would come to the proposed scheme would be 400m, near Mark's Tey. At this distance and beyond, the potential for cumulative effects on cultural heritage is likely to be limited. However, the effect on individual receptors is</p>

ExQ1	Question to/Response by:	Question/Answer:	
			<p>not known at this stage. This would need to be assessed in the East Anglia GREEN Environmental Statement.</p>
		Landscape and Visual	<p>The Scoping Report for East Anglia GREEN states that it has a potential to impact nationally designated landscapes, Areas of Outstanding Natural Beauty (AONB), locally designated landscape, Landscape Character Areas (LCAs) as well as visual impacts on communities, road travellers and recreational receptors. Local LCAs directly affected by the proposed scheme north of Kelvedon and Marks Tey have also been identified to be within the study area of the East Anglia GREEN project. The worst case effects in year 15 caused by the proposed scheme on local LCAs where the landscape also falls within the study area of the East Anglia GREEN project would be moderate adverse, therefore there would potentially be cumulative landscape effects. There would potentially be cumulative visual effects for visual receptors located between the proposed scheme and the East Anglia GREEN project.</p>
		Biodiversity	<p>Based on the available information, although there are receptors within the zone of influence (ZOI) for the proposed scheme and East Anglia GREEN development, none of these would experience individual residual effects of slight or greater significance, and there is therefore no potential for cumulative effects.</p>
		Geology and Soils	<p>Agricultural Land:</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>There is a potential cumulative effect on agricultural land due to the anticipated loss of best and most versatile (BMV) agricultural land (Agricultural Land Classification (ALC) Grades 1, 2 and 3a) from agricultural productivity from both East Anglia GREEN and the proposed scheme. The area of land loss from East Anglia GREEN is not known at this stage.</p> <p>Contamination:</p> <p>For the proposed scheme, with the correct working practices, the impact on human health of any contaminated soils encountered is likely to be negligible, resulting in an effect of slight adverse to neutral significance, as impacts would be managed during construction.</p> <p>For East Anglia GREEN development, there is the potential for existing contamination to be encountered within the study area and therefore significant effects during the construction phase from exposure of sensitive receptors (such as human health or controlled waters) to existing contamination through ground disturbance and from the mobilisation of existing contamination cannot be ruled out. Further assessment of the study area has been proposed to identify any potential sources of existing contamination, and potential source-pathway-receptor linkages.</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>Thus, potential for cumulative effects on human health from contaminated land from both the projects cannot be ruled out at this stage.</p> <p>Noise and Vibration (Construction)</p> <p>The East Anglia GREEN development has not been included in the proposed scheme traffic modelling. This is because the East Anglia GREEN development is a recent proposal and at the time leading up to the A12 DCO application submission to the Planning Inspectorate, very limited information was available. At this stage, it is not possible to ascertain whether cumulative construction traffic noise would be significant. This would need to be assessed in the East Anglia GREEN Environmental Statement.</p> <p>Regarding noise from construction activities and plant, the East Anglia GREEN Environmental Statement study area for noise impacts would comprise Noise Sensitive Receptors (NSRs) within 300m of the proposed order limits / construction works, excluding traffic on the public highway. Similarly, for the proposed scheme, for construction noise, potential impacts have been considered for receptors up to 300m from construction activity. Hence, cumulative effects are anticipated if the two projects are a maximum of 600m from each other. As per available information, the distance between East Anglia GREEN and the proposed scheme is less than 600m at the Mark Tey area near Roman River. However, this area has been identified to have negligible adverse construction noise effect in Chapter 12 Noise and</p>

ExQ1	Question to/Response by:	Question/Answer:	
			Vibration of the Environmental Statement [APP-079]. Hence potential for construction cumulative noise effects are minimal. Cumulative construction vibration effects are not anticipated as that would need a maximum 200m intervening distance (100m vibration study area for both projects) between the two projects which is not the case on these schemes.
		Noise and Vibration (Operational)	Although the East Anglia GREEN development has not been considered in the traffic model of the proposed scheme, the Scoping Report of East Anglia GREEN has not considered operational traffic significant enough to be assessed and has scoped this out. The Planning Inspectorate's scoping opinion agrees, stating that ' <i>The Inspectorate agrees that the number of vehicle trips generated by the operation and maintenance of the Proposed Development are unlikely to result in significant effects, it is therefore considered acceptable to scope this matter out</i> '. Thus, potential for cumulative operational noise is not anticipated.
		Minerals and Waste	The route corridor for the East Anglia GREEN project described in the Scoping Report crosses a limited number of existing mineral extraction sites, and both preferred and reserved mineral extraction sites, as described in the relevant minerals plans. The potential for significant effects cannot be ruled out at this stage as there could be potential effects on current mineral sites and preferred and reserved extraction. On the other hand, the proposed scheme will

ExQ1	Question to/Response by:	Question/Answer:	
			<p>sterilise discrete areas of one or more mineral safeguarding sites, placing their future use at risk or rendering them inaccessible for current or future use. As a result, it is predicted that the proposed scheme would have a slight adverse effect on mineral reserves.</p> <p>Based on the above, there is a potential for cumulative effect on mineral reserves from both projects. This would need to be assessed in the East Anglia GREEN Environmental Statement.</p>
		Population and Human Health	<p>There is the potential for access issues from the introduction of additional construction traffic on local roads if construction of both East Anglia GREEN and the proposed scheme occurs at the same time or in close succession where both schemes are located in close proximity. As per available information, East Anglia GREEN has scoped in a Construction Traffic impact to the EIA, and a separate Transport Assessment and draft CTMP would also be prepared for the Project.</p> <p>The study area of East Anglia GREEN for open green spaces and land used for recreational purposes is restricted within the Scoping Report Corridor. As this corridor is outside the land use study area of the proposed scheme along most of its length (except near Mark Tey where the distance is 400m approximately), no cumulative effect on</p>

ExQ1	Question to/Response by:	Question/Answer:	
			<p>land use is anticipated. Initial assessment of East Anglia GREEN shows no shared land use receptors with the proposed scheme. The Scoping Report identified the potential for temporary disruption to particularly sensitive i.e. heavily used public rights of way (PRoW) during construction. It has also identified that there is some potential disruption of access to, and severance of, existing community facilities, particularly in relation to visual impacts. As per the available information, cumulative effects on PRoWs and community facilities are anticipated where sections of East Anglia GREEN are located close to the proposed scheme. This will require further assessment in the cumulative effects section of the East Anglia GREEN Environmental Statement.</p>
		<p>Road Drainage and Water Environment</p>	<p>Flood Risk: The Scoping Report for the East Anglia GREEN development states that with the implementation of standard mitigation measures, no likely significant effects are anticipated on flood risk, although assessments are to be undertaken. Cumulative effects are not anticipated for flood risk as the proposed scheme would have a neutral effect on an increase in flooding during construction. Both developments would be required to achieve the legal standards for discharges to surface waters along with any other national and local policy requirements.</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>However, during operation the permanent residual effects of the proposed scheme on flood risk are anticipated to be slight adverse to very large beneficial (the majority of adverse impacts are to areas within the permanent land take of the proposed scheme). For the East Anglia GREEN development, during operation most land required for construction would be returned to its preconstruction land use and so impacts on rivers and their floodplains across the development are likely to be limited. However, there is potential for permanent above ground infrastructure in Flood Zone 3, for example at Tilbury, which can increase the flood risk, although it is to be noted that Tilbury is outside the study area of the proposed scheme. However, it is anticipated that such effects could be suitably mitigated with the standard practice of providing flood storage compensation. Thus, cumulative effects on flood risk are unlikely, however, this would be confirmed in the East Anglia GREEN Environmental Statement.</p> <p>Hydromorphology:</p> <p>The Scoping Report for the East Anglia GREEN development states that any hydrological impacts would only occur during construction of river crossings and would be relatively short-term in duration. However, depending on the crossing technique, temporary effects have the potential to be significant. On the other hand, the proposed scheme is predicted to have neutral to slight adverse effects on</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>hydromorphology during construction. If the same watercourses are impacted by both the projects simultaneously, then there is a potential for cumulative effects on the asset, although the short duration of such works makes this unlikely. Roman River (near Mark Tey) is crossed by both the projects, hence there is a potential for cumulative effects.</p> <p>Groundwater:</p> <p>The Scoping Report for East Anglia GREEN states that during construction, all instances of groundwater dewatering would be assessed to determine whether certain criteria thresholds are met. Where these criteria are met, the assessment would not be considered further, as significant effects would be unlikely. However, further assessment would be undertaken where these criteria are not met. Also, during construction, at trenchless crossings there is the potential for connection of aquifers that are currently not connected. This could lead to the creation of preferential pathways between aquifer bodies, therefore significant effects cannot be ruled out. On the other hand, the proposed scheme is predicted to have a neutral to slight adverse effect on the groundwater regime due to dewatering and other construction activities, depending upon the type of groundwater receptor. Hence construction phase cumulative effect on groundwater cannot be ruled</p>

ExQ1	Question to/Response by:	Question/Answer:	
			<p>out at this stage and would need to be assessed in the East Anglia GREEN Environmental Statement.</p> <p>Effects on groundwater level and flow from operation of the proposed scheme has been assessed as slight adverse to neutral. These effects would relate to possible ongoing dewatering and drainage of cuttings and widenings, especially related to junctions and underpasses during operation to prevent flooding or structural damage to roads and carriageways, thereby impacting secondary receptors. Long-term dewatering impacts on surface water receptors and GWDTEs are expected to be neutral or slight. Groundwater quality would not be affected by the proposed scheme.</p> <p>East Anglia GREEN has assessed that there is potential for excavation and presence of new subsurface infrastructure, such as underground cables and foundations, to impact groundwater flow (quality and amount) during its operation, although dewatering during operation is not required. Based on this available information, there is a possibility of cumulative effects on the overall groundwater regime of the area during operation of both the schemes, however effects are not likely to be significant.</p> <p>Water Quality:</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>The Scoping Report for East Anglia GREEN states that with the implementation of standard mitigation measures, no likely significant effects are anticipated during construction, however further assessment would be needed.</p> <p>The Scoping Report for East Anglia GREEN states that during its operation, pollution impact pathways to surface watercourses would be very limited. This is because land would be reinstated following completion of construction works and there would be no operational discharges to surface watercourses, other than surface water drainage from sub-stations. Thus, no likely significant cumulative effects are anticipated as no operational discharges would be generated and surface water drainage from operational infrastructure would be managed using suitable SuDS.</p> <p>The proposed scheme is predicted to have a neutral to slight adverse effect on surface water quality depending upon the type of activity affecting the waterbody.</p> <p>Hence construction phase cumulative effects on surface water quality cannot be ruled out at this stage.</p> <p>However no likely operational phase cumulative effects are anticipated.</p>

ExQ1	Question to/Response by:	Question/Answer:
4. Climate change		
4.0.1	Question to: The Applicant	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.
	The Applicant's Response	<p>As set out in the Case for the Scheme, Appendix A: National Networks National Policy Statement Accordance Table [APP-250] the Proposed Scheme is considered compliant with all paragraphs of the current National Networks National Policy Statement (NNNPS) relevant to climate and carbon, specifically paragraphs 4.40, 4.41, 4.42, 4.43 and 4.44 (for climate change adaptation) and paragraphs 5.17 and 5.19 (for carbon emissions). It is noted that the NNNPS is currently under review, however an updated version (scheduled for Spring 2023) is yet to be published.</p> <p>As set out in Chapter 1: Introduction, of the Environmental Statement [APP-068], the assessment has considered the Overarching National Policy Statement for Energy (EN-1) and National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4) in relation to the diversion of an existing high-pressure gas main (the 'gas main diversion') owned and operated by Cadent Gas Limited. Draft versions of the updated EN-1 and EN-4 NPS have also been considered. A review of the relevant requirements of EN-1 and EN-4 (including the draft updated versions), relating to the EIA of gas main diversion works, identified that the requirements are not materially different to those set out in the NNNPS. As such, it is considered that by meeting the NNNPS requirements described above, the requirements of EN-1 and EN-4 are also met. Further details relevant to all relevant paragraphs of EN-1 and EN-4 (including</p>

ExQ1	Question to/Response by:	Question/Answer:
		the draft updated versions) are provided in the Case for the Scheme, Appendices B, C, D, E – NNNPS and Energy Accordance Tables [APP-251].
4.02	Question to: The Applicant	Please update the benefit cost ratio calculations to include construction and operational stage carbon emissions.
	The Applicant's Response	<p>The Benefit Cost Ratio calculations for the proposed scheme, as presented in chapter 6 of the Case for the Scheme [APP-249], include disbenefits due to operational stage (road user) greenhouse gas (GHG) emissions. As stated in paragraph 6.3.9 of that document, these greenhouse gas emissions give a monetary disbenefit of -£113.4 million.</p> <p>However, this does not include GHG impacts associated with scheme construction or operational maintenance. Historically, the GHG emissions associated with these were reported within Environmental Statements, but not monetised for inclusion within the Benefit Cost Ratio (BCR). This is the approach taken in the economic appraisal reported in the Case for the Scheme [APP-249]. The overall Value for Money conclusion for the proposed scheme did take into account the estimated construction and operational maintenance-related GHG emissions, but treated them as a non-monetised impact.</p> <p>In spring 2022, new advice was released by National Highways which recommends that estimated construction and operational maintenance-related GHG emissions should now be treated as a monetised impact and included within the BCR.</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>Inclusion of construction and operational maintenance-related greenhouse gas emissions within the BCR Technical Note [TR01600 EXAM/9.21] has been produced which shows the impact of including construction and operational maintenance-related GHG emissions within the BCR. The value of the estimated construction and operational maintenance-related GHG emissions is £43.8 million. This represents a disbenefit, i.e. it would reduce the overall monetised benefits of the proposed scheme and reduce the BCR.</p> <p>The total monetised scheme benefits would fall from £775.4 million to £731.6 million. The BCR (to 2 decimal places) would reduce from 1.72 to 1.62. Even including these new monetised impacts, the proposed scheme is still considered to represent medium value for money.</p>
4.03	Question to: The Applicant	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.
	The Applicant's Response	<p>As noted in paragraph 15.1.9 of Chapter 15: Climate [APP-082], the only statutory carbon targets are the UK carbon budget targets and the Net Zero 2050 target that are set at a national level i.e. they are targets for the UK as a whole. No other carbon budgets have been produced for a less than national scale which are demonstrably consistent with the national carbon budgets. Accordingly, there is no reasonable basis upon which the Applicant can assess the potential likely significant effect of the proposed scheme's carbon emissions at anything other than at the national level.</p> <p>National Highways' approach to assessment is in line with the National Networks National Policy Statement (NNNPS), paragraph 5.17 which states that applicants</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>should provide evidence of the carbon impact of the project and an assessment against the UK Government's carbon budgets. While noting that 'it is very unlikely that the impact of a road project will, in isolation, affect the ability of Government to meet the targets of its carbon reduction plan targets', paragraph 5.18 of the NNNPS goes on to state that 'any increase in carbon emissions is not a reason to refuse development consent, unless the increase in carbon emissions resulting from the proposed scheme are so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets'.</p> <p>As set out in paragraph 15.11.8 of Chapter 15: Climate [APP-082], the assessment makes a comparison with national carbon budgets and shows that the construction of the proposed scheme is estimated to contribute approximately 0.022% of the fourth carbon budget. Operation of the proposed scheme is estimated to contribute approximately 0.002% of the fourth carbon budget, 0.009% of the fifth carbon budget and 0.015% of the sixth carbon budget. It is considered that this magnitude of emissions from the proposed scheme would not have a material impact on the ability of the UK Government to meet its carbon reduction targets, and therefore is not anticipated to give rise to a significant effect on climate, in line with the position set out within paragraph 5.18 of the NNNPS.</p> <p>This assessment is considered robust. For example, given current policy commitments within the DfT's Transport Decarbonisation Plan (TDP) (published July 2021), estimated changes in operational road user emissions as a result of the proposed scheme are considered to be an overestimate, as the uptake of new electric vehicles in future years would be expected to be higher than the proportions used in the national projections included in Defra's Emissions Factor Toolkit (v11) used for the assessment. The results of a sensitivity test undertaken to estimate the potential</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>impacts of the TDP shown in Table 15.24 of Chapter 15: Climate [APP-082]), suggests that the TDP has the potential to reduce the contribution made by the operation of the proposed scheme to approximately 0.006-0.008% of the fifth carbon budget and 0.006-0.009% of the sixth carbon budget.</p> <p>The approach to assessment adopted in Chapter 15: Climate [APP-082] accords with the methodology for assessing significance set out in the IEMA Guidance which explains: “The Crux of significance is not whether a project emits GHG emissions, not even the magnitude of GHG emissions alone, but whether it contributes to reducing GHG emissions relative to a comparable baseline consistent with a trajectory towards net zero by 2050.” Thus, to assess the significance of any change in emissions associated with a project, an assessment has to be made against a baseline which contains a trajectory towards net zero.</p> <p>The IEMA Guidance also explains that:</p> <p>“When setting this impact into context to determine significance, it is important to consider the net zero trajectory in line with the Paris Agreement 1.5°C pathway”</p> <p>“The specific context for an individual project and the contribution it makes must be established through the professional judgment of an appropriately qualified practitioner drawing on the available guidance, policy and scientific evidence.”</p> <p>“it is down to the practitioner’s professional judgement on how best to contextualise a projects GHG impact.”</p> <p>“Where quantified carbon budgets or a net zero trajectory is lacking, a more qualitative or policy based approach to contextualising emissions to evaluate significance may be necessary.”</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>The IEMA Guidance also explains: “A project that is compatible with the budgeted, science based 1.5°C trajectory (in terms of rate of emissions reduction) and which complies with up-to-date policy and ‘good practice’ reduction measures to achieve that has a minor adverse effect that is not significant. It may have residual emissions but is doing enough to align with and contribute to the relevant transition scenario, keeping the UK on track towards net zero by 2050 with at least a 78% reduction by 2035/37 and thereby potentially avoiding significant adverse effects.”</p> <p>The IEMA guidance leaves to professional judgment the extent of information that is required to provide context for any assessment as to the significance of an impact. Neither the 2017 Regulations nor the IEMA Guidance mandate that an assessment at any particular geographic scale is required. Rather, the IEMA guidance identifies that significance is to be assessed in the context of a trajectory which would meet the UK’s climate change commitments and against current policy and good practice. The mere fact that a project may result in residual emissions is insufficient to render its emissions significant if it is in alignment with the UK’s trajectory to net zero.</p> <p>Furthermore, additional measures (which have not been accounted for within the assessment) are being considered as part of the ongoing detailed design process in order to further avoid or reduce GHG emissions during the construction stage, where practicable and cost-effective, including:</p> <ul style="list-style-type: none"> • using electric (or alternative lower-carbon fuel) construction equipment instead of conventional diesel-powered construction plant • using vehicles fitted with telematics and start/stop technology

ExQ1	Question to/Response by:	Question/Answer:
		<ul style="list-style-type: none"> • using onsite renewable energy generation and storage to reduce diesel generator use and power taken from the grid • using low resource and low energy solutions for the site compound, offices and welfare facilities • ensuring availability of grid connections for compounds (maximising access to lower carbon-intensity energy from grid electricity) • Measures would also be taken to further avoid or reduce GHG emissions associated with the consumption of raw materials, where practicable and cost effective, including: <ul style="list-style-type: none"> • The design specification, which will be developed as part of the detailed design, would aim to reduce or avoid, where practicable, the use of carbon intensive materials (e.g. concrete and cement). Where this is not practicable, material volumes or processes would be substituted with lower intensity replacements where practicable and if achievable within the bounds of the design standards for safety and quality. In order to help guide this process, a voluntary 30% carbon reduction target has been set for the embodied carbon associated with the proposed scheme, progress against which would be determined and assessed with reference to PAS:2080 (the British Standard for managing carbon in infrastructure). <p>In summary, therefore, whilst the proposed scheme will result in an increase in GHG emissions, the magnitude of this increase is considered to be not significant as it is considered unlikely to have a material impact on the ability of UK Government to meet its carbon reduction targets.</p>
<p>5. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations</p>		

ExQ1	Question to/Response by:	Question/Answer:
5.0.1	The Applicant	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.
	The Applicant's Response	<p>The CA Schedule (Annex A) has been completed and provided as a submission with deadline 2</p> <p>There are 1105 plots within the Order Limits. 439 of these plots are public highway owned/maintained by the Applicant or Essex County Council. The Applicant also has acquired the freehold of 48 plots of non-highway land (some of which are land already acquired through blight or discretionary purchase) and there are 20 plots owned by a Crown Interest (The Crown Estate Commissioners or The Secretary of State for Transport) where crown land consent is required.</p> <p>There are 464 plots subject to compulsory acquisition powers and 135 plots subject to temporary possession powers only or where no compulsory acquisition or temporary possession powers are required.</p> <p>The District Valuer has engaged with all affected landowners on the proposed scheme offering to commence negotiations. Whilst discussions are now ongoing with some landowners regarding agreements, at present, currently no agreements have been reached regarding the 464 plots subject to compulsory acquisition powers. Please refer to the Statement of Negotiations Key within the CA Schedule [REP1-</p>

ExQ1	Question to/Response by:	Question/Answer:
		007]. The Applicant will continue to update the CA schedule as negotiations progress throughout Examination and submit further versions as directed by the ExA.
5.02	Question to: 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.
	The Applicant's Response	Please refer to Status of Negotiations with Statutory Undertakers [REP1-008]. No further Statutory Undertakers have been identified since the submission of the Book of Reference [APP-044].
5.03	Question to: 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

ExQ1	Question to/Response by:	Question/Answer:
	The Applicant's Response	<p>anticipated cost of CA, how this figure was arrived at, and how these costs are going to be met.</p> <p>Paragraph 2.1.1 of the Funding Statement [AS-021] states that the most likely estimate of the proposed scheme is £1045- £1268 million and approximately £60million is for compulsory acquisition. This includes the land acquisition; compensation costs and claims associated with the proposed scheme; legal fees and land agent fees. The costs associated with land acquisition are integrated into the proposed scheme estimate and met through the sources of funding detailed in Section 3 of the Funding Statement [AS-021]. Paragraphs 3.1.2 to 3.1.6 refers to the government's commitment to fully fund the proposed scheme as part of the Road Investment Strategy 2020-2025. The Highways England Delivery Plan (2020-2025) sets out in detail how National Highways will deliver its strategic outcomes and measure success. Page 34 of this delivery plan lists the A12 Chelmsford to A120 as a 'Scheme open for traffic beyond Road Period 2' along with a reference in Annex B on page 74 to the anticipated start of works and when the Scheme is expected to be open for traffic. Accordingly, National Highways has reaffirmed its commitment to the timely delivery of the proposed scheme and the funding necessary to ensure this.</p> <p>The proposed scheme estimate which has been prepared in accordance with National Highways procedures and the HM Treasury Green Book includes an allowance for compensation payments relating to the acquisition of land interests in and over land and the temporary possession and use of land. It also takes account of potential claims under Part 1 of the Land Compensation Act 1973; Section 10 of the Compulsory Purchase Act 1965 and Section 152(3) of the 2008 Act.</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>Estimates for compensation and land acquisition costs have been informed by land referencing activities; engagement of professional surveyors from the Valuation Office Agency (VOA) used regularly by the Applicant for surveying and valuation purposes and information received from consultation and engagement with parties who have interest in the land. The estimate was reached by appraising the compensation anticipated to be payable as a result of the proposed scheme (both permanent and temporary) including land value, loss and damage, disturbance, injurious affection (including Part 1 of the Land Compensation Act 1973), landowner fees and costs in line with the Compensation Code and the Department for Communities and Local Government published Guidance related to produces for Compulsory Acquisition.</p> <p>Statutory blight has also been considered and the compensation (and costs) that may become due following statutory blight claims has been included in the proposed scheme estimate. Blight claims have been made and eleven acquisitions have been concluded following applications for blight. Further claims are being processed. Funding is available for settlement of statutory blight claims in advance of a decision on the development consent order being made.</p>
5.04	Question to: The Applicant	<p>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?</p>

ExQ1	Question to/Response by:	Question/Answer:
	The Applicant's Response	The Applicant confirms that the cost of implementation is included in the likely cost estimate provided in the Funding Statement [AS-021]. Paragraph 2.1.1 of the Funding Statement [AS-021] states that the cost of the scheme includes all costs to deliver the proposed scheme from the pre-application options stages through to the opening for traffic. The Applicant has been and will continue to be responsible for all costs associated with the proposed scheme, including the cost of implementing the proposed scheme. Section 3 of the Funding Statement [AS-021] demonstrates that the Government and the Applicant are committed to fully fund the proposed scheme.
5.0.5	Question to: 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?
	The Applicant's Response	The Applicant is aware of the inflationary and planning challenges to delivering the RIS2 enhancement portfolio, as reported by the National Audit Office. The Applicant and Department for Transport are working together to put in place plans to manage these challenges, including actions to balance risks and ensure contingencies to resolve these issues.
5.0.6	Question to: 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 carried out in 2019. Set out in summary form, with document references where appropriate, if any further assessments or comparisons

ExQ1	Question to/Response by:	Question/Answer:
	The Applicant's Response	<p>have been made of the alternatives to the proposed acquisition of land or interests in each case.</p> <p>Paragraph 8 of the Guidance Relating to Procedures for the Compulsory Acquisition of Land, issued by DCLG in September 2013 (the CA Guidance) requires an applicant to demonstrate to the Secretary of State's satisfaction that all reasonable alternatives to compulsory acquisition, including modifications to the scheme, have been explored. Paragraph 8 also requires the consideration of proportionality, which is dealt with in the Applicant's responses to the Authority's questions 5.011 and 5.013 below.</p> <p>In addition, an applicant has to demonstrate that land is required for a legitimate purpose and is necessary.</p> <p>The inclusion of the proposed scheme in Road Investment Strategy 2 (RIS 2) clearly shows that the principles underlying the scheme are for a legitimate purpose. The Applicant is the licensed operator of the strategic road network in England and is the appropriate person to pursue schemes for improving the SRN. It is clear therefore that the proposed interference with the rights of those with an interest in land is for a legitimate purpose. The exact purpose for each plot is detailed in Annex A of the Applicant's Statement of Reasons [APP – 042].</p> <p>The power of compulsory acquisition is clearly necessary on the basis that it is very unlikely that all of the required interests in land will become available to the Applicant through negotiation. It cannot reasonably be anticipated that every owner of an</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>interest included in the order land will agree to the acquisition of their land for the stated purposes in a reasonable time scale. d. Some holders of required interests in land could not be identified after diligent inquiry and therefore some form of expropriation will always be required to ensure that the scheme can be delivered within an appropriate timescale.</p> <p>On this basis, it can be seen as a general proposition that reasonable alternatives to compulsory acquisition cannot be anticipated to lead to comprehensive land assembly of the scale required, at least within a reasonably certain timescale.</p> <p>The Applicant seeks compulsory acquisition powers across the whole of the order lands, as would be expected in any scheme of a similar scale and nature and governed by the urgent necessity of land assembly within a reasonable time scale to allow this much needed scheme to proceed. It is inevitable that some form of expropriation power will be required as not all holders of interests in land will be willing to treat with the Applicant or will not be willing to treat on reasonable terms. Others may be incapacitated and unable to dispose of land or joint owners may disagree as to the nature and /or timing of disposal. For all these reasons there is an imperative to the Applicant being able to exercise expropriation powers, so that it knows it will, if the Order is made, have a known period of time to be able to assemble land for the scheme to proceed.</p> <p>Despite the overwhelming justification for expropriation powers to be sought, the Applicant continues to seek to pursue negotiated agreements for the acquisition of</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>land where possible and has instructed the Valuation Office Agency to pursue negotiations with the principal land owners.</p> <p>In relation to looking at modifications to the proposed scheme on a more localised basis, the Applicant since 2019 has carried out two rounds of Section 42 and Section 47 Statutory Consultation and has fully considered the responses received, including those of land owners.</p> <p>In addition, changes have been made to the originally proposed extent of compulsory acquisition – see for instance responses to relevant representations in relation to land at Springfield and Boreham submitted at Deadline 1 [REP1 – 002, responding to RR – 050 at page 452, RR – 050 – 007].</p> <p>The Applicant has therefore looked at flexibility in pre-application processes and is satisfied that reasonable alternatives have been explored, including modifications to the scheme where appropriate.</p> <p>Fundamentally, the route of the proposed scheme is largely constrained by the need to connect into the existing A12 at Boreham and at Marks Tey (Junctions 19 and 25 respectively). The Applicant has sought to use the existing line to improve the A12 where possible and has accordingly minimised the overall extent of land required from other parties.</p>

ExQ1	Question to/Response by:	Question/Answer:
		In all the circumstances therefore, the Secretary of State can be assured that paragraph 8 of the CA Guidance has been complied with.
5.0.7	Question to: 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's Response	<p>There is no definitive date for completion of each part of the works. However, the current programmed completion date for the authorised development - when it is open to traffic - is currently set for 2027. Occupation of land subject only to powers of temporary may continue thereafter for restoration of the relevant land.</p> <p>Flexibility on timescales is needed to ensure the development is deliverable as efficiently as possible, for instance in the event that unknown factors such as previously undetected historic drains are discovered when possession is taken under temporary powers. The completion date is not prescribed by any requirement.</p> <p>It would not be in the Applicant's interest to unnecessarily delay the completion of construction works generally or to continue in occupation of land when no longer required.</p> <p>The wording in Article 40(3)(a) is the same time limit set out in Schedule 1 paragraph 28 of the Model Provisions and the same time period has been used in other made DCOs including The A1 Birtley to Coal House DCO 2021 (Article 32).</p>

ExQ1	Question to/Response by:	Question/Answer:
	Question to: 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?
	The Applicant's Response	The details were provided. In the Applicant's view the details did not demonstrate an interest in land sufficient for the Parker Strategic Land to be considered an affected person. As it appears that Shoosmiths are now jointly instructed by Parker Strategic Land and the existing landowners for the relevant plots the Applicant will deal with both parties accordingly.
5.08	Question to: 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?
	The Applicant's Response	The Applicant and Network Rail have regular weekly meetings. These discussions continue and it is anticipated that an agreement will be in place prior to the close of the examination.
5.09	Question to: 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?

ExQ1	Question to/Response by:	Question/Answer:
	The Applicant's Response	<p>The proposed scheme and associated traffic model includes the first phase of development at the Feering strategic growth location allocated under Strategic Policy LPP21 in the Braintree District Council Local Plan, containing 162 dwellings. The second phase is not included as, despite being allocated for development in the Local Plan, no planning application had been submitted for this development when the traffic model was developed to inform the uncertainty log.</p> <p>This approach was discussed with Essex County Council (local highway authority) and other relevant local authorities ahead of DCO submission. As described in Chapter 5.6 of the Combined Modelling and Appraisal Report, Appendix C: Transport Forecasting Package Report [APP-264], only developments classified as 'Near Certain' or 'More than Likely' (i.e. those with a planning application) are included in the traffic model in accordance with DfT Transport Analysis Guidance (TAG) unit M4 forecasting and uncertainty.</p> <p>The second phase is considered within the traffic model as background growth spread across Braintree District as a whole, but not specifically at the site allocated within the Local Plan.</p> <p>The Applicant will work with The Crown Estate, Braintree District Council and Essex County Council during the detailed design to reach agreement on proposed local road layout.</p>

ExQ1	Question to/Response by:	Question/Answer:
5.0.10	Question to: 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.
	The Applicant's Response	<p>The Applicant has attached at Appendix B the justifications for the lands over which temporary powers are sought. The Applicant provides this for each of the areas where land is included in Schedule 7 of the draft Development Consent Order for powers of temporary use of land. This is provided on sheet by sheet basis, by reference to the Applicant's submitted land plan [AS-009].</p> <p>Please note that all Order land may be subject to powers of temporary use under Article 40 of the draft Development Consent Order [AS-020].</p> <p>In many instances, the extent of land sought for temporary uses is in part determined by physical factors such as the current extent of an existing way or track which is proposed to be used for temporary purposes. Similarly, where existing highway land is proposed to be subject to powers of temporary use, for work such as signage changes or white lining, the area of the highway has been used to determine the plot boundaries.</p> <p>In relation to areas required for working space and more particularly for compounds or recovery areas, again physical factors have in part determined the area of land to be taken – for instance where a part of a landowner's land would be inaccessible</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>because possession has been taken of the greater proportion of a field, the Applicant will have extended the boundaries to the field edge.</p> <p>In addition, where land parcels not required would be severed by the proposed temporary possession of surrounding land, a view will have been taken as to whether or not it is reasonably practicable to maintain access through the proposed scheme's working areas. Providing access for only a small pocket of temporarily severed land may not always be practicable given the safety considerations that must be taken in to account.</p>
50.11	<p>Question to: The Applicant</p> <p>The Applicant's Response</p>	<p>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.</p> <p>The Applicant's Statement of Reasons [APP-042] as a whole, and in particular section 5 (The Case for Compulsory Acquisition), explains how the public benefits of the Scheme outweigh any adverse effects including private loss suffered by individual owners and occupiers. In addition, the Applicant's Case for the Scheme [APP-249] sets out the relevant policies that support the Scheme, as well as the potential effects on the strategic road network if the Scheme were not to go ahead.</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>Individual residential affected persons have been considered in relation to the adverse effects of the scheme on them - see Paragraphs 6.1.7 to 6.1.28 of the Statement of Reasons [APP-042] provide a series of plot-specific assessments of the nature and extent of private loss in respect of 21 residential properties affected by the exercise of CA powers under the proposed scheme.</p> <p>Paragraph 6.3 of the Statement of Reasons makes it clear that in conducting negotiations with landowners, the Applicant has followed the principles of fair compensation which are provided for by the Compensation Code and by relevant articles within the DCO (in particular those relating to powers of acquisition). Impacts on an extended range of Affected Persons (including community land assets, commercial premises, agricultural landholdings, WCH users, as well as residential landowners) are outlined in section 13.8 of ES Chapter 13 (Population and Human Health, [APP-080]), supported by detailed assessment of Land Use and Accessibility Tables in Appendix 13.3 [APP-155].</p> <p>In addition, when deciding on the nature of compulsory powers sought, in relation to each plot, the Applicant considered the justifications for acquisition in respect of the purposes for which the land was required, and the nature of the requirement. This then informed whether permanent freehold acquisition was proposed or, where the purposes might not result in the current owner losing the beneficial use of the relevant plot, whether permanent new rights would instead be sought. Where the use of land was only required for a temporary period, then the land was included in the schedule 7 of the dDCO [AS-020] permitting only temporary powers over the relevant plot.</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>The Applicant is a publicly owned company whose purpose is to plan, design, build, operate and maintain the strategic road network (SRN) for the benefit and safety of the wider public. The Applicant would not be proposing the Proposed Scheme if there were not significant benefits to the public in doing so, despite there being the potential for private loss to be suffered by individuals. The Proposed Scheme is supported by the Government's wider strategic policy objectives whilst specifically addressing a significant problem of traffic congestion on the strategic road network, providing additional capacity and improving safety.</p> <p>The Proposed Scheme supports the local transport policy objectives (see section 7.4 of the Case for the Scheme [APP-249]).</p> <p>For all of these reasons the Applicant can be entitled to consider that public benefit outweighs private loss, and that there is a compelling case in the public interest for the Scheme to be delivered.</p> <p>Throughout the application process the Applicant has had in mind the need to achieve a balance between public benefit and private loss and has prepared the application accordingly. Specifically, the Applicant considered the justification for the acquisition of each plot, on a plot-by-plot basis, and this supported the balancing exercise that is considered in section 5 of the Statement of Reasons [APP-042], supported by the plot by plot analysis in Annex A of the Statement of Reasons.</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>Section 7 of the Case for the Scheme [APP-249] summarises how the Case for the Scheme and accompanying NPS NN Accordance Table [APP-250] set out the policy context against which the Proposed Scheme should be viewed.</p> <p>Together they demonstrate that the Proposed Scheme is grounded in national, regional and local planning and transport policy in the context of substantial and long lasting transportation, economic and community benefits that will outweigh the impacts. In particular, Section 8.2 of the Case for the Scheme discusses how the construction or operation of the Scheme, through careful and comprehensive assessment, complies with those NPS NN paragraphs that recommend the Secretary of State does not grant development without reasonable justification.</p>
5.0.12	Question to: 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.
	The Applicant's Response	<p>The Applicant can confirm 21 valid blight notices have been served.</p> <p>Of this 21, four are no longer subject to statutory blight as the properties are no longer in the order limits. As the applications have been accepted the Applicant will continue with the acquisition if the owner wishes to proceed.</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>Eleven claims have completed and the Applicant is now the owner of the relevant property. The remaining 6 blight applications are currently being processed.</p> <p>The Applicant will inform the ExA of any further notices which are served.</p>
5.0.13	Question to: 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?
	The Applicant's Response	<p>Interference with human rights is both proportionate and justified for the reasons given in the Applicant's response to question 5.0.11 above, and in the Statement of Reasons. Further, the Scheme is supported by national and local policy as is set out in the Applicant's Case for the Scheme [APP-249].</p> <p>In preparing its application, the Applicant has sought to acquire only land or interests that are required to allow the Scheme to proceed and to cause as little interference with existing interests in land as possible. Particular examples are:</p> <ul style="list-style-type: none"> i) The Applicant's decision to adopt an alignment as close as possible to the existing alignment of the A12, so as to keep interference with land owners and occupiers to a minimum. ii) The use of powers other than for freehold acquisition (for instance, where appropriate, the acquisition of new rights for the alteration and diversion of existing utilities apparatus) rather than seeking full freehold acquisition powers.

ExQ1	Question to/Response by:	Question/Answer:
		<p>iii) The Applicant has sought to use, wherever possible, powers to use land temporarily and not take permanent land acquisition powers where this is appropriate.</p> <p>iv) Provision of alternative access to local roads where private accesses to the strategic road network are to be closed.</p> <p>The Applicant has analysed the appropriate use of powers for each individual plot to decide whether powers other than for freehold acquisition could be deployed and has done so where this is appropriate without compromising the principles of the Scheme as supported by RIS2. The principles outlined above underpin the Applicant's assessment as to the proportionate use of compulsory acquisition powers.</p> <p>Throughout the preparation of the land plans and book of reference the Applicant sought to use an appropriate and proportionate level of expropriation or possession power and spent considerable time analysing the most appropriate and proportionate use of powers on a plot-by-plot basis. Final decisions were taken by assessing the compelling need for the scheme and the strong policy and needs case for the proposed scheme whilst also assessing the anticipated impacts on the existing landowners as a result of the activities proposed for the required land.</p> <p>The decisions taken were based on a comprehensive analysis from all relevant disciplines including (privileged) legal advice on proportionality.</p>

ExQ1	Question to/Response by:	Question/Answer:
50.14	Question to: 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?
	The Applicant's Response	<p>The Applicant has undertaken a thorough land referencing process through the pre-application period of the proposed scheme to ensure that all affected parties are identified, consulted and listed where necessary in the Book of Reference [APP-044]. The categories of affected parties identified and the land referencing methodology used to identify the affected parties with an interest in land are described in the Consultation Report [APP-045]. This methodology was utilised to ensure diligent inquiry was undertaken in the identification process, as required under section 44 of the Planning Act 2008. The accuracy of the affected parties found is underpinned by the fact that many sources of information has been used to ensure diligent inquiry is undertaken. This includes, but not limited to, access to public records (HM Land Registry, Companies House, local highway records) and through contact referencing by way of land interest questionnaires. As the proposed scheme has evolved through several rounds of formal and informal consultation, the refresh of landowner information has been undertaken as necessary ahead of each of the consultation rounds and shortly before the DCO application. This has been undertaken through the use of Edition Date Checks, Search of the Index Map (SIM) and address verification tools (TraceIQ, Companies House, Charities Register, Mutuels Register etc.). New parties found were made aware of the current project stage by issuing either a section 42 or 56 letter (depending on the stage of the proposed scheme) and further land interest questionnaires issued as necessary.</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>As ownership of land is fluid and affected interests can change over time, it is likely a number of changes will occur (including identification of new parties or updates to existing parties' details). To date, a number of updates to affected parties' details have been found, including confirmation of ownership of some unknown plots listed in the Book of Reference [APP-044]. A live updated version of the Book of Reference is being maintained by the Applicant alongside a Schedule of Changes to the Book of Reference, both of which will be submitted at Deadline 4, as set out in Annex A (Examination Timetable) of the Rule 8 letter – notification of timetable for the examination.</p> <p>The Applicant is continuing to engage with affected parties through its appointed Land Agents. Any changes in ownership or occupancy that are identified will be passed through to the land referencing team to update the Book of Reference accordingly. The Applicant will continue to review the Land Registry and any changes to ownership/occupancy through the use of Edition Date Checks, Search of the Index Map (SIM) and address verification tools (TracIQ, Companies House, Charities Register, Mutuels Register etc.). These will be shown in updated versions of the Book of Reference and Land Plans as required/requested through the Examination process.</p>
6. Draft Development Consent Order (dDCO)		
6.0.1	Question to: 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

ExQ1	Question to/Response by:	Question/Answer:
		<p>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.</p>
	The Applicant's Response	<p>The requirements are noted.</p> <p>The Applicant has decided that, to avoid the potential for confusion at the hearings in February, it will not submit a revised dDCO until D3.</p> <p>At that time the Applicant will submit the following:</p> <ul style="list-style-type: none"> • A clean version 2 of the draft Development Consent Order in word and PDF format; • A tracked version of the draft Development Consent Order showing changes made since version 1 in Word and PDF format; and <p>A Schedule of Changes to the draft Development Consent Order.</p>
6.02	Question to: 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 within an identification of which Article each one relates to.
	The Applicant's Response	Please see Appendix E to this document which provides the required precedents.
6.03	Question to:	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

ExQ1	Question to/Response by:	Question/Answer:
	The Applicant	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.
	The Applicant's Response	<p>The definition of "commence" is included within Paragraph 1 of Part 1 of Schedule 2 (Requirements). The definition is located here because it is only relevant to the Requirements or subsequent Schedules. Paragraph 6.5 of the EM [APP-040] provides an explanation of this definition.</p> <p>The dDCO [APP-039] (superseded by [AS-020]) will be amended at Deadline 3 amended to update the cross reference within the Cadent Protective Provisions to Paragraph 1 of Part 1 of Schedule 2 (Requirements).</p>
6.04	Question to: 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.
	The Applicant's Response	<p>The maintenance provisions included in the dDCO [APP-039] (superseded by [AS-020]) are consistent with the Applicant's duties under sections 41 and 329 of the Highways Act 1980 and powers under Part 9 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO), which states that development is permitted for:</p> <p>"The carrying out by the Secretary of State or a strategic highways company of works in exercise of the functions of the Secretary of State or the company under the</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>Highways Act 1980, or works in connection with, or incidental to, the exercise of those functions.”</p> <p>Under section 329 of the Highways Act 1980, “maintenance” is simply, and widely, defined as:</p> <p>““maintenance” includes repair, and “maintain” and “maintainable” are to be construed accordingly”</p> <p>The purpose of the Planning Act 2008 is not to interfere with the Applicant’s statutory duties or restrict the statutory powers which enable it to comply with those duties.</p> <p>The inclusion of the words ‘inspect, repair, adjust, alter, improve, landscape, preserve, remove, reconstruct, refurbish or replace’ cover matters that are considered to be integral elements of the Applicant’s existing maintenance powers. Article 6 supplements the maintenance powers under the Highways Act 1980 and ensures that the Applicant has the necessary powers to maintain the authorised development.</p> <p>The Applicant must have the ability to respond to maintenance issues associated with the strategic highway quickly, to ensure it operates safely and efficiently.</p> <p>The Applicant notes that this formulation of "maintain" has been approved by the Secretary of State in respect of the following highway DCOs:</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>a. The A19/A184 Testo's Junction Alteration Development Consent Order 2018.</p> <p>b. The M42 Junction 6 Development Consent Order 2020.</p> <p>In practical terms it is foreseeable that over the design life of the Scheme it would become necessary for some elements to be removed, replaced or reconstructed as part of the Scheme's maintenance, for example the surfaces of carriageways.</p> <p>It should also be noted that the power to "maintain", contained in Article 6 (maintenance of the authorised development) of the dDCO, is a power to "maintain the authorised development" and so any such works of maintenance must be within the bounds of what is authorised to be constructed under the Order, and within the scope of Article 10 (limits of deviation).</p> <p>The Applicant considers that the flexibility of this definition is appropriately constrained by reference to the environmental impacts that have been identified in the environmental statement to avoid the possibility of the dDCO giving consent for an environmental impact that has not been assessed.</p> <p>Based on the extensive experience of the Applicant in maintaining the strategic road network, the Applicant is able to predict with some certainty the types of maintenance activities that may be required and works to adjust and alter have been considered and assessed as appropriate under the general principles for maintenance as set out in paragraph 2.7.3 of Chapter 2 of the Environmental Statement [APP-069].</p>

ExQ1	Question to/Response by:	Question/Answer:
6.05	Question to: 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.
	The Applicant's Response	<p>This Article has precedence in the M20 Junction 10a Order (article 5(2)) and the A14 Order (article 5(2)). In essence this Article confirms that if there are other enactments in force within or adjacent to the Order limits, that they will still exist and are not removed by the Order but merely that they will be subject to the terms of the Order.</p> <p>Section 120 of the 2008 Act provides that:</p> <p><i>“(5) An order granting development consent may –</i></p> <p><i>(a) Apply, modify or exclude a statutory provision which relates to any matter for which provision may be made in the order;</i></p> <p><i>(b) make such amendments, repeals or revocations of statutory provisions of local application as appear to the [Secretary of State] to be necessary or expedient in consequence of a provision of the order or in connection with the order;</i></p> <p><i>(c) include any provision that appears to the [Secretary of State] to be necessary or expedient for giving full effect to any other provision of the order...”</i></p> <p>Article 5(2) in the dDCO has been included and is necessary in order to ensure that there are no acts of a local or other nature that would hinder the construction and operation of a Nationally Significant Infrastructure Project (NSIP). The Applicant carried</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>out a proportionate search of local legislation within a reasonably close proximity to land within the Order limits, but no search can be completely conclusive and there remains the possibility that a local act or provision may have been overlooked. Accordingly, there is a chance that there may be some statutory provisions which would fall within (a) or (b) above.</p> <p>As such the Applicant has therefore taken a cautious approach in including this Article which, has been accepted on other consented schemes such as the M20 Junction 10a Order 2017).</p> <p>Including this Article ensures that the construction and operation of the Scheme are not jeopardised by any incompatible statutory provisions which might exist i.e. a provision which would be an absolute restriction that could not be dealt with unless by the DCO.</p> <p>The Applicant also notes the Secretary of State's (SoS's) general power in s.120(5)(c) to include within the order any provision that appears to be necessary or expedient for giving full effect to any other provision of the order. The Applicant considers that this power should be exercised here on the basis that there is still a risk that relevant provisions have not been identified, despite the Applicant's search of statutory provisions that may affect the Scheme.</p> <p>In terms of the geographical scope of Article 5(2), 'adjacent' means any land which is next to the land inside the Order limits but does not fall within the Order limits itself.</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>Quite how far this extends to is a matter of fact and degree to be considered on a case-by-case basis. The Applicant takes the view it is necessary to include such land as there may be statutory provisions that are expressed to relate to land which falls just outside the Order limits, but may also have an effect on land within the Order limits. An example might be railway legislation which prevents particular activities from taking place on land adjacent to the railway. In that case, if the land within the Order limits were adjacent to the railway for the purposes of the railway legislation, then the railway would be “adjacent” to the Order limits for the purposes of the dDCO.</p> <p>The Applicant does not consider that this provision should only apply to land within the Order limits, for the reasons set out above.</p>
6.0.6	Question to: 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.
	The Applicant's Response	<p>This provision makes clear that, where the undertaker needs to obtain any other planning permission for anything relating to the proposed development (i.e. to facilitate its completion, construction, use or operation), there is no question as to the interface between that planning permission and this Order (i.e. the implementation of that planning permission will not constitute a breach of the terms of this Order).</p> <p>Accordingly, where development is not part of an NSIP and is needed to complete the authorised development, then it is deemed not to conflict with the Order so that implementing the overlapping planning permission does not form a breach of the Order. This follows the precedent of the recently made A428 Black Cat to Caxton</p>

ExQ1	Question to/Response by:	Question/Answer:
		Gibbet Development Consent Order 2022 (Article 7), in which this drafting was retained by the Secretary of State.
6.0.7	Question to: 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.
	The Applicant's Response	<p>The works listed in Article 10 (3) of the Draft Development Consent Order [AS-020] are constrained by limits of deviation on a horizontal plane only to provide a sufficient level of certainty as to the maximum extent of the proposed activities. The limits provide the maximum horizontal extent of those works.</p> <p>Horizontal limits of deviation were provided to give the decision maker a clear understanding of the maximum extent of the work, whilst allowing for flexibility in terms of areas of excavation, to enable the ability to avoid areas of engineering difficulty or other constraints within the relevant limits, that may only become apparent when possession is taken.</p> <p>Vertical limits are not set because there is no need for an upward vertical limit as the works are excavations. No significant environmental effects have been identified for the excavations and the practicalities and cost of excavation will determine the extent of the downward excavation. A downwards vertical limit of deviation is not required.</p>
6.0.8	Question to:	Art 10 – Limits of deviation. Please provide further explanation as to why Work Nos 45 (b) and 74 (a) have been identified..

ExQ1	Question to/Response by:	Question/Answer:
	The Applicant	
	The Applicant's Response	<p>Greater flexibility for the vertical limits of deviation to Work Nos 45(b) and 74(a) are proposed as it may be possible to refine the preliminary structural design of the junction 24 overbridge to achieve a substantial cost saving, by raising part of the works from the currently intended levels.</p> <p>The above listed works form the slip roads and dumbbell arrangement of junction 24, at a level below the main line of the A12. The vertical position of the dumbbell arrangement is based on headroom, cross-sectional and structural assumptions contained within the preliminary design, if the dumbbell arrangement can be raised by 1m or higher compared to its preliminary design position, this will reduce costs and also the amount of permanent land take of both the dumbbell arrangement and the slip roads which are directly connected.</p> <p>Raising the works would also reduce the amount of dewatering of ground water required.</p> <p>The additional flexibility could significantly reduce construction duration.</p> <p>The small additional flexibility sought does not give rise to any additional significant environmental effects.</p>
6.0.9	Question to: 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

ExQ1	Question to/Response by:	Question/Answer:
	The Applicant's Response	<p>deviation would apply to both underground utilities and overhead works and where this is contained within the dDCO.</p> <p>Article 10(6) is included to allow a short (3 metre) deviation beyond the shown centreline commencement and termination points for linear works, to allow for tying in works at the end of the centre line for the relevant linear work. This is because many of the works are of considerable length and it is not possible to be certain that the work ad associated tying in works will commence and terminate at the precise point identified in the permanent works plans [AS-026].</p> <p>Similar wording can be found in Article 8(2) of the A47 Blofield to North Burlingham Development Consent Order 2022 (2022 No. 738).</p> <p>Article 10(6) applies only to linear works as defined in Article 10(9). This definition means that linear works are those shown on the permanent works plans and depicted by way of a centreline. Utility works must be within the limits of deviation shown on the utilities works plans [AS-003].</p>
6.0.10	Question to: The Applicant	Art 10 – Limits of deviation. Please explain and how paragraphs 7 and 8 are represented on the drawings.
	The Applicant's Response	The limits of deviation for temporary works referred to in paragraph (7) are indicated by the "limits of deviation - temporary works" shown on the temporary works plans – this is a purple "+" symbol within purple edges.

ExQ1	Question to/Response by:	Question/Answer:
		<p>The limits of deviation utility works referred to in paragraph (7) are indicated by the "limits of deviation - utilities" shown on the utilities works plans – this is blue shading within blue edges.</p> <p>Within the relevant limits the indicative location for the individual works are shown.</p>
6.0.11	Question to: 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 with details of how all the matters set out on Art 10 of the dDCO [APP-039] have been assessed within the ES?
	The Applicant's Response	Each of the Environmental Statement chapters includes a section on assumptions and limitations where the potential implications of the limits of deviation are considered, and a conclusion reached on the implications for the assessment. This includes assessment of the limits in Article 10 of the draft DCO [APP-039] (superseded by [AS-020]).
6.0.12	Question to: 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.
	The Applicant's Response	Article 15(4) will be amended to refer to "Part 12" of Schedule 3 [TR010044/APP/AS-020] at Deadline 3.
6.0.13	Question to: 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,

ExQ1	Question to/Response by:	Question/Answer:
		<p>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.</p>
	The Applicant's Response	<p>There is precedent for Articles 15(7), 16(8), 22(17) in previous orders, including the A47 Blofield to North Burlingham DCO 2022 (Articles 13(8) and 19(4)), and the A47 Tuddenham to North Easton DCO 2022 (Articles 12(9) and 18(4)).</p> <p>Section 120 of the Planning Act 2008 states that:</p> <p>(3) An order granting development consent may make provision relating to, or to matters ancillary to, the development for which consent is granted.</p> <p>(4) The provision that may be made under subsection (3) includes in particular provision for or relating to any of the matters listed in Part 1 of Schedule 5.</p> <p>Most of the provisions in Articles 15, 16 and 22 of the draft DCO are expressly referred to in Schedule 5, including paragraphs 19 (the designation of a highway as a trunk road or special road), 20 (the specification of the classes of traffic authorised to use a highway).</p> <p>However the list of restrictions in Schedule 5 is not exclusive, and it is clear from Section 120(3) that other matters may be included provided that they are "...relating to, or to matters ancillary to, the development for which consent is granted". The imposition of speed limits under article 16 would clearly fall within this power.</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>Articles 15(7), 16(8), 22(17) are included under Section 120(2) and Section 120(5) which provides that a development consent order may:</p> <p>(d) include incidental, consequential, supplementary, transitional or transitory provisions and savings.</p> <p>Articles 15, 16 and 22 of the draft DCO impose measures which would usually be introduced by order under Sections 1 and 83 and 84 of the Road Traffic Regulation Act 1984.</p> <p>Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 provides that the power to make an order under Section 1, 83 and 84 of the Road Traffic Regulation Act 1984:</p> <p>...shall include power for the authority for the time being having power to make such an order as respects that road or parking place to make an order varying or revoking any previous order as respects that road or parking place made, or having effect as if made, under or by virtue of the provision in question, whether the previous order was made by that or some other authority, and notwithstanding that the previous order was, and the order varying or revoking it is not, made in pursuance of a power exercisable by statutory instrument.</p> <p>The specific statute providing for the imposition of these types of restrictions provides for the variation and revocation of the previous order, whether they were introduced under a traffic regulation order or speed limit order or by a statutory instrument.</p>

ExQ1	Question to/Response by:	Question/Answer:
		It is consistent with Section 120 of the Planning Act 2008 and the legal code set out in the Road Traffic Regulation Act 1984 for the DCO to provide for the amendment of the restrictions by a variation of revocation order.
6.0.14	Question to: The Applicant	Paragraph 4.67 of EM [APP-040] refers to 'Paragraph (14)', please identify where this reference is.
	The Applicant's Response	<p>These references are in error and the next version of the Explanatory Memorandum, to be submitted at deadline 3 will amend this to state:</p> <p>"4.67. Paragraph (1) imposes speed limits on certain sections of the proposed scheme as described in Part 6 of Schedule 3."</p> <p>In addition, Paragraph 4.68 of the Explanatory Memorandum will be amended to state:</p> <p>4.68 Paragraph (2) makes it clear that the national speed limit is the default speed limit which will apply to certain lengths of road described in Parts 6 and 7 of Schedule 3.</p>
6.0.15	Question to: The Applicant ECC	<p>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?</p> <p>What is the view of ECC in respect of this Article?</p>

ExQ1	Question to/Response by:	Question/Answer:
	The Applicant's Response	<p>Article 17 contains provisions which broadly reflect the powers of a local highway authority under Part V of the Highways Act 1980, namely Section 75 (variation of widths of carriageways and footways) Section 76 (levelling of highways), Section 77 (alteration of levels). They are therefore powers which a highway authority would generally have in relation to highways it is liable to maintain.</p> <p>Article 17 does extend those powers to streets which the Applicant is not liable to maintain, however this is subject to the important caveat that the Applicant must give notice to the street authority and may not carry out the works without the street authority's consent.</p> <p>These powers are necessary to allow the scheme to tie into the existing highway network, and to provide permanent or temporary changes to the highway network to mitigate the effects of construction.</p>
6.0.16	Question to: The Applicant ECC	<p>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?</p> <p>What is the view of ECC in respect of this Article?</p>
	The Applicant's Response	<p>The first part of Article 18 broadly reflects a power to carry out "street works" as defined under the New Roads and Street Works Act 1991, allowing works to open the street, place apparatus in it and reinstate the street. The remainder of Article 18 contains some relatively minor powers, mirroring those found in the Highways Act 1980 (eg removing, replacing etc street furniture, and providing landscaping) and the Road Traffic Regulation Act 1984 (eg road markings and the installation of signage),</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>In terms of the street works powers, these powers are necessary to ensure that the Applicant has the power to carry out diversionary works to the apparatus of statutory undertakers. They broadly mirror the powers that those statutory undertakers have to carry out street works and are subject to the same limitations. The powers of statutory undertakers are not limited to particular named streets and are not subject to the consent of the street authority.</p> <p>The other powers, for example the erection of signage, are ones which, if carried out by the local highway authority or traffic authority, would not require consultation or notification under the Highways Act 1980 or Road Traffic Regulation Act 1984.</p> <p>Where the street needs to be temporarily closed, Article 13 of the draft DCO provides for relevant powers of the New Roads and Street Works Act 1991 to apply to the works (for example for advance notice of such works to be provided and a duty on the street authority to coordinate works).</p>
6.0.17	Question to: 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.
	The Applicant's Response	Article 19(1) reflects the powers to make a temporary traffic regulation order contained in Section 14 of the Road Traffic Regulation Act 1984, which provides for traffic to be regulated to allow for works to be carried out on or near a road.

ExQ1	Question to/Response by:	Question/Answer:
		<p>Article 19 is necessary because temporary closures and diversions are inevitably necessary with a scheme of this nature to allow works to be carried out, and it would offer the Applicant flexibility to regulate traffic without going through the process of taking temporary possession of the land.</p> <p>Using a street or part of a street as a temporary working site is often less disruptive, and has less of an environmental impact, than taking possession of a private individual's land to lay out a work site. This is particularly the case for minor activities, such as the storage of plant, apparatus and vehicles. If these are not stored on streets, then additional land would have to be occupied instead.</p> <p>The term "temporary stopping up" is sometimes used in this article, but is otherwise unknown in highways law, where a temporary closure is achieved by prohibiting traffic under the Road Traffic Regulation Act 1984. Although there is precedent for the use of the term, the Applicant has avoided it in this instance.</p>
6.0.18	Question to: 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.
	The Applicant's Response	The Applicant had regard to s146 of the Planning Act 2008 in preparing Article 24. The Article has precedent in the made M20 Junction 10a Order 2017 (2017 No. 1202), article 18.
6.0.19	Question to: 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 of surveys on land outside, but adjacent to Order limits. Provide examples of when and why such a power is necessary, reasonable and

ExQ1	Question to/Response by:	Question/Answer:
		<p>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.</p>
	The Applicant's Response	<p>This extension beyond the Order Limits has precedent in the Silvertown Tunnel Order and the M42 Junction 6 Order. Powers to make excavations and boreholes, to investigate groundwater and discharge water onto land are also included, to ensure that National Highways is able to undertake all necessary activities in connection with surveying the land.</p> <p>This power is similar to a power that would be available to the Applicant pursuant to section 172 (right to enter and survey land) of the Housing and Planning Act 2016. Section 172 of that Act allows a person authorised in writing by an acquiring authority (which in this context includes the Applicant) to enter on and survey or value land in connection with a proposal to acquire an interest in or a right over land. Section 172 of that Act then goes on to state that an authorisation under this section may relate to the "<i>land which is the subject of the proposal or to other land</i>". It is therefore clear that this 'other land' referred to in section 172 could include land that is adjacent to it, and it is not limited to land to be compulsorily acquired.</p> <p>This is a power that the Applicant would only seek to use in the event that consent could not be obtained from the landowner by agreement. This reinforces the point that a power of this nature is essential to ensure that there are no delays in bringing forward the Scheme.</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>The Applicant has included within the Order limits all land that it considers is necessary to deliver the Scheme. However, the Applicant can envisage circumstances where it would be necessary to carry out surveys outside the Order limits to facilitate the delivery of the Scheme. The Applicant is not at this time able to identify exhaustively the land adjacent to, but outside the Order limits where surveys or investigations under this article may be required. Surveys or investigations outside of the Order limits may be required to survey ecological receptors in land adjacent to the Order limits where construction activities are taking place in the Order limits, for example. A particular example would be locating badger setts, which may lie outside of the Order limits but from which badgers venture in to Order land.</p> <p>It is proportionate to include this power in the dDCO instead of including land within the Order Limits that may only be required for the purposes of environmental surveys to allow the construction of the Scheme to proceed.</p> <p>Similarly, it may reasonably be necessary to survey groundwater levels at locations outside of the Order limits to respond to unforeseen and unforeseeable circumstances.</p> <p>The wording regarding a 14 day notice period was included in the Model Provisions and numerous other granted development consent orders including the A303 (Amesbury to Berwick Down) Development Consent Order 2020; The A63 (Castle Street Improvement, Hull) Development Consent Order 2020; The A1 Birtley to Coal House Development Consent Order 2021; The A19 Downhill Lane Junction Development Consent Order 2020; and The A303 Sparkford to Ilchester Dualling</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>Development Consent Order 2021. The 14 day period is therefore considered adequate.</p> <p>service of a notice would not be the first time that a landowner has been approached by the Applicant as voluntary agreement would The Applicant has consulted widely on the Scheme, through a range of activities carried out over a number of years. Consultation activities included newspaper adverts (local and national), local mail outs, community-based events, etc. It is through that engagement and the ongoing publicity of this Scheme that the wider community is kept up to date with its progress.</p> <p>It is the Applicant's view that while there may be some disruption to a landowner in the exercise of this power, when weighed in the balance, the types of activities that would be carried out using this power, the limited frequency and duration of use, the wider local consultation with the landowner to date as well as the ongoing publication of the Scheme together with the fact that this power will only be exercised in the event that voluntary agreement cannot be reached, it is proportionate for the dDCO to include a provision that allows the Applicant, only where reasonably necessary, to enter any land that is adjacent to but outside of the Order Limits to carry out a defined list of activities.</p> <p>The Applicant needs to ensure that the Scheme can be carried out efficiently and expeditiously following the making of the Order. In addition, compensation is also payable for any loss or damage caused.</p>

ExQ1	Question to/Response by:	Question/Answer:
6.0.20	Question to: 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.
	The Applicant's Response	The Applicant believes the drafting is well precedented and is in accordance with the guidance contained in Advice Note 15.
6.0.21	Question to: 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.
	The Applicant's Response	<p>The article would allow service of temporary powers notices on all order lands.</p> <p>The article is drafted so as to allow service of temporary powers notices on all order lands, whether those are shown on the land plans as being required permanently, required for permanent new rights or only required for temporary purposes.</p> <p>Schedule 7 of the dDCO lists those plots where only temporary powers are sought. This is to make it clear that permanent acquisition whether of freehold or permanent new rights are not proposed to be taken for the plots listed in schedule 7.</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>The drafting is well preceded and adopts a standard approach that has been used for infrastructure projects for many years.</p> <p>Indeed it is the standard practice of many infrastructure providers to serve temporary notice throughout the order lands, with vesting or permanent notices to treat or notices of entry being dealt with at a later stage in the scheme implementation. This has the advantage of allowing permanent acquisition boundaries to be ascertained by reference to "as built" drawings and therefore may mean that dispossessed owners can retain some areas of land that it had been anticipated at consent application stage would be acquired compulsorily. The flexibility of being able to serve temporary notices therefore is potentially of advantage to all parties.</p> <p>Paragraph 3.4.2 of the Applicant's Statement of Reasons explains that this power is available to the Applicant.</p>
6.022	Question to: 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.
	The Applicant's Response	<p>The Applicant believes the ability to remove hedgerows beyond those listed in Schedule 9 is justified. However the Applicant proposes to amend Article 46 of the dDCO at Deadline 3 as follows:</p> <p>(4) The undertaker may, for the purposes of carrying out the authorised development but subject to paragraph (2)</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>(a) remove any hedgerow described in Part 1 or Part 2 of Schedule 9 (hedgerows and trees);</p> <p>and</p> <p>(b) subject to consultation with the relevant planning authority remove any hedgerow within the Order limits that may be identified and that is not otherwise set out within Part 1 or Part 2 of Schedule 9.</p> <p>This drafting is precedented – see for instance Article 42 of the A428 Black Cat to Caxton Gibbet Development Consent Order 2022 (2022 No. 934).</p>
6.0.23	Question to: 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'.
	The Applicant's Response	<p>This drafting is precedented – see for instance Article 43 of the A428 Black Cat to Caxton Gibbet Development Consent Order 2022 (2022 No. 934).</p> <p>The Applicant is proposing a significant level of landscaping and environmental work throughout the scheme, including tree planting and does not believe that the addition of a requirement to replace all trees in accordance with S206 of the Town and Country Planning Act 1990 is necessary or required in the context of the wider environmental management plan commitments proposed by the Applicant. The duty</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>in S206 is capable of being dispensed with by the local planning authority on application. It is impractical to mirror such a process for applications relating dispensing with the provision of individual trees or woodland in a scheme of the size of that for which development consent is sought.</p> <p>The draft article provides an appropriate level of provision of replacement trees, where possible, but without the Applicant needing to seek the approval of the local planning authority when a replacement is not reasonably practicable and the S206 duty needs to be dispensed with. The S206 duty applies to require a replacement for the removal of individual trees, whether in contravention of regulations or if it is removed, becomes uprooted, or destroyed or dies; and where the tree preservation order applies to a woodland, the same number of trees are to be provided on or near the relevant land or in such other location as the local planning authority agree.</p> <p>Requiring the Applicant to comply with the relevant duty could necessitate the acquisition of additional land beyond that currently within order limits, as it is unlikely that replacement trees could be provided within land required for the principal works or otherwise required for the Applicant's operational purposes.</p> <p>It is also to be noted the S206 duty runs with the land. If trees were removed to facilitate the installation of utilities apparatus the landowner could remain responsible under S206, which would not be an appropriate burden to place on the landowner.</p>

ExQ1	Question to/Response by:	Question/Answer:
6.0.24	Question to: 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.
	The Applicant's Response	The Applicant will make the required amendments in the revised dDCO it will submit at Deadline 3.
6.1 Requirements		
6.1.1	Question to: 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?
	The Applicant's Response	These definitions are provided within Article 2 (interpretation) and their meaning remains effective throughout the Schedules of the dDCO.
6.1.2	Question to: The Applicant NE EA HE	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 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?
	The Applicant's Response	The Applicant does not believe that other bodies such as Natural England, Environment Agency or Historic England and/or local groups are required to be added to requirements 3 and 4 beyond those already identified in the draft requirements.

ExQ1	Question to/Response by:	Question/Answer:
		<p>Natural England and Environment Agency would both be involved in discussions regarding consents and licences administered by them, whilst it is not anticipated that Historic England's role is significantly engaged in the process of settling the content of the Second or Third iteration EMP.</p> <p>Further, in relation to the Environment Agency, there is a clearly defined role for the Environment Agency in relation to matters within its jurisdiction, as can be seen in requirements 6, 11 and 12.</p> <p>The Applicant will work with the local planning authorities in advance of commencement of the works on site so as to provide as complete a consultation draft second iteration EMP as possible. Prior to mobilisation of a part of the development, the relevant local planning authorities will be not less than 14 days to review the second iteration Environmental Management Plan prior to it being submitted to the Secretary of State for approval.</p>
6.13	Question to: 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?
	The Applicant's Response	The effect of commencing requirement 5 with "No part" could be to prevent the proposed scheme from being commenced until all landscaping details are dealt with in accordance with requirement 5, unless the words "for that part" were added in addition.

ExQ1	Question to/Response by:	Question/Answer:
		<p>It is proposed that landscaping is dealt with for approval in parts, so that parts can be commenced, if necessary, before all scheme landscaping details are finalised.</p> <p>The individual parts have not yet been determined.</p>
6.14	Question to: The Applicant ECC	Requirement 7. Should (5) also include for consultation with the County Archaeologist?
	The Applicant's Response	<p>Requirement 7(5) relates to construction operations within 10 metres of remains not previously identified which are revealed when carrying out the authorised development.</p> <p>Requirement 7(4) already provides that such remains <i>"must be subject to appropriate mitigation as set out in the archaeological mitigation strategy <u>and agreed with the County Archaeologist.</u>"</i></p> <p>As such, the Applicant is of the view that there is no need to specify consultation with the County Archaeologist under Requirement 7(5).</p>
6.15	Question to: The Applicant EA	Requirement 11. In relation to (2), should the Environment Agency be included as a consultee?

ExQ1	Question to/Response by:	Question/Answer:
	The Applicant's Response	The Applicant is currently considering the Environment Agency's request.
6.1.6	Question to: 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.
	The Applicant's Response	Requirement 12 (2) disapplies requirement 12(1) only where the EA is satisfied that either the change would note result in a material exceedance or all affected landowners accept the predicted exceedance. Only if all affected landowners agree, and this level of agreement is demonstrated to the EA, would the change be possible. Similar wording can be found in requirement 21(2) contained in schedule 2 of the A428 Black Cat to Caxton Gibbet Development Consent Order 2022 (2022 No. 934).
6.1.7	Question to: The Applicant	Requirement 13. In relation to (5), should this also include provision for mitigation measures to be maintained and managed?
	The Applicant's Response	The current drafting of Requirement 13(5) requires the noise mitigation measures referred to in paragraphs (1)(a) and (1)(b) of Requirement 13 to be retained. This is consistent with Requirement 18(3) of the A428 Black Cat to Caxton Gibbet Road Improvement Scheme, which was made by the Secretary of State on 18 August 2022.

ExQ1	Question to/Response by:	Question/Answer:
		<p>However, the Applicant is content to amend Requirement 13(5) so that it reads (amendments shown in bold underlined):</p> <p><i>“The noise mitigation measures referred to in paragraphs (1)(a) and (1)(b) must be retained <u>and maintained</u> following their being provided.”</i></p> <p>This amendment will be reflected in the revised draft DCO to be submitted at Deadline 3.</p>
7. Gas pipeline diversion		
7.0.1	Question to: The Applicant	Please confirm the design principles for the gas pipeline diversion.
	The Applicant's Response	The Design Principles [APP-280] has been updated by the Applicant at Deadline 2. Revision 2 of the Design Principles [Applicant's reference TR01600/APP/7.10 rev 2] details the design principles for the gas diversion pipeline.
7.0.2	Question to: 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.
	The Applicant's Response	Within the main body of the Environmental Statement, the gas main diversion has been assessed as an integral part of the proposed scheme (i.e. it has not been assessed in isolation). However, Table 2.1 in Appendix 5.2: Gas Main Diversion Screening Assessment, of the Environmental Statement [APP-097] summarises the

ExQ1	Question to/Response by:	Question/Answer:
		likely environmental effects of the gas main diversion for each environmental aspect. The Applicant has produced Appendix A in response to this written question to signpost to chapters and sections of the Environmental Statement that discuss the gas main diversion.
7.03	Question to: 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?
	The Applicant's Response	<p>Scope of surveys</p> <p>The scope of ecology surveys for the gas main was determined by desk studies including a review of aerial photographs and phase 1 habitat survey data.</p> <p>The scope of surveys for the gas main diversion was also determined based on the potential for adverse effects. For example, due to a commitment for a trenchless crossing which avoided effects on the River Blackwater (LV15 in the Register of Environmental Actions and Commitments (REAC), within the first iteration Environmental Management Plan [APP-185]), it was determined there would be no effect on freshwater fish, macro-invertebrates and macrophytes and so surveys for these receptors were not undertaken. Similarly, it was assessed that impacts to birds could be managed effectively through standard mitigation (see, BI1, B14, BI5, BI9 and BI38 of the REAC [APP-185]), including avoiding sensitive periods, having an ecological clerk of works (ECoW) supervise works, using buffers around sensitive features and provision of nest boxes. In addition, the data gathered for the proposed</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>scheme sampled areas of high-quality habitat to determine the presence of different bird species within the local area. Due to the fact birds are highly mobile and able to travel significant distances, the baseline collected is assessed to reflect the species within all parts of the proposed scheme. Lastly, the proposed planting scheme is assessed to benefit all species of bird due to the areas of habitats to be created. Therefore, no bird surveys were undertaken for the gas main diversion.</p> <p>A suite of surveys was identified early on but could not be completed until 2022 due to seasonal constraints in relation to the surveys and land access. It is not the case that the surveys did not cover other species, but that these surveys were delayed meaning the results could not be incorporated into the Environmental Statement.</p> <p>The scope of the surveys for the gas main diversion was as follows:</p> <ul style="list-style-type: none"> • Badger surveys • Ground based assessment of trees for bat roost potential (there were no buildings within the 30m buffer of the gas main diversion and so these were not included within the scope) • Bat climbing surveys (or dawn/dusk surveys of trees which were not safe to climb) • Dormouse surveys • Hedgerow surveys • Riparian mammal (otter and water vole) surveys

ExQ1	Question to/Response by:	Question/Answer:
		<ul style="list-style-type: none"> • Botanical surveys of the woodland at Blue Mills <p>Reports summarising the results of bat and dormouse surveys have been submitted to the examination and are available in the examination library [AS-032 and AS-036 respectively]. Reports summarising the results of the badger [TR0100/60/EXAM/9.15], botanical (including hedgerow surveys) [TR010060/EXAM/9.16] and riparian mammals surveys [TR010060/EXAM/9.18] will be submitted to the examination at Deadline 2.</p> <p>As per Table 9.7 of Environmental Statement Chapter 9: Biodiversity [APP-076], reptiles were not included within the scope of field surveys to inform the environmental assessment as it was agreed with Natural England that the 2017 survey data, in combination with a precautionary approach, could be used to inform the mitigation for the proposed scheme. However, surveys of the gas main diversion and wider scheme were updated by the Applicant in 2022 in order to inform the detailed design stage of the project. Reptile survey reports (one for Blue Mills [TR010060/EXAM/9.17], and one for the wider scheme [TR010060/EXAM/9.23]) will be submitted to the examination at Deadline 2.</p> <p>Surveys</p> <p>Seasonal and access constraints meant it was not possible to undertake all the survey work for the gas main diversion until 2022 (as described in paragraphs 9.6.4 – 9.6.7 of Chapter 9: Biodiversity [APP-076]). However, the following information was</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>obtained in advance of DCO submission and was included within the baseline section of Chapter 9:</p> <ul style="list-style-type: none"> • Phase 1 Habitat Survey data - due to a 600m buffer (to allow for flexibility in the evolving design) being used for the Phase 1 Habitat surveys which were undertaken from 2016 to 2020, Phase 1 Habitat survey data were available for the entire route of the gas main diversion (with the exception of a small segment of habitat which is clearly identifiable as broadleaved woodland from aerial photographs) from the original suite of surveys (Appendix 9.8: Phase 1 Habitat Survey Report [APP-132]). • Partial riparian mammal data - surveys undertaken in 2020 included the most northerly crossing of the River Blackwater by the gas main diversion. Results are included within Appendix 9.10: Riparian Mammal Survey Report [APP-134]. • Partial badger and ground-based bat roost assessment data - the majority of the gas main diversion to the east of the River Blackwater is divided into three land holdings. Where access was permitted for two of the three land parcels, badger surveys and ground-based bat roosts assessments were undertaken in the winter of 2021 and these data were included in Appendix 9.4: Bat Survey Report [APP-128] and Appendix 9.2: Badger Survey Report [APP-126]. Access for the remaining land parcel was permitted in July 2022, at which time the ground-based bat roost assessments and badger surveys were completed. <p>Where surveys could not be completed until after submission of the DCO application, they were undertaken within the earliest available survey window where access permitted:</p>

ExQ1	Question to/Response by:	Question/Answer:
		<ul style="list-style-type: none"> • Dormouse surveys [AS-036] • Bat dawn/dusk and climbing surveys [AS-032] <p>In addition, further to ongoing discussions with the landowner, additional access became available in 2022 to land at Blue Mills. This enabled the Applicant to undertake a badger survey, bat ground assessment, bat dawn/dusk and climbing surveys [AS-032], botanical surveys (of the woodland), and dormouse [AS-036] and riparian mammal surveys of this land parcel. The results of these surveys are included within the reports to be submitted to the examination at Deadline 2 (with the exception of dormouse and bat results which have already been submitted [AS-032 and AS-036]).</p> <p>Summary of results and assessment of effects</p> <p>Survey reports for the bat and dormice surveys have been submitted to the Planning Inspectorate and are available via the examination library (Supplementary Bat Survey Report [AS-032] and Dormouse Survey Report [AS-036]). In summary, no bat roosts were identified from climbing or dawn/dusk surveys, although several trees with bat roost potential were mapped (see Figure A.1, sheets 2 – 4 [AS-032]). This means there is no change to the conclusions of Chapter 9 of the Environmental Statement, nor is there a requirement to amend mitigation proposals with respect to roosting bats.</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>No dormice or evidence of dormice was recorded and, as per paragraph 7.1.4 of the Dormouse Survey Report [AS-036], it has been concluded dormice are likely to be absent from the entire Order Limits and would therefore not be impacted by the proposed scheme. This would result in a reduction of the assessment of effects on dormice from 'slight adverse' during construction and 'neutral' during operation' to 'no effects', as there is no impact pathway.</p> <p>The badger, botany, reptile and riparian mammal survey reports for the surveys undertaken in 2022, where access was delayed, will be submitted to the examination at Deadline 2 (note that the badger report will be marked as 'confidential' due to the sensitive nature of the information). In summary, no new badger setts were recorded, although there was evidence of badgers using the woodland to the east of the River Blackwater where the gas main diversion crosses the River Blackwater at the more southerly point. As there are no new setts, there is no change to the assessment within Chapter 9 [APP-076].</p> <p>Low populations of slow worms and common lizards were recorded during surveys of Blue Mills, although it is acknowledged that the abundance of natural refugia may have led to an under recording of the population size. The results are consistent with other areas of the proposed scheme where low to moderate populations of these species were recorded. There is no change to the proposed mitigation or assessment of effects within Chapter 9 [APP-076].</p> <p>Otters were recorded using the River Blackwater with one potential slide, a potential holt, a potential couch and multiple sprainting sites present (although only the potential holt and one sprainting site is within the Order Limits). Depending on the</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>alignment of the gas main diversion, there is potential for impacts to otters if using the potential holt at the time of construction. The potential couch is more than 95m from the Order Limits and so effects are unlikely. As per commitment BI4 of the REAC [APP-185], works would be timed to avoid sensitive periods for protected species where reasonably practicable and appropriate. Where this cannot be achieved, this would be managed in accordance with advice and, where required, supervision from an ECoW and in accordance with any protected species licence requirements. Also, as per commitment BI9 of the REAC [APP-185], buffer zones around sensitive features such as otter holts would be implemented as directed by the ECoW. Lastly, as per commitment BI34 of the REAC [APP-185], should any new resting places be identified, and should they be located in a place that would be disturbed, damaged or destroyed as a result of the proposed scheme, a European Protected Species Mitigation licence would be obtained from Natural England to agree the specific mitigation approach. Through implementing these commitments, there would be no change to the assessment within Chapter 9 [APP-076].</p> <p>No evidence of water vole was recorded and therefore there is no change to the assessment in Chapter 9 [APP-076].</p> <p>The hedgerow survey assessed two hedgerows which would be crossed by the gas main diversion. Neither qualified as 'important' under the hedgerow regulations, however both qualify as priority habitat and so would be assessed as being of national value in accordance with DMRB LA 108 and as per Table 9.22 of Chapter 9 [APP-076]. With the implementation of mitigation (see mitigation section of this response), impacts to the hedgerows are assessed as temporary and there would be</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>no effect on the integrity of the resource. There is therefore no change to the assessment of effects on hedgerows presented in Chapter 9 [APP-076].</p> <p>Botanical surveys confirmed a part of the woodland at Blue Mills to be wet woodland (a priority habitat) of moderate condition (see Figure 1 within the Botanical Survey Report to be submitted at Deadline 2 [TR010060/EXAM/9.16]). It is acknowledged that the wet woodland and part of the lowland mixed deciduous woodland have been proposed for designation as part of Blue Mills Local Wildlife Site (LWS). In accordance with DMRB LA 108, and Table 9.22 of Chapter 9 [APP-076], wet woodland is assessed as being of national value. The proposed LWS is assessed as being of County value.</p> <p>Using the same assumptions outlined in Chapter 9 [APP-076] with respect to vegetation clearance to accommodate the gas main diversion (paragraph 9.6.8) and replanting along the easement of the gas main diversion (bullet point 5 of paragraph 9.10.23), the wet woodland has the potential to be affected through:</p> <ul style="list-style-type: none"> - Loss of a 30m corridor of wet woodland habitat due to clearance of trees to enable construction of the gas main (as opposed to loss of a 30m corridor of lowland mixed deciduous woodland assumed within Chapter 9 [APP-076]) - Short duration changes in hydrology during construction due to water ingress into the trench excavated for installation of the gas pipe (assuming trenchless techniques are not used to construct the pipeline) - Operational effects should the backfilled trench draw water away from the surrounding habitats

ExQ1	Question to/Response by:	Question/Answer:
		<p>It would be possible to avoid impacts to the wet woodland from changes in hydrology both during construction and operation of the proposed scheme, by control of construction works and incorporating impermeable material to prevent flow of water along the trench.</p> <p>There is a corridor of habitat through the centre of the gas main corridor which does not contain wet woodland. If the gas main was routed through this area there would be no loss of wet woodland habitat and therefore there would be no change to the assessment in Chapter 9 [APP-076] with respect to lowland mixed deciduous woodland and wet woodland. However, if the gas main was routed through or partially through the wet woodland there would be a new effect (loss of wet woodland habitat). Assuming a worse-case scenario where the 30m corridor completely overlaps with the wet woodland, 621.75m² of wet woodland would be cleared. The significance of this effect is discussed below.</p> <p>The proposed LWS has the potential to be affected through:</p> <ul style="list-style-type: none"> - Loss of a 30m corridor of habitat (which would comprise lowland mixed deciduous woodland and potentially wet woodland) due to clearance of vegetation to enable construction of the gas main - Depending on the position of the pipeline relative to the wet woodland, there is potential for changes in hydrology during construction to affect the wet woodland component of the LWS due to water ingress into the trench

ExQ1	Question to/Response by:	Question/Answer:
		<p>excavated for installation of the gas pipe (assuming trenchless techniques are not used construct the pipeline)</p> <ul style="list-style-type: none"> - Likewise, depending on the position of the pipeline relative to the wet woodland, there is potential for operational effects on the wet woodland component of the LWS should the backfilled trench draw water away from the surrounding habitats <p>As above, it would be possible to avoid impacts to the wet woodland component of the LWS from changes in hydrology both during construction and operation of the proposed scheme, by control of construction works and incorporating impermeable material to prevent flow of water along the trench. Standard mitigation as per REAC commitments [APP-185] RDWE11 (working practices would be aligned with the Protect Groundwater and Prevent Groundwater Pollution guidance (Environment Agency, 2017)) and RDWE12 (Permanent drainage (including culverts) would be designed and constructed in accordance with the Surface Water Drainage Strategy (Appendix 14.6 of the Environmental Statement [APP-174]) and with the specifications outlined in the Flood Risk Assessment [APP-162]) would apply to the construction of the gas main.</p> <p>As per commitment LV14 of the REAC [APP-185], the gas main diversion would be carried out in accordance with utility company's guidance and best practice standards. There would be a no planting zone on and close to the edge of the pipeline. However, there would be scope to replant parts of the 30m corridor to reduce the width of the gap in the long term. Planting proposals would be developed at detailed design. Therefore, loss of central part of the corridor would be a permanent effect, however loss of the remaining wet woodland would be temporary.</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>In accordance with LA 108, when determining the level of impact, it is necessary to consider whether the integrity of the resource would be affected. Although construction of the pipeline would lead to a loss of trees, it is effectively creating a ride through the woodland. This will increase the diversity of habitats, providing open areas which may benefit some plant and insect species. Whereas other insects and plants, as well as birds and mammals, could benefit from the woodland edge habitat. It is therefore assessed that the adverse impact caused from constructing the pipeline is temporary and would not affect the integrity of the resource in the long term. In accordance with DMRB LA 108, the level of impact is assessed as negligible adverse. The residual significance of effect of a negligible adverse impact on a county receptor (Blue Mills LWS) or national receptor (wet woodland) is neutral or slight adverse (not significant).</p> <p>Lastly, the botanical survey confirmed a female black poplar and several mature oak trees within the woodland at Blue Mills. A second black poplar is located south of the Order Limits. The width of the Order Limits along the gas main diversion will enable flexibility with respect to the alignment of the pipeline. The Applicant has communicated the location of the black poplar to Cadent and has highlighted the presence of the mature oaks, which would be accurately mapped as part of the upcoming arboriculture survey to inform the detailed design of the pipeline. The black poplar is assessed to be of county value (on the basis Essex Wildlife Trust have stated they are likely to be the only surviving black poplar in Essex) and the mature oaks as of local value. While the intention would be to retain the trees through the detailed design, it may be necessary to remove some along the pipeline route. Assuming a worse-case scenario, loss of the poplar or oak trees (if they cannot be avoided) would lead to a major adverse magnitude of impact in accordance with DMRB LA 108 as per Table 9.8 of Chapter 9 [APP-076]. Without mitigation the</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>significance of effect is assessed to be moderate adverse (significant) with respect to the black poplar and slight adverse (not significant) with respect to the oak trees in accordance with DMRB LA 108 and as per Table 9.9 of Chapter 9 [APP-076]. However, mitigation measures to avoid impacts on the poplar tree through micro-siting of the pipeline route and the adoption of a trenchless crossing of the Blackwater River (see commitment LV15 in the REAC [APP-185]) would reduce the impact to slight adverse (not significant). An arboriculture survey is being undertaken and once this has been reported, the results will be used to inform an appropriate control, whereby a combination of route and construction methodology would be designed to minimise the impacts on the black poplar and other sensitive ecological features in this area. The REAC will be updated at Deadline 4 accordingly.</p> <p>Assessment and mitigation</p> <p>The assessment of significant effects within Chapter 9 [APP-076] considers residual effects following the implementation of embedded, standard and additional mitigation. Mitigation includes general measures (including those below) and more specific measures for protected and notable species including bats, badger, birds, reptiles, otter and water vole.</p> <p>The standard and embedded mitigation measures detailed within Section 9.10 of Chapter 9: Biodiversity [APP-076] (and as committed to in the REAC [APP-185]) are of relevance to the gas main diversion, in particular:</p>

ExQ1	Question to/Response by:	Question/Answer:
		<ul style="list-style-type: none"> • Pre-construction surveys using current best practice guidance would be undertaken for bats, barn owl, badger, otter, water vole and reptiles to update baseline surveys prior to construction (commitment BI11 of the REAC [APP-185]) due to the potential for wildlife to create new roosts, setts, holts, nests and burrows. This data would be used to inform mitigation licences where required. • ECoW would be employed where relevant to the works being undertaken (commitment BI12 of the REAC [APP-185]). • Following inspection by the ECoW, clearance of habitats within the construction area would be conducted under appropriate supervision where there is potential for impacts to protected species (commitment BI5 of the REAC [APP-185]). • Works would be timed to avoid sensitive periods for protected species where reasonably practicable and appropriate (commitment BI4 of the REAC [APP-185]). • Buffer zones around sensitive features such as confirmed bat roosts, badger setts, otter holts, water vole burrows, birds' nests and watercourses would be implemented as directed by the ECoW (commitment BI9 of the REAC [APP-185]). • Exclusion zones would be marked where appropriate around protected habitat areas such as trees, woodlands, hedgerows and watercourses to avoid accidental damage and retain vegetation in accordance with the Retained and Removed Vegetation Plans [APP-035 and AS-017] (commitment BI2 of the REAC [APP-185]). • The working width for the installation of the gas main diversion would be reduced as far as reasonably practicable through woodland and where the gas

ExQ1	Question to/Response by:	Question/Answer:
		<p>main diversion crosses through hedgerow field boundaries. All Main River crossing(s) for the gas main diversion would be installed using trenchless techniques, such as horizontal drilling. Directional drilling would be considered where practicable (commitment LV15 of the REAC [APP-185]).</p> <p>As stated in paragraph 9.6.6 of Chapter 9: Biodiversity [APP-076], the absence of bat survey data was not considered a significant constraint to the assessments undertaken within the Environmental Statement. Had further additional bat roosts been identified, these would be mitigated for. Mitigation for additional roosts would be achievable within the Order Limits, but is ultimately not required, based on survey results in the supplementary bat survey report [AS-032]. As per paragraph 9.10.47 of Chapter 9: Biodiversity [APP-076], preconstruction bat surveys would be undertaken to support the European Protected Species Mitigation (EPSM) licence application following DCO consent and should new roosts be identified these would be mitigated as detailed in that paragraph. As per paragraph 9.10.49 of Chapter 9: Biodiversity [APP-076], additional bat boxes would be provided for every tree, building and structure assessed as having moderate to high suitability in the bat report that would be lost as a result of construction of the proposed scheme, and any identified in the Supplementary Bat Report [AS-032] or preconstruction surveys. This would mitigate for the loss of potential roost features with suitability to support roosting bats in the future. Boxes would be provided at a ratio of 2:1 for every tree, building or structure lost to account for variance in bat roosting preferences.</p> <p>Had dormouse been confirmed as present, any potential impacts would have been sufficiently mitigated through standard mitigation techniques (see paragraphs 9.10.67 to 9.10.71 of Chapter 9: Biodiversity [APP-076]) and therefore impacts would not have been significant (see paragraphs 9.11.191 to 9.11.193 of Chapter 9: Biodiversity</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>[APP-076]). However, based on the results in the Supplementary Dormouse Survey Report [AS-036], no mitigation would be required.</p> <p>Due to the highly changeable use of setts by badgers, it is likely that the mitigation detailed within Appendix 9.17: Draft Badger Licence [APP-141] would need to be updated for the final licence application should the DCO be consented. This would enable incorporation of any mitigation required for any new setts found within the gas main diversion corridor (if any). Mitigation would be based on the principles outlined in paragraphs 9.10.60 to 9.10.64 of Chapter 9: Biodiversity [APP-076].</p> <p>As mentioned above, it is anticipated that the trenchless crossing of the River Blackwater would avoid impacts to otters and the potential holt in the black poplar. However, as outlined in paragraph 9.10.72 in Chapter 9: Biodiversity [APP-076] and as per commitment B134 of the REAC [APP-185], should any new resting places be identified and should they be located in a place that would be disturbed, damaged or destroyed as a result of the proposed scheme, an EPSM licence would be obtained from Natural England to agree the specific mitigation approach.</p> <p>To mitigate habitat loss, as stated in paragraph 9.10.13 of Chapter 9: Biodiversity [APP-076] and as per commitment LV14 of the REAC [APP-185], replanting along the easement of the gas main diversion would be carried out in accordance with Cadent's guidance and best practice standards. As per paragraph 9.11.91 in Chapter 9 [APP-076], there would be a net gain of 42.52ha of woodland habitat across the whole proposed scheme, which would mitigate the area that could not be replanted along the easement of the gas main. Of the 42.52ha shown on the Environmental Masterplan, 8.93ha is wet woodland.</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>Summary</p> <p>In summary, all ecology surveys for the gas main diversion have been completed (note the Applicant is currently arranging for an arboriculture survey of the woodland at Blue Mills).</p> <p>Data obtained since the submission of the DCO is summarised in the following reports:</p> <ul style="list-style-type: none"> • Supplementary bat survey report [AS-032] • Supplementary dormouse survey report [AS-036] • Supplementary badger survey report (to be submitted to the examination at Deadline 2 [TR0100/60/EXAM/9.15]) • Botanical survey report (includes an assessment of two hedgerows) (to be submitted to the examination at Deadline 2 [TR010060/EXAM/9.16]) • Supplementary riparian mammal survey report (to be submitted to the examination at Deadline 2 [TR010060/EXAM/0.18]) • Supplementary Reptile Survey (Blue Mills) (to be submitted to the examination at Deadline 2 [TR010060/EXAM/9.17]) • Tetrattech Reptile Survey Report (covers the wider scheme) (to be submitted to the examination at Deadline 2 [TR010060/EXAM/9.23])

ExQ1	Question to/Response by:	Question/Answer:
		<p>The identification of wet woodland habitat and the proposed designation of the Blue Mills LWS result in the identification of new potential effects:</p> <ul style="list-style-type: none"> - Loss of wet woodland habitat - Changes in hydrology <p>However, with the implementation of standard mitigation with respect to hydrological effects, and through implementation of commitment LV14 of the REAC (APP-185) with respect to replacement planting, the effects on these receptors are assessed as not significant.</p> <p>The botanical survey also confirmed the presence of a black poplar tree within the Order Limits. This is assessed as being of County value considering its rarity within Essex. With the additional commitment within the REAC [APP-185] impacts to the tree would be avoided and are assessed as not significant.</p> <p>There are no further changes to the assessment within Chapter 9 [APP-076] following the results of the 2022 surveys.</p>
<p>8. Geology and Soils</p>		

ExQ1	Question to/Response by:	Question/Answer:
8.01	Question to: 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.
	The Applicant's Response	N/A
8.02	Question to: 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?
	The Applicant's Response	<p>The criteria for assessing impact magnitude on agricultural holdings are detailed in Table 13.3 of Chapter 13: Population and human health, of the Environmental Statement [APP-080]. Reference is made in the criteria to assessing the impact of loss of resource, quality of resource and integrity of resource as well as resource characteristics, features and elements. Accessibility provision (including severance) also forms part of the criteria in assessing impact magnitude.</p> <p>Potential impacts on agricultural holdings during construction and operation of the proposed scheme are summarised in Section 13.8 of Chapter 13: Population and human health [APP-080], specifically at paragraphs 13.8.7 to 13.8.8 (construction) and 13.8.14 (operation), with 30 agricultural landholdings identified as being affected by the proposed scheme by being within the Order Limits.</p> <p>Likely significant effects of the proposed scheme on agricultural landholdings are summarised in paragraphs 13.10.21 to 13.10.24 (construction) and paragraphs</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>13.10.45 to 13.10.47 (operation) of Chapter 13: Population and human health [APP-080]. Likely effects of land take and accessibility (including severance) are summarised in these paragraphs.</p> <p>The impacts of the proposed scheme on each agricultural landholding are reported in Table A.21 of Appendix 13.3: Land Use and Accessibility Assessment Tables, of the Environmental Statement [APP-155]. The fourth column of Table A.21 labelled 'Description of impact (land take and severance)', reports, where it is material to the assessment, the potential impacts on the loss of resource, quality of resource and integrity of resource, including that of the residual land within the affected agricultural landholdings.</p> <p>For example, for Agricultural Landholding 1 reported in Table A.21 of Appendix 13.3 [APP-155], reference is made to '<i>Parts of remaining fields could be farmed</i>'. Similarly for Agricultural Landholding 7, reference is made to '<i>Potential loss of access to fields south of Order Limits without mitigation</i>'. Furthermore, for Agricultural Landholding 10, the description of impacts references '<i>The 2.5ha land permanently lost is confined to field margins so should not compromise tenability of fields</i>'. This is summarised in paragraph 13.10.23 of Chapter 13: Population and human health [APP-080], where it states that '<i>There would be remaining viable agricultural land at most landholdings affected, but the scale of loss and high value of the agricultural assets means the overall effect is significant for the study area</i>'.</p> <p>Therefore, the quality of remaining agricultural fields (e.g. size, workability etc) has been considered in accordance with the methodology outlined in Chapter 13: Population and human health [APP-080]. This forms part of the information that is</p>

ExQ1	Question to/Response by:	Question/Answer:
		used to determine, using professional judgement, the magnitude of impact (with essential mitigation) as reported in the sixth column of Table A.21 of Appendix 13.3 [APP-155] for individual landholdings, and which in turn supports the assessment of the large adverse significant effect for agricultural landholdings reported in paragraph 13.10.24 (construction) and paragraph 13.10.47 (operation) of Chapter 13: Population and human health [APP-080] for the proposed scheme as a whole.
8.0.3	Question to: 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?
	The Applicant's Response	<p>Appendix J of the first iteration Environmental Management Plan (Materials Management Plan) [APP-194] provides an outline of the Materials Management Plan that will be submitted as part of the second iteration Environmental Management Plan to the Secretary of State for approval, following consultation with the relevant planning authorities, under Requirement 3 of the dDCO [AS-020].</p> <p>Appendix J [APP-194] explains how material acceptability will be demonstrated. Paragraph J.8.6 of [APP-194] confirms that site-specific material acceptability criteria would be derived from a detailed site-specific quantitative risk assessment (DQRA). Paragraph J.8.7 of Appendix J [APP-194] explains how site won material would be analysed and assessed against the DQRA and states that this process would be documented. Paragraph J.8.8 of Appendix J [APP-194] confirms that no materials would be used in the proposed scheme where the results indicate exceedance of the acceptability criteria.</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>Appendix J [APP-194] also sets out the process for materials tracking and storage at section J.6. The principal contractor would identify, measure and record the types, quantities and provenance of all materials used in the proposed scheme in a materials procurement register, and records of all materials moved onsite and offsite would be kept for a minimum period of 2 years following completion of the works.</p> <p>In addition, section J.8 of Appendix J [APP-194] sets out how the Materials Management Plan would identify how the placement of materials would be recorded.</p> <p>Therefore, in summary, the DQRA will be set out in the Materials Management Plan which forms part of the second iteration Environmental Management Plan, which itself must accord substantially with the outline contained in Appendix J [APP-194]. This will be approved by the Secretary of State following consultation with the relevant planning authorities as secured by Requirement 3 of the dDCO [AS-020].</p>
804	Question to: 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.
	The Applicant's Response	<p>The GI of the Witham Landfill has been completed, with the reporting of this currently being progressed during detailed design. Initial appraisal indicates that the GI has not revealed any unexpected ground conditions.</p> <p>The widening of the A12 through the Whetmead LNR Witham Landfill will present very little effect on human health as the widening is on the margins of the landfill with</p>

ExQ1	Question to/Response by:	Question/Answer:							
		<p>the design aiming to minimise disturbance of the landfill. Human interaction in this area is minimal.</p> <p>Further risk assessments and mitigation will be included with the detailed design. These will be detailed in the Geotechnical Design Reports which will be provided to the Environment Agency for information shortly.</p>							
8.0.5	Question to: 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?							
	The Applicant's Response	<p>The measures to protect soils are outlined in the first iteration Environment Management Plan (EMP) [APP-184], specifically detailed in Appendix M: Soil Handling Management Plan [APP-197]. For ease of reference, the table below signposts the relevant paragraphs within Appendix M where the elements detailed in paragraph 10.10.5 of Environmental Statement Chapter 10: Geology and soils [APP-077] are secured.</p> <table border="1" data-bbox="987 1023 1917 1378"> <thead> <tr> <th data-bbox="987 1023 1576 1166">Measure in paragraph 10.10.5 of Chapter 10 [APP-077]</th> <th data-bbox="1576 1023 1917 1166">Appendix M paragraph reference [APP-197]</th> </tr> </thead> <tbody> <tr> <td data-bbox="987 1166 1576 1238">Bullet Point 1: Guidance</td> <td data-bbox="1576 1166 1917 1238">M.3.1</td> </tr> <tr> <td data-bbox="987 1238 1576 1310">Bullet Point 2: Soil Resource Survey</td> <td data-bbox="1576 1238 1917 1310">M.5.1</td> </tr> <tr> <td data-bbox="987 1310 1576 1378">Bullet Point 3: Soil Resource Plan</td> <td data-bbox="1576 1310 1917 1378">M.5.2</td> </tr> </tbody> </table>	Measure in paragraph 10.10.5 of Chapter 10 [APP-077]	Appendix M paragraph reference [APP-197]	Bullet Point 1: Guidance	M.3.1	Bullet Point 2: Soil Resource Survey	M.5.1	Bullet Point 3: Soil Resource Plan
Measure in paragraph 10.10.5 of Chapter 10 [APP-077]	Appendix M paragraph reference [APP-197]								
Bullet Point 1: Guidance	M.3.1								
Bullet Point 2: Soil Resource Survey	M.5.1								
Bullet Point 3: Soil Resource Plan	M.5.2								

ExQ1	Question to/Response by:	Question/Answer:		
		Bullet Point 4: Supervision	M.2.2	
		Bullet Point 5: Biosecurity	M.5.4	
		Bullet Point 6: Topsoil Stripping	M.5.6	
		Bullet Point 7: Topsoil and Subsoil Handling	M.5.22	
		Bullet Point 8: Vegetation Clearance	M.5.18 and M.5.19	
		Bullet Point 9: Soil Segregation	M.5.21	
		Bullet Point 10: Stockpile Location	M.6.5	
		Bullet Point 11: Stockpile Management	M.6.4	
		Bullet Point 12: Stockpile Slopes	M.6.5	
		Bullet Point 13: Stockpile Heights	M.6.5	
		Bullet Point 14: Stockpile Seeding	M.6.10	
		Bullet Point 15: Stockpile Records	M.6.8	
		Bullet Point 16: Stockpile Protection	M.6.7	
		Bullet Point 17: Stockpile Erosion	M.6.5	

ExQ1	Question to/Response by:	Question/Answer:		
			Bullet Point 18: Soil Reinstatement	M.7.1
			Bullet Point 19: Site Inspection	M.7.4
			Bullet Point 20: Cultivation and Decompaction	M.7.5
		<p>The outline Soil Handling Management Plan, as contained in Appendix M, will be developed further prior to construction, as secured by mitigation GS6 in the Register of Environmental Actions and Commitments, within the first iteration EMP [APP-185]; this will include further details on the mitigation measures referred to above. The final Soil Handling Management Plan will be included in the Second Iteration EMP, which will be approved by the Secretary of State following consultation with relevant planning authorities, as secured by Requirement 3 of the draft Development Consent Order [AS-020].</p>		
8.0.6	Question to: The Applicant	In relation to paragraph 10.11.14, please can the Applicant provide the evidence to confirm the EA's position.		
	The Applicant's Response	A copy of the email from the Environment Agency (dated 13 May 2022) advising of their position, and referred to in paragraph 10.11.14 of Chapter 10: Geology and Soils of the Environmental Statement [APP-077], is provided in Appendix D of this document.		
8.0.7	Question to: 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?		

ExQ1	Question to/Response by:	Question/Answer:
	The Applicant's Response	<p>The works listed in Article 10 (3) are constrained by limits of deviation, on a horizontal plane only, to provide a sufficient level of certainty as to the maximum extent of the proposed activities. The limits provide the maximum horizontal extent of those works.</p> <p>Horizontal limits of deviation were provided for to give the decision maker a clear understanding of the maximum extent of the work whilst allowing for flexibility in terms of areas of excavation to enable the ability to avoid areas of engineering difficulty or other constraints within the relevant limits, that may only become apparent when possession is taken.</p> <p>Vertical limits are not set. There is no need for an upward vertical limit as the works are excavations. No significant environmental effects have been identified for the maximum depth stated in the Borrow Pits Report [APP-278] for the excavations and parameters were not set in that context. The practicalities and cost of excavation will determine the extent of the downward excavation.</p> <p>A downwards vertical limit of deviation is not currently proposed. The Applicant will consider further whether it could be appropriate to provide a mechanism, in the First Iteration EMP, a method of controlling the depth of excavations, should it become apparent materially deeper excavations should be further investigated, or if agreement is reached with landowners for the working of borrow pits within a reduced footprint but to a deeper level of excavation.</p> <p>The Applicant aims to respond further at Deadline 3.</p>
9. Good Design		
9.0.1	Question to:	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.

ExQ1	Question to/Response by:	Question/Answer:
	The Applicant	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.
	The Applicant's Response	<p>The design principles have informed the preliminary scheme design shown on the Permanent Works Plans [AS-026], Engineering Section Drawings [APP-027 – AS-016] and Structures Engineering Drawings and Sections [APP-031 - APP-032].</p> <p>The Applicant has submitted revision 2 of 7.10 Design Principles [Applicant Reference TR01600/EXAM/7.10] which identifies, for each design principle, how it is controlled through the DCO documentation. Where a design principle is related to detailed design and therefore is not controlled by an existing certified document/plan, the Applicant has detailed the relevant technical design standard or legislation the Applicant will comply with to ensure compliance.</p>
9.02	Question to: 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.
	The Applicant's Response	<p>The Applicant has produced a Materials and Landscape Palette [Applicant Reference TR01600/EXAM/9.22]. This document details structural materials and visually displays indicative examples of proposed overbridges, footbridges, walls and fencing.</p> <p>The specification of the noise barriers in terms of appearance and material has yet to be determined and this will be undertaken at detailed design when a noise barrier supplier is appointed.</p>

ExQ1	Question to/Response by:	Question/Answer:
9.0.3	Question to: 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.
	The Applicant's Response	<p>Highways structures have been designed in accordance with CD 351 “The Design and Appearance of Highway Structures” (Design Manual for Roads and Bridges (DMRB)). This document provides requirements and guidance which aim to improve the aesthetic outcomes of schemes that include bridges and other highway structures. It outlines an underlying approach to encourage best practice, establish intended outcomes that support aesthetic quality, and evidence how these can be addressed throughout all stages of the design life cycle of a highway structure. The most suitable solution, based on these considerations, was taken forward in the design.</p> <p>Different design options were considered for each structure in accordance with DMRB. A number of factors were considered in the design development process including site constraints, structural efficiency, durability, whole life cost, safety in design, safety in construction, buildability, aesthetical appeal to create a positive legacy for local communities, the setting of the structure, potential risks, the intended end user, materials and environmental impact.</p> <p>The Applicant has designed the proposed scheme to create a family of structures along the A12 route. Overbridges, underbridges and footbridges families have been</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>developed with form and materials appropriate to location and setting in the landscape to provide a common aesthetic language along the proposed scheme.</p> <p>Varying weight has been placed upon the different factors according to the quality and existing aesthetic qualities of various locations to deliver the most appropriate design in accordance with DMRB considerations. Examples of this include:</p> <ul style="list-style-type: none"> • The six new footbridges on the A12 Chelmsford to A120 widening scheme will be designed in accordance with the Design Manual for Roads and Bridges (DMRB). CD 353 “Design Criteria for Footbridges” Table 11.7 requires the minimum width for shared unsegregated combined use by pedestrians and cyclists to be 3.5m. Although not a requirement of DMRB, the guidance for local authorities on designing high-quality, safe cycle infrastructure contained in Local Transport Note (LTN) 1/20 “Cycle Infrastructure Design” has been considered and taken into account in the footbridge design. The minimum width provided for the footbridges is 4m shared use which is in excess of the requirements in the DMRB. This decision has increased the construction cost of the footbridges but is beneficial for users and local communities. • All new overbridges are designed with weathering steels decks, which were assessed to be a higher whole life cost than the alternative options including concrete decks. In response to consultation with the Design Council, the aesthetics of weathering steel was deemed more appropriate in the settings of the new overbridges and therefore given weight over cost implications. • The widening of existing overbridges will use concrete decks, which the whole life cost was assessed to be most economically favourable over weathering steel deck. However the design decision was led by mirroring

ExQ1	Question to/Response by:	Question/Answer:
		<p>the existing overbridge and underbridge aesthetics which are characterised by concrete and therefore will lend itself better to the existing landscape.</p> <p>Design Principle STR.05 'Value for money' has been updated to reflect the varying weight given to the design of highways structures. The Applicant refers the ExA to revision 2 of 7.10 Design Principles provided as an additional submission at deadline 2 [Applicant Reference TR01600/EXAM/7.10].</p> <p>Additionally, the Materials and Landscape Palette [Applicant Reference TR01600/EXAM/9.22], also submitted at deadline 2, details the materials proposed and the locations where the materials will be used.</p>
10. Health		
10.0.1	Question to: 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.
	The Applicant's Response	The statement in paragraph 13.8.10 of ES Chapter 13 [APP-080] is relevant to all of the residential properties permanently acquired by National Highways with the exception of the two houses to be demolished (Hare Lodge and Badger near Rivenhall End). The properties acquired via National Highways blight or discretionary purchase policy are reported in Appendix 13.3 of the Environmental Statement [APP-155]. These include houses in Hatfield Peverel immediately north and south of Bury Lane Bridge (e.g. Sorrells Cottages and Peverel Lodge) (Table A.5 in APP-155).

ExQ1	Question to/Response by:	Question/Answer:
		<p>In some cases where access to the property will be restricted, the owners have agreed to be temporarily rehoused for the duration of the works, with the intention that they will return to their homes when appropriate.</p> <p>It is not the intention that the re-availability of properties identified as to be permanently acquired would be delivered and secured through the DCO.</p> <p>National Highways has an estates department which is responsible for the management and maintenance of properties acquired through the blight and discretionary purchase process. At the appropriate time, properties owned by National Highways, would be returned to market. The Applicant's assessment reported in ES Chapter 13 [APP-080] is focused on whether land use change is likely as a result of the proposed scheme. On the basis that most houses permanently acquired would be returned to the housing market at a later date, the assessment concludes the operational effect on private property and housing as a resource is neutral, with the exception of the Witham and Rivenhall End community where the permanent loss of two properties is assessed as slight adverse significance in terms of the overall housing stock (para 13.10.41, APP-080).</p>
10.0.2	Question to: 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.
	The Applicant's Response	The Applicant has sought to reduce land take as far as practicable through the consideration of alternative options and modifications to the proposed scheme. The preferred route was selected based on a thorough consideration of various factors including the views of consultees including persons with land interest, as well as other

ExQ1	Question to/Response by:	Question/Answer:
		<p>factors such as environmental impacts, meeting scheme objectives, affordability, value-for-money, safety and construction and operation requirements. This process is described in Chapter 3 of The Case for the Scheme [APP-249] and Chapter 3 - Assessment of Alternatives, of the Environmental Statement [APP-070]. The preferred option was also the most popular option in the public consultation. None of the alternatives or modifications considered which met the scheme objectives would remove the need for some land take. The proposed scheme also uses the existing alignment of the A12 where the objectives of the proposed scheme could be achieved on the existing alignment.</p> <p>Section 3.3 of Chapter 3 - Assessment of Alternatives, of the Environmental Statement [APP-070] describes where land-take has been reduced as part of the development of the preferred option. For example, Table 3.4 of APP-070 describes design changes made to junction 19 to make greater use of existing infrastructure and reduce the footprint of the proposed scheme. Table 3.4 (page 26 of [APP-070]) also describes where retaining walls have been proposed instead of earthworks to reduce land-take and avoid encroachment onto third party land, for example at</p> <ul style="list-style-type: none"> • junction 19 (to make more use of infrastructure implemented as part of the Beaulieu Park development) • near Olivers Bridge (Witham) (reducing impact on residential property and a church car park), • near Park Bridge (Kelvedon) (to avoid encroachment on a residential property) and • along London Road near junction 25 (Marks Tey) (to avoid encroachment on a residential properties).

ExQ1	Question to/Response by:	Question/Answer:
		<p>Table 3.4 (page 28 of [APP-070]) sets out how and where some proposed ecology mitigation areas have been reduced in size since the statutory pre-application consultation in response to concerns from landowners. This includes:</p> <ul style="list-style-type: none"> • an area south of junction 19, where an alternative solution to a mitigation area which linked an important ditch network was developed to reduce land-take from agricultural fields by incorporating a secondary mitigation area along another part of the ditch network instead of one large mitigation area (sheet 2 of the General Arrangement Plans [AS-030]). Further information on this is provided in the Applicant's response to RR-050 [RR-050-003 in REP1-002]. • an area east of junction 19 where the footprint of an attenuation pond was reconfigured to allow more space for ecological mitigation immediately surrounding the pond thereby reducing the overall land-take required from agricultural fields (sheet 2 of the General Arrangement Plans [AS-030]). • an area north-east of the proposed new junction 21 where the proposed mitigation area was reduced significantly in size with the lost habitat footprint relocated elsewhere within the same land ownership (north of Bury Lane). This enabled the landowner to retain a greater area of agricultural land in the original location north-east of the proposed junction (sheets 5 and 6 of the General Arrangement Plans [AS-030]); and • land south of Witham where a proposed mitigation area was removed from a field the western side of Howbridge Road by achieving a larger mitigation area on the east through the realignment of an access track, and by making up the shortfall of mitigation land by using a small part of field slightly further south. This enabled a more usable agricultural field to be retained by the landowner ((sheet 7 of the General Arrangement Plans [AS-011])).


ExQ1	Question to/Response by:	Question/Answer:
10.03	Question to: 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.
	The Applicant's Response	<p>The measures set out in paragraph 13.9.11 of Environmental Statement Chapter 13: Population and human Health [APP-080] are for the Principal Contractor prior to construction to set and then follow during construction, method statements in relation to i) biosecurity; ii) protection of farm assets; and iii) soil management.</p> <p>With respect to biosecurity, the first iteration Environmental Management Plan (EMP) contains methods and measures to protect biosecurity in relation to soils in Appendix M: Soil Handling Management Plan [APP-197]. The Soil Handling Management Plan, at paragraph M.5.4, states that biosecurity risks defined as soil-borne disease (crop and animal disease) and pathogen transfer, would be identified in advance of stripping of soils via consultation. With respect to consultation with the owners and occupiers of agricultural landholdings, the first iteration EMP [APP-184], in Table 2.1 on pages 17 and 18, defines the responsibilities of the Principal Contractor's Agricultural Liaison Officer (ALO) that would be the prime contact for ongoing engagement about practical matters with the landowners, the occupier (if applicable) and their respective agents prior, throughout and after the construction of the proposed scheme. The responsibilities of the ALO, detailed in Table 2.1 of the first iteration Management Plan [APP-184], would include consultation on matters relating to biosecurity through the provision of a schedule of condition (existing biosecurity risks on the landholding) and risks relating to the translocation of soil diseases (introducing or exporting biosecurity risk to or from the landholding). Biosecurity measures identified in the Soil</p>


ExQ1	Question to/Response by:	Question/Answer:
		<p>Handing Management Plan [APP-197] include the segregation of soils and cleaning/disinfection of machinery where appropriate. These measures in relation to biosecurity would be developed further in the second iteration EMP.</p> <p>With respect to protection of farm assets, Section 5.3 of the first iteration EMP [APP-184] identifies that a record of condition surveys will be undertaken prior to taking possession of temporary land from landowners and occupiers (if applicable). This is also stipulated in Appendix A: Register of Environmental Actions and Commitments (REAC) of the first iteration EMP [APP-185] at Ref. No. PH5. The scope of the record of condition is detailed in paragraph 5.3.1 of the first iteration EMP [APP-184] to include the condition of farm assets such as existing boundaries, existing access arrangements, existing utility assets (e.g. private water supplies), condition of structures and/or buildings, and any other relevant details. The responsibilities of the ALO detailed in Table 2.1 of the first iteration EMP [APP-184] includes co-ordination of the provision of the schedule of condition and preconstruction survey. Additionally, ALO responsibilities will aim to protect farm assets such as drainage, water supplies, field accesses and reinstatement of temporarily acquired land through:</p> <ul style="list-style-type: none"> • Undertaking preconstruction liaison with affected parties to minimise disruption, where practicable, to existing farming regimes and timings of activities. • Coordinating drainage surveys with the landowner or occupier. • Coordinating water supply statements.

ExQ1	Question to/Response by:	Question/Answer:
		<ul style="list-style-type: none"> • Ensuring the landowner and the occupier (if applicable) are consulted in respect of requirements to field entrances and accesses across the works to landlocked and severed land parcels. • Liaising with the affected landowners/occupiers regarding gate design where agricultural access is required. • Undertaking site inspections during construction to monitor working practices and compliance of the contractor/s with their obligations to owner/occupiers under this first iteration EMP. • As early as is reasonably practicable discussing and agreeing reinstatement measures for land which would be returned to the affected landowners/occupier. <p>The first iteration EMP contains a commitment in the REAC [APP-185], at PH3, to maintain access through provision of temporary or permanent access, and through PH4 to reinstate land required on a temporary basis to its previous condition. These measures in relation to protection of farm assets would be developed further in the second iteration EMP.</p> <p>With respect to soil management, Appendix M: Soil Management Handling Plan of the first iteration EMP [APP-197], at paragraph M.1.3, details the principles of soil management that would be implemented by the Principal Contractor to protect soils and maintain their quality for future use. Paragraph M.1.4 states that the Soil Handling Management Plan will be updated by the Principal Contractor and included within the second iteration EMP, as appropriate and necessary, prior to commencement of works.</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>The first iteration EMP [APP-184] will be updated to the second iteration EMP prior to construction and submitted for approval to the Secretary of State, as secured by Requirement 3 in the draft DCO [APP-039] (superseded by [AS-020]).</p> <p>The Applicant believes that the requirements to set out method statements for biosecurity, protection of farm assets, and soil management, prior to construction are secured through the EMP and REAC. For the avoidance of doubt, the Applicant proposes a new entry in the REAC to show that the requirement to set method statements is fully set out in the first iteration EMP. The commitments in the EMP and REAC are secured by Requirement 3 of the draft Development Consent Order [APP-039] (superseded by [AS-020]).</p> <p>The additional commitment in the REAC will read:</p> <ul style="list-style-type: none"> • REAC Ref PH10: The Principal Contractor shall set method statements for i) biosecurity, ii) protection of farm assets, and iii) soil management, prior to construction, and follow the agreed method statements during construction. The method statements shall make reference to the controls set out in first iteration EMP and any subsequent detail set out in the second iteration EMP. <p>The REAC will be revised in due course.</p>

ExQ1	Question to/Response by:	Question/Answer:
10.04	Question to: 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.
	The Applicant's Response	<p>All residents listed in paragraph 13.9.23 of Environmental Statement – Chapter 13: Population and Human Health [APP-080] were consulted as part of both the Statutory and Supplementary Consultations.</p> <p>In addition, over 1,300 residents in Hatfield Peverel received a letter on 7 July 2022, inviting them to a public information event on the 19 July 2022, where construction plans were shared in regard to Station Road, Bury Lane and the Wellington Bridges. This letter can be seen at Appendix C. Attendees to this event were issued with a frequently asked questions letter (which is available on the proposed schemes website: [REDACTED]) and an information letter (also available on the proposed scheme's website: [REDACTED])</p> <p>The Applicant has continued to engage with stakeholders, including the Emergency Services and Royal Mail regarding the proposed scheme. Traffic management forums</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>will be established well ahead of the start of construction with the Emergency Services, and other stakeholders, to ensure that their views can be accommodated within the design of traffic management schemes. A list of these traffic management forums can be found in Table 3.1 of the Outline Construction Traffic Management Plan [APP-272].</p> <p>The below image supports the conclusion that when Bury Lane over bridge is being replaced that it is not considered that 'rat running' would be a potential issue as stated in paragraph 13.9.25. The image show when the bridge is out of action there is nowhere for the traffic to go, meaning that the only vehicles to use the access track would be the residents of the two estates.</p> <div style="display: flex; align-items: center; justify-content: center;"> <div style="margin-right: 20px;"> <p>Hatfield Grove and Bury Farm Estate residents roads requiring access</p> <p>Closed J20a Off slip and Bury lane Bridge</p> </div>  <div style="margin-left: 20px;"> <p>Only access point to the Hatfield Grove and Bury Farm Estate during the proposed replacement of Bury Lane overbridge</p> </div> </div>

ExQ1	Question to/Response by:	Question/Answer:
		<p>The Applicant concluded that from the below plan provided by the developers 45 properties are affected by the parking restrictions, 22 of the properties have two off road parking spaces, the remaining 23 have one off road parking spaces. There is block of 24 apartments which have 49 parking off road parking spaces. Given that each property has at least one parking space with many of them having space for 2 cars, as well as the parking which will still be available in the roadway in the neighbouring roads, it was concluded that the impact would be relatively limited. It was also felt that the impacts from the parking restrictions would be smaller than those caused by the congestion if there were no restrictions in place. The roadway is 5.5m wide, meaning passing parked cars at peak times could be difficult.</p>  <p>The map shows a residential development with a purple line indicating a 'Proposed Diversion Route'. Key roads labeled include 'Station Road' at the top right, 'Bury Lane' at the bottom left, and 'The Bury' at the bottom. Other features include 'Surrell's Cottage' and 'The Bury' building. A north arrow is present at the top left of the map area.</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>With regard to whether car parking surveys been undertaken, the Applicant did not undertake parking surveys as we believed the impact on residents would be minimal as all properties have designated parking spaces and would still be able to park on the other roads in the estate.</p>
10.05	<p>Question to: The Applicant</p>	<p>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?</p>
	<p>The Applicant's Response</p>	<p>Further details of the ANPR measures for the temporary vehicular, pedestrian and cyclist connection between the Hatfield Grove and Bury Farm estates can be found in paragraphs 5.9.26 - 5.9.33 of the Outline Construction Traffic Management Plan (OCTMP) [APP-272]. Please see below extract from the OCTMP</p> <p>5.9.26 A restricted use temporary vehicular, pedestrian and cycle route would be provided between the two housing estates (Plate 5.10). Conditions attached to the planning permissions for the estates require that the two housing estates are not linked, to prevent 'rat-running'. The existing pedestrian link between the two housing estates would be modified so that when enabled during the closure of Station Road, vehicles could also use this route. All vehicles that use this route will be less than 3.5 tons (excluding emergency services and refuse collection). This route would only be for the benefit of:</p> <ul style="list-style-type: none"> • Residents of properties on Station Road, Terling Road and Hatfield Road north of the A12 but south of the turn with Witham Road

ExQ1	Question to/Response by:	Question/Answer:
		<ul style="list-style-type: none"> • Residents of properties in the existing Pines Estate and other roads off Station Road to the north of the A12 • Residents of properties in the new Hatfield Grove Estate • Carers supporting residents in properties identified above • Emergency services • Royal Mail • Refuse collection providers <p>5.9.27 A control system will be in place to ensure that only those identified above are able to use the route. Two vehicles (cars/vans) only from each of the properties above could be registered and able to use the route. If required, it may be possible to register further cars/vans for individual dwellings where there are more than two vehicles registered at that address. All other users and larger vehicles, including delivery providers, would be expected to use the signed diversion. This is to keep to a practical minimum the number of vehicles using the route, and therefore the nuisance to residents along it.</p> <p>5.9.28 It is anticipated that an Automated Number Plate Recognition (ANPR) system supported by barriers across the road would be used to restrict the access. This would ensure that permitted vehicles could rapidly pass through the control point without causing delays or nuisance to nearby properties. Automated systems would also be less intrusive for nearby residents than manned control points.</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>5.9.29 A well-designed advance signage scheme will be necessary to deter unauthorised drivers from entering the restricted area. This may include vehicle activated signage linked to the ANPR system.</p> <p>5.9.30 The control point will be located such that it causes minimum disruption practicable to residents, whilst also providing a suitable turn-around point for those drivers who have accidentally entered the restricted area.</p> <p>5.9.31 The control point would also be linked to the TMCC via two-way audio and CCTV, where 24/7 manned response can be contacted, to either report any fault or answer a query from an unauthorised user who has approached the control point.</p> <p>5.9.32 A safe system of work will be in place with resources able to respond rapidly should any faults develop on the control system, to provide both a rapid manned operation in the interim and to ensure repairs can be made within fixed response times.</p> <p>5.9.33 Parking restrictions are planned along the length of the route between Station Road and Bury Lane, to ensure that the additional traffic can pass through without undue hinderance. The PC will liaise with any affected residents to identify, where practicable, alternative nearby parking where their properties do not have sufficient off-road provision.</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>The OCTMP [APP-272] has been updated and has been submitted for Deadline 2 with the points raised below.</p> <p>Affected residents as detailed above would be contacted by the Community Liaison Manager (see Table 2.1 of the First Iteration of the Environmental Management Plan [APP-184]). A letter would be sent to all residents in advance of the construction works taking place. The letter would invite residents to register their vehicles registration details online, for residents who are unable to access online services, they would be able to respond via letter or via a telephone number.</p> <p>The Community Liaison Manager would also make contact with residents who require care services and access arrangements would be arranged with the care provider to ensure this vital service could continue.</p> <p>The Applicant would liaise with those non-residents (ie groups such as Royal Mail and refuse collections identified in Table 5.1) who would be permitted access as detailed in paragraph 5.9.26 of the OCTMP [APP-272]. The appropriate platform for this would be via the Hatfield Traffic Management Forum which is detailed in Table 3.1 of the OCTMP [APP-272]. These users would either be entered onto the system where appropriate, be required to use the intercom system which would be provided at the ANPR barrier and which would be monitored 24/7.</p> <p>All other road users including visitors would be required to follow the signed diversion route which is shown in Appendix A Part 2 "Station Road Diversion" of the OCTMP</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>[APP-272]. This is to keep to a practical minimum the number of vehicles using the route, and therefore the nuisance to residents along it.</p> <p>The above-identified measures would be secured within the DCO as per requirement 9 of the draft DCO, which states that <i>“(1) No part of the authorised development is to commence until a traffic management plan for the construction of the authorised development, substantially in accordance with the outline construction traffic management plan, has been submitted to and approved in writing by the Secretary of State following consultation with the local highway authority. (2) The authorised development must be constructed in accordance with the approved traffic management plan.”</i></p>
10.06	Question to: 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?
	The Applicant's Response	<p>Paragraph 13.18.86 of the Environmental Statement Chapter 13: Population and human health [APP-080] refers to a fuelling station accessed from the southbound carriageway at Rivenhall End, a service station, Travelodge and fast-food outlets accessed from the northbound carriageway east of Feering, and another service station accessed from the southbound carriageway west of Marks Tey.</p> <p>The Applicant has not undertaken a specific assessment of the economic impact of the proposed scheme on these individual businesses for the purposes of Environmental Impact Assessment. It was made clear in the Applicant's Scoping Report (paragraph 13.8.5) (Highways England, 2020) that it was not proposed to draw conclusions on the viability of any individual businesses. The assessment in</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>paragraph 13.18.86 of Chapter 13: Population and human health [APP-080], which references a combination of impacts (a reduction in passing trade as well as the possibility of greater accessibility from the de-trunking proposals) is speculative, hence the use of the word 'may' rather than 'would'.</p> <p>The Applicant considers it a reasonable assumption, for the purposes of environmental assessment, that these businesses would experience some changes to passing vehicular-based trade due to the changed traffic flows on the de-trunked highway, compared to the baseline trunk road conditions. However, the focus of the assessment is on access and it is assessed that these businesses may be more accessible for pedestrians and cyclists in these locations due to the reduced traffic flows and improvements to pedestrian and cyclist infrastructure.</p> <p>For example, there is a proposed controlled crossing in Rivenhall End which would help residents to cross the existing A12 in Rivenhall End and access the shops on each side, where currently there is limited crossing provision (i.e. by the stepped access off Henry Dixon Road). Furthermore, these businesses would remain accessible by motor vehicle via the proposed new junction 22, ensuring that customers could access the service station if travelling in either direction along the new A12 (where currently it is accessible only for westbound traffic). Access to services and facilities would be improved overall by the proposed scheme as it provides for pedestrians, cyclists, public transport and includes new roundabouts that would enable access for traffic on the de-trunked highway sections.</p> <p>It is these types of considerations that have supported the conclusion in paragraph 13.18.88 of Chapter 13: Population and human health [APP-080] that the proposed</p>

ExQ1	Question to/Response by:	Question/Answer:
		scheme would provide a net improvement in physical accessibility to services, facilities, employment, education and skills, although the assessment does not consider this effect to be significant in terms of health outcomes.
11. Historic Environment		
11.01	Question to: 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>
	The Applicant's Response	<p>There are 31 non-designated archaeological sites where the residual significance of effect from construction of the proposed scheme has been assessed to be moderate and adverse, as summarised in Table 7.14 in Environmental Statement Chapter 7: Cultural heritage [APP-074] and Appendix 7.9: Cultural heritage impact assessment summary tables [APP-117]. These significant effects are predicted, as far as can be determined, to result from the removal of the entire asset during construction, or where particularly complex archaeological remains associated with the asset would be removed.</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>Mitigation by excavation, recording, analysis, and publication of the results, as described in the Environmental Statement Appendix 7.10: Archaeological Mitigation Strategy [APP-118], would reduce the significance of effect by increasing understanding of the archaeological resource and answering regional and national research questions. When the significance criteria presented in Table 5.4 of the Environmental Statement Chapter 5: Environmental assessment methodology [APP-072] are taken into account, the effect on some assets after mitigation would not be reduced to slight significance. This is because the mitigation would not be equivalent to the conservation <i>in situ</i> of the asset itself, and therefore residual effects would remain.</p> <p>After the implementation of the proposed mitigation measures, no potential adverse effects of large or very large significance were assessed. Taken as a whole, the cumulative impacts of the proposed scheme would not cause substantial harm to the cultural heritage baseline.</p> <p>The Applicant is content that the approach, scope and conclusions of the archaeological assessment, and proposed mitigation are appropriate.</p>
11.02	Question to: 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?

ExQ1	Question to/Response by:	Question/Answer:
	The Applicant's Response	<p>The Applicant welcomes Historic England's comments on the content and quality of the Archaeological Mitigation Strategy [APP-118].</p> <p>Consultations between the Applicant and the heritage stakeholders, including Historic England, are ongoing to agree the detailed scope of mitigation for individual sites. These detailed measures will be implemented through a written scheme of investigation (WSI) as set out in commitment CH2 of the first iteration Environmental Management Plan, Appendix A: Register of Environmental Commitments (REAC) [APP-185]. The WSI, when agreed, will provide the most up-to-date details of the archaeological mitigation measures to be implemented. Consultation with the heritage stakeholders to agree detailed scope of the mitigation strategy has already begun and is ongoing, and the WSI will be produced during the detailed design prior to construction.</p>
11.03	Question to: 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?
	The Applicant's Response	The Applicant consulted Historic England during the options selection stage specifically regarding the alignment of the proposed scheme between junctions 22 and 23. During the options phase, the alignment between these junctions was adjusted to keep the proposed scheme as far as practicable from the Rivenhall Long Mortuary Enclosure Scheduled Monument (Asset 399) in order to reduce the risk of

ExQ1	Question to/Response by:	Question/Answer:
		<p>physical impact on it, to minimise effects on its setting and to reduce the potential impact on any unknown associated non-designated archaeological remains in the vicinity. The closest construction activity would be approximately 200m north-west of Asset 399 and therefore no physical impact is predicted. The value of the Rivenhall Long Mortuary Enclosure is derived principally from its physical remains. Its setting, overlooking the River Blackwater within farmland forming part of the Modern Agriculture historic landscape type (HLT 14), and close to the A12, contributes only a small amount to its value. The setting of Asset 399 would not be significantly affected during operation of the proposed scheme.</p> <p>The medieval moat at Marks Tey Hall (Asset 818) was designated in 2021 to take into account its historical value as a medieval moated site associated with a manor recorded in the Domesday Book. Its evidential value as an archaeological site, believed to be relatively undisturbed by modern development, and the relationship between the medieval moat and the listed 16th century manor house (Asset 819) and barns (Assets 816 and 817) is clearly legible and forms a key element of their settings. The value of Asset 818 itself is principally evidential, derived from its well-preserved archaeological remains and its setting, as part of the group of assets making up the post-medieval manor farm, which contributes to its historic value.</p> <p>The closest construction activity would be located approximately 90m to the north-west of Asset 818 and no physical impact is therefore predicted on the heritage asset. Impacts on the setting of the moated site during construction would be temporary. During operation, elements of infrastructure, including lighting associated with junction 25, would be visible in glimpsed views between existing buildings and through mature trees and hedges. However, this would not significantly affect the understanding of the asset or its heritage value.</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>Standard mitigation measures to reduce noise and vibration during construction would reduce the temporary impact on the setting of both scheduled monuments. Details of these standard measures are provided in Section 12.10 of Chapter 12: Noise and Vibration [APP-079], of the Environmental Statement. The use of road surfacing with better noise reducing properties than conventional low noise road surfacing, retention of mature hedgerows, and landscape planting once mature (as shown on sheets 11 and 18 of the Environmental Masterplan [APP-087, APP-088]) will reduce the impact on the setting of both scheduled monuments during operation of the proposed scheme.</p> <p>The applicant is content that the mitigation measures proposed in Chapter 7: Cultural heritage [APP-074] and Appendix 7.9: Cultural heritage impact assessment summary tables [APP-117], of the Environmental Statement, and applied during construction through the REAC [APP-185] are adequate. The Applicant has consulted Historic England regularly during development of the proposed scheme. The Applicant is aware that Historic England proposes to submit a detailed written representation and will respond in due course once it has been received.</p>
11.04	Question to: 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?
	The Applicant's Response	Paragraph 7.5.19 in Environmental Statement Chapter 7: Cultural heritage [APP-074] notes that only those significant residual impacts which are assessed as being either large or very large, using the DMRB LA 104 methodology, would be considered to

ExQ1	Question to/Response by:	Question/Answer:
		<p>equate to 'substantial harm' within the definition provided in the National Planning Policy Framework (NPPF). This is because the planning practice guidance supporting the NPPF (Ministry of Housing, Communities and Local Government, 2019) defines 'substantial harm' as being a 'high test' which may not arise in many cases.</p> <p>No large or very large adverse residual effects were identified in Appendix 7.9: Cultural heritage impact assessment summary tables [APP-117]. The Applicant is content with the assessments presented in Chapter 7: Cultural Heritage [APP-074] and Appendix 7.9: Cultural heritage impact assessment summary tables [APP-117]. Where moderate adverse significant effects have been identified during construction or operation of the proposed scheme, the Applicant is content that they can be adequately mitigated by the measures proposed in Chapter 7: Cultural heritage [APP-074] and Appendix 7.10: Archaeological mitigation strategy [APP-118].</p>
11.05	Question to: 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?
	The Applicant's Response	The measures outlined in the Archaeological Mitigation Strategy [APP-118], including those relating to public engagement, publication of the mitigation results, and archiving will be implemented through a Written Scheme of Investigation prepared in response to commitment CH2 of the first iteration Environmental Management Plan, Appendix A: Register of Environmental Actions and Commitments [APP-185].
12. Landscape and Visual		

ExQ1	Question to/Response by:	Question/Answer:
120.1		No questions at this stage
	The Applicant's Response	N/A
13. Land use		
130.1	Question to: 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.
	The Applicant's Response	<p>A 2nd revision of the of the Outline Construction Traffic Management Plan (OCTMP) [APP-272] will be provided for Deadline 2. Table 8.1 OCTMP [APP-272] has been updated with approximate durations of any routes that have been temporarily suspended or temporarily diverted.</p> <p>Each Public Right of Way (ProW) has been assessed on a case-by-case basis to minimise impacts on users of these routes.</p>
130.2	Question to: 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?
	The Applicant's Response	The approach to the design of the proposed scheme has been to provide cycling facilities that are segregated from the road via dedicated bridges for walking,

ExQ1	Question to/Response by:	Question/Answer:
		<p>wheeling and riding where wherever practicable. This is consistent with design to comply with current design standards and guidance, including Local Transport Note 1/20, so far as practicable given the constraints. The Walking, Cycling and Horse-riding improvements we are proposing include approximately 30km of new and enhanced facilities including bringing 3.5km of the existing Local Road network facilities up to LTN 1/20 compliance.</p> <p>There is a substantial proposed improvement in walking and cycling routes in this location. There are no connecting bridleways to justify addition of a bridleway route but Essex County Council could undertake new or altered Rights of Way in future. All cycle tracks on the proposed scheme would also accommodate pedestrians.</p> <p>The proposed walking-cycling routes provide substantial improvements for users travelling between Hatfield Peverel and Witham, for utility trips (education; employment; shop and services) and for leisure use. They include:</p> <ul style="list-style-type: none"> - Segregated off-road walking/cycling route on the north side via Wellington Bridge at the toe of the embankment of J21 (quieter than at road level) - Additional pedestrian-only route at road level for the small number of users travelling between Witham and the kennels and the adjacent Public Footpath. - Segregated footway cycleway on the south side of J21 between Hatfield Peverel and the kennels and adjacent Public Footpath. <p>With regard to whether the Applicant has considered a replacement link across the proposed route of the A12, this has been considered, but with the changes in road layout, the potential use of Woodend Bridge would be very low indeed, and replacing</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>that structure – which must be removed to accommodate widening of the A12 – could therefore not be justified, given the continuous segregated route on the north side.</p> <p>The proposed continuous segregated cycling and walking route between Witham and Hatfield Peverel via Wellington Bridge accommodates all users that would currently use Woodend Bridge. The additional route on the other side of A12, via the pond access track and bypassing the eastern roundabout, accommodates those travelling between Hatfield Peverel and Latneys kennels and the adjacent Public Footpath. These routes together accommodate all users currently using Woodend Bridge with the only exception of those travelling between Witham and the Latneys kennels. The number of cyclists travelling that route to a single destination is likely to be extremely low and not sufficient to justify a replacement of Woodend Bridge or the provision of a segregated cycle route on the J21 overbridge and connections each side. That route would require crossing of multiple links and any users not sufficiently confident to ride on the road – with its 30mph environment – could cycle via Wellington Bridge and the eastern access track to Latneys kennels. This is a longer diversion but considered reasonable in light of extremely low potential cyclist use.</p> <p>These changes represent substantial betterment of routes compared to the existing provision alongside the A12, which do not meet the criteria set out in Local Transport Note 1/20, of being Coherent; Direct; Safe; Comfortable and Attractive. They also reduce severance between previously severed routes where no routes existed, or routes were narrow paths immediately adjacent to high-speed slip roads for example.</p>
13.0.3	Question to: The Applicant	Are any works proposed to the River Ter Bridge and, if so, will this cause any interruption to the PROW?

ExQ1	Question to/Response by:	Question/Answer:
	The Applicant's Response	<p>Activities to River Ter Bridge include the demolition and reconstruction of the parapets, reconstruction of verges and central reserve, resurfacing of the road. Currently there are two bridge decks that also need to be stitched together.</p> <p>Please refer to Table 8.1 of the Outline Construction Traffic Management Plan [APP-272] for the PRowS and WCH temporary diversion/ closure schedule. PRow 90 (Footpath 34) is the footpath that runs beneath River Ter Bridge. Temporarily suspension of PRow 90 (Footpath 34) would be required to safely segregate members of the public whilst the hydro demolition and reconstruction of River Ter Bridge parapets is undertaken. This temporary suspension would be approximately for a period of 3 – 6 months. The other work activities mentioned above are not foreseen to have an impact on PRow 90 (Footpath 34).</p>
13.04	Question to: The Applicant	<p>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?</p>
	The Applicant's Response	<p>The Applicant has acknowledged comments regarding improvements to the existing 2-way cycle/footway paths where the existing A12 is to be de-trunked raised by The Ramblers – Essex Area (RR-004), and has responded at Deadline 1 as part of the Applicant's Response to Relevant Representations Revision 2 [REP-002].</p> <p>In summary, the proposed scheme will deliver improvements to many parts of the existing walking, cycling and horse-riding network, as well as providing new connections along the length of the scheme. For the section of the scheme which is proposed to be de-trunked, new cycling and walking facilities will be provided around the new junction 22, as well as at the new access points provided by the scheme,</p>

ExQ1	Question to/Response by:	Question/Answer:
		such as the Rivenhall End west roundabout, the new B1024 Link Road and the new Easthorpe Road roundabout. All of the walking and cycling proposals put forward as part of the proposed scheme are shown on the Streets, Rights of Way and Access Plans [AS-027 and AS-028]. Further measures that could be delivered outside of the proposed scheme have not yet been determined, although discussions have taken place with Essex County Council who would be the adopting highway authority for those highway elements.
13.0.5	Question to: 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?
	The Applicant's Response	<p>The Applicant has acknowledged the request from Colchester Cycling Campaign regarding visualisation of the cycling improvements proposed by the scheme (RR-213) and has responded at Deadline 1 as part of the Applicant's Response to Relevant Representations Revision 2 [REP1-002].</p> <p>In summary, the proposed scheme's cycling improvements are shown on the Streets, Rights of Way and Access Plans Parts 1-2 [AS-027, AS-028], which are scaled and presented in accordance with the requirements set out in The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.</p>
13.0.6	Question to: 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?
	The Applicant's Response	The Applicant has acknowledged the Essex Local Access Forum's concerns regarding accessibility of pedestrian routes for disabled users (RR-026) and has

ExQ1	Question to/Response by:	Question/Answer:
		<p>responded at Deadline 1 as part of the Applicant's Response to Relevant Representations Revision 2 [REP-002].</p> <p>It is intended that pedestrian routes will be designed in accordance with the Department for Transport Inclusive Mobility Guide to Best Practice on Access to Pedestrian and Transport Infrastructure.</p> <p>There are a limited number of existing pedestrian routes which are not suitable for disabled users, for which the Applicant is proposing to make minor amendments to. In these cases, the Applicant will consider the onward route provided by the existing route. Where the Applicant's works would be of no purpose because the unsuitable nature of the existing route outside of order limits, the new provision may not be in accordance with the aforementioned guidance.</p>
13.0.7	Question to: 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 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?
	The Applicant's Response	<p>The Applicant has been collaborating with TCE and TCE's initial concept proposals have been taken account of – please see response to EXQ1 6.0.7.</p> <p>The Applicant does not believe policy LLP21 is compromised by the Applicant's proposed scheme.</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>The improved A12 mainline and the access routes via Threshelfords Bridge and Prested Hall Overbridge are all located outside the areas within policy LLP21 for development and within highway or land allocated for Suitable Alternative Natural Green Space. Bridges over the improved A12 will provide access to land retained by TCE that is proposed to form Suitable Alternative Natural Green Space.</p> <p>Discussions between the parties continue.</p>
14. Material assets and waste		
14.0.1	Question to: 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?
	The Applicant's Response	N/A
14.0.2	Question to: 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?
	The Applicant's Response	N/A
14.0.3	Question to: 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.
	The Applicant's Response	N/A

ExQ1	Question to/Response by:	Question/Answer:
14.04	Question to: 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.
	The Applicant's Response	<p>Following discussions with Brice Aggregates Limited (BAL) three applications (ESS/36/21/BTE, ESS/51/21/BTE & ESS/98/21/BTE) were submitted to address proposed changes to the approved mineral extraction schemes at the existing quarry that arises as a direct consequence of the implementation of the proposed scheme.</p> <p>The proposed scheme will impact on the operation of Colemans Farm Quarry ("the quarry") and the Applicant has engaged with BAL to understand the extent of that impact and how it can be minimised. In particular the proposed scheme alignment crosses the western section of the quarry and will need to fill the void created by material extraction. Ongoing discussions have identified a revised programme of extraction works (to that consented) which will enable an accelerated mineral extraction activity at the quarry and its subsequent infill, in advance of the construction of the proposed scheme, and continued extraction during and after the completion of the works.</p> <p>The outcome of these discussions resulted in the submission of the forementioned three planning applications to enable the early extraction of material of economic value (western extension only) in the line of the proposed scheme and replacement of the material with arisings from the quarry site and the wider local market.</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>All three applications are scheduled for determination at Essex County Council's next planning committee in February 2023, so the position on whether permission has been granted should be known before the close of the examination. The Applicant will keep the Examining Authority informed of Essex County Council's progress in determining these applications during the course of the examination. Updates will also be provided through the submission of Statements of Common Ground with BAL. The most recent Statement of Common Ground with BAL has been submitted at Deadline 2 [TR010060/EXAM/8.8].</p>
14.05	<p>Question to: The Applicant</p>	<p>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?</p>
	<p>The Applicant's Response</p>	<p>The existing Colemans Quarry processing plant is within the proposed scheme's Order limits and forms part of the new Junction 22, so will need to be relocated.</p> <p>The Applicant has been engaging with Brice Aggregates Ltd (BAL) to agree the relocation of the processing plant and minimise impacts on BAL and their operations, as far as reasonably practicable.</p> <p>It is not considered necessary to address the relocation of the processing plant through the dDCO. This will be dealt with through the commercial arrangements being negotiated between the parties outside and in advance of the dDCO process with the aim of ensuring continuity of business operations for BAL</p> <p>Thus, with this in mind, the Applicant and BAL have been holding regular monthly meetings since January 2022 and Heads of Terms for relocation of the processing plant were sent to BAL by the Applicant in November 2022. The Applicant met with BAL on 17th January 2023, where BAL advised they hope to respond to the Heads of terms in February 2023.</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>Regarding the planning status, the Applicant and BAL acknowledge that waiting for the DCO to be granted to then take powers to move the plant would cause disruption to BAL business and unnecessary delays to the construction of the A12 as Junction 22 is within the critical path and increase costs to both BAL and National Highways. To mitigate this, the strategy is to work with BAL to relocate the plant prior to Start of Works.</p> <p>The timetable as BAL indicated at the meeting on 17th January 2023, is that they will submit a planning application (with National Highways' support for the plant relocation) to the County minerals planning authority shortly. The application is anticipated to be submitted by the middle of February 2023.</p>
14.06	Question to: 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.
	The Applicant's Response	<p>Reference to Essex County Council's (2021) Net Zero: Making Essex Carbon Neutral was included in Chapter 11: Material Assets and Waste, of the Environmental Statement [APP-078] alongside a number of other statutory and good practice guidance documents that are also relevant to this aspect.</p> <p>The following recommendations in the Net Zero: Making Essex Carbon Neutral plan predominately apply to household and commercial waste that is collected by Essex County Council (the Waste Disposal Authority) and the twelve Essex city, district, and borough councils (the Waste Collection Authorities) as part of fulfilling their statutory duties:</p>

ExQ1	Question to/Response by:	Question/Answer:
		<ul style="list-style-type: none"> • By 2025: systems are in place so all biodegradable waste in the county is put to beneficial use through composting, recycling or energy generation. • By 2030: at least 70% of the waste the council collects is reused, recycled, or composted. • By 2030: Essex should commit to send zero waste to landfill sites. <p>These recommendations generally exclude waste that is collected and managed by private sector companies, and which is therefore excluded from household and local authority collected municipal waste statistics. As such, these recommendations do not directly apply to the construction of the proposed scheme. Nevertheless, the Principal Contractor would instead be obligated to deliver the Applicant's waste recovery targets as standard mitigation during the construction of the proposed scheme (between 2024 and 2027).</p> <p>The Applicant's waste recovery targets have been secured through commitment MW3 (Site Waste Management Plan) in the Register of Environmental Actions and Commitments (REAC), within the first iteration Environmental Management Plan [APP-185]. The Applicant's targets are also mandated by way of paragraphs L2.4 and L.2.5 of the first iteration Environmental Management Plan – Appendix L: Site Waste Management Plan [APP-196], which state that:</p> <ul style="list-style-type: none"> • The environmental assessment of the proposed scheme is based on the proposed scheme achieving certain performance standards with respect to the use of recycled and secondary aggregates and the recovery of non-hazardous construction and demolition waste.

ExQ1	Question to/Response by:	Question/Answer:
		<ul style="list-style-type: none"> • In order to achieve these performance standards, the Principal Contractor would adopt the following key performance indicators (KPIs) for the proposed scheme and would record the necessary data to confirm compliance with these KPIs: • Recovery of at least 70% (by weight) of non-hazardous construction and demolition waste with the aim to achieve recovery of 90% (by weight). Materials would either be recovered within the Order Limits boundary or within the wider East of England region to offset the use of primary construction materials and support a circular economy. This target excludes naturally occurring soil and stone material falling within code 17 05 04 in the Hazardous Waste (Miscellaneous Amendments) Regulations 2015 (as amended). <p>These waste recovery targets, which are also set out in the Applicant's response to Inspectorate's Question ExQ1 14.0.10, are supportive of the first two recommendations set by Essex County Council for managing its own waste (i.e. household and commercial waste that is collected by Essex County Council). While the Applicant has not committed to sending zero waste to landfill sites, the date for this action to be achieved by Essex County Council post-dates the opening year (2027) of the proposed scheme by circa three years. The prevailing targets for the construction sector, as set out in Table 11.5 of Chapter 11: Material Assets and Waste [APP-078], are instead based on eliminating all but hazardous construction and demolition waste entering landfill by 2040, and working towards the ambition of eliminating avoidable waste in the construction sector by 2050. Both of these dates significantly post-date the opening of the proposed scheme.</p>

ExQ1	Question to/Response by:	Question/Answer:
14.0.7	Question to: 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 is industry standard approach?
	The Applicant's Response	<p>Paragraph 11.6.7 of the Environmental Statement Chapter 11: Material assets and waste [APP-078] explains the reasons why a 15% contingency uplift has been applied to all material and waste quantities. This uplift aimed to account for any additional material and wastes quantities not accounted for in the Bill of Quantities (BoQ) that was prepared, by the Principal Contractor in 2021, for the preliminary design stage of the proposed scheme, to support the environmental assessment for this aspect. A BoQ is a document that is prepared to a standard methodology by a quantity surveyor or cost consultant, with construction information provided by the design team, that is used to quantify and cost construction works. A BoQ also contains a schedule of the types and quantities of materials arising from, and required for, constructing a given development.</p> <p>Specifically, this uplift allowed for any potential changes between the preliminary (specimen) design and construction of the proposed scheme, and was used to cover those material and waste quantities associated with the utilities diversions, gas main diversion and other exclusions, and which were not accounted for in the BoQ. While the use of a contingency uplift is not a prescribed industry standard approach in environmental impact assessment, 10% to 15% is commonly used for construction cost contingency purposes. On the basis that materials and waste quantities are positively correlated to construction costs, the higher figure was selected in order to provide a reasonable worst-case assessment scenario for the proposed scheme.</p>
14.0.8	Question to:	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</i>

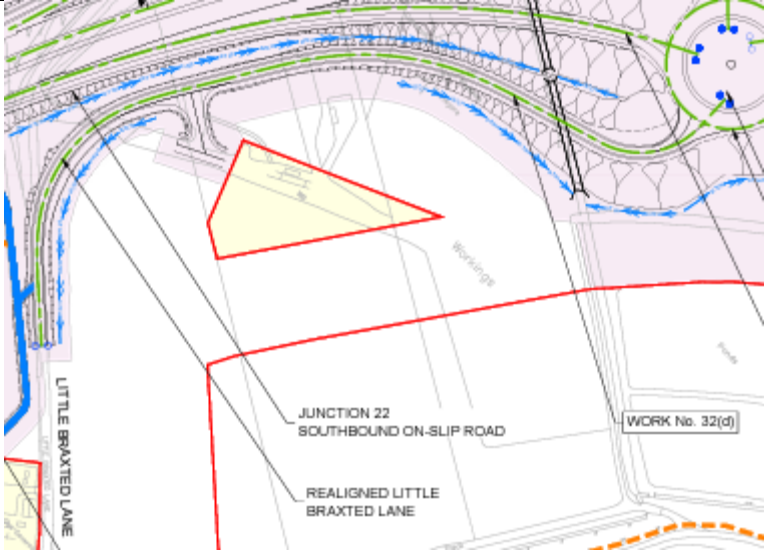
ExQ1	Question to/Response by:	Question/Answer:
	The Applicant	<i>needing to be sourced from the borrow pits or additional excavation waste being transported offsite, such changes are unlikely to affect the predicted levels of likely significant effects reported in this assessment</i> '. Please provide further explanation and justification for this statement.
	The Applicant's Response	As explained in the Applicant's response to the Inspectorate's Question ExQ1 14.0.7, a 15% contingency uplift has been applied to all material and waste quantities. This uplift aimed to account for any additional material and wastes quantities not accounted for in the available Bill of Quantities on which the assessment was based, and for any potential changes between the preliminary (specimen) design and construction of the proposed scheme. The assessment for this aspect, provided in Environmental Statement Chapter 11: Material Assets and Waste [APP-078], has therefore already considered the reasonable worst-case afforded by the proposed vertical limits of deviation. 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 changes would not affect the predicted levels of likely significant effects reported in the assessment, as the 15% contingency already allows for this.
14.0.9	Question to: 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?
	The Applicant's Response	'Partial sterilisation' means that the proposed scheme would only sterilise a small proportion (approximately 0.3% and 0.8% respectively) of the total safeguarded sand and gravel MSA (130,387ha) and brick clay MSA (197ha) in the county of Essex. This

ExQ1	Question to/Response by:	Question/Answer:
		is explained in paragraph 11.11.14 of Environmental Statement Chapter 11: Material assets and waste [APP-078], which describes it as a 'marginal loss'.
14.0.10	Question to: 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?
	The Applicant's Response	<p>Paragraph 11.10.15 (bullet 2, sub-bullet 4; and bullet 3, sub-bullet 2) of Environmental Statement Chapter 11: Material assets and waste [APP-078] explain that the Principal Contractor would be obligated to deliver the Applicant's recycled aggregate content and waste recovery targets as standard mitigation during the construction of the proposed scheme. These targets, which are mandated by the DMRB LA 110 Material Assets and Waste environmental assessment standard, are specified throughout Chapter 11, and are collated in Table 11.5 (other national policy requirements for material assets and waste) [APP-078].</p> <p>The adoption of the Applicant's recycled aggregate content and waste recovery targets have been respectively secured through commitments MW2 (Sustainable Procurement Plan) and MW3 (Site Waste Management Plan) in the Register of Environmental Actions and Commitments (REAC), within the first iteration Environmental Management Plan (APP-185). The Applicant's targets are also mandated by way of paragraphs L2.4 and L.2.5 of the first iteration Environmental Management Plan – Appendix L: Site Waste Management Plan [APP-196], which state that:</p>

ExQ1	Question to/Response by:	Question/Answer:
		<ul style="list-style-type: none"> • The environmental assessment of the proposed scheme is based on the proposed scheme achieving certain performance standards with respect to the use of recycled and secondary aggregates and the recovery of non-hazardous construction and demolition waste. • In order to achieve these performance standards, the Principal Contractor would adopt the following key performance indicators (KPIs) for the proposed scheme and would record the necessary data to confirm compliance with these KPIs: • At least 31% (by weight) of aggregates imported to site for use within the proposed scheme must comprise reused, secondary or recycled content at levels in line with the East of England regional guideline for aggregates provision 2005–20201 where available, for those applications where it is technically and economically feasible to substitute these alternatives to primary aggregates. Where primary aggregate materials are mandated within Design Manual for Roads and Bridges (DMRB) LA 110 Material Assets and Waste (Highways England, 2019) they are excluded from the target. This target excludes site-won borrow pit material and demolition materials. • Recovery of at least 70% (by weight) of non-hazardous construction and demolition waste with the aim to achieve recovery of 90% (by weight). Materials would either be recovered within the Order Limits boundary or within the wider East of England region to offset the use of primary construction materials and support a circular economy. This target excludes naturally

ExQ1	Question to/Response by:	Question/Answer:
		occurring soil and stone material falling within code 17 05 04 in the Hazardous Waste (Miscellaneous Amendments) Regulations 2015 (as amended).
14.0.11	Question to: 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.
	The Applicant's Response	<p>The approach by the Applicant to mitigate the development on the consented quarry has been to fully engage with Brice Aggregates Ltd (BAL) at an early stage in advance of the DCO. Since January 2020 both parties have met, originally quarterly, but since January 2022, monthly, on the following issues:</p> <ul style="list-style-type: none"> • Programming BAL works to ensure no conflict with the proposed scheme, ensuring the minerals can be extracted from the land within the Order Limits at junction 22 • Working jointly to ensure BAL can bring forward a proposal to the Local Authority to vary the current planning permission to ensure all minerals within the Order Limits can be extracted, thereby avoiding needless sterilisation • Providing a new access to the quarry as part of the proposed DCO scheme • Relocation of processing plant by BAL to mitigate impacts on the business and compensation due <p>On the extraction issue, the Applicant has discussed how BAL can extract the minerals within the Order Limits in advance of the junction 22 works. Both parties</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>have shared anticipated construction programmes and through monthly meetings and other discussions sought to understand where there might be timing issues and conflict with the proposed scheme. The Applicant has amended the construction programme where possible to accommodate the BAL minerals extraction. There is engagement on both sides to ensure the minerals sterilisation does not occur. The Applicant will continue to work with BAL on this issue as more detailed design develops.</p> <p>For the planning application, BAL own land outside the current consented mineral boundary (within the proposed scheme Order Limits) and are seeking to vary their current minerals planning permission in advance of the DCO. With the DCO programme in mind, BAL submitted a planning application, supported by National Highways, which was heard by Planning Committee on 27th January and was approved at the meeting.</p> <p>In terms of providing a new quarry access, provision has been made in the DCO for this to be provided (see Work no 32(d) in the screen shot below which is from Works Plans (Doc. Ref 2.2). This describes the construction of the realigned Little Braxted Lane to connect with the southern roundabout of J22 including an access to the quarry to the east of the existing A12. (Work number description is from the Statement of Reasons, Doc. Ref 4.1)</p>

ExQ1	Question to/Response by:	Question/Answer:
		 <p>The existing Colemans Quarry processing plant is within the proposed scheme's Order limits and forms is part of the new Junction 22, so will need to be relocated. It is not considered necessary to address the relocation of the processing plant through the dDCO. This will be dealt with through the commercial arrangements being negotiated between the parties outside and in advance of the dDCO process with the aim of ensuring the processing plant can be relocated before works commence for continuity of business operations for BAL. The Applicant Brice Aggregates Ltd (BAL) to agree the relocation of the processing plant and minimise impacts on BAL and their operations, as far as reasonably practicable. The Applicant and BAL have been holding regular monthly meetings since January 2022 and Heads of Terms for relocation of the processing plant were sent to BAL by the Applicant in November 2022. The Applicant met with BAL on 17th January 2023, where BAL advised that</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>they hope to respond to the Heads of terms in February 2023. If agreement can't be reached, then BAL have the option to hire in a batching plant to continue normal business operations and this cost will form part of their compensation claim.</p> <p>In terms of the planning the timetable as BAL indicated at the meeting on 17th January 2023, is that they will submit a planning application (with National Highways' support for the plant relocation) to the County minerals planning authority shortly. The application is anticipated to be submitted in the month of February 2023.</p>
15. Noise and Vibration		
15.01	Question to: 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.
	The Applicant's Response	N/A
15.02	Question to: 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?
	The Applicant's Response	N/A
15.03	Question to: 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	Question to/Response by:	Question/Answer:
	The Applicant's Response	N/A
15.04	Question to: 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?
	The Applicant's Response	<p>Without mitigation, significant adverse effects were identified at 222 dwellings alongside the A12 at Boreham. These significant adverse effects were primarily caused by a predicted increase in traffic speed on the A12, but also an increase in vehicle flow. The increases in noise at dwellings were between 1 and 1.2 dB(A), but with the absolute noise being above the Significant Observed Adverse Effect Level (SOAEL), these were deemed likely significant adverse effects in accordance with Table 3.60 of DMRB LA 111.</p> <p>When significant effects are identified, the first mitigation measures examined are to reduce the noise at source. The path of the noise is then next considered, followed by measures at the receiver. This mitigation hierarchy is described in paragraphs 12.10.1 to 12.10.4 of Chapter 12: Noise and vibration, of the Environmental Statement [APP-079].</p> <p>Removing the significant adverse effects through surfacing was therefore considered first. The surface of the A12 alongside Boreham is already a low noise surface, and so following the guidelines in DMRB LA 111 for noise modelling, no benefit in noise terms could be gained through re-surfacing with a conventional low noise surface. Using a surface with better noise reducing properties than a conventional low noise surface was therefore considered. Re-surfacing just one carriageway was first examined in order to retain as much of the relatively new existing surface as possible,</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>and this was found to be sufficient to remove the significant adverse effect at the dwellings, with changes in noise varying between negligible increase and negligible decreases (+/- 0 – 1dB(A)) with the surface with better noise reducing properties than a conventional low noise surface in place on one carriageway. Since this is predicted to reduce the noise level to the level it would be without the proposed scheme, this option was therefore taken forward by the Applicant.</p> <p>The provision of the surface with better noise reducing properties than a conventional low noise surface on both carriageways would deliver minor reductions in noise of between 1.8 and 2 dB(A) at those dwellings alongside the A12. Therefore, the provision of the surface on both carriageways would deliver a minor benefit (which is classed as a noise reduction between 1.0 to 2.9 dB(A)) compared with the identified mitigation which would have delivered negligible changes in noise. With the identified mitigation, all of the identified significant adverse effects would be removed, and this would be the same if both carriageways were resurfaced. The proposed scheme would therefore meet the first aim of paragraph 5.195 within the National Networks National Policy Statement by avoiding significant adverse impacts on health and quality of life from noise as a result of the new development.</p>
15.0.5	Question to: 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?
	The Applicant's Response	Without the identified mitigation measures in this area, the noise assessment predicted 250 receptors would have likely significant adverse effects within Boreham. Of these, 222 receptors were alongside the A12, with the majority to the south of the road. There were also 28 likely significant adverse effects identified at receptors

ExQ1	Question to/Response by:	Question/Answer:
		<p>alongside Main Road within Boreham. This response focuses on the 222 receptors along the A12. This is because the 28 significant adverse effects along Main Road are likely to remain with whatever option is considered for mitigating the noise from the A12, and mitigation is not feasible along Main Road, as described in paragraph 12.11.31 of Chapter 12: Noise and vibration, of the Environmental Statement [APP-079].</p> <p>Mitigation options were considered to remove the significant adverse effects at the 222 dwellings directly alongside the A12. As presented in paragraph 12.10.17 of Chapter 12: Noise and vibration, of the Environmental Statement [APP-079], the identified mitigation option was to resurface the southbound carriageway of the A12 with a surface with better noise reducing properties than a conventional low noise surface.</p> <p>The provision of noise barriers alongside the A12 at Boreham was discounted for the following reasons.</p> <ul style="list-style-type: none"> In accordance with the mitigation hierarchy outlined in paragraphs 12.10.1 to 12.10.4 of Chapter 12: Noise and vibration [APP-079], the first measure examined was to reduce the noise at source through the use of improved surfacing. The option of using improved surfacing was found to remove the identified significant adverse effects for receptors alongside the A12 without introducing the possibility of additional adverse effects on ecology or visual impacts which could occur with the installation of a noise barrier. Therefore, improved surfacing was taken forward within the scheme design and further options were not considered.

ExQ1	Question to/Response by:	Question/Answer:
		<ul style="list-style-type: none"> • As reported in paragraph 12.6.7 of Chapter 12: Noise and vibration [APP-079], there is already 250m of noise barrier at 2m in height present in this location. These existing noise barriers are already reducing the noise from the A12 for dwellings located behind them. • If new noise barriers were to be installed alongside the A12 at Boreham, the most efficient place for them to be located in terms of noise reduction would be at the top of the slight embankment and not directly alongside the A12. In order to install the noise barrier in this location, virtually all of the mature vegetation and other scrub would need to be removed. While variable in density and condition, the existing vegetation provides a visual barrier between the dwellings and the A12. The erection of a barrier could also affect trees within neighbouring land as it could impact on the roots and branches of those trees. Where roots are affected, trees may need to be removed on safety grounds to prevent them falling towards properties or the carriageway. The options for re-planting would be limited due to space and the need to access the noise barrier for maintenance. In addition, as a result of the vegetation being removed, there could also be a perceived increase in noise from local residents due to vehicles using the A12 now being visible from some dwellings. • By removing the vegetation, as mentioned above, there may also be adverse effects on biodiversity due to the removal of trees and scrub which could have detrimental effects on the fauna which would use these habitats, for example small mammals, reptiles and birds. <p>In addition to the reasoning above, the erection of a noise barrier in this location would likely have required temporary land acquisition for construction and permanent</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>land take for maintenance access, which would likely include acquisition of residents' back gardens.</p> <p>The mitigation that could be provided following the installation of a noise barrier in place of the identified mitigation have been examined:</p> <ul style="list-style-type: none"> • If a 2m high noise barrier were to be installed alongside the southbound carriageway of the A12 at Boreham there could be a reduction in noise at the closest dwellings of up to 3.5 dB(A). This compares to a reduction of around 2 dB(A) from the surfacing option. However, with the surfacing option all of the 222 identified significant adverse effects would be removed. With the noise barrier option, some of the 222 significant adverse effects would remain. The reason some significant adverse effects would remain despite a smaller reduction in noise through surfacing is that the efficiency of a noise barrier is reduced the further the dwelling is from the barrier, and there are some of the 222 dwellings that would not benefit sufficiently from the reduction in noise provided by a noise barrier. In addition, all of the dwellings to the north of the A12 along Waltham Road would remain as significant adverse effects with the installation of a noise barrier alongside the southbound carriageway. • A 3m high barrier could provide a reduction in noise of up to 6 dB(A); and • A 4m high barrier could provide a reduction in noise of up to 10 dB(A). • The 3m and 4m barrier options are likely to remove all significant adverse effects to the south of the A12 but those to the north of the A12 would remain.

ExQ1	Question to/Response by:	Question/Answer:
		<ul style="list-style-type: none"> The significant adverse effects along Main Road would remain with any noise barrier option. This is because the cause of the significant adverse effects at those 28 dwelling is primarily from traffic using Main Road and not the A12. <p>The quoted reductions in noise for each barrier height are for a dwelling in the optimal position of being very close to the barrier. At dwellings further from the barrier the reduction in noise would be less. At around 200m there would be no benefit from the noise barrier, whereas the surfacing, which reduces the noise at source, would provide a benefit throughout Boreham.</p> <p>As noted above, the installation of a barrier has the potential to result in additional adverse ecological and visual effects. The visual effects would likely be greater with a 2m noise barrier because views of the A12 and passing traffic would be greater with the likely loss of vegetation necessary to install the barrier. While a 4m barrier could be perceived as an intrusive feature in itself, a higher barrier would likely block more views of the A12 and passing traffic and would, on balance, cause lower visual effects than a 2m barrier. However, the visual effects could vary along the length of the barrier depending on relative levels between the carriageway and the location of the barrier and the size and extent of vegetation that needs to be cleared for installation and ongoing maintenance. A higher barrier, while screening more traffic, could also create a greater light and rain shadow that may make plant establishment more difficult even if space allows.</p>
15.0.6	Question to: 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

ExQ1	Question to/Response by:	Question/Answer:
	The Applicant's Response	<p>of this, identify where these locations are likely to occur and what specific mitigation options are proposed.</p> <p>Vibratory compaction for structures backfilling is where the area between a structure and the existing earthworks is backfilled and then compacted. When a structure is built, the concrete elements are constructed and permitted to cure. Once the concrete structure is cured, backfilling between the earthworks and the structure can take place. This will involve the movement and placement of suitable material, which is then compacted in layers to ensure that there is a continuous fill between the earthworks and structure. Such works involve the placement of materials, using road lorries or dump trucks together with excavators and potentially bulldozers. The vibratory compaction rollers are used to provide the required levels of compaction.</p> <p>Unlike for piling, there are no equations available to predict the vibration from vibratory compaction for structures backfilling. The assessment provided within Chapter 12: Noise and vibration, of the Environmental Statement [APP-079] has been based on professional judgement, taking into consideration where this activity is scheduled to be undertaken and where there are nearby dwellings.</p> <p>The locations where dwellings may be affected are set out in paragraph 12.9.29 of Chapter 12: Noise and vibration [APP-079]. These locations are:</p> <ul style="list-style-type: none"> • Receptors close to Bury Lane Bridge (BE06), Station Road Bridge (BE07) and Wellington Road Bridge (BE08) in Hatfield Peverel. • Receptors closest to Olivers Bridge (BE10) on Hodges Holt, Benton Close and Pantile Close.

ExQ1	Question to/Response by:	Question/Answer:
		<ul style="list-style-type: none"> • Receptors at the north-east end of Market Lane. <p>Please note that the bullet points that follow paragraph 12.9.29 of Chapter 12: Noise and vibration [APP-079] incorrectly refer to the activity causing these potential impacts as 'retaining wall piling' and/or 'structures piling'. This was an error and should read 'vibratory compaction for structures backfilling' for all three locations, as correctly introduced in paragraph 12.9.29.</p> <p>Mitigation measures to reduce the impact from vibratory compaction for structures backfilling are contained within paragraph K.6.10 of the first iteration Environmental Management Plan - Appendix K: Noise and Vibration Management Plan [APP-195]. These mitigation measures are:</p> <ul style="list-style-type: none"> • The appropriate selection of plant and method of works to minimise vibration as far as practicable, for example piling plant and rollers. During vibratory compaction for structures backfilling, a smaller roller can be selected in some situations that would generate less vibration. However, while this can reduce the level of vibration, it can also increase the length of time taken to complete the activity. • Consideration of low vibration working methods, including non-vibratory compaction plant where practicable. Low vibration working methods for vibratory compaction for structures backfilling could involve the way in which the plant roller is operated. The starting and stopping of such plant can often generate the highest levels of vibration, and so undertaking these activities at the furthest point from receptors would help to reduce the level of vibration. • To limit potential building damage or disturbance to residents, the use of compaction techniques other than vibratory compaction will be investigated for

ExQ1	Question to/Response by:	Question/Answer:
		<p>use within 10m of buildings. Alternative methods to vibratory compaction could be through the use of a dead-weight non-vibratory roller or the use of dead-weight compaction. However, both these methods can increase both the time taken to complete an activity and the noise generated, as larger items of plant would be required to complete the activity.</p>
15.0.7	<p>Question to: The Applicant</p>	<p>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.</p>
	<p>The Applicant's Response</p>	<p>The two closures are unrelated in terms of diversion routes. Those referred to in paragraph 12.11.22 of Environmental Statement Chapter 12: Noise and Vibration [APP-079] are closures of local roads within Hatfield Peverel and are required for the bridge works. These would have local diversion routes within Hatfield Peverel. These are detailed within Section 4.4 of the Outline Construction Traffic Management Plan (OCTMP) [APP-272] and shown in Appendix A: Proposed Diversion Routes Part 2, of the OCTMP [APP-274].</p> <p>The closures referred to in paragraph 12.11.23 of Chapter 12 [APP-079] are in relation to where the A12 is either fully or partially closed. Such closures would be required as, due to the existing dual two lane configuration of the A12 (and in particular when narrow lanes are introduced to enable contraflow or other traffic arrangements) the closure of a single lane will generally not provide a safe working area for construction operatives to work. In many cases it would therefore be necessary to close a carriageway to safely carry out works.</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>In these situations, traffic using the A12 would be diverted along the strategic diversion route as described in paragraph 12.9.35 of Chapter 12 and within Section 4.3 of the OCTMP [APP-272]. The strategic diversion route is shown in Appendix A: Proposed Diversion Routes Parts 1 and 2, sheets 1 to 11 of the OCTMP [APP-273, APP-274].</p> <p>To avoid A12 traffic diverting through local communities the strategic diversion route would be implemented between junction 19 and junction 25. This would mean that even for a localised element of works on the carriageway the A12 would be closed, except for local traffic, from junction 19 to junction 25 or vice-versa, and hence the expected number of carriageway closures of the A12 overnight.</p> <p>The use of the strategic diversion route would be for closures along the entire route of the proposed scheme and not just the A12 past Hatfield Peverel. Within the first iteration Environmental Management Plan - Appendix A: Register of Environmental Actions and Commitments [APP-185] there is a commitment (NV8) to attempt to reduce the number of closures of the A12.</p>
15.0.8	Question to: 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]?
	The Applicant's Response	The significant noise effects at 28 dwellings along Main Road are caused by an increase in traffic along Main Road. This increase in traffic is due to the proposed closure of Junction 20a. Paragraph 2.9.4 in Chapter 2: The proposed scheme, of the

ExQ1	Question to/Response by:	Question/Answer:
		<p>Environmental Statement [APP-069] summarises the reason for the change in traffic flows as follows.</p> <p>Following the closure of the junction 20a access onto the A12 towards Chelmsford, most traffic which previously used this access would instead join the A12 at the new junction 21. However, some traffic is predicted to travel instead along Main Road and use A12 junction 19 due to the southbound closure of junction 20a. The majority of this traffic is predicted to be from the west side of Hatfield Peverel. This would result in an increase in traffic on Main Road next to A12 junction 19 in Boreham of around 180 vehicles per hour (vph) to some 718 vph in the AM peak hour in the opening year 2027 compared with the without scheme scenario. Traffic in the PM peak would reduce by around 90 vph to 551 vph compared with the without scheme scenario.</p> <p>Further information on the analysis of alternative ways to reopen junction 20a can be found in Appendix B of the Applicant's Response to Relevant Representations [REP1-002].</p>
15.0.9	<p>Question to: The Applicant</p> <p>The Applicant's Response</p>	<p>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.</p> <p>Noise monitoring once the proposed scheme is open could be used for two purposes. The first of these would be to compare the actual measured noise levels with those predicted in order to examine the accuracy of the noise modelling. The second would be to check that mitigation measures are performing as they should. However, the use of post completion measurements is not considered to be necessary for the following reasons.</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>The assessment completed for the Environmental Statement, set out in Chapter 12: Noise and vibration [APP-079], is based on annual average conditions with and without the proposed scheme to ensure a like for like comparison. This assessment methodology is based on calculated road traffic noise levels. Ambient noise levels are not constant and vary on a day-to-day basis depending on factors such as traffic and weather conditions. To account for the varying nature of environmental noise, any monitoring would need to be for a long period of time which is often cost prohibitive compared to the information gathered. Any noise measurement captured as part of the monitoring could also include contributions from sources such as people, agriculture activities, and rail. There is also an element of uncertainty with noise measurements due to such factors as equipment performance and the training of the operator. For these reasons, the comparison of a measured noise level with that predicted is considered to provide an unreliable indication of the accuracy of the noise modelling exercise.</p> <p>As such, Section 4.2 of the Design Manual for Roads and Bridges (DMRB) LA 111 states that routine operational noise monitoring is not necessary because it cannot provide a reliable gauge for whether the predicted magnitude and extent of operational adverse impacts are greater or less than noise predicted in the Environmental Statement.</p> <p>Checking that mitigation measures will perform as they should is best undertaken prior to or during installation. This would be undertaken through checks on the performance specification sheets of the products being supplied and on-site checks during installation. This way any defects can be identified early while there is still time to change, and any costly rectification is avoided. The product performance</p>

ExQ1	Question to/Response by:	Question/Answer:
		specification of operational mitigation measures (e.g. low noise surfacing, noise barriers) would be confirmed at the detailed design stage to ensure the chosen product used meets the performance assumed in the noise assessment.
16. Socio Economic Effects		
16.0.1	Question to: 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?
	The Applicant's Response	<p>The Applicant is aware that the issue of land sterilisation has been raised in a number of Relevant Representations. These Representations have been responded to at Deadline 1 in Applicant's Response to Relevant Representations revision 2 [REP1-002].</p> <p>As part of the development of the proposed scheme, the Applicant undertook a review of planning permissions, planning applications and development plan site allocations for sites within the Order Limits and the immediate surrounding area. This is in accordance with the Department for Transport (DfT) Transport Analysis Guidance (TAG M4) for developments that should be considered within the scheme. The impacts of the proposed scheme on existing and proposed development and associated mitigation measures is detailed in Case for the Scheme Section 8.13 [APP-249].</p> <p>The Applicant maintained a register of committed schemes to ensure that land with potential development that accords with the National Networks National Policy</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>Statement (NNNPS), is considered sustainable, and falls within the DfT TAG M4 guidance, was considered in the scheme design.</p> <p>Refer to Appendix A of the Combined Modelling and Appraisal Report Appendix C: Transport Forecasting Package report [APP-264] for information on the uncertain developments considered in the scheme. Land parcels with potential development were avoided where possible, and where impacts occur the Applicant has maintained dialogue with the land owner to minimise the sterilisation of land. Examples of this include, but are not limited to, the Crown Land Estate, Countryside Zest (Woodend Farm Witham and Beaulieu Park), Bellways (Bury Lane Hatfield Peverel), Aquila and Eastways Business Park and Churchmanor, Gooding and Witten (Gershwin Boulevard Business Area).</p> <p>The chosen route, Route 2 as described in the Case for the Scheme [APP-249], is largely online within the existing A12 corridor with offline sections between junctions 22 and 23 and junctions 24 and 25. Where the proposed route is offline, the new alignment is close to and parallel to the existing alignment, thereby minimising impacts on land as much as possible. This route was selected based on a combination of many factors including consultation responses, value for money, health and safety, environmental impacts, and alignment with scheme objectives. This is explained in more detail in the Case for the Scheme Section 3 [APP-249]. Additionally, Route 2, with the closure of junctions 20a and J20b, and the proposed bypasses between junctions 22 and junction 23, and junctions 24 and 25 is the option with the lowest land take that wasn't dismissed due to not meeting the Road Investment Strategy (RIS) objectives.</p>

ExQ1	Question to/Response by:	Question/Answer:
		Throughout the development of the proposed scheme the Applicant has considered certain and uncertain developments and minimised land sterilisation where possible. Engagement with impacted landowners is ongoing and will continue through the detail design phase.
16.02	Question to: 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 the widely fluctuating level of fuel costs over the past 18 months and the resultant impact on tax revenues.
	The Applicant's Response	<p>There have been no updates to the economic appraisal of the scheme since the submission of the DCO application.</p> <p>The economic appraisal uses economic parameters supplied in the Department for Transport's Transport Analysis Guidance (TAG). This includes parameters such as fuel costs, tax rates and proportions of petrol/diesel/electric vehicles on the roads.</p> <p>The monetised benefits of the proposed scheme – including the impact on tax revenues – are calculated for a 60 year period, starting in the expected opening year of 2027. Therefore rather than just looking over the past 18 months, the economic parameters supplied in TAG are based on longer term predictions of the future.</p> <p>TAG release updates to these parameters once or twice per year. The economic appraisal used the most recent set of parameters at the time it was undertaken.</p>

ExQ1	Question to/Response by:	Question/Answer:
		When the proposed scheme's Business Case is updated ahead of its final funding approval, the economic appraisal will be updated to use the latest economic parameters available at that time.
16.0.3	Question to: 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?
	The Applicant's Response	<p>The Applicant has been liaising with the emergency services, and their input, especially on traffic management is welcomed and ongoing. Paragraph 5.12.4 of the Outline Construction Traffic Management Plan (OCTMP) [APP-272] states that the Applicant will work with key stakeholders such as the Police to agree speed limits to be imposed.</p> <p>The OCTMP [APP-272] requires several traffic management forums to be established. These will commence well ahead of the start of construction, to ensure that the views of stakeholders can be accommodated within the design of traffic management schemes. The emergency services are a key stakeholder in many of these forums.</p> <p>The Applicant has also chaired an in person combined emergency service meeting, which included:</p> <ul style="list-style-type: none"> • Essex Police • Essex Fire & Rescue • East of England Ambulance Service

ExQ1	Question to/Response by:	Question/Answer:
		<ul style="list-style-type: none"> • Acute and primary care NHS representatives <p>To mitigate impacts of road closures on the A12 on the emergency services, the Applicant proposes the following as detailed in paragraph 4.1.4 of the OCTMP [APP-272]:</p> <p>4.1.4 Emergency service vehicles may use the A12 mainline within the proposed scheme Order Limits as the quickest route to respond to an emergency. The proposed scheme recognises that in the event of a closure of the A12 mainline it may not be practical for the emergency services to follow the signed diversion. Where practical, the proposed scheme will permit emergency services to travel through a road closure of the A12 mainline, where it is safe to do so. For certain construction activities this may not be possible, for example, during the demolition of a bridge. During off-peak and weekend closures where it would not be possible for emergency service vehicles to travel through a section of the A12 mainline, this would be communicated at least five working days in advance. A suitable diversion for emergency services would be agreed that would ensure minimal impact to the emergency services undertaking their duties.</p> <p>To facilitate emergency access and maintain emergency response times within Hatfield Peverel, the Applicant has proposed the following mitigation measures in table 5.1 of the OCTMP [APP-272]:</p> <ul style="list-style-type: none"> • Permitted use of a temporary route between Bury Farm and Hatfield Grove Estates,

ExQ1	Question to/Response by:	Question/Answer:
		<ul style="list-style-type: none"> • Permitted use of the temporary link between the temporary car park and Station Road, Hatfield Peverel • The use of the signed diversion. <p>Section 3.1 of the OCTMP [APP-272] details how the Applicant would communicate closures and diversions, and states that notification would be given as early as possible with a minimum of 5 working days. However, it should be noted for more significant closures, such as the closure of Station Road, Hatfield Peverel increased notification will be given, and in many cases, this will be accompanied by a communications strategy to ensure stakeholders are appropriately informed with sufficient time to make suitable plans.</p> <p>Emergency services would also be provided with contact details to notify the team monitoring the ANPR barrier prior to the emergency services arriving, to mitigate against any delay, where possible.</p>
16.04	Question to: 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?
	The Applicant's Response	<p>During construction works the Applicant would endeavour to maintain access to the car boot sale as far as reasonably practicable.</p> <p>A second revision of the Outline Construction Management Plan (OCTMP) [APP-272] will published at Deadline 2 which will include the below mitigation measures.</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>The proposed mitigation would be:</p> <ul style="list-style-type: none"> • The Interested Party would have a dedicated point of contact to raise any issues with. • The Applicant would look to minimise weekend and bank holiday working where practicable. • Where practicable the car boot sale and construction traffic would use separate access roads into the land plot to keep interface to a minimum. • In situations when the car boot sale would be accessing the southern side of the car boot sale there would be a managed crossing demarked by signage to indicate the safe crossing points. • Appropriate fencing would be erected to segregate the public from the car boot sale and the construction areas • The existing access to the highway will not be closed and will be available to the market operators and customers post construction. • The Applicant will work closely with the landowner to mitigate any impacts on the car boot sale during construction.
16.05	<p>Question to: The Applicant</p>	<p>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?</p>

ExQ1	Question to/Response by:	Question/Answer:
	The Applicant's Response	<p>The Applicant has sought to provide access to retained land where this is possible and will look to provide access where practicable, whilst taking in to account the need for exclusive possession in the interest of safe construction practices.</p> <p>Where it is possible to provide access to island sites during construction without compromising health and safety then provision of access to the affected party's land will be offered.</p> <p>If, however, there is severed land then the provisions of the compensation code will apply, or, if the severance is temporary, the compensation provisions in Article 40 of the draft Order will apply.</p> <p>The Applicant will continue to look for opportunities, through detailed design to refine its land requirements and will continue to liaise with affected owners. Where opportunities do arise for improving or preserving access to severed land, these will be explored by the Applicant in collaboration with the Interested Parties.</p>
16.0.6	Question to: 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?
	The Applicant's Response	The Applicant seeks temporary access only over the Interested Party's land (plots 1/10f and 1/10g as shown on Sheet 1 of 21 of the Land Plans [AS-009]) to enable access to construct Work No. U2 and U2A only as shown on Sheet 1 of 21 on Works Plans Utility Diversions [APP-003]. Only construction vehicles associated with these

ExQ1	Question to/Response by:	Question/Answer:
		<p>works would be permitted to travel through these land plots and would only transit through the plot to access the worksite.</p> <p>Alternative access route options were considered such as from the A12 however, the vertical difference between the A12 and work area made this impractical. The localised A12 in this area is on a vertical embankment. To bring in vehicles from A12 would require a much greater impact on an existing bund and vegetation on the bund. Access was also considered to the north of the gas compound however there is also a large bund making access impractical also.</p> <p>Accessing the work site through the existing Cadent Above Ground Installation (AGI) would not be feasible as the existing access road has high-pressure pipework traversing under it at shallow depths in multiple locations. There is also shallow ducting for electrical cables and flow and return water piping. In its current state, Cadent can only accept light vehicular access through the AGI for sporadic maintenance purposes.</p> <p>The Applicant has been in discussion with the interested party and has proposed the following measures to reduce the impacts to the business which can be found in paragraph 2.2.8 of the Outline Construction Traffic Management Plan Revision 2 [APP-272] which will be submitted for Deadline 2.</p> <ul style="list-style-type: none"> · The order limits have been designed not to encroach on any of the parking bays within the limits of land plot 1/10f. The powers sought will be solely for access only, and no construction vehicles related to the proposed scheme would park or obstruct this area. The Applicant would not take exclusive possession of the area · Liaison with the freehold owner and tenants will occur well in advance of the works commencing to ensure adequate time is given for any

ExQ1	Question to/Response by:	Question/Answer:
		<p>arrangements that may be required. A direct point of contact would be provided from the Community Liaison Team as detailed in Section 3 of the Outline Construction Traffic Management Plan [App-272].</p> <ul style="list-style-type: none"> Those controlling construction vehicles associated with the proposed scheme would be told to not park on the local road network or obstruct any businesses within the vicinity of the works.
16.0.7	Question to: 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?
	The Applicant's Response	<p>The Applicant has been collaborating with The Crown Estate (TCE) and TCE's initial concept proposals have been taken account of in the following areas:</p> <p>At Feering East Junction design (15/1c). The Applicant has advised TCE it would require a detailed design by May 2024. The Applicant understands that TCE has been in discussion with Essex County Council and Braintree District Council over an alternative signalised junction which is still at an early stage. A signalised junction design is preferred to a roundabout as it will be easier to adapt to the new Prested Hall access road.</p> <p>At Threshelfords Bridge there are changes being considered involving the bridge demolition and associated site and materials storage area and a possible footpath realignment with associated vegetation clearance. (Land Plan plot nos 14/5c, 14/12a, 15/7a, 15/8a, 15/8b, 15/8c, 15/1a, 15/1b),</p>

ExQ1	Question to/Response by:	Question/Answer:
		<p>On land located to the east of the A12, there are ongoing discussions on land take and access to the attenuation pond at Land Plan plot nos 15/8d, 14/5d, 14/5e, 14/5f, 15/8e, 15/8f. The Applicant has proposed the realignment of an access road to provide access to TCE's retained land and the farming tenant.</p> <p>To the North of the London Road, revisions to the siting of foul sewer, Vodafone and Virgin Media, cycleway enhancements and road realignments are being considered (plots 15/8g, 15/8h, 15/8i and 15/8j).</p> <p>As for Heads of Terms, drafts have been exchanged and the Applicant has been working through design modifications to accommodate TCE's emerging design concepts. Both parties have been working through issues and designs on a plot-by-plot basis.</p> <p>A draft Statement of Common Ground is also being prepared to be submitted at deadline 2.</p>
16.0.8	Question to: 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?
	The Applicant's Response	The Applicant has held discussions with the petrol station representatives to discuss their concerns regarding the proposed scheme in detail and if signage on the new A12 is possible. Further signage along the A12 referring to service stations will be discussed during detailed design when the signage strategy is developed.

ExQ1	Question to/Response by:	Question/Answer:
		The Applicant does not envisage any material interruptions to the relevant businesses during construction.
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 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.
	The Applicant's Response	N/A
18. Water Environment		
18.01	Question to: 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.
	The Applicant's Response	N/A
18.02	Question to: 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	Question to/Response by:	Question/Answer:
	The Applicant's Response	N/A

Appendix A – Additional Information for ExQ1 7.0.2

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
1	Air quality	Dust arising from the construction works	Environmental Statement Appendix 5.2: Gas main diversion screening assessment [APP-097]	Table 2.1 - row 1	There are residential receptors located adjacent to Maldon Road and Pantile Close, on Wickham Hill, adjacent to Ishams Chase (south-east of the A12), and in Witham (north-west of the A12) that could be impacted by dust arising from the construction works to undertake the gas main diversion. However, in accordance with relevant environmental laws and best practice, standard dust suppression techniques would be used during construction to minimise potential impacts
2	Air quality	Emissions from construction traffic	Environmental Statement Appendix 5.2: Gas main diversion screening assessment [APP-097]	Table 2.1 - row 1	Emissions from construction traffic are unlikely to be significant as the duration of works for the gas main diversion would be less than two years.
3	Air quality	Operation traffic	Environmental Statement Appendix 5.2: Gas main diversion screening assessment [APP-097]	Table 2.1 - row 1	The gas main diversion would not influence operational traffic, and therefore there would be no air emissions generated during operation or maintenance.
4	Air quality	Air quality scope	Environmental Statement Chapter 6 Air quality [APP-073]	6.5.12	As the gas main diversion works are contained within the Order Limits, the scope of the construction dust assessment and construction traffic remains as described in the Environmental Scoping Report. The sensitivity of the receiving environment has been appraised with respect to the Order Limits and the wider air quality study area.
5	Cultural heritage	Archaeological remains	Environmental Statement Appendix 5.2: Gas main diversion screening assessment [APP-097]	Table 2.1 - row 2	Construction of the gas main diversion would result in removal of archaeological remains associated with three non-designated archaeological sites assessed to be of negligible value. Standard mitigation would ensure any impacts would be of slight significance.

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
6	Cultural heritage	Archaeological remains	Environmental Statement Chapter 7 Cultural Heritage [APP-074]	7.9.4 and 7.11.2	<p>Construction of the proposed gas main diversion would result in removal of archaeological remains associated with non-designated archaeological sites.</p> <p>No significant effects have been identified from the gas main diversion. Nonsignificant effects associated with these works are included in the Impact Assessment Summary Tables in Appendix 7.9 of the Environmental Statement [TR010060/APP/6.3].</p>
7	Cultural heritage	East of Olivers farm, cropmarks 1 (Asset no. 277)	Environmental Statement Appendix 7.9 Cultural heritage impact assessment summary tables [APP-117]	Page 15 - Asset 277	The Cadent gas main diversion would remove archaeological remains associated with a 30m wide corridor through the centre of this asset. No mitigation proposed. Significance of residual effect - Slight adverse.
8	Cultural heritage	The Witham to Maldon railway line (Asset no. 345)	Environmental Statement Appendix 7.9 Cultural heritage impact assessment summary tables [APP-117]	Page 20 - Asset 345	The Cadent gas main diversion would remove archaeological remains associated with a small section of this asset south of the existing A12. The history and method of construction of this asset are well understood, and therefore no mitigation is proposed. Significance of residual effect - Slight adverse.
9	Cultural heritage	Cropmarks S of Little Braxted (Asset no. 349)	Environmental Statement Appendix 7.9 Cultural heritage impact assessment summary tables [APP-117]	Page 21 - Asset 349	Construction of the Cadent gas main diversion would remove archaeological remains associated with a small area at the south-western corner of this heritage asset. Mitigation includes trial trenching; Strip Map and Sample, the need for and extent of which will be informed by archaeological trial trenching. Significance of residual effect - Neutral.

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
10	Landscape and visual	Changes to the pattern of the low-lying Blackwater River Valley landscape	Environmental Statement Appendix 5.2: Gas main diversion screening assessment [APP-097]	Table 2.1 - row 3	The gas main diversion would present changes to the pattern of the low-lying Blackwater River Valley landscape as a result of loss of vegetation, including woodland and characteristic willow plantations along the River Blackwater, vegetation on the western side of Benton Hall Golf and Country Club and within part of the Blackwater Rail Trail Country Park south of Blue Mills Hill. The gas main diversion easement would restrict the capacity to plant trees, resulting in residual change to the character of the valley, although mitigation planting would be accommodated in accordance with Cadent's standards and specifications.
11	Landscape and visual	Loss of vegetation opening up views from PRow and Blackwater River Valley	Environmental Statement Appendix 5.2: Gas main diversion screening assessment [APP-097]	Table 2.1 - row 3	Loss of vegetation within the Blackwater River Valley, including willow plantation, would be noticeable from a public right of way (PRow) north of Ishams Chase, and would be perceived through vegetation from residential property at the northern end of Ishams Chase, as well as from the gardens at Glen Chantry which were formerly open to the public. Loss of vegetation would open up views across the Blackwater River Valley towards the A12. Mitigation planting would help to reinstate the character of the view from the PRow and from residential property.
12	Landscape and visual	L VIA assumption	Environmental Statement Chapter 8 Landscape and visual [APP-075]	8.6.13	Vegetation loss and retention is based on the information presented on the Retained and Removed Vegetation Plans [TR010060/APP/2.14]. To assume a worst case, all trees at risk of removal have been assumed lost within this LVIA, except in relation to the gas main diversion. While the Retained and Removed Vegetation Plans [TR010060/APP/2.14] illustrate trees at risk within the full extent of the lateral limits of deviation (for the gas main diversion), this LVIA assumes vegetation loss would be restricted to a 30m corridor.

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
13	Landscape and visual	LVIA assumption	Environmental Statement Chapter 8 Landscape and visual [APP-075]	8.6.19	It has been assumed that a 30m wide corridor of vegetation removal would be required along the centreline of the gas main diversion. As presented within the Register of Environmental Actions and Commitments (REAC), which is appended to the first iteration Environmental Management Plan (EMP) [TR010060/APP/6.5], replanting along the easement of the gas main diversion would be carried out in accordance with the utility company's guidance and best practice standards.
14	Landscape and visual	LVIA assumption	Environmental Statement Chapter 8 Landscape and visual [APP-075]	8.6.20	Only summer photography was captured for representative viewpoints 34 and 35 as presented on Figure 8.4 [TR010060/APP/6.2] because the alignment of the gas main diversion was not available at the time the winter surveys were carried out. Professional judgement has been used to consider the landscape and visual effects that would be caused by the gas main diversion where it would not run alongside the A12 corridor during winter.
15	Landscape and visual	Viewpoints	Environmental Statement Chapter 8 Landscape and visual [APP-075]	8.8.27 - last bullet point	Additional representative viewpoints 34 and 35 have been incorporated since the PEIR to assess the gas main diversion where it would not run alongside the A12 corridor.
16	Landscape and visual	Potential impacts	Environmental Statement Chapter 8 Landscape and visual [APP-075]	8.9.1	Utility diversions – The gas main diversion would potentially affect local LCA A9 Blackwater River Valley and landscape sub-area A9A during construction.
17	Landscape and visual	Potential impacts	Environmental Statement Chapter 8 Landscape and visual [APP-075]	8.9.5	There would potentially be operational impacts on local LCA A9 Blackwater River Valley and landscape sub-area A9A resulting from the gas main diversion due to restrictions on replanting over the easement.

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
18	Landscape and visual	Gas main mitigation	Environmental Statement Chapter 8 Landscape and visual Register of Environmental Actions and Commitments (REAC)	8.10.6 - bullet point 14 REAC LV13	Routes of final utility diversions and the gas main diversion and methods of construction to be refined to retain as much existing vegetation as practicable, in particular mature vegetation and woodland.
19	Landscape and visual	Gas main mitigation	Environmental Statement Chapter 8 Landscape and visual [APP-075] Environmental Statement Chapter 9 Biodiversity [APP-076] Register of Environmental Actions and Commitments (REAC) [APP-185]	8.10.6 - bullet point 15 9.10.23 - bullet point 5 REAC LV14	Replanting along the easement of the gas main diversion would be carried out in accordance with utility company's guidance and best practice standards. Where woodland vegetation is lost and trees cannot be replaced in situ due to the restrictions of utility easements, native shrub planting would be used in line with the relevant utility company's guidance. Where tree lines and tree belts are lost and cannot be replaced due to the restrictions of utility easements, native hedgerow planting would be used in line with the relevant utility company's guidance.
20	Landscape and visual	Gas main mitigation	Environmental Statement Chapter 8 Landscape and visual [APP-075] Environmental Statement Chapter 9 Biodiversity [APP-076] Register of Environmental Actions and Commitments (REAC) [APP-185]	8.10.6 - bullet point 16 9.10.23 - bullet point 6 REAC LV15	Working width for the installation of the gas main diversion would be reduced as far as reasonably practicable through woodland and where the gas main diversion crosses through hedgerow field boundaries. All main river crossing(s) would be installed using trenchless techniques, such as horizontal drilling. Directional drilling would be considered where practicable.
21	Landscape and visual	Local LCA - A9 Blackwater River Valley and landscape sub area A9A	Environmental Statement Chapter 8 Landscape and visual [APP-075]	8.11.21	Loss of distinctive willow plantation within the Blackwater River Valley relevant to the gas main diversion would affect the character of the landscape. The presence of uncharacteristic elements within these local LCAs as described above would cause significant damage to the existing landscape character during operation in year 1.

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
22	Landscape and visual	Summary of residual effects - Local LCA - Landscape sub area A9A	Environmental Statement Chapter 8 Landscape and visual [APP-075]	Table 8.16 - Receptor: Local LCA landscape sub-area A9A	The gas main diversion easement would restrict the capacity to plant trees, including on the embankment west and southwest of Whetmead Local Nature Reserve, within the Blackwater Rail Trail Country Park and where woodland and willow plantation would be lost within the River Blackwater Valley, resulting in residual change to the character of the landscape. Mitigation planting would include woodland planting of trees and shrubs along the widened A12 east of Witham and intermittent trees and shrubs on the southern embankment of the A12 where it runs through the Blackwater River Valley. Moderate adverse (significant) effect.
23	Landscape and visual	Local LCA - A9 Blackwater River Valley	Environmental Statement Appendix 8.2 Landscape effects schedule [APP-120]	Page 3	Construction of a very small part of the gas main diversion would affect a localised part of an arable field south of Witham, but excavation would be located within the context of wider construction activity associated with the proposed scheme.

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
24	Landscape and visual	Local LCA - Landscape sub area A9A	Environmental Statement Appendix 8.2 Landscape effects schedule [APP-120]	Page 5	<p>Construction - disruption to the landscape pattern of the low-lying valley landscape. The gas main diversion would require removal of woodland and characteristic willow plantation along the River Blackwater, removal of trees and shrubs within and along the western edge of Benton Hall Golf & Country Club and within the Blackwater Rail Trail Country Park south of Blue Mills Hill.</p> <p>Year 1 - changes to the pattern of the low-lying valley landscape as a result of loss of woodland and characteristic willow plantations along the River Blackwater. Loss of vegetation associated with the gas main diversion on the western side of Benton Hall Golf & Country Club and within the Blackwater Rail Trail Country Park south of Blue Mills Hill would also affect the character of the country park in this location.</p> <p>Year 15 - the gas main diversion easement would restrict the capacity to plant trees on the embankment west and south-west of Whetmead Local Nature Reserve. However, lost vegetation would be replaced with woodland planting of trees and shrubs along the embankment where practicable and natural regeneration of scrub, which would help to integrate the widened section of the highway corridor back into the landscape. The gas main diversion easement would also restrict the capacity to reinstate woodland and willow plantation within the River Blackwater Valley, trees within Benton Hall Golf & Country Club and the Blackwater Rail Trail Country Park, resulting in residual change to the character of the landscape.</p>

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
25	Landscape and visual	8. Representative view north-east along Blackwater Rail Trail Country Park	Environmental Statement Appendix 8.3 Visual effects schedule [APP-121]	Page 12	Construction - Close to the existing A12 crossing in winter there would also be glimpsed views of construction activity associated with part of the gas main diversion, including removal of highway planting and a section of a hedgerow between field boundaries, and excavation, where the gas main diversion would run along the southern side of the existing A12 corridor, between the road embankment and the haul road.
26	Landscape and visual	34. Representative view north-west	Environmental Statement Appendix 8.3 Visual effects schedule [APP-121]	Pages 41 and 42	<p>Construction - to the west there would be views of construction activity associated with part of the gas main diversion, east of the haul road. Removal of some trees and shrubs within Benton Hall Golf & Country Club, would also be visible from the footpath.</p> <p>Year 15 - The gas main diversion easement would restrict the capacity to reinstate trees south of the existing A12, north of the viewpoint, and at Benton Hall Golf & Country Club. Although mitigation planting would be accommodated in accordance with the utility company's guidance and best practice standards, residual loss of some trees would be perceived. Establishment of mitigation planting on the embankment where practicable within the gas main diversion easement would help to filter views of the widened A12 corridor and the new gantry. Mitigation planting would help to reinstate the character of the view, which is already influenced by the existing highway infrastructure. Overall, a very small part of the proposed scheme would be discernible.</p>
27	Landscape and visual	35. Representative view north from PRow 268_23	Environmental Statement Appendix 8.3 Visual effects schedule [APP-121]	Pages 42 and 43	Construction - removal of vegetation within the Blackwater River Valley, excavation and construction lighting for the gas main diversion would be clearly visible from the footpath, while filtered views through intervening garden vegetation would be available from the residential property south-east of the viewpoint, as well as from the gardens at Glen Chantry which were formerly open to the public. In association with the gas main diversion, construction works would become the dominant feature of the

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
					<p>view from the footpath and a noticeable feature from the residential property south-east of the viewpoint. The significance of effect would be large adverse rather than very large adverse for users of the PRow because of the restricted scale of the construction activities, and large adverse rather than moderate adverse for residents within private properties because of the proximity to the construction activities.</p> <p>Year 1 - Loss of vegetation at the edge of the woodland to the north-west of the viewpoint, in association with the gas main diversion, would be noticeable from the footpath, and perceived through intervening garden vegetation from the residential property and gardens south-east of the viewpoint. Loss of vegetation would open up views across the Blackwater River Valley towards the A12, where loss of willow plantation west of the River Blackwater would also be perceived from the footpath. The significance of effect would be moderate adverse rather than large adverse for users of the PRow and slight adverse rather than moderate adverse for residents within private properties because effects would be related to loss of vegetation rather than the introduction of new structures.</p> <p>Year 15 - The gas main diversion easement would restrict the capacity to reinstate woodland west of the footpath and willow trees within the Blackwater River Valley. However, establishment of mitigation planting within the gas main diversion easement would help to reinstate the character of the view of the Blackwater River Valley from the footpath and from the residential property and gardens south-east of the viewpoint. Loss of willow trees west of the River Blackwater would be barely noticeable from the viewpoint because the plantation is situated west of woodland and mitigation planting that would have established along the Blackwater River Valley. The significance of effect for users of the PRow would be slight adverse rather than moderate adverse</p>

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
					because effects would be related to loss of vegetation rather than the introduction of new structures.
28	Biodiversity	Designated ecology sites	Environmental Statement Appendix 5.2: Gas main diversion screening assessment [APP-097]	Table 2.1 - row 4	There would be no impacts to designated ecology sites from the gas main diversion. The gas main would be diverted around Whetmead Local Nature Reserve (LNR) and Local Wildlife Site (LWS), avoiding impacts to this site.
29	Biodiversity	Priority habitats	Environmental Statement Appendix 5.2: Gas main diversion screening assessment [APP-097]	Table 2.1 - row 4	<p>The gas main diversion would impact areas of lowland mixed deciduous woodland (a priority habitat) south of Blue Mills Hill and broadleaved plantation woodland north of Whetmead LNR and LWS. There is also potential for impacts to arable field margins and hedgerows, both of which are also priority habitats. Habitats along the gas main diversion would be reinstated as far as practicable. Where it would not be permissible to plant mature trees and scrub over the new easement, planting would be accommodated in accordance with Cadent's standards and specifications.</p> <p>Chapter 9: Biodiversity, of the Environmental Statement [TR010060/APP/6.1] concludes no likely significant effects on lowland mixed deciduous woodland, as there would be more woodland planted than lost throughout the wider proposed scheme. Whilst this is not assessed in relation to the gas main diversion in isolation and is based on a cumulative assessment of the entire proposed scheme, it is clear from the conclusion of no likely significant effects that any biodiversity impacts arising from the gas main diversion in isolation would also be compensated for.</p>
30	Biodiversity	River Blackwater	Environmental Statement Appendix 5.2: Gas main diversion screening assessment [APP-097]	Table 2.1 - row 4	Impacts to the reedbed along the River Blackwater would be avoided as trenchless crossing techniques (such as directional drilling) would be used for Main River crossings.

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
31	Biodiversity	Protected and notable species	Environmental Statement Appendix 5.2: Gas main diversion screening assessment [APP-097]	Table 2.1 - row 4	There is potential for the gas main diversion to impact protected and notable species which may be present in habitats within the footprint of the construction area, including: common reptiles (grass snakes, common lizard and slow worm), breeding birds, bats, badgers, otter and water vole and species of principle importance such as polecat, brown hare, common toad and hedgehog. In addition, there is potential for impacts on dormice due to connectivity of hedgerows east of the River Blackwater with Chantry Wood, Mope Wood, Grove Wood and Sparkey Wood. Surveys are ongoing in 2022 to determine presence or likely absence of dormice. If dormouse are identified as present, any potential impacts would be sufficiently mitigated for through standard mitigation techniques (such as timing of works and supervision by an Ecological Clerk of Works), thus avoiding any impacts.
32	Biodiversity	Dormouse - scope	Environmental Statement Chapter 9 Biodiversity [APP-076]	9.5.3	While dormouse has been scoped out with regard to the main works of the proposed scheme, surveys are ongoing with regard to the gas main diversion and therefore dormouse has been scoped in for the gas main diversion pending the results of field surveys in 2022.

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
33	Biodiversity	Gas main dormouse mitigation	Environmental Statement Chapter 9: Biodiversity [APP-076] Register of Environmental Actions and Commitments (REAC) [APP-185]	9.10.67 to 9.10.71 REAC BI33	<p>Dormouse surveys would be undertaken to assess habitats associated with the proposed gas main diversion. Should the surveys to the east of the River Blackwater identify dormouse presence within the footprint of the proposed gas main diversion, additional mitigation for dormouse would include the following measures:</p> <ul style="list-style-type: none"> • A European Protected Species Mitigation licence would be obtained from Natural England which would agree the specific mitigation approach. • Timing of clearance of vegetation with the potential to support dormouse (e.g. vegetation which is suitable in terms of quality and is connected to habitats to the east of the River Blackwater known to support dormouse) to avoid sensitive periods, for example removal of the roots and stumps of trees within hedgerows would not be undertaken during the hibernation season. • Removal of vegetation would be undertaken under the supervision of a licensed ecologist. • Where removal of hedgerows cannot be avoided, dead hedging would be installed upon completion of works in each section of hedgerow to maximise connectivity, and replacement hedgerow shrubs would be planted in the next planting season. Dead hedging would be left in situ until new planting has sufficiently matured.

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
34	Biodiversity	Dormouse	9.2 Supplementary Dormouse Survey Report [AS-036]	1.1.3 to 1.1.8	<p>The report presents an evaluation on the presence/likely absence of hazel dormice based on field surveys for the gas main diversion undertaken in 2022. It presents the policy and legislative context within which the Environmental Impact Assessment (EIA) process is being carried out.</p> <p>The study area for hazel dormice was defined as the area within the construction boundary for the gas main diversion and a 250m buffer.</p> <p>Habitat suitability assessments in 2022 identified ten hedgerows/woodlands with sub-optimal or optimal hazel dormouse habitat within the study area. These areas were subjected to further survey work. Nest tube surveys were subsequently carried out to identify the presence or likely absence of hazel dormice in the study area. Hazel dormice were surveyed following species best practice guidance from Bright et al. (2006).</p> <p>No records of hazel dormice were returned from the desk study which included a 2km radius of the study area. No hazel dormice were found during the 2022 gas main diversion surveys. The probability index score for the nest tube surveys undertaken across the area was 40, which was higher than the minimum required score of 20 (Bright et al. 2006).</p> <p>No additional hazel dormice were identified within the habitats surveyed during the field surveys detailed in this report. Therefore, it is assessed that dormice are likely to be absent from the Order Limits. As a result, the proposed mitigation for hazel dormice outlined in Chapter 9 Biodiversity of the ES [TR010060/APP/6.1] would not be required. In addition, the assessment of effects on dormice is changed from 'slight adverse' during construction and 'neutral' during operation' to 'no effects' as there is no pathway to impact.</p>

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
35	Biodiversity	Surveys	Environmental Statement Chapter 9 Biodiversity [APP-076]	Table 9.7	Summary of surveys undertaken for the proposed scheme (including gas main diversion).
36	Biodiversity	Assumptions and limitations	Environmental Statement Chapter 9 Biodiversity [APP-076]	9.6.5 to 9.6.7	<p>The assessment presented in this chapter is based on the data available at the time of writing. At the time of assessment, field surveys for protected species in relation to Inworth Road and the gas main diversion are ongoing and include:</p> <ul style="list-style-type: none"> summer climbing and/or emergence/re-entry surveys of trees of moderate or higher bat roost potential along Inworth Road and the gas main diversion corridor (to be completed May to September 2022) dormouse surveys of the gas main diversion corridor (to be completed April to November 2022) <p>The absence of the above data is not considered a significant constraint to the assessments undertaken in this chapter. The majority of data will be used to refine mitigation proposals, and if further additional bat roosts are identified these would be mitigated for. Mitigation for additional roosts would be achievable within the Order Limits. If dormouse are identified as present, any potential impacts would be sufficiently mitigated for through standard mitigation techniques (see Section 9.10 of this chapter) and therefore impacts would not be significant (see Section 9.11 of this chapter).</p>
37	Biodiversity	Assumptions and limitations	Environmental Statement Chapter 9 Biodiversity [APP-076]	9.6.8 and 9.6.9	<p>Vegetation clearance to accommodate the gas main diversion would include clearance of all habitats within the 30m working width along the extent of the diversion.</p> <p>All Main River crossing(s) for the gas main diversion would be installed using trenchless techniques. These could be techniques such as horizontal directional drilling.</p>

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
38	Biodiversity	Assumptions and limitations	Environmental Statement Chapter 9 Biodiversity [APP-076]	9.6.14	To assume a worst case, all trees at risk of removal have been assumed as lost, except in relation to the gas main diversion. While the Retained and Removed Vegetation Plans [TR010060/APP/2.14] illustrate trees at risk within the full extent of the lateral limits of deviation (for the gas main diversion), this assessment assumes vegetation loss would be restricted to a 30m corridor.
39	Biodiversity	Priority habitats baseline	Environmental Statement Chapter 9 Biodiversity [APP-076]	9.8.18	Within a consultation response, Essex Wildlife Trust highlighted the presence of priority habitats including reedbed and wet woodland within the corridor of the Cadent gas main diversion. The woodland contains two very old black poplars <i>Populus nigra</i> estimated to be several hundred years old.
40	Biodiversity	Potential impacts on priority habitats	Environmental Statement Chapter 9 Biodiversity [APP-076]	9.9.3	There would also be temporary habitat losses associated with the gas main diversion.
41	Biodiversity	Potential impacts on protected and notable species	Environmental Statement Chapter 9 Biodiversity [APP-076]	9.9.8	During the construction phase, utilities and gas main diversion, site clearance, earthworks, excavations, watercourse realignments, extensions of existing culverts, creation of new culverts, and various other works could potentially result in mortality and injury of species. Significant effects could arise if protected or notable species are present within the Order Limits of the proposed scheme.
42	Biodiversity	Potential impacts on protected and notable species	Environmental Statement Chapter 9 Biodiversity [APP-076]	9.9.12	The gas main diversion has the potential to impact protected and notable species, including common reptiles (grass snakes, common lizard and slow worm), breeding birds, bats, badgers, otter and water vole and species of principal importance such as polecat, brown hare, common toad and hedgehog which may be present in habitats within the footprint of the construction area.

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
43	Biodiversity	Potential impacts on priority habitats	Environmental Statement Chapter 9 Biodiversity [APP-076]	9.9.14	The gas main diversion would impact areas of lowland mixed deciduous woodland (a priority habitat) south of Blue Mills Hill and broadleaved plantation woodland north of Whetmead LNR and LWS. There is also potential for impacts to arable field margins and hedgerows, both of which are also priority habitats.
44	Biodiversity	Potential impacts on protected and notable species	Environmental Statement Chapter 9 Biodiversity [APP-076]	9.9.15	The gas main diversion has the potential to impact on the aforementioned protected and notable species. In addition, there is potential for impacts on dormouse due to severance of connectivity of hedgerows between the gas main diversion and Chantry Wood, Mope Wood, Grove Wood and Sparkey Wood.
45	Biodiversity	Mitigation	Environmental Statement Chapter 9 Biodiversity [APP-076]	9.10.13	Where woodland vegetation is lost and trees cannot be replaced in situ due to the restrictions of utility easements, native shrub planting would be used as a replacement. Where tree lines and tree belts are lost and cannot be replaced in situ due to the restrictions of utility easements, native hedgerow planting would be used as a replacement. Replanting along the easement of the Cadent gas main diversion would be carried out in accordance with Cadent's standards and specifications presented within Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (The National Joint Utilities Group, 2007). As well as mitigating the loss of habitats themselves as part of construction of the proposed scheme, creation of new habitats would mitigate the loss of foraging, resting and commuting habitats for a variety of protected and notable species including bats, badger, brown hare, hedgehog, polecat, breeding and wintering birds, GCN, reptiles and terrestrial invertebrates.

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
46	Biodiversity	Brockwell Meadows LNR and LWS	Environmental Statement Chapter 9 Biodiversity [APP-076]	9.11.18	The sites are located upstream of the proposed scheme along the River Blackwater. Chapter 14: Road drainage and the water environment, of the Environmental Statement [TR010060/APP/6.1] identifies the potential for adverse impacts to the River Blackwater through changes in surface water quality through sediment pollution, pollution from polluting substances and accidental spillages and pollution from pipe-jacking from the gas main diversion. However, Chapter 14 assesses these as of negligible magnitude resulting in a slight adverse significance of effect. Impacts to the River Blackwater could potentially cause impacts to Brockwell Meadows LNR and LWS, although pollution is likely to be very diluted and so the level of impact would be negligible.
47	Biodiversity	Hedgerows	Environmental Statement Chapter 9 Biodiversity [APP-076]	9.11.87	There would be a loss of 15.81km of hedgerow. Of these, 3.86km are species rich, 0.43km are species-poor, and 10.76km are important. These numbers include losses of hedgerow associated with the gas main diversion.
48	Biodiversity	River Blackwater	Environmental Statement Chapter 9 Biodiversity [APP-076]	9.11.99	Impacts to the reedbed along the River Blackwater would be avoided as the Cadent gas main diversion would be directly drilled beneath the River Blackwater.
49	Biodiversity	Other habitats	Environmental Statement Chapter 9 Biodiversity [APP-076]	9.11.104	For the Cadent gas main diversion, vegetation loss has been assumed within the 30m working width (as described in Section 2.6 of Chapter 2: The proposed scheme [TR010060/APP/6.1]). It is assumed there would be limitations on replanting trees within the gas main easement after construction is complete.
50	Biodiversity	Other habitats	Environmental Statement Chapter 9 Biodiversity [APP-076]	9.11.105	Temporary habitat losses would occur as a result of utilities diversions including the gas main diversion, vehicle haul roads, soil storage areas, borrow pits and construction compounds.

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
51	Biodiversity	Dormouse	Environmental Statement Chapter 9 Biodiversity [APP-076]	9.11.191	Construction of the gas main diversion could result in mortality of dormice if present within hedgerows to the east of the River Blackwater. However, standard mitigation (as detailed in Section 9.10 of this chapter), such as timing of works and supervision by an ECoW, would avoid this impact.
52	Biodiversity	Dormouse	Environmental Statement Chapter 9 Biodiversity [APP-076]	9.11.337	No pathways to impacts for dormouse during operation have been identified. If dormice are present within hedgerows to the east of the River Blackwater, habitat fragmentation impacts would only occur for the duration of construction of the gas main diversion, and habitat connectivity would be restored through mitigation before the operational phase.
53	Geology and soils	Agricultural Land Classification	Environmental Statement Appendix 5.2: Gas main diversion screening assessment [APP-097]	Table 2.1 - row 5	The gas main would be diverted through grade 2 and 3a agricultural land, as classified by the Agricultural Land Classification. The effect on agricultural land would be temporary during construction and would be restored prior to operation. Standard mitigation and best practice measures would be followed to allow for subsoil and topsoil to be returned in an order where it can still be used for agricultural purposes. There would therefore be no significant effects on agricultural land or the best and most versatile soils.
54	Geology and soils	Agricultural land	Environmental Statement Chapter 10 Geology and soils [APP-077]	10.9.6	For the gas main diversion, the effect on agricultural land would be temporary during construction and would be restored prior to operation.
55	Material assets and waste	Primary materials	Environmental Statement Appendix 5.2: Gas main diversion screening assessment [APP-097]	Table 2.1 - row 6	Constructing the gas main diversion would consume primary materials resulting in adverse effects on the environment through the depletion of non-renewable natural resources.

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
56	Material assets and waste	Mineral Safeguarding Area	Environmental Statement Appendix 5.2: Gas main diversion screening assessment [APP-097]	Table 2.1 - row 6	The gas main diversion would also intersect with an extensive Mineral Safeguarding Area for sand and gravel, resulting in approximately 7ha of mineral resource being sterilised. This would represent a marginal loss of the safeguarded sand and gravel resource (130,387ha).
57	Material assets and waste	Waste	Environmental Statement Appendix 5.2: Gas main diversion screening assessment [APP-097]	Table 2.1 - row 6	Constructing the gas main diversion would generate surplus materials and waste, leading to adverse effects on the available waste management infrastructure through permanently occupying landfill void capacity. Where practicable, the detailed design would look to reduce the consumption of primary materials, the unnecessary sterilisation of mineral resources, and the disposal of waste throughout the lifecycle of the gas main diversion. No operational effects are anticipated.
58	Material assets and waste	Mineral Safeguarding Area	Environmental Statement Chapter 11 Material assets and waste [APP-078]	11.5.11	Estimated degree of potential minerals sterilisation, calculated on a worst case basis, by determining the degree of intersection between the following...The 15m buffer (30m diameter) of the gas main diversion and sand and gravel MSA. There is no brick clay in the area of the gas main diversion.

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
59	Material assets and waste	Assumptions and limitations	Environmental Statement Chapter 11 Material assets and waste [APP-078]	9.6.6 and 9.6.7	The quantities of material assets and waste predicted for the proposed scheme and used in this assessment comprise preliminary estimates consistent with the Bill of Quantities (BoQ) produced in October 2021. Given that the estimated material required, and waste generated, may change between this assessment and eventual construction, a 15% uplift has been applied to all material and waste quantities. This uplift aims to account for additional material and waste quantities not accounted for in the current BoQ, and for any potential changes between the preliminary (specimen) design and construction of the proposed scheme. This uplift also covers those material and waste quantities associated with the utilities diversions, gas main diversion and other exclusions, and which are not accounted for in the current BoQ.
60	Material assets and waste	Future maintenance, renewal or improvement works beyond the opening year	Environmental Statement Chapter 11 Material assets and waste [APP-078]	11.9.19	While EN-1 (Department of Energy and Climate Change, 2011a) requires an assessment of the impact of the waste arising from energy developments on the capacity of waste management facilities to deal with other waste arising in the area for at least five years of operation, it has been assumed that no significant materials consumption or waste generation is likely to be realised during this period. It has also been assumed that any sterilisation impacts to mineral safeguarding sites would have been mitigated as far as practicable during the design and construction of the gas main diversion. Operational impacts have therefore been scoped out of the assessment on the basis that no likely significant effects would be realised.

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
61	Material assets and waste	Future maintenance, renewal or improvement works beyond the opening year	Environmental Statement Chapter 11 Material assets and waste [APP-078]	11.9.21	It is also assumed that the assessment of any environmental impacts and effects associated with material assets and waste during any large-scale future maintenance, renewal or improvement works beyond the opening year would be undertaken by National Highways East of England Asset Delivery Contractor(s) (or equivalent) in accordance with the requirements of DMRB LA 110 (or any future environmental assessment guidance specified by National Highways). It also assumes that the gas main operating company would be responsible for undertaking any future environmental assessment associated with maintaining the diverted gas main beyond the first five years of operation.
62	Material assets and waste	Sterilisation of mineral safeguarding sites	Environmental Statement Chapter 11 Material assets and waste [APP-078]	1.11.13	Any new permanent sterilisation is considered to be substantial by area in the context of the sand and gravel MSA and brick clay MSA in which the proposed scheme would be constructed (approximately 411ha and 2ha respectively). Of the 411ha of potentially impacted sand and gravel, the gas main diversion is likely to account for approximately 7ha of sterilisation. The brick clay MSA would not be impacted by the gas main diversion.
63	Noise and vibration	Noise impacts at residential properties	Environmental Statement Appendix 5.2: Gas main diversion screening assessment [APP-097]	Table 2.1 - row 7	There would be a temporary increase in noise at the rear of some houses on the east side of Maldon Road and along Pantile Close, and on the front of the few houses along Ishams Chase. The increase in noise would not be significant due to the nature of the work and the relatively short duration that the works would be in any single location. Noise levels would be below the significant observable adverse effect level.

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
64	Noise and vibration	Noise level from constructing gas main diversion	Environmental Statement Chapter 12 Noise and vibration [APP-079]	12.9.19 Table 12.19	<p>A summary of the potential construction impacts of the installation of the Cadent gas main diversion is given in Table 12.19. It is assumed for this assessment that works associated with this construction activity would occur only during the daytime. The selected receptors relate to the following:</p> <ul style="list-style-type: none"> • Cadent 1: The closest receptor along Pantile Close to the works - predicted construction noise level above LOAEL and below SOAEL • Cadent 2: Blue Mills, Blue Mills Hill - predicted construction noise level below LOAEL • Cadent 3: Glen Acres, Ishams Chase - predicted construction noise level below LOAEL
65	Noise and vibration	Noise level from constructing gas main diversion	Environmental Statement Chapter 12 Noise and vibration [APP-079]	12.9.20	None of the selected receptors are predicted to experience a noise level above the SOAEL, and so there are no possible likely significant adverse effects.

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
66	Population and human health	Disruption to access and amenities	Environmental Statement Appendix 5.2: Gas main diversion screening assessment [APP-097]	Table 2.1 - row 8	<p>There would be temporary disruption to access and amenity of three rights of way and the residential areas of Blue Mills Hill and Ishams Chase while the gas main is diverted. This would be a minor impact during construction, with no impact once diversion works are completed.</p> <p>There would be temporary land acquisition and disruption to access in affected agricultural landholdings. Permanent easement rights would also be required and there would be limitations on replanting of trees within the area subject to easement. No impact on the continued viability of these land uses is anticipated.</p> <p>There would be temporary land acquisition and disruption of access to the grounds of Benton Hall Golf Club and Country Club, with permanent easement rights also required. This would result in moderate disruption during the period of construction, but would not impact the viability of the business once operational.</p>
67	Population and human health	Health	Environmental Statement Appendix 5.2: Gas main diversion screening assessment [APP-097]	Table 2.1 - row 8	<p>No significant health effects from the gas main are anticipated. Construction effects from dust and noise would be managed through standard mitigation and good site practice. Operational effects are not anticipated as the gas main infrastructure would be underground.</p>
68	Population and human health	Community land and assets - Witham and Rivenhall End	Environmental Statement Chapter 13 Population and health [APP-080]	13.10.12	<p>...potential encroachment onto part of a golf course from the gas main diversion proposals.</p>
69	Population and human health	Development land and business - Witham and Rivenhall End	Environmental Statement Chapter 13 Population and health [APP-080]	13.10.18	<p>There is a planning application (planning ref: 19/01980/FUL) in place for a change of use for land at Benton Hall Golf Club to include 18 holiday caravans and other commercial leisure uses. There is potential for the gas main diversion to conflict with the development proposal for the Golf Club land. This may constrain layout options for the holiday caravan site.</p>

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
70	Population and human health	Community land and assets - operation	Environmental Statement Chapter 13 Population and health [APP-080]	13.10.42	There is potential for an easement associated with the gas main diversion to affect a golf course (see Table A.10 in Appendix 13.3). This would likely mean that on occasion, maintenance access may be required, resulting in some temporary disturbance of the existing community and recreational land uses of these assets. This is not expected to impact on the viability of the use of these assets over the long term and so is assessed to be of minor adverse magnitude and slight significance for the land use of these individual assets. Refer to Chapter 9: Biodiversity, of the Environmental Statement [TR010060/APP/6.1] for potential impacts on biodiversity function of the nature reserve. Overall, the operational effect of the proposed scheme on community land and assets is assessed to be neutral for all communities.
71	Population and human health	Access to greenspace and outdoor recreation	Environmental Statement Chapter 13 Population and health [APP-080]	13.18.36 - first bullet point	Proposals for borrow pit F, construction haul roads and the gas main diversion south and east of the A12 near Witham all have potential to adversely impact the visual amenity of greenspace and the PRoW network in this area.
72	Population and human health	Summary of residual effects - Community land and assets, Witham and Rivenhall End	Environmental Statement Chapter 13 Population and health [APP-080]	Table 13.31; Page 142	<p>... loss of access to Whetmead Nature Reserve as well as potential disturbance due to the gas main diversion proposals. Several impacts on access and minor encroachment on an area of informal green space and a golf course.</p> <p>Mitigation measures (i) Maintain access for users of community assets within and around works associated with the proposed scheme where physical land take of asset is not required (ii) Reinstate land temporarily acquired to its former use unless otherwise agreed with landowners (iii) Replace lost open space with equivalent or better quality. Significant of effect: Moderate adverse (significant) [note this is the effect of the proposed scheme as a whole, not just the gas main].</p>

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
73	Population and human health	Residential property (The Croft) on Maldon Road on the south-west side of Olivers Bridge, next to Essex Self Storage	Environmental Statement Appendix 13.3 Land use and accessibility assessment tables [APP-155]	Page 37	<p>Construction: Approximately 0.1ha within Order Limits and would be temporarily acquired for installation of gas pipeline diversion works. The area within the Order limits is at a corner of the plot. No impact on viability of residential land use is anticipated.</p> <p>Operation: Land would be returned to landowner but there would be permanent access rights for maintenance of the proposed gas pipeline.</p> <p>Magnitude of impact (with essential mitigation) - Negligible adverse (construction); Negligible adverse (operation)</p>
74	Population and human health	Benton Hall Golf & Country Club, Blue Mills Road, Witham	Environmental Statement Appendix 13.3 Land use and accessibility assessment tables [APP-155]	Page 44	<p>Construction: The gas main diversion would involve some of the land associated with this golf club, including parts of the golf course itself close to Blue Mills Hill, which may impact on its amenity and recreational use while the gas mains are being installed. Once installed it is anticipated the existing land use as a golf course can be maintained. No other impacts on this recreational asset are anticipated.</p> <p>Operation: Due to the gas main diversion, there may be an easement where occasional maintenance access is required. There would be potential for occasional temporary disruption to the recreational asset for gas main maintenance which may detract from recreational use on an occasional transient basis.</p> <p>Magnitude of impact (with essential mitigation) - Minor adverse (construction); Minor adverse (operation).</p>

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
75	Population and human health	Braintree planning application (ref: 19/01980/FUL)	Environmental Statement Appendix 13.3 Land use and accessibility assessment tables [APP-155]	Page 49	<p>Construction: Potential for a gas corridor to conflict with Benton Hall application site. Given the application is for holiday caravans and other leisure uses, there is potential for pipeline construction activities to disrupt business use. An easement associated with the pipeline may also constrain the proposed layout.</p> <p>Operation: There may be an easement where occasional maintenance access is required. There would be potential for occasional temporary disruption to the land use.</p> <p>Magnitude of impact (with essential mitigation) - Moderate adverse (construction); Minor adverse (operation)</p>
76	Population and human health	FP 121_101 (Witham) and FP 121_102 (Witham)	Environmental Statement Appendix 13.3 Land use and accessibility assessment tables [APP-155]	Page 52	<p>Operation: Approximately 150m of the route would be stopped up where it coincides with proposed earthworks for the widened A12 corridor, and a realigned route of a similar length provided to maintain connectivity for the public footpath. Approximately 400m of footpath would coincide with an area associated with the gas main diversion. Consequently, there may be an easement where occasional maintenance access is required. Potential for occasional temporary disruption to footpath for gas main maintenance.</p> <p>Magnitude of impact (with essential mitigation) - Negligible adverse</p>
77	Population and human health	FP 268_23 (Wickham Bishops)	Environmental Statement Appendix 13.3 Land use and accessibility assessment tables [APP-155]	Page 53	<p>Construction: Footpath meets Order Limits in location potentially disrupted by works to gas main diversion. However, it is considered likely that the pipeline diversion could be constructed without disruption to this public right of way.</p> <p>Operation: It is assumed that this footpath would not be impacted on by any easement associated with the gas pipeline diversion.</p> <p>Magnitude of impact (with essential mitigation) - No change (construction and operation)</p>

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
78	Population and human health	Agricultural landholding 7	Environmental Statement Appendix 13.3 Land use and accessibility assessment tables [APP-155]	Page 100	<p>Construction: Approximately 21.4 ha acquired during construction for haul routes, utility diversions, soil storage area and compound.</p> <p>Operation: Remaining land would remain functional post construction. Approximately 3.3ha of land (a field between Howbridge Road and Maldon Road) would be subject to permanent access rights relating to the gas main corridor. However, this is not likely to impact on routine use of agricultural land.</p> <p>Magnitude of impact (with essential mitigation) - Moderate adverse (construction and operation)</p>
79	Population and human health	Agricultural landholding 10	Environmental Statement Appendix 13.3 Land use and accessibility assessment tables [APP-155]	Page 102	<p>Construction: Approximately 12.6ha of land under arable production would be acquired during construction. Of this, 2.5ha would be permanently acquired for highway widening, while approximately 10.1ha would be temporarily impacted on by gas pipeline diversion</p> <p>Operation: The 2.5ha land permanently lost is confined to field margins so should not compromise tenability of fields. Temporarily acquired land would be returned to landowner but there would be permanent access rights for pipeline maintenance. Arable production could continue.</p> <p>Magnitude of impact (with essential mitigation) - Minor adverse (construction); Negligible adverse (operation)</p>
80	Population and human health	Agricultural landholding 11	Environmental Statement Appendix 13.3 Land use and accessibility assessment tables [APP-155]	Page 102	<p>Construction: Entire area of arable field (3.3ha) would be permanently acquired. Remaining woodland area would be temporarily acquired but with permanent rights of access due to the gas main diversion route.</p> <p>Operation: Entire area of arable production would be lost.</p> <p>Magnitude of impact (with essential mitigation) - Major adverse (construction and operation)</p>

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
81	Population and human health	Agricultural landholding 13	Environmental Statement Appendix 13.3 Land use and accessibility assessment tables [APP-155]	Page 104	<p>Construction: Approximately 2.1ha of one agricultural field would be temporarily acquired for a gas pipeline diversion. The land to be acquired involves the western side of the field, so theoretically the remaining 19ha of those agricultural fields could continue to be farmed. The area of land acquisition does include the main access from Ishams Chase. Therefore, there is a potential risk that the land would not be accessible to be farmed while gas pipeline diversion is underway.</p> <p>Operation: Land would be returned to landowner but there would be permanent access rights for pipeline maintenance.</p> <p>Magnitude of impact (with essential mitigation) - Minor adverse (construction); Negligible adverse (operation)</p>
82	Population and human health	Agricultural landholding 14	Environmental Statement Appendix 13.3 Land use and accessibility assessment tables [APP-155]	Page 105	<p>Construction: Up to approximately 6.8ha would potentially be temporarily acquired for gas pipeline diversion. This would be a wide strip through the western portions of two fields. A further 0.1ha between proposed pipeline corridor and River Blackwater is likely to be inaccessible and untenable during pipeline works. Remaining approximately 44 ha east of pipeline corridor would remain accessible and tenable.</p> <p>Operation: Land would be returned to agricultural use although there would be a permanent right of access for pipeline maintenance.</p> <p>Magnitude of impact (with essential mitigation) - Minor adverse (construction); Negligible adverse (operation)</p>
83	Road drainage and the water environment	Water Framework Directive	Environmental Statement Appendix 5.2: Gas main diversion screening assessment [APP-097]	Table 2.1 - row 9	<p>The gas main diversion would cross the River Blackwater and two Ordinary Watercourses. The River Blackwater is a Main River and Water Framework Directive designated water body and currently has a moderate status for both overall and physico-chemical quality elements.</p>

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
84	Road drainage and the water environment	Hydromorphology and flood risk	Environmental Statement Appendix 5.2: Gas main diversion screening assessment [APP-097]	Table 2.1 - row 9	The gas main diversion would be tunnelled under Main Rivers, avoiding potential impacts to hydromorphology or flood risk caused by in channel working. Mitigation measures and good construction practices would be employed to reduce water quality and flood risk impacts from construction activities, such as managing construction drainage and treating runoff as required, before discharge to receiving watercourses.
85	Road drainage and the water environment	Hydromorphology	Environmental Statement Appendix 5.2: Gas main diversion screening assessment [APP-097]	Table 2.1 - row 9	Open cut trenches would likely be excavated for Ordinary Watercourse crossings during construction. This would lead to impacts on hydromorphology including disturbance to bed and bank materials and bed substrate compaction. As a result, bank failure and reduction in sediment supply to downstream watercourses are likely. However, this would only occur if the watercourses are active. The crossed Ordinary Watercourses exhibit a dry channel, lacking in significant natural processes and features. Therefore, effects would be slight, thus not significant. Limiting in-channel works to periods where the channel is dry would further mitigate any such effects, as well as reduce risk of any impact on flood risk. Emergency plans to ensure materials in the floodplain that could block flows could be removed prior to any flood event would also prevent significant effects on flood risk.
86	Road drainage and the water environment	Water quality	Environmental Statement Appendix 5.2: Gas main diversion screening assessment [APP-097]	Table 2.1 - row 9	No impacts upon water quality or flood risk are anticipated during operation. The gas main diversion would intercept a spring to one of the Ordinary Watercourses, limiting baseflow. However, this watercourse is ephemeral in nature, largely acting as a surface water gully, predominately active following periods of heavy rainfall. Therefore, no significant effects are likely on hydromorphology.

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
87	Road drainage and the water environment	Groundwater	Environmental Statement Appendix 5.2: Gas main diversion screening assessment [APP-097]	Table 2.1 - row 9	<p>During construction, the groundwater flow to two nearby licensed abstractions could be partially intercepted, reducing the abstractions yield. Mitigation would be implemented, as follows, to avoid significant effects:</p> <ul style="list-style-type: none"> • Gather further information on the source to confirm whether additional measures should be implemented. • Should additional measures be required, monitoring the groundwater abstractions prior to and during construction. • Should monitoring indicate an impact during the proposed work, a temporary replacement water supply would be provided. <p>Given the limited impacts on hydromorphology, groundwater (following mitigation), water quality and aquatic ecology, no impacts are likely to occur on water bodies designated under the WFD Regulations.</p>
88	Road drainage and the water environment	Main river and ordinary watercourses crossing assumption	Environmental Statement Chapter 14 Road drainage and the water environment [APP-081]	14.6.21	<p>Where the gas main diversion crosses a Main River, trenchless crossing would be used. Where the gas main diversion crosses Ordinary Watercourses, it is assumed for this assessment that an open cut trench would be used.</p>

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
89	Road drainage and the water environment	Groundwater	Environmental Statement Chapter 14 Road drainage and the water environment [APP-081]	14.9.22and 14.9.30	<p>A gas main diversion is required to facilitate the permanent A12 widening and construction works associated with it. These works may require dewatering, hence could impact nearby groundwater receptors. This is discussed from a groundwater perspective in Section 7 of Appendix 14.4 [TR010060/APP/6.3].</p> <p>The potential impacts of the gas main diversion works are presented in Section 7 of Appendix 14.4 [TR010060/APP/6.3]. These potential impacts take into account embedded and standard mitigation measures. Where additional mitigation measures are proposed these are presented in the groundwater subsection of Section 14.10 of this chapter.</p>
90	Road drainage and the water environment	Groundwater	Environmental Statement Chapter 14 Road drainage and the water environment [APP-081]	14.10.42	<p>Additional supplementary ground investigation information would be used to support detailed design and assessments associated with dewatering, settlement, drainage, gas main diversion, sheet piles and flood compensation storage areas, and to support environmental permitting requirements. That would include targeted in situ permeability/pump testing, groundwater level and quality monitoring.</p>
91	Road drainage and the water environment	Groundwater	Environmental Statement Chapter 14 Road drainage and the water environment [APP-081]	14.10.43	<p>Appendix 14.4 [TR010060/APP/6.3] has identified the need to mitigate four licensed groundwater abstractions (LGA-5, LGA-6, LGA-7 and LGA-17) against potential dewatering impacts, with LGA-5 and LGA-6 targeting specifically the gas main diversion works.</p>

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
92	Road drainage and the water environment	Main river and ordinary watercourses	Environmental Statement Chapter 14 Road drainage and the water environment [APP-081]	14.11.7	The gas main diversion has the potential to cross a number of watercourses of low or high value. However, the gas main diversion would be carried out through trenchless crossing beneath watercourses designated as Main Rivers. For minor watercourses, a trenchless crossing would be recommended, however, it is acknowledged that this may not be feasible and therefore this assessment assumes open cut crossings. With appropriate mitigation during the works outlined in the REAC, within the first iteration of the EMP [TR010060/APP/6.5], this action would have a negligible impact on surface water quality as an overall slight adverse effect on high value receptors, and a neutral effect on low value receptors.
93	Road drainage and the water environment	Surface water quality and water resources - River Chelmer, River Blackwater, Roman River, Boreham Brook/Tributary, Domsey Brook, River Brain, River Ter, and some ponds (P91, P98, P345, P7) Abstractions of surface water from watercourses	Environmental Statement Chapter 14 Road drainage and the water environment [APP-081]	Table 14.13; first row	Risk of pollution from trenchless crossing for gas main diversion. Significance of effect - Slight adverse

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
94	Road drainage and the water environment	Surface water quality and water resources - all other surface water receptors (Table 14.8) within the proposed scheme extent Abstractions of surface water from watercourses	Environmental Statement Chapter 14 Road drainage and the water environment [APP-081]	Table 14.13; second row	Risk of pollution from gas main diversion. Significance of effect - Neutral
95	Road drainage and the water environment	Construction phase hydromorphology - River Blackwater	Environmental Statement Chapter 14 Road drainage and the water environment [APP-081]	Table 14.14; second to last row	No change. Gas main diversions are to be carried out through trenchless crossing beneath Main Rivers. Therefore, no changes anticipated. Significance of effect - Neutral
96	Road drainage and the water environment	Construction phase hydromorphology - Ordinary Watercourse 9f, 9g, 9h, 9i	Environmental Statement Chapter 14 Road drainage and the water environment [APP-081]	Table 14.14; last row	Open cut crossings during construction of the gas main diversion would likely lead to destabilisation of the bank material and compaction of bed substrate material. As these watercourses are also artificial, channel instability could occur, if active. However, baseline assessment evaluated them as being largely dry. Residual effect - Slight adverse
97	Road drainage and the water environment	Operational surface water quality - River Blackwater	Environmental Statement Chapter 14 Road drainage and the water environment [APP-081]	Table 14.15; second to last row	The gas main diversion would be positioned below the ground and trenchless methods used beneath any Main River it crosses. Significance of effect - Neutral

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
98	Road drainage and the water environment	Operational surface water quality - Watercourses 9b, 9c, 9d, 9e, 9f, 9g, 9h	Environmental Statement Chapter 14 Road drainage and the water environment [APP-081]	Table 14.15; last row	It is assumed that the gas main diversion would be positioned below the ground and open cut methods used for Ordinary Watercourses it crosses. Significance of effect - Neutral
99	Road drainage and the water environment	Operational hydromorphology - River Blackwater	Environmental Statement Chapter 14 Road drainage and the water environment [APP-081]	Table 14.16; third to last row	No change. The gas main diversion would be positioned below the ground and beneath any Main River it crosses. Significance of effect - Neutral
100	Road drainage and the water environment	Operational hydromorphology - Ordinary Watercourses 9e, 9f, 9g, 9h, 9i	Environmental Statement Chapter 14 Road drainage and the water environment [APP-081]	Table 14.16; second to last row	No change. No operational impacts anticipated on watercourses, as open cut corridor for gas main diversion would only take place during construction. Significance of effect - Neutral
101	Road drainage and the water environment	Groundwater	Environmental Statement Chapter 14 Road drainage and the water environment [APP-081]	14.12.6	Additional ground investigation would be required to inform the detailed design phase (including detailed drainage development), environmental permitting requirements and to refine the assessments associated with dewatering, settlement, drainage, gas main diversion, sheet piles and flood compensation storage areas. That would include targeted in situ permeability/pump testing, groundwater level and quality monitoring for a period of 12 months.
102	Road drainage and the water environment	Groundwater	Environmental Statement Appendix 14.4 Groundwater assessment [APP-161]	7.2.1	The construction of the gas mains would intercept two Secondary A aquifers which are part of the Essex Gravel WFD groundwater body. This option lies upgradient of two licensed groundwater abstractions located approximately 120 and 150m south of the route (LGA-5 and LGA-6).

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
103	Road drainage and the water environment	Groundwater	Environmental Statement Appendix 14.4 Groundwater assessment [APP-161]	7.2.2	There is a spring located at Ishams Barn which lies approximately 100m cross-gradient and south of the corridor for the pipeline. On the eastern side of the river the construction would take place in mainly unproductive strata which is unlikely to contain groundwater in any large volumes.
104	Road drainage and the water environment	Groundwater	Environmental Statement Appendix 14.4 Groundwater assessment [APP-161]	7.3.1 to 7.3.3	<p>During construction groundwater may be intercepted where the gas main is to be tunnelled under the watercourses designated as main rivers and elsewhere in shallow trenches (up to 1.8m deep). However, any dewatering effect is expected to be localised and short lived. Given the scale of the aquifer and the expected localised effect, slight adverse effects to the Secondary A (WFD designated) aquifers are predicted.</p> <p>During construction, the groundwater flow to the two nearby licensed abstractions could be partially intercepted hence reducing the abstractions yield. This could create minor adverse impacts in the short term resulting in a Moderate significance of effect.</p> <p>Nearby the proposed route lies a spring which could potentially be impacted during construction of the gas mains diversion. This spring supplies a small tributary of the River Blackwater (Unnamed Watercourse 9f), however given the size of unnamed watercourse 9f compared to the river any impacts to the spring are unlikely to significantly impact the river. The tributary could however be affected, given the nature of the works. However, this watercourse was observed as being largely dry, with an ephemeral flow regime, and heavily vegetated. Therefore, any impacts to this tributary would be of Slight significance.</p>

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
105	Road drainage and the water environment	Groundwater	Environmental Statement Appendix 14.4 Groundwater assessment [APP-161]	7.4.1	The gas main diversion route is not likely to generate any significant effects on the groundwater, however two licensed groundwater abstractions (LGA-5 and LGA-6) have been identified as potentially experiencing short term minor effects with a Moderate significance of effect. Mitigation measures similar to those described in Section 3.5 of this appendix would be required for LGA-5 and LGA6 during construction of the pipeline.
106	Climate	Greenhouse gas	Environmental Statement Appendix 5.2: Gas main diversion screening assessment [APP-097]	Table 2.1 - row 10	Greenhouse gas (GHG) emissions would arise as a result of the transportation and consumption of raw materials on-site (and associated embodied carbon), the consumption of fuel and energy by on-site machinery and plant and employees travelling to and from the site, and as a result of carbon sequestered in soil and vegetation being released during the gas main diversion works. The magnitude of the GHG emissions associated with these works would be negligible compared to those associated with the wider proposed scheme, and in particular in comparison to UK carbon budgets.
107	Climate	Vulnerability to climate changes	Environmental Statement Appendix 5.2: Gas main diversion screening assessment [APP-097]	Table 2.1 - row 10	Given the subterranean nature of the gas main diversion, it is considered that the pipeline itself would not be particularly vulnerable to future changes in climate. As such, future changes in climate are considered unlikely to have a significant impact on the gas main diversion.

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
108	Climate	Greenhouse gas	Environmental Statement Chapter 15 Climate [APP-082]	15.6.13	The GHG emissions associated with the proposed gas main diversion and other utility diversions have not been estimated within this assessment as the information required was not available (e.g. detailed estimates of material quantities). The GHG emissions associated with the diversion are, however, likely to be negligible in comparison to those associated with the proposed scheme itself. Furthermore, the standard mitigation measures and enhancements set out in Section 15.10 of this chapter would reduce GHG emissions associated with the proposed diversion.
109	Climate	Greenhouse gas	Environmental Statement Chapter 15 Climate [APP-082]	15.6.23	Whilst future changes in climate could impact the gas main diversion, the main climate related risks relating to this element of the proposed scheme are considered to be those associated with flood risk. As such, an assessment of the vulnerability of the gas main diversion to potential changes in flood risk has not been undertaken within this chapter, as this issue is addressed within Chapter 14: Road drainage and the water environment, of the Environmental Statement [TR010060/APP/6.1]
110	Climate	Greenhouse gas	Environmental Statement Chapter 15 Climate [APP-082]	15.13.2	The GHG emissions associated with the gas main diversion, which have not been considered within this assessment, are likely to be negligible in comparison to those associated with the proposed scheme itself.

No.	Aspect	Specific issue	Document name	Paragraph	Text / summary from document
111	Cumulative effects assessment	Cumulative effects assessment	Environmental Statement Chapter 16 Cumulative effects assessment [APP-083]	16.5.4	As discussed in Chapter 2: The proposed scheme, of the Environmental Statement [TR010060/APP/6.1], there is an existing high pressure gas main that runs parallel to the A12 that would be affected by the proposed scheme and would therefore need to be diverted (the 'gas main diversion'). This gas main diversion could result in significant environmental effects. Therefore, it is a Nationally Significant Infrastructure Project in its own right (but included within the proposed scheme DCO application). As this gas main diversion is included within the proposed scheme DCO application, it has not been considered in this CEA but has been assessed in Chapters 6 to 15 of the Environmental Statement [TR010060/APP/6.1].

Appendix B – Explanation Of Extent Of Temporary Powers Areas Required

The Applicant provides below a justification for each of the areas where land is included in Schedule 7 of the draft Development Consent Order for powers of temporary use of land. This is provided on a sheet by sheet basis, by reference to the Applicant's submitted land plans [AS-009].

Please note that all Order land may be subject to powers of temporary use under Article 40 of the draft Development Consent Order [APP-039]. This schedule deals only with areas where powers are available only for temporary use.

Table B.1 Land Plans - Sheet 1 of 21

Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Springfield, Winsford Way	1/5a.	409	<p><i>Note: Land is existing highway.</i></p> <p>Street works and installation of traffic management.</p> <p>Extent dictated by the boundaries of the existing highway.</p>
Springfield, Sheepcotes	1/10f, 1/10g, 1/12c 1/16a.	415	<p>Access and working room for installation of utility diversions on adjoining land.</p> <p>Dimensions dictated by physical constraints of the location.</p>

Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Springfield, north of River Chelmer, and east of A12,	1/11e.	39004	<p>Required for materials storage and working room for installation of utility diversions, together with a haul road (Work T1).</p> <p>It is anticipated the following activities will be accommodated:</p> <p>Materials storage – 28000m² (for excavated material construction aggregate, topsoil storage, and precast elements),</p> <p>Working access – 5100m², needed to allow for space between the various segregated areas within the plot,</p> <p>Working room – 3500m² for site haul road which will where possible be wide enough for two construction vehicles to pass.</p>

Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Springfield, Winsford Way	1/13f.	990	<p>Working room for the installation of utility diversion works on adjoining land.</p> <p>Dimensions largely dictated by physical constraints of the location.</p> <p>It is anticipated the following activities will be accommodated:</p> <p>Materials storage – 200m², Working access – 500m², Working room – 100m².</p>

Table B.2 Land Plans - Sheet 2 of 21

Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Boreham, A12 carriageway	2/1d.	12030	<p><i>Note: National Highways Limited freehold.</i></p> <p>Street works and installation of traffic management and signage.</p> <p>Extent dictated by the extent of the existing highway.</p>
Boreham	2/2a.	6056	<p><i>Note: Land is existing highway.</i></p> <p>Street works and installation of traffic management.</p> <p>Extent dictated by the extent of the existing highway.</p>

Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Boreham, B1137 Main Road	2/2i, 2/2j, 2/7b, 2/10a.	5559	<p><i>Note: Land is existing highway.</i></p> <p>Extent dictated by the boundaries of the existing highway.</p> <p>Street works and installation of traffic management and signage.</p> <p>Access and working room for installation of utility diversions.</p>
Boreham, north of B1137 Main Road	2/12i.	11089	<p>Required for a compound, material and plant storage area and a traffic management and recovery yard (Work T6).</p> <p>It is anticipated the following activities will be accommodated:</p> <p>Compound, traffic management and recovery yard – 7000m²,</p> <p>Materials and plant storage – 3500m² (for topsoil storage and precast elements).</p>

Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Boreham, north of the Great Eastern Main Line railway	2/15b, 2/15f, 2/15g.	12068	<p>Required for materials storage and working access and room for construction of a new structure, together with a haul road (Work T5).</p> <p>It is anticipated the following activities will be accommodated:</p> <p>Materials storage – 3000m² (for construction aggregate and topsoil storage).</p> <p>Working access – 2500m², needed to allow for space between the various segregated areas within the plot,</p> <p>Working room – 4000m² for site haul road which will where possible be wide enough for two construction vehicles to pass.</p>
Boreham, northbound verge of A138 to A12 link road	2/17b, 2/17h, 2/17k, 2/17n, 2/18a, 2/18c, 2/7c.	3296	<p>Working room for the construction of a new retaining structure and material and plant storage.</p> <p>It is anticipated the following activities will be accommodated:</p> <p>Materials and plant storage – 750m²,</p>

Location	Plots	Total Area sought (m²)	Justification for the extent of the land sought
			Working room – 2000m ² .

Table B.3 Land Plans - Sheet 3 of 21

Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Boreham, A12 carriageway	3/1a, 3/1b, 3/1c, 3/2a, 3/3a, 3/3b, 3/3c, 3/3d, 3/3e, 3/3f, 3/4a, 3/5b, 3/7a.	80248	<p><i>Note: National Highways Limited freehold / Land is existing highways.</i></p> <p>Extent dictated by the boundaries of the existing highway.</p> <p>Street works and installation of traffic management and signage.</p>
Boreham, B1137 Main Road	3/5a.	19726	<p><i>Note: Land is existing highway.</i></p> <p>Extent dictated by the boundaries of the existing highway.</p> <p>Street works and installation of traffic management and signage.</p> <p>Access and working room for installation of utility diversions.</p>

Table B.4 Land Plans - Sheet 4 of 21

Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Boreham, A12 carriageway	4/1a, 4/1b, 4/1c, 4/1d, 4/2a, 4/2b, 4/3a, 4/3b, 4/3c, 4/4a, 4/5b.	85975	<p><i>Note: National Highways Limited freehold / Land is existing highways.</i></p> <p>Street works and installation of traffic management and signage.</p> <p>Access and working room for installation of utility diversions.</p> <p>Extent dictated by the extent of the existing highway.</p>
Boreham, B1137 Main Road	4/5a.	18231	<p><i>Note: Land is existing highway.</i></p> <p>Street works and installation of traffic management and signage.</p> <p>Access and working room for installation of utility diversions.</p>

Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
			Extent dictated by the extent of the existing highway.
Terling Hall Road, north of Crix Bridge	4/9b.	1864	<p>Required for access to ecological mitigation area and off-line construction area in field to the north of the A12 carriageway and east of Terling Hall Road.</p> <p>Extent dictated by boundaries with neighbouring land plan parcels and width of area required for vehicular access</p>

Table B.5 Land Plans - Sheet 5 of 21

Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Hatfield Peverel, B1137 The Street	5/2b, 5/2c, 5/2f, 5/2h, 5/2j, 5/2k, 5/2l, 5/2m, 5/2n, 5/2o, 5/2r, 5/2s, 5/2t, 5/6a, 5/6c, 5/6d, 5/6e.	18973	<p><i>Note: Land is existing highway.</i></p> <p>Extent dictated by the boundaries of the existing highway.</p> <p>Street works and installation of traffic management and signage.</p> <p>Access and working room for installation of utility diversions.</p> <p>It is anticipated the following activities will be accommodated:</p> <p>Maintaining private means of access (Work T10),</p> <p>Maintaining residential access,</p> <p>Works associated with the temporary bridge and associated footpaths (Work T9).</p>

Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Hatfield Peverel, field to the south of the Great Eastern Main Line and east of Station Road	5/12f, 5/12g, 5/35a, 5/35d.	21128	<p>Required for temporary car park (Work T13) and associated provisions in a field to the south of the Great Eastern Main Line and east of Station Road, Hatfield Peverel.</p> <p>It is anticipated the following activities will be accommodated:</p> <p>Materials storage – 3500m² (topsoil),</p> <p>Shuttle bus requirements and access to the train station – 3000m²,</p> <p>Temporary car parking – 10500m²,</p> <p>Working access - 2000m².</p>
Hatfield Peverel, north east of River Ter Bridge	5/16a.	432	Required for access and working room for the construction of drainage infrastructure.

Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Hatfield Peverel, north of Bury Lane Bridge	5/17a, 5/21a	4345	<p>Required for material storage and working room north of Bury Lane Bridge for the construction of a new structure and retaining structure.</p> <p>It is anticipated the following activities will be accommodated:</p> <p>Materials storage – 500m² (construction aggregate),</p> <p>Working room – 1400m²,</p> <p>Welfare facilities – 300m².</p>
Hatfield Peverel, Bury Lane to Station Road temporary link road	5/20a.	3245	Required for temporary link road (Work T8) and associated works between Bury Lane and Station Road to maintain residential access. Extent dedicated by dimensions of existing Estate Road
Hatfield Peverel, Bury Lane, south of the A12 carriageway	5/25a	46	Maintaining private means of access for properties on Bury Lane (Work T10).

Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Hatfield Peverel, Swan Close, south of the A12 carriageway	5/27a, 5/27b, 5/28a, 5/29a.	1262	It is anticipated the following activities will be accommodated: Maintaining private means of access for properties on Station Road (Work T11), Works associated with the temporary bridge and associated footpaths (Work T9).
Hatfield Peverel, west of Station Road	5/30a, 5/38a, 5/38b.	124	Small parcels required for access and working room for the construction of a new structure and retaining structure.
Hatfield Peverel, Station Road, south of the A12 carriageway	5/34a.	93	Small parcels required for maintaining private means of access for properties on Station Road (Work T12).
Terling Hall Road, north of Crix Bridge	5/36b.	20104	Required for off-line construction area in field to the north of the A12 carriageway and east of Terling Hall Road. It is anticipated the following activities will be accommodated:

Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
			Materials storage – 10000m ² (excavated materials and topsoil), Working platform – 7000m ² , for off-line construction area, Temporary works – 1500m ² .

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Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Hatfield Peverel, fields to the north and east of The Vineyards	6/11a, 6/12a, 6/12f, 6/12h, 6/15a, 6/15d.	207046	<p>Required for a temporary car park (Work T13) and construction compound (Work T16) and associated temporary roads (Work T14) in fields to the north and east of The Vineyards.</p> <p>It is anticipated the following activities will be accommodated:</p> <p>Compound, offices and welfare facilities, material laboratories, temporary roads, security provisions – 115000m²,</p> <p>Materials and plant storage – 60000m² (for excavated materials, construction aggregate, topsoil storage and precast elements).</p> <p>Temporary car parking – 7500m².</p>
Hatfield Peverel, field to the south of the Great Eastern Main Line and north of A12 junction 21	6/12e.	6845	<p>Required to maintain landowner access to rail overbridge.</p> <p>Dimensions largely dictated by physical constraints of the borrow pit in the adjacent plot.</p>

Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
northbound off-slip road			
Hatfield Peverel, south of A12 junction 20b southbound off-slip road	6/18b, 6/18d.	19205	<p>Required for temporary public right of way diversion, material storage and access and working room for the construction of drainage infrastructure.</p> <p>It is anticipated the following activities will be accommodated:</p> <p>Materials storage – 15000m² (construction aggregate, excavated materials, topsoil),</p> <p>Temporary public right of way diversion – 1500m².</p>
Hatfield Peverel, south of the proposed junction 21 southern roundabout	6/18f.	10372	Required for the construction of a temporary attenuation pond and associated drainage infrastructure.

Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Hatfield Peverel, south of A12 junction 21 southbound on-slip road	6/20c.	53968	<p>Required for utility exclusion zones, material storage and a temporary haul road (Work T20). Additional exclusion zone around existing business to the north of the plot.</p> <p>It is anticipated the following activities will be accommodated:</p> <p>Materials storage – 32500m² (construction aggregate, excavated materials, topsoil, precast elements), Utility exclusion zones – 7500m², Temporary haul road – 5000m². Business exclusion zone – 5000m².</p>

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Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Witham, Gershwin Boulevard	7/4b, 7/10g, 7/10h, 7/10l, 7/21d.	22833	<p>Required for a temporary haul road (Work T23), associated drainage infrastructure and security arrangements.</p> <p>It is anticipated the following activities will be accommodated:</p> <p>Temporary haul road – 13000m².</p>
Witham, Gershwin Boulevard	7/4c, 7/8a, 7/8b, 7/8c, 7/12a, 7/17c, 7/18a.	20455	<p><i>Note: Land is existing highway.</i></p> <p>Extent dictated by the boundaries of the existing highway.</p> <p>Street works and installation of traffic management and signage.</p> <p>Access and working room for installation of utility diversions.</p> <p>Access into traffic management logistics and recovery yard.</p>

Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Hatfield Peverel, south of A12 carriageway	7/10b.	3011	<p>Required for utility exclusion zones, material storage and a temporary haul road (Work T20).</p> <p>It is anticipated the following activities will be accommodated:</p> <p>Materials storage – 700m² (construction aggregate, excavated materials, topsoil),</p> <p>Utility exclusion zone – 900m²,</p> <p>Temporary haul road – 500m².</p>
Witham, north of A12 carriageway, east of Woodend Bridge	7/13a.	150	Required for working space for construction of a new retaining structure and drainage infrastructure.
Witham, south of Gershwin Boulevard	7/16a, 7/16g, 7/17a, 7/19c.	14610	<p>Street works and installation of traffic management and signage.</p> <p>Access, material, and plant storage and working room for installation of utility diversions.</p> <p>Access into traffic management logistics and recovery yard.</p>

Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Witham, north of Gershwin Boulevard	7/16b, 7/16c, 7/17b, 7/19b.	9012	<p>Required for traffic management logistics and recovery yard (Work T22).</p> <p>It is anticipated the following activities will be accommodated:</p> <p>Vehicle storage – 2000m²,</p> <p>Traffic management vehicle access and parking area – 3000m²,</p> <p>Traffic management equipment area – 2500m².</p>
Witham, Gershwin Boulevard	7/19d.	642	Required for a temporary haul road (Work T24) into construction area of new structure.
Witham, east of Dengie Farm	7/21a.	473	Access required for ecological mitigation works.

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Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Witham, Hodges Holt	8/1l, 8/68a, 8/68b.	64	<p>Required for access and working room for construction of drainage infrastructure.</p> <p>Required for access and working room for the construction of a new retaining structure.</p>
Witham, Maldon Road and north of A12 carriageway	8/2a, 8/21a, 8/68d.	926	<p>Required for access and working room for the construction of a new retaining structure.</p> <p>Required for a temporary footpath diversion.</p> <p>Access and working room for installation of utility diversions.</p>
Witham, Maldon Road and south of A12 carriageway	8/2d, 8/18d, 8/19d, 8/21d, 8/41d.	2072	<p>Required for a temporary haul road (Work T23) for access and working room into construction area of new retaining structure.</p> <p>Required for a temporary footpath diversion.</p> <p>Access and working room for installation of utility diversions.</p>

Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Witham, Gershwin Boulevard, Maltings Lane, and Saul's Avenue	8/7a, 8/8a, 8/9a, 8/9b, 8/10a, 8/10b, 8/10c, 8/15a, 8/16a, 8/21c, 8/25d, 8/28a.	14383	<p><i>Note: Land is existing highway.</i></p> <p>Extent dictated by the boundaries of the existing highway.</p> <p>Street works and installation of traffic management and signage.</p> <p>Access and working room for installation of utility diversions.</p>
Witham, Gershwin Boulevard	8/11a, 8/11aj, 8/12b, 8/13a.	1606	Required for a temporary haul road (Work T24) for access and working room into construction area of new structure.
Witham, south of Gershwin Boulevard	8/11c, 8/12a.	1641	<p>Street works and installation of traffic management and signage.</p> <p>Access, material, and plant storage and working room for installation of utility diversions.</p>

Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
			Access into traffic management logistics and recovery yard.
Witham, Constance Close	8/11v, 8/13c, 8/29a, 8/30a.	4675	<p>Required for access to construct temporary works, material storage and for access and working room for the construction of a new retaining structure and modification works to an existing structure.</p> <p>Materials storage – 1000m² (construction aggregate).</p>
Witham, Blackwater Lane	8/11y.	1431	<p>Required for access to construct temporary works, material storage and for access and working room for the construction of a new retaining structure and modification works to an existing structure.</p> <p>Materials storage – 600m² (construction aggregate).</p>

Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Witham, south of Halfacres and north of A12 carriageway	8/11am.	723	Access, material, and plant storage and working room for installation of utility diversions. Access, material, and plant storage and working room for construction of a new structure.
Witham, Pantile Close	8/23c, 8/42a.	1414	Required for a temporary haul road (Work T23) for access and working room into construction area of new retaining structure and new structure.
Witham, Market Lane	8/30b, 8/31b.	4001	Required for material storage and for access and working room for the construction of a new retaining structure. Access and working room for installation of utility diversions.

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Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Witham, Maldon Road, Pasture Road and Freebournes Road	9/4a, 9/5a, 9/6a, 9/6b, 9/6c, 9/7a.	33915	<p><i>Note: Land is existing highway.</i></p> <p>Extent dictated by the boundaries of the existing highway.</p> <p>Street works and installation of traffic management and signage.</p> <p>Access and working room for installation of utility diversions.</p>
Witham, Freebournes Road	9/8b, 9/8d.	2229	<p>Street works and installation of traffic management and signage.</p> <p>Access, material, and plant storage and working room for installation of utility diversions.</p>
Witham, south of A12 carriageway	9/13c.	5763	<p>Required for a temporary haul road (Work T26) and access and working room for installation of utility diversions.</p>

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Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Witham, Freebournes Road	10/5a.	4721	<p><i>Note: Land is existing highway.</i></p> <p>Extent dictated by the boundaries of the existing highway.</p> <p>Street works and installation of traffic management and signage.</p> <p>Access and working room for installation of utility diversions.</p>
Witham, Freebournes Road	10/8c, 10/8e.	1317	<p>Street works and installation of traffic management and signage.</p> <p>Access, material, and plant storage and working room for installation of utility diversions.</p>
Witham, Eastways	10/11b, 10/12c, 10/12d, 10/12e.	4158	<p>Required for a temporary footpath diversion and for access and working room for installation of utility diversions.</p>

Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Rivenhall, west of Whitelands	10/20b.	68339	<p>Required for a construction compound (Work T29) and associated access works, in fields to the west of Whitelands.</p> <p>It is anticipated the following activities will be accommodated:</p> <p>Compound, offices and welfare facilities, material laboratories, temporary roads, security provisions – 40000m²,</p> <p>Materials and plant storage – 4000m² (for excavated materials, construction aggregate, topsoil storage and precast elements),</p> <p>Temporary car parking – 9000m².</p>
Rivenhall, east of Whitelands	10/20d.	1535	<p>Required for a temporary footpath diversion and for access and working room for construction of the permanent works.</p> <p>It is anticipated the following activities will be accommodated:</p> <p>Temporary footpath / footway – 250m²,</p>

Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
			Materials and plant storage – 800m ² (for excavated materials, construction aggregate).
Rivenhall, Eastways	10/21a.	70	Required for access and working room for the modification works at the existing bellmouth.

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Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Rivenhall, north of A12 carriageway	11/2a.	12	<p><i>Note: Land is existing highway.</i></p> <p>Extent dictated by the boundaries of the existing highway.</p> <p>Street works and installation of traffic management and signage.</p> <p>Required for installation of highways signage and associated works.</p>
Rivenhall, east of Whitelands	11/4a, 11/5a, 11/5b.	7729	<p>Required for a temporary footpath diversion, material, and plant storage, and for access and working room for construction of the permanent works.</p> <p>Access required for ecological mitigation works.</p> <p>It is anticipated the following activities will be accommodated:</p> <p>Temporary footpath / footway – 800m²,</p>

Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
			Materials and plant storage – 4000m ² (for excavated materials, construction aggregate).
Rivenhall, east of Henry Dixon Road and north of the A12 carriageway	11/4e.	2745	Required for temporary works associated with the borrow pit excavation, maintenance and decommissioning and for access and working room for construction of the permanent works. Access required for ecological mitigation works.
Rivenhall, west of Henry Dixon Road and north of Colemans Reservoir	11/4l.	1135	Required for access and working room for the construction of the drainage infrastructure.
Rivenhall, east of Henry Dixon Road and south of the A12 carriageway	11/7a, 11/12a.	1694	Required for a temporary access road (Work T30) in relation to the construction of a new structure.

Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Rivenhall, north of A12 carriageway	11/24a, 11/24b.	80	<p><i>Note: Land is existing highway.</i></p> <p>Extent dictated by the boundaries of the existing highway.</p> <p>Street works and installation of traffic management and signage.</p> <p>Required for installation of highways signage and associated works.</p>

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Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Kelvedon, B1024	12/2c, 12/19c.	5054	<p><i>Note: Land is existing highway.</i></p> <p>Extent dictated by the boundaries of the existing highway.</p> <p>Street works and installation of traffic management and signage.</p> <p>Access and working room for installation of utility diversions.</p>
Kelvedon, Snivellers Lane	12/5b, 12/19b.	25792	<p>Required for material and plant storage, and for access and working room for construction of the new link road and drainage infrastructure, and installation of utility diversion works.</p> <p>Required for temporary works associated with the borrow pit excavation, maintenance, and decommissioning</p>

Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
			<p>It is anticipated the following activities will be accommodated:</p> <p>Temporary works (haul road (Work T34) and borrow pit (Work T32)) – 3000m²,</p> <p>Materials and plant storage – 10500m² (for excavated materials, construction aggregate, topsoil),</p> <p>Working room – 5000m².</p>
Kelvedon, access to Essex County Fire and Rescue Service Headquarters	12/6b, 12/6e.	1133	Required for access and working room for installation of utility diversions and construction of an upgraded access.
Kelvedon, south of A12 carriageway	12/9b.	8289	Required for access and working room for installation of utility diversions and construction of a private means of access.
Kelvedon, River Blackwater	12/13a, 12/14a, 12/28a.	242	Required for access and working room for the construction of the drainage infrastructure.
Kelvedon, north of A12 carriageway	12/15a.	283	Required for access and working room for construction of the permanent works.

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Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Kelvedon, north of A12 carriageway	13/4b.	655	Required for access and working room for construction of the permanent works.
Kelvedon, Maldon Road	13/4d.	291	Required for construction of a private means of access.
Kelvedon, Highfields Lane	13/5b, 13/8c, 13/13b.	1024	Required for access and working room for the construction of the new road and drainage infrastructure.
Kelvedon, B1024	13/8b.	5118	<p><i>Note: Land is existing highway.</i></p> <p>Extent dictated by the boundaries of the existing highway.</p> <p>Street works and installation of traffic management and signage.</p> <p>Access and working room for installation of utility diversions.</p>

Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Kelvedon, Highfields Lane	13/11c.	6832	<p>Required for material and plant storage, and for a temporary haul road (Work T38) for access and working room for construction of the new structure.</p> <p>It is anticipated the following activities will be accommodated:</p> <p>Temporary works – 1000m², Materials and plant storage – 5000m² (for construction aggregate, topsoil).</p>
Kelvedon, Highfields Lane	13/14l.	4161	<p>Required for material and plant storage, and for a temporary haul road (Work T37) for access and working room for construction of the new structure.</p> <p>Required for a temporary footpath / footway.</p> <p>It is anticipated the following activities will be accommodated:</p> <p>Temporary works – 800m², Materials and plant storage – 2700m² (for construction aggregate, excavated materials, topsoil).</p>

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Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Kelvedon, north of A12 carriageway	14/3b, 14/9a, 14/24a.	3583	<p>Required for material and plant storage, construction of a new retaining structure and for a temporary haul road (Work T43).</p> <p>It is anticipated the following activities will be accommodated:</p> <p>Temporary haul road – 1500m², Materials and plant storage – 1000m² (for construction aggregate).</p>
Kelvedon, Maldon Road	14/3d.	63993	<p>Required for material and plant storage, and for a temporary haul road (Work T39).</p> <p>It is anticipated the following activities will be accommodated:</p> <p>Temporary haul road – 2000m², Materials and plant storage – 45000m² (for construction aggregate, excavated material, precast elements, topsoil).</p>

Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Kelvedon, Highfields Lane	14/3f.	62659	<p>Required for material and plant storage, and for a temporary haul road (Work T39).</p> <p>It is anticipated the following activities will be accommodated:</p> <p>Temporary haul road – 7000m², Materials and plant storage – 45000m² (for construction aggregate, excavated material, precast elements, topsoil).</p>
Kelvedon, B1024	14/3l.	6512	Required for material storage (excavated material, topsoil) for use in southern embankment construction in this area.
Kelvedon, Highfields Lane	14/5a, 14/6a, 14/8a.	1853	Required for access and working room maintenance of existing watercourse.
Kelvedon, east of B1023	14/5c, 14/12a.	1503	Required for material storage access and working room for the construction of a new structure.
Kelvedon, east of B1023 Inworth Road and south of A12 carriageway	14/5e, 14/5f.	1660	Required for material storage access and working room for the construction of drainage infrastructure.

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Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Kelvedon, B1024	15/4a.	7508	<p><i>Note: Land is existing highway.</i></p> <p>Extent dictated by the boundaries of the existing highway.</p> <p>Street works and installation of traffic management and signage.</p> <p>Access and working room for installation of utility diversions.</p>
Kelvedon, B1023 Inworth Road	15/4b.	16	<p><i>Note: Land is existing highway.</i></p> <p>Extent dictated by the boundaries of the existing highway.</p> <p>Street works and installation of traffic management and signage.</p>

Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
			Required for installation of highways signage and associated works.
Kelvedon, east of B1023	15/7a, 15/8a, 15/8c.	4728	Required for material storage access and working room for the construction of a new structure.
Kelvedon, east of B1023 Inworth Road and south of A12 carriageway	15/8e.	1545	Required for material storage access and working room for the construction of drainage infrastructure.

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Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Feering, south of A12 carriageway	16/5c.	15125	<p>Required for material and plant storage, and for a temporary haul road (Work T48).</p> <p>It is anticipated the following activities will be accommodated:</p> <p>Temporary haul road – 1000m², Materials and plant storage – 13000m² (for construction aggregate, precast elements, topsoil).</p> <p>Between J24 and J25, early earthworks calculations approximated there is 100000m³ of topsoil and 60000m³ of unsuitable material that will need to be stored.</p>
Feering, south of A12 carriageway	16/5d.	984	Required for maintaining private means of access to residential properties.

Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Feering, south of A12 carriageway and east of Easthorpe Road	16/5f, 16/5h.	42323	<p>Required for material and plant storage, and for construction of a new structure.</p> <p>It is anticipated the following activities will be accommodated:</p> <p>Materials and plant storage – 30000m² (for construction aggregate, unsuitable materials, precast elements, topsoil).</p> <p>Between J24 and J25, early earthworks calculations approximated there is 100000m³ of topsoil and 60000m³ of unsuitable material that will need to be stored.</p>

Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Feering, south of A12 carriageway and east of Easthorpe Road	16/5g.	28174	<p>Required for satellite compound, material and plant storage, and traffic management logistics and recovery yard (Work T49).</p> <p>It is anticipated the following activities will be accommodated:</p> <p>Traffic management related activities – 8500m², Office and welfare facilities, security provisions – 3500m², Materials and plant storage – 5000m² (for construction aggregate, precast elements, topsoil).</p> <p>This is the main compound for the offline works between J24 and J25 (approx. 5km) and will be used to parking plant at the end of each shift.</p>

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Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Feering, south of A12 carriageway and east of Easthorpe Road	17/3a, 17/3b.	5583	<p>Required for material and plant storage, and for construction of a new structure.</p> <p>It is anticipated the following activities will be accommodated:</p> <p>Materials and plant storage – 3000m² (for construction aggregate, unsuitable materials, precast elements, topsoil).</p>

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Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Marks Tey, north of London Road	18/11, 18/2a.	1025	<p><i>Note: Land is existing highway.</i></p> <p>Extent dictated by the boundaries of the existing highway.</p> <p>Street works and installation of traffic management and signage.</p> <p>Access and working room for installation of utility diversions.</p>
Marks Tey, A120 west of junction 25	18/3e, 18/20c.	574	<p><i>Note: Land is existing highway.</i></p> <p>Extent dictated by the boundaries of the existing highway.</p> <p>Street works and installation of traffic management and signage.</p> <p>Access and working room for installation of utility diversions.</p>

Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Marks Tey, south of A12 carriageway	18/6a.	44567	<p>Required for material and plant storage and working room for construction of a new structure.</p> <p>Materials and plant storage – 33000m² (for construction aggregate, unsuitable material, precast elements, topsoil).</p> <p>Between J24 and J25, early earthworks calculations approximated there is 100000m³ of topsoil and 60000m³ of unsuitable material that will need to be stored. Two areas of storage shown as the works will be in two separate fields to avoid destroying an existing hedgerow and some trees.</p>
Marks Tey, south of A12 carriageway	18/6d, 18/6e, 18/13c, 18/13e.	12131	<p>Required for material and plant storage and for construction of drainage infrastructure.</p> <p>Access and working room for installation of utility diversions.</p>
Marks Tey, Doggetts Lane	18/6i, 18/8a	2717	Required for material and plant storage and for a temporary footpath / footway route.

Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Marks Tey, south of A12 carriageway	18/18b.	8972	<p>Required for satellite compound and material and plant storage (Work T52).</p> <p>It is anticipated the following activities will be accommodated:</p> <p>Office and welfare facilities, security provisions – 1500m²,</p> <p>Materials and plant storage – 6000m² (for construction aggregate, topsoil).</p>

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Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
A12 southbound carriageway between J27 and J26.	19/1a – INSET C.	1282	<p><i>Note: Land is existing highway.</i></p> <p>Extent dictated by the boundaries of the existing highway.</p> <p>Street works and installation of traffic management and signage.</p> <p>Required for traffic management recovery area (Work T54).</p>
Marks Tey, south of Station Road and north of the A120 link between roundabouts	19/2f, 19/6c.	3634	<p>Required for material storage, access and working room for the construction of the modification works to the A120 between the dumbbell roundabouts at J25.</p>

Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Marks Tey, B1408	19/6b.	6545	<p><i>Note: Land is existing highway.</i></p> <p>Extent dictated by the boundaries of the existing highway.</p> <p>Street works and installation of traffic management and signage.</p> <p>Access and working room for installation of utility diversions.</p>
Copford, north of the B1408	19/17a.	3711	<p>Required for access to ecological mitigation works in field to the north of the B1408 and east of Marks Tey Bridge.</p>

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Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Inworth, B1023	20/2a.	651	<p><i>Note: Land is existing highway.</i></p> <p>Extent dictated by the boundaries of the existing highway.</p> <p>Street works and installation of traffic management and signage.</p> <p>Access and working room for installation of utility diversions.</p>
Inworth, B1023	20/7a, 20/8a.	325	Required for access and working room for vegetation clearance and construction works associated with widening Inworth Road.

Table B.21 Land Plans - Sheet 21 of 21

Location	Plots	Total Area sought (m ²)	Justification for the extent of the land sought
Kelvedon - Feering, B1024 High Street – Feering Hill	21/1a.	21633	<p><i>Note: Land is existing highway.</i></p> <p>Extent dictated by the boundaries of the existing highway.</p> <p>Street works and installation of traffic management and signage.</p> <p>Access and working room for installation of utility diversions.</p>

Appendix C - Letter send to Hatfield Peverel residents of Public Information Event, July 2022

OWNER / OCCUPIER

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

A12 Chelmsford to A120 widening
Project Team
National Highways
Woodlands
Manton Lane
Bedford
MK41 7LW

0300 123 5000

07/07/2022

Dear Resident,

A12 Chelmsford to A120 widening scheme - Access Information Event

As a Hatfield Peverel resident, I would like to invite you to a forthcoming information event about access arrangements during construction of the proposed A12 Chelmsford to A120 widening scheme. The details are as follow:

Date: Tuesday 19 July 2022

Time: 3pm to 7pm

Location: Main Hall, Hatfield Peverel Village Hall, Maldon Rd, CM3 2HW

We still have some work to do before finalising the approach to construction at Hatfield Peverel. However, we recognise there is considerable interest locally in how access during construction (which is due to start in 2024) will be maintained while we build the A12 scheme. As such we would like to show you our latest plans to build the A12 which will focus on how residents and others will be able to cross the A12 from north to south when the Station Road, Bury Lane and the Wellington Bridges are closed during the proposed widening works.

Our construction experts and other key members of the A12 project team will be on hand to answer your questions and a leaflet, giving more information about what to expect in Hatfield Peverel during construction, will be provided.

If you are unable to attend the event, but would like more information, please contact National Highways by emailing A12ChelmsfordA120wide@nationalhighways.co.uk or by phoning 0300 123 5000.

We are always keen to receive your feedback regarding the A12 Chelmsford to A120 widening scheme via the contact details above.

Yours faithfully,

[REDACTED]

Kaluba Kampandila
Senior Project Manager
A12 Chelmsford to A120 widening scheme

Your data, your rights

National Highways is committed to protecting your personal information. Whenever you provide such information, we are legally obliged to use it in line with all applicable laws concerning the protection of personal data, including the General Data Protection Regulation (GDPR), which came into effect on 25 May 2018.

How will National Highways use the information it collects about you?

National Highways will use your personal data for a number of purposes, including the following:

- To analyse the feedback that you provide in response to our consultation
- To produce a summary report, based on our analysis of responses (individuals will not be identified in that report)
- To write to you with updates about the outcomes of this consultation and other proposed scheme developments
- To keep up-to-date records of our interactions with individuals and organisations

Your information will be handled and used by the following recipients in order to record, analyse and report on feedback received:

- National Highways
- National Highways' Suppliers (delivering this scheme)
- The Planning Inspectorate (who will consider our application for permission to build the proposed scheme)
- The Secretary of State (who will decide whether consent should be granted)

It is also possible that trusted third party providers, for example construction companies, may later use contact details provided in your response to communicate with you about the development of the proposed scheme.

We will keep your information for up to 6 months after the DCO decision has been made.

Appendix D – Evidence of the status of the Inworth SPZ

Coleman, Ian

From: Sharpin, Anna [REDACTED]
Sent: 13 May 2022 1
To: Kitley, Christopher
Cc: Barrell, Martin; Symons, Michael
Subject: [EXTERNAL] RE: A12 - Inworth SPZ

Hello,

Further to yesterday's meeting, I've checked into the SPZ at Inworth. It was for two bores operated by Anglian Water, but these were dropped from their licence in 2016, as your data set disparity suggests. I suspect that they will have been decommissioned.

The bores abstracted from the chalk at depth, which is overlain by thick London Clay deposits. On the assumption that the A12 works activities will be relatively shallow and will not therefore pose any risk to the chalk, I don't think there's any need for Jacobs to double-check a total lack of use when you undertake further water features survey work.

We will be removing the SPZ.

Regards,
Anna

Dr. Anna Sharpin BSc PhD PGCert FGS

Technical Officer (Hydrogeology & Drought)
Groundwater & Contaminated Land

East Anglia – East Area
[Environment Agency](#)



Working days: Wednesday to Friday



From: Sharpin, Anna
Sent: 12 May 2022 14:51
To: Kitley, Christopher [REDACTED]
Cc: Barrell, Martin [REDACTED]; Symons, Michael [REDACTED]
Subject: RE: A12 - GW Presentation 12/5/22 - Surface water licence data

Hi Chris,

As requested, please find the locations of licensed surface water abstraction points and their source waters attached.

Regards,
Anna

Dr. Anna Sharpin BSc PhD PGCert FGS

Technical Officer (Hydrogeology & Drought)

Groundwater & Contaminated Land

East Anglia – East Area

Environment Agency



Working days: Wednesday to Friday



From: Symons, Michael [redacted]

Sent: 11 May 2022 17:47

To: Barrell, Martin [redacted]; Sharpin, Anna [redacted]



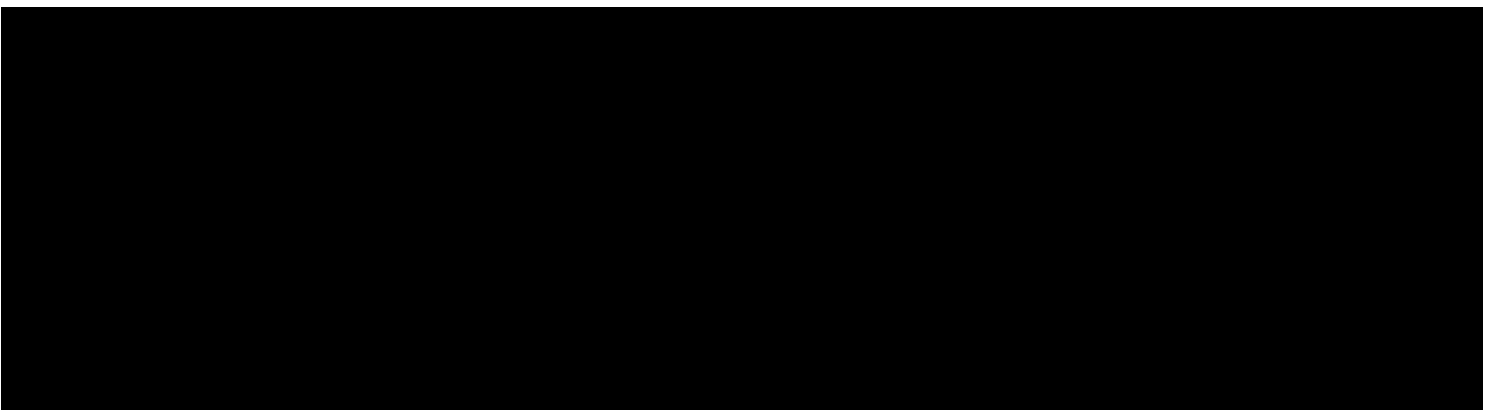
resentation 12/5/22

Hi Both

I had hoped to share with this earlier but hopefully you will still have time to look at it and come to our groundwater meeting tomorrow at least partially informed!

Kind regards
Mike

Michael Symons CWEM MCIWEM | Jacobs | Senior Associate Director Water, Energy and Environment & Head of Discipline Flood Risk Management [redacted]



Appendix E - Precedents Referred To In The Explanatory Memorandum

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
4.4	Article 2 (1)	The Infrastructure Planning (Model Provisions) (England and Wales) Order 2009 Article 1	<p>Interpretation</p> <p>1.—(1) In this Order—</p> <p>“the 1961 Act” means the Land Compensation Act 1961(2); “the 1965 Act” means the Compulsory Purchase Act 1965(3); “the 1980 Act” means the Highways Act 1980(4); “the 1990 Act” means the Town and Country Planning Act 1990(5); “the 1991 Act” means the New Roads and Street Works Act 1991(6); “the 2008 Act” means the Planning Act 2008(7); “ancillary works” means the ancillary works described in Part 2 of Schedule A (authorised project) [and any other works authorised by the Order] and which are not development within the meaning of section 32 of the 2008 Act; “authorised development” means the development and associated development described in Part 1 of Schedule A (authorised project) [and any other development authorised by this Order], which is development within the meaning of section 32 of the 2008 Act; “the authorised project” means the authorised development and the ancillary works authorised by this Order; “the book of reference” means the book of reference certified by the decision-maker as the book of reference for the purposes of this Order; “building” includes any structure or erection or any part of a building, structure or erection; “carriageway” has the same meaning as in the 1980 Act; “compulsory acquisition notice” means a notice served in accordance with section 134 of the 2008 Act; “the decision-maker” has the same meaning as in section 103 of the 2008 Act; “highway” and “highway authority” have the same meaning as in the 1980 Act; “the land plan” means the plan certified as the land plan by the decision-maker for the purposes of this Order; “Order land” means the land shown on the land plan which is within the limits of land to be acquired and described in the book of reference; “the Order limits” means the limits shown on the works plan within which the authorised project may be carried out; “owner”, in relation to land, has the same meaning as in section 7 of the Acquisition of Land Act 1981(8); “relevant planning authority” means—</p> <p>(i) the district planning authority for the area in which the land to which the provisions of this Order apply is situated unless the provisions relate to the construction or alteration of a hazardous waste facility, in which case it means the county planning authority;</p> <p>(ii) a National Park Authority;</p> <p>(iii) the Broads Authority; and</p> <p>(iv) the Greater London Authority if the land to which the provisions of this Order or requirements apply is situated in Greater London;</p> <p>“rights plan” means the plan certified as the rights plan by the decision-maker for the purposes of this Order; “the sections” means the sections shown on the plan certified as the section drawings plan by the decision-maker for the purposes of this Order; “statutory undertaker” means any person falling within section 127(8), 128(5) or 129(2) of the 2008 Act; “street” means a street within the meaning of section 48 of the 1991 Act, together with land on the verge of a street or between two carriageways, and includes part of a street; “street authority”,</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>in relation to a street, has the same meaning as in Part 3 of the 1991 Act; "tree preservation order" has the meaning given in section 198 of the 1990 Act; "the tribunal" means the Lands Chamber of the Upper Tribunal; "undertaker" means the person who has the benefit of this Order in accordance with section 156 of the 2008 Act; "watercourse" includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain; and "the works plan" means the plan certified as the works plan by the decision-maker for the purposes of this Order.</p> <p>(2) References in this Order to rights over land include references to rights to do or to place and maintain, anything in, on or under land or in the air-space above its surface.</p> <p>(3) All distances, directions and lengths referred to in this Order are approximate and distances between points on a work comprised in the authorised project shall be taken to be measured along that work.</p>
4.7	Article 2(2) and 2(3) Rights over land and restrictive covenants	Model Provisions article 1(2)	1 (2) References in this Order to rights over land include references to rights to do or to place and maintain, anything in, on or under land or in the air-space above its surface.
4.8	Article 2(4)	The M42 Junction 6 Development Consent Order 2020	<p>2 (3) References in this Order to the creation and acquisition of rights over land includes references to rights to oblige a party having an interest in land to grant those rights referenced in the Order, at the direction of the undertaker, either—</p> <p>(a) to an affected person directly, [F2where] that person's land or rights over land have been adversely affected by this Order, and, where that is the case, the rights referenced in the Order are to be granted for the benefit of the land in which that affected person has an interest at the time of the making of this Order; or</p> <p>(b) to any statutory undertaker for the purpose of their undertaking.</p>
4.9	Article 2(5) measurements	The M20 Junction 10a Development Consent Order 2017 at article 2(3), and the A19/A1058 Order at article 2(3).	<p>The M20 Junction 10a Development Consent Order 2017 (M20 Junction 10a Order)</p> <p>2(3) All distances, directions and lengths referred to in this Order are approximate and distances between points on a work comprised in the authorised development are taken to be measured along that work</p> <p>A19/A1058 Order</p> <p>2 (3) (All distances, directions and lengths referred to in this Order are approximate and distances between points on a work comprised in the authorised development are taken to be measured along that work.</p>
4.21	Article 4 - Maintenance of drainage works	A19/A184 Testos Junction Alteration Order 2018 Article 5	5.—(1) Nothing in this Order, or the construction, maintenance or operation of the authorised development under it, affects any responsibility for the maintenance of any works connected with the drainage of land, whether that responsibility is imposed or allocated by or under any enactment, or otherwise,

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			unless otherwise agreed in writing between the undertaker and the person responsible. (2) In this article "drainage" has the same meaning as in section 72 (interpretation) of the Land Drainage Act 1991(b).
4.23	Article 5 – Development consent, etc. granted by the Order	Article 2 Model Provisions	Article 2 Model Provisions 2. Subject to the provisions of this Order and to the requirements in the Schedule (requirements) attached to this Order the undertaker is granted— (a) development consent for the authorised development; and (b) consent for the ancillary works, to be carried out within the Order limits
4.24	Article 5 (2)	The M20 Junction 10a Development Consent Order 2017 Article 5(2)	M20 J10a article 5(2) (2) Any enactment applying to land within or adjacent to the Order limits has effect subject to the provisions of this Order.
4.25	Article 6 – Maintenance of authorised development	M20 Junction 10a Order Article 6	Maintenance of authorised development 6. The undertaker may at any time maintain the authorised development, except to the extent that this Order, or an agreement made under this Order, provides otherwise.
4.26	Article 6 – Maintenance of authorised development	Model Provisions Article 3	Maintenance of authorised project 3. The undertaker may at any time maintain the authorised project, except to the extent that this Order or an agreement made under this Order, provides otherwise.
4.29	Article 7 - Application of the 1990 Act	M42 Junction 6 Order Article 9	Application of the 1990 Act 9.—(1) This article applies where the land is used for the temporary construction works. (2) Where this article applies, section 57(2) of the 1990 Act (planning permission required for development) applies as if the development consent granted by this Order were planning permission granted for a limited period.
4.30	Article 8 - Planning permission	A30 Chiverton To Carland Cross Development Consent Order 2020 Article 7	7. If planning permission is granted under the powers conferred by the 1990 Act for development any part of which is within the Order limits following the coming into force of this Order that is— (a) not itself a nationally significant infrastructure project under the 2008 Act or part of such a project; or (b) required to complete or enable the use or operation of any part of the development authorised by this Order, then the carrying out, use or operation of such development under
4.33	Article 9 - Existing powers and duties of	The M20 Junction 10a Development Consent Order 2017 Article 37	37. Except as expressly provided, nothing in this Order is to prejudice the operation of, and the powers and duties of the undertaker under, the 1980 Act, the 1991 Act and the Town and Country Planning (General Permitted Development) (England) Order 2015(1)

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
	the undertaker		
4.39	Article 10 - Limits of deviation	M20 Junction 10a Order Article 8 M42 Junction 6 Order Article 6	<p>M20 Junction 10a Article 8 8. In carrying out the authorised development the undertaker may—</p> <p>(a) deviate laterally from the lines or situations of the authorised development shown on the works plans to the extent of the limits of deviation shown on those plans; and (b) deviate vertically from the levels of the authorised development shown on the engineering section drawings, to a maximum of 1 metre upwards or 1 metre downwards, except that these maximum limits of vertical deviation do not apply where it is demonstrated by the undertaker to the Secretary of State's satisfaction and the Secretary of State, following consultation with the relevant planning authority and the local highway authority, certifies accordingly that a deviation in excess of these limits would not give rise to any materially new or materially worse adverse environmental effects from those reported in the environmental statement.</p> <p>M42 Junction 6 Article 6 6.—(1) In carrying out the authorised development the undertaker may, so far as the undertaker considers it necessary or convenient—</p> <p>(a) deviate laterally from the lines or situations of the authorised development shown on the works plans to the extent of the limits of deviation shown on those plans; (b) deviate vertically from the levels of the authorised development shown on the engineering drawings and sections—</p> <p>(i) in respect of the construction of a new Solihull Road Overbridge referred to in Work No. 3, to a maximum of 1.5 metres upwards or downwards; and (ii) in respect of any other work comprised in the authorised development, to a maximum of 0.5 metres upwards or downwards.</p> <p>(2) The maximum limits of deviation set out in paragraph (1) do not apply where it is demonstrated by the undertaker to the Secretary of State's satisfaction and the Secretary of State, following consultation with the relevant planning authority, certifies accordingly that a deviation in excess of these limits would not give rise to any materially new or materially different environmental effects from those reported in the environmental statement.</p>
4.41	Article 10 - Limits of deviation	The Silvertown Tunnel Order 2018 Article 5 The M20 Junction 10a Order Article 8 The M4 Motorway (Junctions 3 to	<p>The Silvertown Tunnel Order 2018 5.—(1) Subject to paragraph (2), TfL must construct the authorised development within the Order limits and, so far as all non-linear works comprised in the authorised development are concerned, within the limits of deviation for those works shown on the works plans.</p> <p>(2) In constructing or maintaining the authorised development, TfL may deviate—</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
		<p>12) (Smart Motorway) Order 2016 (M4 Order) Article 6</p>	<p>(a)laterally within the Order limits in the case of any linear work comprised in the authorised development, so that the centre line of that work may be situated up to 3 metres either side of the centre line of that work shown on the works plans; and (b)vertically from the levels shown on the engineering section drawings and plans— (i)to any extent upwards not exceeding 0.5 metres except in relation to the parts of the authorised development referred to in column (1) of the table below, where the extent of permitted deviation for each such part is set out in column (2) of that table; and (ii)to any extent downwards as may be found to be necessary or convenient.</p> <p>(1) Part of authorised development (2) Upwards vertical deviation limit</p> <p>Work Nos. 1(a), 1(b), 1(c) and 1(e)</p> <p>(1) Where any part of the authorised development is situated on the bed of the river Thames, to any extent not result in the level of the bed within 3 metres below chart datum. (2) Where any part of the authorised development is situated on any extent not exceeding 3 metres. (3) Without limitation on the scope of paragraph (1), in constructing or maintaining the authorised development TfL may— (a)deviate by up to 3 metres from the points of commencement and termination of any linear work comprised in the authorised development shown on the works plans; and (b)deviate from the design of any tunnel or tunnel structure and vary the number of tunnel cross-passages shown on the engineering section drawings and plans. (4) In this article, reference to— (a)a “linear work” is a reference to any work shown on the works plans by way of a centre line; and (b)a “non-linear work” is a reference to any other work shown on the works plans.</p> <p>The M20 Junction 10a Order</p> <p>8. In carrying out the authorised development the undertaker may— (a) deviate laterally from the lines or situations of the authorised development shown on the works plans to the extent of the limits of deviation shown on those plans; and (b) deviate vertically from the levels of the authorised development shown on the engineering section drawings, to a maximum of 1 metre upwards or 1 metre downwards, except that these maximum limits of vertical deviation do not apply where it is demonstrated by the undertaker to the Secretary of State’s satisfaction and the Secretary of State, following consultation with the relevant planning authority and the local highway authority, certifies accordingly that a deviation in excess of these limits would not give rise to any materially new or materially worse adverse environmental effects from those reported in the environmental statement.</p> <p>The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Order 2016</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>6. In carrying out the scheduled works the undertaker may—</p> <p>(a) deviate laterally from the lines or situations shown on the works plans within the Order limits in respect of any linear work and in respect of any non-linear work within the Non-linear Work Boundary for that work;</p> <p>(b) deviate vertically from the levels shown or noted on the engineering drawings and sections, to a maximum of 0.5 metres upwards or downwards; and</p> <p>(c) deviate vertically from the parapet heights stated on the engineering drawings and sections, to a maximum of 0.5 metres upwards.</p>
4.43	Article 11 - Benefit of Order	M25 Junction 28 Development Consent Order 2022 Article 8	<p>8.—(1) Subject to paragraph (2) and article 9 (consent to transfer benefit of Order), the provisions of this Order conferring powers on the undertaker have effect solely for the benefit of the undertaker.</p> <p>(2) Paragraph (1) does not apply to the works for which consent is granted by this Order for the express benefit of owners and occupiers of land, statutory undertakers and other persons affected by the authorised development.</p>
4.44	Article 12 - Consent to transfer benefit of Order	<p>A30 Chiverton Order</p> <p>The A63 (Castle Street Improvement, Hull) Development Consent Order 2020</p> <p>The A585 Windy Harbour to Skippool Highway Development Consent Order 2020 (A585 Windy Harbour Order)</p> <p>The M42 Junction 6 Order</p> <p>The A19/A184 Order</p>	<p>A30 Chiverton Order</p> <p>10.—(1) The undertaker may—</p> <p>(a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order, including those relating to compulsory acquisition, and such related statutory rights as may be agreed between the undertaker and the transferee; or</p> <p>(b) grant to another person (“the lessee”) for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of this Order, including those relating to compulsory acquisition, and such related statutory rights as may be so agreed.</p> <p>(2) Where an agreement has been made in accordance with paragraph (1) references in this Order to the undertaker, except in paragraph (3), include references to the transferee or the lessee.</p> <p>(3) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) is subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by the undertaker.</p> <p>(4) If the benefit of the provisions of this Order relating to compulsory acquisition is transferred or granted to a transferee or lessee pursuant to this article and the transferee or lessee exercises those powers then the undertaker alone is liable for any compensation that is payable to another party as a consequence of the exercise of those powers by the transferee or lessee.</p> <p>(5) The consent of the Secretary of State is required for a transfer or grant under this article, except where the transfer or grant is made to—</p> <p>(a) South West Water Limited (company number 02366665, whose registered office is at Peninsula House, Rydon Lane, Exeter, Devon EX2 7HR) for the purposes of undertaking Work Nos. 14, 16, 25, 31, 36, 46 and 66;</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>(b) Western Power Distribution (South West) Public Limited Company (company number 02366894, whose registered office is at Avonbank, Feeder Road, Bristol BS2 0TB) (or a related or subsidiary company) for the purposes of undertaking Work Nos. 15, 19, 20, 24, 26, 28, 32, 37, 40, 42, 43, 57, 63 and 70;</p> <p>(c) BT Group Public Limited Company (company number 04190816, whose registered office is at 81 Newgate Street, London EC1A 7AJ) (or a related or subsidiary company) for the purposes of undertaking Work Nos. 21, 27, 29, 33, 34, 35, 39, 41, 44, 50, 51, 52, 54, 56, 59, 60, 61, 62, 64 and 65;</p> <p>(d) Wales & West Utilities Limited (company number 05046791, whose registered office is at Wales & West House, Spooner Close, Coedkernew, Newport, South Wales NP10 8FZ) for the purposes of undertaking Work Nos. 22 and 45;</p> <p>(e) Instalcom Limited (company number 03421543, whose registered office is at 164 Field End Road, Eastcote, HA5 1RH) for the purposes of undertaking Work Nos. 23, 47, 48, 49, 53, 55, 58, 67, 68, 69, 71, 72 and 73;</p> <p>(f) Level 3 Communications Limited (company number 03514850, whose registered office is at 7th Floor, 10 Fleet Place, London EC4M 7RB) for the purposes of undertaking Work Nos. 23, 47, 48, 49, 53, 55, 58, 67, 68, 69, 71, 72 and 73;</p> <p>(g) Renewable Energy Systems Limited (company number 01589961, whose registered office is at Beaufort Court, Egg Farm Lane, Station Road, Kings Langley, Hertfordshire WD4 8LR) for the purposes of undertaking Work Nos. 19 and 57;</p> <p>(h) ScottishPower Renewables (UK) Limited (company number NI028425, whose registered office is at The Soloist, 1 Lanyon Place, Belfast, Northern Ireland BT1 3LP) for the purposes of undertaking Work Nos. 5(g) and 5(m);</p> <p>(i) Verizon Digital Media Services UK Limited (company number 08524398, whose registered office is at Midcity Place, 71 High Holborn, London WC1V 6DA) for the purposes of undertaking Work No. 13;</p> <p>(j) Virgin Media Limited (company number 02591237, whose registered office is at 500 Brook Drive, Reading RG2 6UU) for the purposes of undertaking Work Nos. 23, 47, 48, 49, 53, 55, 58, 67, 68, 69, 71, 72 and 73;</p> <p>(k) Vodafone Group Public Limited Company (company number 01833679, whose registered office is at Vodafone House, The Connection, Newbury, Berkshire RG14 2FN) (or a related or subsidiary company) for the purposes of undertaking Work Nos. 23, 47, 48, 49, 53, 55, 58, 67, 68, 69, 71, 72 and 73;</p> <p>(l) Sky UK Limited (company number 02906991, whose registered office is at Grant Way, Isleworth, Middlesex TW7 5QD) for the purposes of undertaking Work Nos. 23, 47, 48, 49, 53, 55, 58, 67, 68, 69, 71, 72 and 73; or</p> <p>(m) Everything Everywhere Limited (company number 08263590, whose registered office is at Trident Place, Mosquito Way, Hatfield, Hertfordshire AL10 9BW) for the purposes of undertaking Work No. 6(i).</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>The A63 (Castle Street Improvement, Hull) Development Consent Order 2020</p> <p>8.—(1) Subject to paragraph (4), the undertaker may—</p> <p>(a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order and such related statutory rights as may be agreed between the undertaker and the transferee; or</p> <p>(b) grant to another person (“the lessee”) for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of this Order and such related statutory rights as may be so agreed.</p> <p>(2) Where an agreement has been made in accordance with paragraph (1) references in this Order to the undertaker, except in paragraph (3), includes references to the transferee or the lessee.</p> <p>(3) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) is subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by the undertaker.</p> <p>(4) The consent of the Secretary of State is required for a transfer or grant under this article, except where the transfer or grant is made to—</p> <p>(a) British Telecommunications PLC for the purposes of undertaking works numbers 3, 6 and 11;</p> <p>(b) KCOM Group PLC for the purposes of undertaking works numbers 8 and 11;</p> <p>(c) Northern Gas Networks Limited for the purposes of undertaking works under parts (e) and (f) of Schedule 1;</p> <p>(d) Northern Powergrid Limited for the purposes of undertaking works under parts (e) and (f) of Schedule 1; or</p> <p>(e) Yorkshire Water Services Limited for the purposes of undertaking works numbers 10 and 23.</p> <p>The A585 Windy Harbour to Skippool Highway Development Consent Order 2020</p> <p>8.—(1) Subject to paragraph (4), the undertaker may—</p> <p>(a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order and such related statutory rights as may be agreed between the undertaker and the transferee; or</p> <p>(b) grant to another person (“the lessee”) for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of this Order and such related statutory rights as may be so agreed.</p> <p>(2) Where an agreement has been made in accordance with paragraph (1) references in this Order to the undertaker, except in paragraph (3), include references to the transferee or the lessee.</p> <p>(3) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) is subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by the undertaker.</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>(4) The consent of the Secretary of State is required for a transfer or grant under this article, except where the transfer or grant is made to—</p> <p>(a) Electricity North West Limited for the purposes of undertaking Work No. 6, 8, 26, 30, 31, 42, 64, 71, 72 and 112;</p> <p>(b) United Utilities Group PLC for the purposes of undertaking Work No. 3, 7, 34, 36, 37, 51, 53, 60, 61, 67, 73, 77 and 116;</p> <p>(c) British Telecommunications PLC (or a related or subsidiary company) for the purposes of undertaking Work No.15, 24, 32, 33, 65, 75, 81 and 121;</p> <p>(d) GTC Infrastructure Limited (or a related or subsidiary company) for the purposes of undertaking Work No. 120; and</p> <p>(e) Cadent Gas Ltd for the purposes of undertaking Work No. 16, 27, 54, 69, 76 and 80,</p> <p>provided that any transfer or grant under this paragraph (4) must not include the transfer or grant of any benefit of the provisions of Part 5 (powers of acquisition and possession) of this Order without the consent of the Secretary of State.</p> <p>The M42 Junction 6 Order</p> <p>8.—(1) Subject to paragraph (4), the undertaker may—</p> <p>(a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order and such related statutory rights as may be agreed between the undertaker and the transferee; or</p> <p>(b) grant to another person (“the grantee”) for a period agreed between the undertaker and the grantee any or all of the benefit of the provisions of this Order and such related statutory rights as may be so agreed.</p> <p>(2) Where an agreement has been made in accordance with paragraph (1) references in this Order to the undertaker, except in paragraph (3), includes references to the transferee or the grantee.</p> <p>(3) The exercise by any person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) is subject to the same restrictions, liabilities and obligations as would apply by or under this Order if those benefits or rights were exercised by the undertaker.</p> <p>(4) The consent of the Secretary of State is required for a transfer or grant under this article, except where the transfer or grant is made to—</p> <p>(a) Solihull Metropolitan Borough Council for the purposes of undertaking Works Nos. 3, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 30, 31, 34, 35, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53 and 54;</p> <p>(b) Cadent Gas Limited (company number 10080864, whose registered office is at Ashbrook Court Prologis Park, Central Boulevard, Coventry CV7 8PE) (or a related subsidiary company) for the purposes of undertaking Works Nos. 55, 56, 57, 58, 59, 60 and 61;</p> <p>(c) Severn Trent Water Limited (company number 02366686, whose registered office is at Severn Trent Centre, 2 St John’s Street, Coventry CV1 2LZ) for the purposes of undertaking Works Nos. 62 and 63;</p> <p>(d) Western Power Distribution Public Limited Company (company number 09223384, whose registered office is at</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>Avonbank, Feeder Road, Bristol, Avon BS2 0TB) (or a related subsidiary company) for the purposes of undertaking Works Nos. 64 and 65; and</p> <p>(e) Esso Petroleum Company, Limited (company number 00026538, whose registered office is at Ermyn House, Ermyn Way, Leatherhead, Surrey KT22 8UX) for the purposes of undertaking Work No. 66.</p> <p>The A19/A184 Order</p> <p>8.—(1) Subject to paragraph (4), the undertaker may—</p> <p>(a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order and such related statutory rights as may be agreed between the undertaker and the transferee; or</p> <p>(b) grant to another person (“the lessee”) for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of this Order and such related statutory rights as may be so agreed.</p> <p>(2) Where an agreement has been made in accordance with paragraph (1) references in this Order to the undertaker, except in paragraph (3), includes references to the transferee or the lessee.</p> <p>(3) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) is subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by the undertaker.</p> <p>(4) The consent of the Secretary of State is required for a transfer or grant under this article, except where the transfer or grant is made to—</p> <p>(a) Northern Powergrid Limited for the purposes of undertaking Work No. 9;</p> <p>(b) Northumbrian Water Limited for the purposes of undertaking Work No. 24;</p> <p>(c) British Telecommunications PLC (or a related or subsidiary company) for the purposes of undertaking Work No. 25; and</p> <p>(d) Northern Gas Networks Limited for the purposes of undertaking Work No. 26.</p>
4.47	Part 3 — Streets Article 13 - Application of 1991 Act	The M25 Junction 28 Development Consent Order 2022 Article 10(2) The A47 Blofield to North Burlingham Development Consent Order 2022 Article 11(2)	<p>The M25 Junction 28 Development Consent Order 2022 Application of the 1991 Act</p> <p>10. (2) In Part 3 of the 1991 Act, in relation to works which are major highway works by virtue of paragraph (1), references to the highway authority concerned are to be construed as references to the undertaker.</p> <p>The A47 Blofield to North Burlingham Development Consent Order</p> <p>11. (2) In Part 3 of the 1991 Act references to the highway authority concerned are, in relation to works which are major highway works by virtue of paragraph (1), references to the undertaker.</p>
4.53	Article 13 - Application of 1991 Act	M25 Junction 28 Development Consent Order 2022	13. (8) Subject to paragraphs (3), (9) and (10), permit schemes will apply to the construction and maintenance of the authorised development and will be used by the undertaker in connection with the exercise of any powers conferred by this Part.

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
	Paragraphs (8) to (11)		<p>(9) For the purposes of this Order a permit under a permit scheme may not be granted subject to conditions where compliance with those conditions would constitute a breach of this Order or where the undertaker would be unable to comply with those conditions pursuant to the powers conferred by this Order.</p> <p>(10) Without restricting the undertaker’s recourse to any appeal mechanism which may be available under a permit scheme the undertaker may alternatively refer the matter to arbitration under article 53 (arbitration).</p> <p>(11) Any order made by the Secretary of State under section 74A(2)(17) (charge determined by reference to duration of works) of the 1991 Act for the purposes of the Street Works (Charges for Occupation of the Highway) (England) Regulations 2012(18) does not have effect in relation to the construction or maintenance of the authorised development.</p>
4.55	Article 14 - Construction and maintenance of new, altered or diverted streets and other structures	M25 Junction 28 Development Consent Order 2022 Junction The A47 Blofield to North Burlingham Development Consent Order 2022	<p>M25 Junction 28 Development Consent Order 2022 Construction and maintenance of new, altered or diverted streets and other structures</p> <p>11.—(1) Any highway (other than a trunk road or special road) to be constructed under this Order must be completed to the reasonable satisfaction of the local highway authority in whose area the highway lies and, unless otherwise agreed in writing between the undertaker and the local highway authority, the highway including any culverts or other structures laid under it, must be maintained by and at the expense of the local highway authority from its completion.</p> <p>(2) Where a highway (other than a trunk road or special road) is altered or diverted under this Order, the altered or diverted part of the highway must, be completed to the reasonable satisfaction of the local highway authority in whose area the highway lies and, unless otherwise agreed in writing between the undertaker and the local highway authority, be maintained by and at the expense of the local highway authority from its completion.</p> <p>(3) Where a street which is not, and is not intended to be a highway is constructed, altered or diverted under this Order, the street (or part of the street as the case may be) must, when completed to the reasonable satisfaction of the street authority, and, unless otherwise agreed in writing, be maintained by and at the expense of the undertaker for a period of 12 months from its completion and at the expiry of that period by and at the expense of the street authority.</p> <p>(4) In the case of a bridge constructed under this Order to carry a highway (other than a trunk road or special road) over a trunk road or special road, the highway surface (being those elements over the waterproofing membrane) must be maintained by and at the expense of the local highway authority unless otherwise agreed in writing between the undertaker and the local highway authority, and the remainder of the bridge, including the waterproofing membrane, and structure below, must be maintained by and at the expense of the undertaker.</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>(5) In any action against the undertaker in respect of loss or damage resulting from any failure by it to maintain a street or other structure under this article, it is a defence (without prejudice to any other defence or the application of the law relating to contributory negligence) to prove that the undertaker had taken such care as in all the circumstances was reasonably required to secure that the part of the street or structure to which the action relates was not dangerous to traffic.</p> <p>(6) For the purposes of a defence under paragraph (5), the court must in particular have regard to the following matters—</p> <ul style="list-style-type: none"> (a) the character of the street or structure and the traffic which was reasonably to be expected to use it; (b) the standard of maintenance appropriate for a street or structure of that character and used by such traffic; (c) the state of repair in which a reasonable person would have expected to find the street or structure; (d) whether the undertaker knew, or could reasonably have been expected to know, that the condition of the part of the street or structure to which the action relates was likely to cause danger to users of the street or structure; and (e) where the undertaker could not reasonably have been expected to repair that part of the street or structure before the cause of action arose, what warning notices of its condition had been displayed, <p>but for the purposes of such a defence it is not relevant to prove that the undertaker had arranged for a competent person to carry out or supervise the maintenance of the part of the street or structure to which the action relates unless it is also proved that the undertaker had given the competent person proper instructions with regard to the maintenance of the street or structure and that the competent person had carried out those instructions.</p> <p>The A47 Blofield to North Burlingham Development Consent Order 2022</p> <p>12.—(1) Any highway (other than a trunk road) to be constructed under this Order must be completed to the reasonable satisfaction of the local highway authority in whose area the highway lies and, unless otherwise agreed in writing with the local highway authority, the highway must be maintained by and at the expense of the local highway authority from its completion.</p> <p>(2) Where a highway (other than a trunk road) is altered or diverted under this Order, the altered or diverted part of the highway must be completed to the reasonable satisfaction of the local highway authority and, unless otherwise agreed in writing with the local highway authority, that part of the highway must be maintained by and at the expense of the local highway authority from its completion.</p> <p>(3) Where a footpath, cycle track or bridleway is altered or diverted under this Order, the altered or diverted part of the highway must be completed to the reasonable satisfaction of the local highway authority and, unless otherwise agreed in writing with the local highway authority, that part of the</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>highway must be maintained by and at the expense of the local highway authority from its completion.</p> <p>(4) Where a street which is not, and is not intended to be, a public highway is constructed, altered or diverted under this Order, the street (or part of the street as the case may be) must, when completed to the reasonable satisfaction of the street authority, unless otherwise agreed in writing with the street authority, be maintained by and at the expense of the undertaker for a period of 12 months from its completion and at the expiry of that period by and at the expense of the street authority.</p> <p>(5) Where a highway is de-trunked under this Order— (a) section 265(1) (transfer of property and liabilities upon a highway becoming or ceasing to be a trunk road) of the 1980 Act applies in respect of that highway; and (b) any alterations to that highway undertaken under powers conferred by this Order prior to and in connection with that de-trunking must, unless otherwise agreed in writing with the local highway authority, be maintained by and at the expense of the local highway authority from the date of de-trunking.</p> <p>(6) In the case of a bridge constructed under this Order to carry a highway (other than a trunk road) over a trunk road, the highway surface (being those elements over the waterproofing membrane) must be maintained by and at the expense of the local highway authority unless otherwise agreed in writing between the undertaker and the local highway authority, and the remainder of the bridge, including the waterproofing membrane, and structure below, parapets and any system of lighting must be maintained by and at the expense of the undertaker.</p> <p>(7) In any action against the undertaker in respect of loss or damage resulting from any failure by it to maintain a street under this article, it is a defence (without prejudice to any other defence or the application of the law relating to contributory negligence) to prove that the undertaker had taken such care as in all the circumstances was reasonably required to secure that the part of the street to which the action relates was not dangerous to traffic.</p> <p>(8) For the purposes of a defence under paragraph (7), the court must in particular have regard to the following matters— (a) the character of the street and the traffic which was reasonably to be expected to use it; (b) the standard of maintenance appropriate for a street of that character and used by such traffic; (c) the state of repair in which a reasonable person would have expected to find the street; (d) whether the undertaker knew, or could reasonably have been expected to know, that the condition of the part of the street to which the action relates was likely to cause danger to users of the street; and (e) where the undertaker could not reasonably have been expected to repair that part of the street before the cause of action arose, what warning notices of its condition had been displayed,</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>but for the purposes of such a defence it is not relevant to prove that the undertaker had arranged for a competent person to carry out or supervise the maintenance of the part of the street to which the action relates unless it is also proved that the undertaker had given the competent person proper instructions with regard to the maintenance of the street and the competent person had carried out those instructions.</p>
4.76	Article 17 - Power to alter layout etc. of streets	The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 Article 10	<p>Power to alter layout etc. of streets 10.—(1) Subject to paragraph (3), the undertaker may, for the purposes of constructing and maintaining the authorised development, alter the layout of any street within the Order limits and the layout of any street having a junction with such a street; and, without limitation on the scope of this paragraph, the undertaker may— (a) increase the width of the carriageway of the street by reducing the width of any kerb, footpath, footway, cycle track or verge within the street; (b) alter the level or increase the width of any such kerb, footway, cycle track or verge; (c) reduce the width of the carriageway of the street; and (d) make and maintain passing places. (2) The undertaker must restore any street that has been temporarily altered under this article to the reasonable satisfaction of the street authority. (3) The powers conferred by paragraph (1)— (a) are exercisable on the giving of not less than 42 days’ notice to the street authority; and (b) are not to be exercised without the consent of the street authority where that authority is a public authority. (4) If a street authority which receives an application for consent under paragraph (3) fails to notify the undertaker of its decision before the end of the period of 6 weeks beginning with the date on which the application was made, it is deemed to have granted consent. (5) Paragraphs (2), (3) and (4) do not apply where the undertaker is the street authority for a street in which the works are being carried out.</p>
4.78	Article 18 - Street Works	<p>Article 8 Model Provisions</p> <p>The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 Article 11</p> <p>The M42 Junction 6 Development Consent Order 2020 Article 12</p>	<p>Model Provisions 8.—(1) The undertaker may, for the purposes of the authorised project, enter on so much of any of the streets specified in Schedule B (streets subject to street works) as is within the Order limits and may— (a) break up or open the street, or any sewer, drain or tunnel under it; (b) tunnel or bore under the street; (c) place apparatus in the street; (d) maintain apparatus in the street or change its position; and (e) execute any works required for or incidental to any works referred to in sub-paragraphs (a), (b), (c) and (d). (2) The authority given by paragraph (1) is a statutory right for the purposes of sections 48(3) (streets, street works and undertakers) and 51(1) (prohibition of unauthorised street works) of the 1991 Act. (3) The provisions of sections 54 to 106 of the 1991 Act apply to any street works carried out under paragraph (1).</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>(4) In this article “apparatus” has the same meaning as in Part 3 of the 1991 Act.</p> <p>The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016</p> <p>Street works</p> <p>11.—(1) The undertaker may, for the purposes of the authorised development, enter on so much of any of the streets as are within the Order limits and may—</p> <p>(a) break up or open the street, or any sewer, drain or tunnel under it;</p> <p>(b) tunnel or bore under the street;</p> <p>(c) place apparatus in the street;</p> <p>(d) maintain apparatus in the street or change its position; and</p> <p>(e) execute any works required for, or incidental to, any works referred to in sub-paragraphs (a), (b), (c) and (d).</p> <p>(2) The authority given by paragraph (1) is a statutory right for the purposes of sections 48(3) (streets, street works and undertakers) and 51(1) (prohibition of unauthorised street works) of the 1991 Act.</p> <p>(3) The provisions of sections 54 to 106 of the 1991 Act apply to any street works carried out under paragraph (1).</p> <p>The M42 Junction 6 Development Consent Order 2020</p> <p>12.—(1) The undertaker may, for the purposes of the authorised development, enter on so much of any of the streets specified in column (2) of Schedule 3 (streets subject to street works) as are within the Order limits and may—</p> <p>(a) break up or open the street, or any sewer, drain or tunnel under it;</p> <p>(b) tunnel or bore under the street or carry out works to strengthen or repair the carriageway;</p> <p>(c) place or keep apparatus in the street;</p> <p>(d) maintain, renew or alter apparatus in the street or change its position;</p> <p>(e) demolish, remove, replace and relocate any street furniture;</p> <p>(f) execute any works to provide or improve sight lines;</p> <p>(g) execute and maintain any works to provide hard and soft landscaping;</p> <p>(h) carry out re-lining and placement of road markings;</p> <p>(i) remove and install temporary and permanent signage; and</p> <p>(j) execute any works required for, or incidental to, any works referred to in subparagraphs (a) to (i).</p> <p>(2) The authority given by paragraph (1) is a statutory right for the purposes of sections 48(3) (streets, street works and undertakers) and 51(1) (prohibition of unauthorised street works) of the 1991 Act.</p> <p>(3) Subject to article 13 (application of the 1991 Act), the provisions of sections 54 to 106 of the 1991 Act apply to any street works carried out under paragraph (1).</p>
4.84	Article 19 - Temporary alteration, diversion,	The M20 Junction 10a Development Consent Order 2017 Article 14(6)	14. (6) If a street authority which receives an application for consent under paragraph (4) fails to notify the undertaker of its decision before the end of the period of 28 days beginning with the date on which the application was made, it is deemed to have granted consent.

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
	prohibition and restriction of the use of streets		
4.90	Article 20 - Permanent stopping up and restriction of use of streets and private means of access	Model Provisions Articles 9 and 10	<p>Stopping up of streets</p> <p>9.—(1) Subject to the provisions of this article, the undertaker may, in connection with the carrying out of the authorised project, stop up each of the streets specified in columns (1) and (2) of Parts 1 and 2 of Schedule C (streets to be stopped up) to the extent specified, by reference to the letters and numbers shown on the works plan, in column (3) of those Parts of that Schedule.</p> <p>(2) No street specified in columns (1) and (2) of Part 1 of Schedule C (being a street to be stopped up for which a substitute is to be provided) shall be wholly or partly stopped up under this article unless—</p> <p>(a) the new street to be substituted for it, which is specified in column (4) of that Part of that Schedule, has been completed to the reasonable satisfaction of the street authority and is open for use; or</p> <p>(b) a temporary alternative route for the passage of such traffic as could have used the street to be stopped up is first provided and subsequently maintained by the undertaker, to the reasonable satisfaction of the street authority, between the commencement and termination points for the stopping up of the street until the completion and opening of the new street in accordance with sub-paragraph (a).</p> <p>(3) No street specified in columns (1) and (2) of Part 2 of Schedule C (being a street to be stopped up for which no substitute is to be provided) shall be wholly or partly stopped up under this article unless the condition specified in paragraph (4) is satisfied in relation to all the land which abuts on either side of the street to be stopped up.</p> <p>(4) The condition referred to in paragraph (3) is that—</p> <p>(a) the undertaker is in possession of the land; or</p> <p>(b) there is no right of access to the land from the street concerned; or</p> <p>(c) there is reasonably convenient access to the land otherwise than from the street concerned; or</p> <p>(d) the owners and occupiers of the land have agreed to the stopping up.</p> <p>(5) Where a street has been stopped up under this article—</p> <p>(a) all rights of way over or along the street so stopped up shall be extinguished; and</p> <p>(b) the undertaker may appropriate and use for the purposes of the authorised project so much of the site of the street as is bounded on both sides by land owned by the undertaker.</p> <p>(6) Any person who suffers loss by the suspension or extinguishment of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.</p> <p>(7) This article is subject to article 32 (apparatus etc. of statutory undertakers).</p> <p>Public rights of way</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>10.—(1) With effect from the [date of publication of this Order] [the date of certification by the local highway authority that the agreed alternative right of way has been created to the standard defined in the implementation plan], [the section of] the public right of way (being a [insert one of: footpath/bridleway/byway open to all traffic/restricted byway]) shown marked in [red] between the points [A] and [B] on the rights plan is extinguished.</p> <p>(2) With effect from [that same date] [insert later date] an alternative section of [insert description of right of way of that same type] as marked in [green] between the points [C] and [D] on the rights plan is created.</p> <p>(3) In this article— “implementation plan” means the written plan agreed between the undertaker and the local highway authority for creation of the agreed alternative right of way to the defined standard; and “local highway authority” has the same meaning as in section 329(1) of the 1980 Act.</p>
4.91	Article 21 - Access to works	The A19 Downhill Lane Junction Development Consent Order 2020 Article 14	<p>14. The undertaker may, for the purposes of the authorised development, form and layout means of access, or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development.</p>
4.109	Article 23 – Traffic Regulation	M20 Junction 10a Development Consent Order 2017 Article 47 The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 Article 43	<p>M20 Junction 10a Development Consent Order 2017</p> <p>47.—(1) This article applies to roads in respect of which the undertaker is not the traffic authority.</p> <p>(2) Subject to the provisions of this article, and the consent of the traffic authority in whose area the road concerned is situated, which consent must not be unreasonably withheld, the undertaker may, for the purposes of the authorised development—</p> <p>(a) revoke, amend or suspend in whole or in part any order made, or having effect as if made, under the 1984 Act;</p> <p>(b) permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles on any road;</p> <p>(c) authorise the use as a parking place of any road;</p> <p>(d) make provision as to the direction or priority of vehicular traffic on any road; and</p> <p>(e) permit or prohibit vehicular access to any road, either at all times or at times, on days or during such periods as may be specified by the undertaker.</p> <p>(3) The power conferred by paragraph (2) may be exercised at any time prior to the expiry of 12 months from the opening of the authorised development for public use but subject to paragraph (7) any prohibition, restriction or other provision made under paragraph (2) may have effect both before and after the expiry of that period.</p> <p>(4) The undertaker must consult the chief officer of police and the traffic authority in whose area the road is situated before complying with the provisions of paragraph (5).</p> <p>(5) The undertaker must not exercise the powers conferred by paragraph (2) unless the undertaker has—</p> <p>(a) given not less than—</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>(i) 12 weeks’ notice in writing of the undertaker’s intention so to do in the case of a prohibition, restriction or other provision intended to have effect permanently; or</p> <p>(ii) 4 weeks’ notice in writing of the undertaker’s intention so to do in the case of a prohibition, restriction or other provision intended to have effect temporarily, to the chief officer of police and to the traffic authority in whose area the road is situated; and</p> <p>(b) advertised the undertaker’s intention in such manner as the traffic authority may specify in writing within 28 days of its receipt of notice of the undertaker’s intention in the case of sub-paragraph (a)(i), or within 7 days of its receipt of notice of the undertaker’s intention in the case of sub-paragraph (a)(ii).</p> <p>(6) Any prohibition, restriction or other provision made by the undertaker under paragraph (2)—</p> <p>(a) has effect as if duly made by, as the case may be—</p> <p>(i) the traffic authority in whose area the road is situated, as a traffic regulation order under the 1984 Act; or</p> <p>(ii) the local authority in whose area the road is situated, as an order under section 32 (power of local authorities to provide parking spaces) of the 1984 Act(1),and the instrument by which it is effected may specify savings and exemptions to which the prohibition, restriction or other provision is subject; and</p> <p>(b) is deemed to be a traffic order for the purposes of Schedule 7 (road traffic contraventions subject to civil enforcement) to the Traffic Management Act 2004(2).</p> <p>(7) Any prohibition, restriction or other provision made under this article may be suspended, varied or revoked by the undertaker from time to time by subsequent exercise of the powers conferred by paragraph (2) within a period of 24 months from the opening of the authorised development.</p> <p>(8) Before exercising the powers conferred by paragraph (2) the undertaker must consult such persons as the undertaker considers necessary and appropriate and must take into consideration any representations made to the undertaker by any such person.</p> <p>(9) Expressions used in this article and in the 1984 Act have the same meaning in this article as in that Act.</p> <p>(10) The powers conferred on the undertaker by this article with respect to any road have effect subject to any agreement entered into by the undertaker with any person with an interest in (or who undertakes activities in relation to) premises served by the road.</p> <p>(11) If the traffic authority fails to notify the undertaker of its decision within 28 days of receiving an application for consent under paragraph (2) the traffic authority is deemed to have granted consent.</p> <p>The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016</p> <p>43.—(1) This article applies to roads in respect of which the undertaker is not the traffic authority.</p> <p>(2) Subject to the provisions of this article, and the consent of the traffic authority in whose area the road concerned is situated, which consent must not be unreasonably withheld,</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>the undertaker may, for the purposes of the authorised development—</p> <ul style="list-style-type: none"> (a) revoke, amend or suspend in whole or in part any order made, or having effect as if made, under the 1984 Act; (b) permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles on any road; (c) authorise the use as a parking place of any road; (d) make provision as to the direction or priority of vehicular traffic on any road; and (e) permit or prohibit vehicular access to any road, either at all times or at times, on days or during such periods as may be specified by the undertaker. <p>(3) Subject to paragraph (7), the power conferred by paragraph (2) must not be exercised after the expiry of 12 months from the opening of the authorised development for public use, but any prohibition, restriction or other provision made under paragraph (2) may have effect both before and after the expiry of that period.</p> <p>(4) The undertaker must consult the chief officer of police and the traffic authority in whose area the road is situated before complying with the provisions of paragraph (5).</p> <p>(5) The undertaker must not exercise the powers conferred by paragraph (2) unless the undertaker has—</p> <ul style="list-style-type: none"> (a) given not less than— <ul style="list-style-type: none"> (i) 12 weeks’ notice in writing of the undertaker’s intention to do so in the case of a prohibition, restriction or other provision intended to have effect permanently; or (ii) 4 weeks’ notice in writing of the undertaker’s intention to do so in the case of a prohibition, restriction or other provision intended to have effect temporarily, to the chief officer of police and to the traffic authority in whose area the road is situated; and (b) advertised the undertaker’s intention in such manner as the traffic authority may specify in writing within 28 days of its receipt of notice of the undertaker’s intention in the case of sub-paragraph (a)(i), or within 7 days of its receipt of notice of the undertaker’s intention in the case of sub-paragraph (a)(ii). <p>(6) Any prohibition, restriction or other provision made by the undertaker under paragraph (2)—</p> <ul style="list-style-type: none"> (a) has effect as if duly made by, as the case may be— <ul style="list-style-type: none"> (i) the traffic authority in whose area the road is situated, as a traffic regulation order under the 1984 Act; or (ii) the local authority in whose area the road is situated, as an order under section 32 (power of local authorities to provide parking places) of the 1984 Act(1), and the instrument by which it is effected may specify savings and exemptions to which the prohibition, restriction or other provision is subject; and (b) is deemed to be a traffic order for the purposes of Schedule 7 (road traffic contraventions subject to civil enforcement) to the Traffic Management Act 2004(2). <p>(7) Any prohibition, restriction or other provision made under this article may be suspended, varied or revoked by the undertaker from time to time by subsequent exercise of the powers conferred by paragraph (2) within a period of 24 months from the opening of the authorised development.</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>(8) Before exercising the powers conferred by paragraph (2) the undertaker must consult such persons as the undertaker considers necessary and appropriate and must take into consideration any representations made to the undertaker by any such person.</p> <p>(9) Expressions used in this article and in the 1984 Act have the same meaning in this article as in that Act.</p> <p>(10) The powers conferred on the undertaker by this article with respect to any road have effect subject to any agreement entered into by the undertaker with any person with an interest in (or who undertakes activities in relation to) premises served by the road.</p> <p>(11) If a traffic authority which receives an application for consent under paragraph (2) fails to notify the undertaker of its decision before the end of the period of 6 weeks beginning with the date on which the application was made, it is deemed to have granted consent.</p>
4.114	Part 4 — Supplemental powers Article 24 - Discharge of water	M20 Junction 10a Development Consent Order 2017 Article 18 (7)	18. (7) If a person who receives an application for consent under paragraph (3) or approval under paragraph (4)(a) fails to notify the undertaker of a decision within 28 days of receiving an application, that person is deemed to have granted consent or given approval, as the case may be.
4.115	Article 25 - Protective work to buildings	Model Provisions Article 15 A19/A184 Testo’s Junction Alteration Development Consent Order 2018 Article 18	<p>Model Provisions</p> <p>15.—(1) Subject to the following provisions of this article, the undertaker may at its own expense carry out such protective works to any building lying within the Order limits as the undertaker considers necessary or expedient.</p> <p>(2) Protective works may be carried out—</p> <p>(a) at any time before or during the carrying out in the vicinity of the building of any part of the authorised project; or</p> <p>(b) after the completion of that part of the authorised project in the vicinity of the building at any time up to the end of the period of 5 years beginning with the day on which that part of the authorised project is first opened for use.</p> <p>(3) For the purpose of determining how the functions under this article are to be exercised the undertaker may enter and survey any building falling within paragraph (1) and any land within its curtilage.</p> <p>(4) For the purpose of carrying out protective works under this article to a building the undertaker may (subject to paragraphs (5) and (6))—</p> <p>(a) enter the building and any land within its curtilage; and</p> <p>(b) where the works cannot be carried out reasonably conveniently without entering land which is adjacent to the building but outside its curtilage, enter the adjacent land (but not any building erected on it).</p> <p>(5) Before exercising—</p> <p>(a) a right under paragraph (1) to carry out protective works to a building;</p> <p>(b) a right under paragraph (3) to enter a building and land within its curtilage;</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>(c) a right under paragraph (4)(a) to enter a building and land within its curtilage; or</p> <p>(d) a right under paragraph (4)(b) to enter land, the undertaker shall, except in the case of emergency, serve on the owners and occupiers of the building or land not less than 14 days’ notice of its intention to exercise that right and, in a case falling within sub-paragraph (a) or (c), specifying the protective works proposed to be carried out.</p> <p>(6) Where a notice is served under paragraph (5)(a), (c) or (d), the owner or occupier of the building or land concerned may, by serving a counter-notice within the period of 10 days beginning with the day on which the notice was served, require the question whether it is necessary or expedient to carry out the protective works or to enter the building or land to be referred to arbitration under article 42 (arbitration).</p> <p>(7) The undertaker shall compensate the owners and occupiers of any building or land in relation to which rights under this article have been exercised for any loss or damage arising to them by reason of the exercise of those rights.</p> <p>(8) Where—</p> <p>(a) protective works are carried out under this article to a building; and</p> <p>(b) within the period of 5 years beginning with the day on which the part of the authorised project carried out in the vicinity of the building is first opened for use it appears that the protective works are inadequate to protect the building against damage caused by the carrying out or use of that part of the authorised project,</p> <p>the undertaker shall compensate the owners and occupiers of the building for any loss or damage sustained by them.</p> <p>(9) Nothing in this article shall relieve the undertaker from any liability to pay compensation under section 10(2) of the 1965 Act (compensation for injurious affection).</p> <p>(10) Any compensation payable under paragraph (7) or (8) shall be determined, in case of dispute, under Part 1 of the 1961 Act (determination of questions of disputed compensation).</p> <p>(11) In this article “protective works” in relation to a building means—</p> <p>(a) underpinning, strengthening and any other works the purpose of which is to prevent damage which may be caused to the building by the carrying out, maintenance or use of the authorised project; and</p> <p>(b) any works the purpose of which is to remedy any damage which has been caused to the building by the carrying out, maintenance or use of the authorised project.</p> <p>A19/A184 Testo's Junction Alteration Development Consent Order 2018</p> <p>18.—(1) Subject to the following provisions of this article, the undertaker may at its own expense carry out such protective works to any building which may be affected by the authorised development as the undertaker considers necessary or expedient.</p> <p>(2) Protective works may be carried out—</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>(a) at any time before or during the carrying out in the vicinity of the building of any part of the authorised development; or</p> <p>(b) after the completion of that part of the authorised development in the vicinity of the building at any time up to the end of the period of 5 years beginning with the day on which that part of the authorised development is first opened for use.</p> <p>(3) For the purpose of determining how the functions under this article are to be exercised the undertaker may enter and survey any building falling within paragraph (1) and any land within its curtilage.</p> <p>(4) For the purpose of carrying out protective works under this article to a building the undertaker may (subject to paragraphs (5) and (6))—</p> <p>(a) enter the building and any land within its curtilage; and</p> <p>(b) where the works cannot be carried out reasonably conveniently without entering land which is adjacent to the building but outside its curtilage, enter the adjacent land (but not any building erected on it).</p> <p>(5) Before exercising—</p> <p>(a) a right under paragraph (1) to carry out protective works to a building;</p> <p>(b) a right under paragraph (3) to enter a building and land within its curtilage;</p> <p>(c) a right under paragraph (4)(a) to enter a building and land within its curtilage; or</p> <p>(d) a right under paragraph (4)(b) to enter land, the undertaker must, except in the case of emergency, serve on the owners and occupiers of the building or land not less than 14 days' notice of its intention to exercise that right and, in a case falling within sub-paragraph (a) or (c), specifying the protective works proposed to be carried out.</p> <p>(6) Where a notice is served under paragraph (5)(a), (c) or (d), the owner or occupier of the building or land concerned may, by serving a counter-notice within the period of 10 days beginning with the day on which the notice was served, require the question whether it is necessary or expedient to carry out the protective works or to enter the building or land to be referred to arbitration under article 42 (arbitration).</p> <p>(7) The undertaker must compensate the owners and occupiers of any building or land in relation to which rights under this article have been exercised for any loss or damage arising to them by reason of the exercise of those rights.</p> <p>(8) Where—</p> <p>(a) protective works are carried out under this article to a building; and</p> <p>(b) within the period of 5 years beginning with the day on which the part of the authorised development carried out in the vicinity of the building is first opened for use it appears that the protective works are inadequate to protect the building against damage caused by the carrying out or use of that part of the authorised development, the undertaker must compensate the owners and occupiers of the building for any loss or damage sustained by them.</p> <p>(9) Nothing in this article relieves the undertaker from any liability to pay compensation under section</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>152 (compensation in case where no right to claim in nuisance) of the 2008 Act.</p> <p>(10) Any compensation payable under paragraph (7) or (8) is to be determined, in case of dispute, under Part 1 (determination of questions of disputed compensation) of the 1961 Act.</p> <p>(11) In this article “protective works” in relation to a building means—</p> <p>(a) underpinning, strengthening and any other works the purpose of which is to prevent damage which may be caused to the building by the carrying out, maintenance or use of the authorised development; and</p> <p>(b) any works the purpose of which is to remedy any damage which has been caused to the building by the carrying out, maintenance or use of the authorised development.</p>
4.118	Article 26 - Authority to survey and investigate the land Paragraphs (1) to (5)	Model Provisions Article 16	<p>16.—(1) The undertaker may for the purposes of this Order enter on any land shown within the Order limits or which may be affected by the authorised project and—</p> <p>(a) survey or investigate the land;</p> <p>(b) without prejudice to the generality of sub-paragraph (a), make trial holes in such positions on the land as the undertaker thinks fit to investigate the nature of the surface layer and subsoil and remove soil samples;</p> <p>(c) without prejudice to the generality of sub-paragraph (a), carry out ecological or archaeological investigations on such land; and</p> <p>(d) place on, leave on and remove from the land apparatus for use in connection with the survey and investigation of land and making of trial holes.</p> <p>(2) No land may be entered or equipment placed or left on or removed from the land under paragraph (1) unless at least 14 days’ notice has been served on every owner and occupier of the land.</p> <p>(3) Any person entering land under this article on behalf of the undertaker—</p> <p>(a) shall, if so required entering the land, produce written evidence of their authority to do so; and</p> <p>(b) may take with them such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes.</p> <p>(4) No trial holes shall be made under this article—</p> <p>(a) in land located within the highway boundary without the consent of the highway authority; or</p> <p>(b) in a private street without the consent of the street authority, but such consent shall not be unreasonably withheld.</p> <p>(5) The undertaker shall compensate the owners and occupiers of the land for any loss or damage arising by reason of the exercise of the authority conferred by this article, such compensation to be determined, in case of dispute, Part 1 (determination of questions of disputed compensation) of the 1961 Act.</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
4.118 4.121	Article 26 - Authority to survey and investigate the land	Silvertown Tunnel Order 2018 M42 Junction 6 Improvement Development Consent Order 2020	<p>Silvertown Tunnel Order 2018 Authority to survey and investigate land 16.—(1) TfL may for the purposes of this Order enter on— (a) any land within the Order limits; and (b) where reasonably necessary, any land which is adjacent to but outside the Order limits, and— i. survey or investigate the land; ii. without limitation to the scope of sub-paragraph (i), make trial holes in such positions on the land as TfL thinks fit to investigate the nature of the surface layer and subsoil and remove soil samples; iii. without limitation to the scope of sub-paragraph (i), carry out ecological or archaeological investigations on such land, including making any excavations or trial holes on the land for such purposes; and (iv) place on, leave on and remove from the land apparatus for use in connection with the survey and investigation of land and making of trial holes. (2) No land may be entered or equipment placed or left on or removed from the land under paragraph (1) unless at least 14 days' notice has been served on every owner and occupier of the land. (3) Any person entering land under this article on behalf of TfL— (a) must, if so required, before or after entering the land, produce written evidence of their authority to do so; and (b) may take onto the land such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes. (4) No trial holes are to be made under this article— (a) in land located within the highway boundary without the consent of the highway authority; or (b) in a private street without the consent of the street authority. (5) TfL must compensate the owners and occupiers of the land for any loss or damage arising by reason of the exercise of the powers conferred by this article, such compensation to be determined, in case of dispute, under Part 1 (determination of questions of disputed compensation) of the 1961 Act. (6) Section 13 (refusal to give possession to acquiring authority) of the 1965 Act applies to the entry onto land under this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 (application of compulsory acquisition provisions) of the 2008 Act</p> <p>M42 Junction 6 Improvement Development Consent Order 2020 23.—(1) The undertaker may for the purposes of this Order enter on any land shown within the Order limits or which may be affected by the authorised development including, where reasonably necessary, any land which is adjacent to, but outside the Order limits, and— (a) survey or investigate the land;</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>(b) without limitation on the scope of sub-paragraph (a), make any excavations or trial holes and boreholes in such positions on the land as the undertaker thinks fit to investigate the nature of the surface layer, subsoil and groundwater and remove soil and water samples and discharge water samples on to the land;</p> <p>(c) without limitation on the scope of sub-paragraph (a), carry out ecological or archaeological investigations on such land, including making any excavations or trial holes on the land for such purposes; and</p> <p>(d) place on, leave on and remove from the land apparatus for use in connection with the survey and investigation of land and making of trial holes and boreholes.</p> <p>(2) No land may be entered or equipment placed or left on or removed from the land under paragraph (1) unless at least 14 days’ notice has been served on every owner and occupier of the land for habitat related surveys and six weeks’ notice for all other surveys.</p> <p>(3) Any person entering land under this article on behalf of the undertaker—</p> <p>(a) must, if so required, before or after entering the land, produce written evidence of their authority to do so; and</p> <p>(b) may take onto the land such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes and boreholes.</p> <p>(4) No trial holes or boreholes are to be made under this article—</p> <p>(a) in land located within a highway boundary without the consent of the highway authority; or</p> <p>(b) in a private street without the consent of the street authority,</p> <p>but such consent must not be unreasonably withheld.</p> <p>(5) The undertaker must compensate the owners and occupiers of the land for any loss or damage arising by reason of the exercise of the powers conferred by this article, such compensation to be determined, in case of dispute, under Part 1 (determination of questions of disputed compensation) of the 1961 Act.</p> <p>(6) If either a highway authority or street authority which receives an application for consent fails to notify the undertaker of its decision within 28 days of receiving the application for consent—</p> <p>(a) under paragraph (4)(a) in the case of a highway authority; or</p> <p>(b) under paragraph (4)(b) in the case of a street authority, that authority will be deemed to have granted consent.</p> <p>(7) Any application to which this article applies must include a statement that the provisions of paragraph (6) apply to that application.</p> <p>(8) Section 13 (refusal to give possession to acquiring authority) of the 1965 Act applies to the temporary use of land pursuant to this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 (application of compulsory acquisition provisions) of the 2008 Act.</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
4.124	Part 5 — Powers of Acquisition Article 27 - Compulsory acquisition of land	Model Provisions Article 18	<p>18.—(1) The undertaker may acquire compulsorily so much of the Order land as is required for the authorised project [or to facilitate, or is incidental, to it][or is required as replacement land].</p> <p>(2) As from the date on which a compulsory acquisition notice under section 134(3) of the 2008 Act is served or the date on which the Order land, or any part of it, is vested in the undertaker, whichever is the later, that land or that part of it which is vested (as the case may be) shall be discharged from all rights, trusts and incidents to which it was previously subject.</p> <p>(3) Any person who suffers loss by the extinguishment or suspension of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.</p> <p>(4) This article is subject to article 25 (acquisition of land limited to subsoil lying more than 9 metres beneath surface) and article 28 (temporary use of land for carrying out the authorised project).</p>
4.125	Article 28 - Compulsory acquisition of land - incorporation of the mineral code	Model Provisions Article 19	<p>19. [Part(s)] 2 [and 3] of Schedule 2 to the Acquisition of Land Act 1981(15)(minerals) [is/are] incorporated in this Order subject to the modifications that—</p> <p>(a) paragraph 8(3) is not incorporated;</p> <p>(b) for “the acquiring authority” substitute “the undertaker”;</p> <p>(c) [insert additional modifications].</p>
4.129	Article 29 - Time limit for exercise of authority to acquire land compulsorily	Model Provisions Article 20	<p>20.—(1) After the end of the period of [5 years] beginning on the day on which this Order is made—</p> <p>(a) no notice to treat shall be served under Part 1 of the 1965 Act; and</p> <p>(b) no declaration shall be executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 as applied by article 23 (application of the Compulsory Purchase (Vesting Declarations) Act 1981)(16).</p> <p>(2) The authority conferred by article 28 (temporary use of land for carrying out the authorised project) shall cease at the end of the period referred to in paragraph (1), save that nothing in this paragraph shall prevent the undertaker remaining in possession of land after the end of that period, if the land was entered and possession was taken before the end of that period.</p>
4.139	Article 30 - Compulsory acquisition of rights and imposition of restrictive covenants	Model Provisions Article 21 M20 Junction 10a Development Consent Order 2017 Article 24 The M4 Motorway (Junctions 3 to	<p>Model Provisions</p> <p>21.—(1) The undertaker may acquire compulsorily the existing rights and create and acquire compulsorily the new rights described in the book of reference and shown on the {insert name] plan.</p> <p>(2) As from the date on which a compulsory acquisition notice is served or the date on which any new right is vested in the undertaker, whichever is the later, the land over which any new rights is acquired shall be discharged from all rights, trusts and incidents to which it was previously subject so far as</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
		<p>12) (Smart Motorway) Development Consent Order 2016 Article 22</p>	<p>their continuance would be inconsistent with the exercise of that new right.</p> <p>(3) Subject to section 8 of the 1965 Act, as substituted by article 26 (acquisition of part of certain properties), where the undertaker acquires an existing right over land under paragraph (1), the undertaker shall not be required to acquire a greater interest in that land.</p> <p>(4) Any person who suffers loss as a result of the extinguishment or suspension of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.</p> <p>M20 Junction 10a Development Consent Order 2017</p> <p>24.—(1) The undertaker may acquire such rights over the Order land or impose restrictive covenants affecting the land as may be required for any purpose for which that land may be acquired under article 21 (compulsory acquisition of land), by creating them as well as acquiring rights already in existence.</p> <p>(2) In the case of the Order land specified in column (1) of Schedule 5 (land in which only new rights etc. may be acquired) the undertaker’s powers of compulsory acquisition are limited to the acquisition of such wayleaves, easements, new rights in the land or the imposition of restrictive covenants as may be required for the purpose specified in relation to that land in column (2) of that Schedule and relating to that part of the authorised development specified in column (3) of that Schedule.</p> <p>(3) The power to impose restrictive covenants under paragraph (1) is exercisable only in respect of plots specified in column (1) of Schedule 5.</p> <p>(4) Subject to Schedule 2A (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act (as substituted by paragraph 10 of Schedule 6 (modification of compensation and compulsory purchase enactments for creation of new rights)), where the undertaker acquires a right over land or the benefit of a restrictive covenant, the undertaker is not required to acquire a greater interest in that land.</p> <p>(5) Schedule 6 has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition under this article of a right over land by the creation of a new right or the imposition of a restrictive covenant.</p> <p>(6) The undertaker must not exercise the powers conferred by paragraphs (1) to (5) in relation to any land unless it has first given notice in writing to the relevant planning authority and the local highway authority of which of the alternative A2070 options it intends to construct, being either the A2070 Option A or the A2070 Option B.</p> <p>The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016</p> <p>22.—(1) Subject to paragraph (2), the undertaker may acquire such rights over the Order land as may be required for any purpose for which that land may be acquired under article 20 (compulsory acquisition of land) by creating them as well as acquiring rights already in existence.</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>(2) In the case of the Order land specified in column (1) of Schedule 5 (land in which only new rights etc. may be acquired) the undertaker’s powers of compulsory acquisition are limited to the acquisition of such wayleaves, easements, new rights in the land as may be required for the purpose specified in relation to that land in column (2) of that Schedule.</p> <p>(3) Subject to section 8 (other provisions as to divided land) of the 1965 Act, as substituted by paragraph 5 of Schedule 6 (modification of compensation and compulsory purchase enactments for creation of new rights), where the undertaker acquires a right over land under paragraph (1) or (2), the undertaker is not required to acquire a greater interest in that land.</p> <p>(4) Schedule 6 (modification of compensation and compulsory purchase enactments for creation of new rights) has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition under this article of a right over land by the creation of a new right.</p>
4.146	Article 32 - Power to override easements and other rights	Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 Article 32	<p>32.—(1) Any authorised activity which takes place on land within the Order limits (whether the activity is undertaken by the undertaker or by any person deriving title from the undertaker or by any servants or agents of the undertaker) is authorised by this Order if it is done in accordance with the terms of this Order, notwithstanding that it involves—</p> <p>(a) an interference with an interest or right to which this article applies; or</p> <p>(b) a breach of a restriction as to the user of land arising by virtue of a contract.</p> <p>(2) In this article “authorised activity” means—</p> <p>(a) the erection, construction or maintenance of any part of the authorised project;</p> <p>(b) the exercise of any power authorised by this Order; or</p> <p>(c) the use of any land (including the temporary use of land).</p> <p>(3) The interests and rights to which this article applies include any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support and include restrictions as to the user of land arising by the virtue of a contract.</p> <p>(4) Where an interest, right or restriction is overridden by paragraph (1), compensation—</p> <p>(a) shall be payable under section 7 (measure of compensation in case of severance) or 10 (further provision as to compensation for injurious affection) of the 1965 Act; and</p> <p>(b) shall be assessed in the same manner and subject to the same rules as in the case of other compensation under those sections where—</p> <p>(i) the compensation is to be estimated in connection with a purchase under that Act; or</p> <p>(ii) the injury arises from the execution of works on or use of land acquired under that Act.</p> <p>(5) Where a person deriving title under the undertaker by whom the land in question was acquired—</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>(a) is liable to pay compensation by virtue of paragraph (4), and (b) fails to discharge that liability, the liability shall be enforceable against that undertaker. (6) Nothing in this article shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than such an interference or breach as is mentioned in paragraph (1) of this article.</p>
4.150	Article 33 - Disregard of certain interests and improvements	M25 Junction 28 Development Consent Order 2022 Article 50	<p>50.—(1) In assessing the compensation payable to any person on the acquisition from that person of any land or right over any land under this Order, the tribunal must not take into account— (a) any interest in land; or (b) any enhancement of the value of any interest in land by reason of any building erected, works carried out or improvement or alteration made on the relevant land, if the tribunal is satisfied that the creation of the interest, the erection of the building, the carrying out of the works or the making of the improvement or alteration as part of the authorised development was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation. (2) In paragraph (1) “relevant land” means the land acquired from the person concerned or any other land with which that person is, or was at the time when the building was erected, the works carried out or the improvement or alteration made as part of the authorised development, directly or indirectly concerned.</p>
4.154	Article 34 - Set-off for enhancement in value of retained land	M25 Junction 28 Development Consent Order 2022 Article 51	<p>51.—(1) In assessing the compensation payable to any person in respect of the acquisition from that person under this Order of any land (including the subsoil) the tribunal must set off against the value of the land so acquired any increase in value of any contiguous or adjacent land belonging to that person in the same capacity which will accrue to that person by reason of the construction of the authorised development. (2) In assessing the compensation payable to any person in respect of the acquisition from that person of any new rights over land (including the subsoil) under article 28 (compulsory acquisition of rights and imposition of restrictive covenants), the tribunal must set off against the value of the rights so acquired— (a) any increase in the value of the land over which the new rights are required; and (b) any increase in value of any contiguous or adjacent land belonging to that person in the same capacity, which will accrue to that person by reason of the construction of the authorised development. (3) The 1961 Act has effect, subject to paragraphs (1) and (2) as if this Order were a local enactment for the purposes of that Act.</p>
4.157	Article 35 – No double recovery	M25 Junction 28 Development Consent Order 2022 Article 49	<p>49. Compensation is not payable in respect of the same matter both under this Order and under any other enactment, any contract, or any rule of law, or under two or more different provisions of this Order.</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
4.158	Article 36 - Modification of Part 1 of the 1965 Act	M25 Junction 28 Development Consent Order 2022 Article 30	<p>30.—(1) Part 1 of the 1965 Act, as applied to this Order by section 125(1)(application of compulsory acquisition provisions) of the 2008 Act, is modified as follows.</p> <p>(2) In section 4A(1)(2) (extension of time limit during challenge) for “section 23 of the Acquisition of Land Act 1981 (application to the High Court in respect of compulsory purchase order), the three year period mentioned in section 4” substitute “section 118(3) (legal challenges relating to applications for orders granting development consent) of the Planning Act 2008, the five year period mentioned in article 27 (time limit for exercise of authority to acquire land compulsorily) of the M25 Junction 28 Development Consent Order 2022”.</p> <p>(3) In section 11A(4) (powers of entry: further notice of entry)—</p> <p>(a) in subsection (1)(a), after “land” insert “under that provision”;</p> <p>(b) in subsection (2), after “land” insert “under that provision”.</p> <p>(4) In section 22(2) (expiry of time limit for exercise of compulsory purchase power not to affect acquisition of interests omitted from purchase), for “section 4 of this Act” substitute “article 27 (time limit for exercise of authority to acquire land compulsorily) of the M25 Junction 28 Development Consent Order 2022”.</p> <p>(5) In Schedule 2A (counter-notice requiring purchase of land not in notice to treat)—</p> <p>(a)for paragraphs 1(2) and 14(2) substitute—</p> <p>“(2) But see article 32(3) (acquisition of subsoil or airspace only) of the M25 Junction 28 Development Consent Order 2022, which excludes the acquisition of subsoil or airspace only from this Schedule.”; and</p> <p>(b)after paragraph 29, insert—</p> <p>“PART 4 INTERPRETATION</p> <p>30. In this Schedule, references to entering on and taking possession of land do not include doing so under articles 21 (protective work to buildings), 34 (temporary use of land for carrying out the authorised development) or 35 (temporary use of land for maintaining the authorised development) of the M25 Junction 28 Development Consent Order 2022.”.</p>
4.162	Article 37 - Application of the 1981 Act	Model Provisions Article 23 M25 Junction 28 Development Consent Order 2022 Article 31	<p>Model Provisions</p> <p>23.—(1) The Compulsory Purchase (Vesting Declarations) Act 1981(17) shall apply as if this Order were a compulsory purchase order.</p> <p>(2) The Compulsory Purchase (Vesting Declarations) Act 1981, as so applied, shall have effect with the following modifications.</p> <p>(3) In section 3 (preliminary notices), for subsection (1) there shall be substituted—</p> <p>“(1) Before making a declaration under section 4 with respect to any land which is subject to a compulsory purchase order, the acquiring authority shall include the particulars specified in subsection (3) in a notice which is—</p>

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			<p>(a) given to every person with a relevant interest in the land with respect to which the declaration is to be made (other than a mortgagee who is not in possession); and</p> <p>(b) published in a local newspaper circulating in the area in which the land is situated.”.</p> <p>(4) In that section, in subsection (2), for “(1)(b)” there shall be substituted “(1)” and after “given” there shall be inserted “and published”.</p> <p>(5) In that section, for subsections (5) and (6) there shall be substituted—</p> <p>“(5) For the purposes of this section, a person has a relevant interest in land if—</p> <p>(a) that person is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion; or</p> <p>(b) that person holds, or is entitled to the rents and profits of, the land under a lease or agreement, the unexpired term of which exceeds one month.”.</p> <p>(6) In section 5 (earliest date for execution of declaration)—</p> <p>(a) in subsection (1), after “publication” there shall be inserted “in a local newspaper circulating in the area in which the land is situated”; and</p> <p>(b) subsection (2) shall be omitted.</p> <p>(7) In section 7 (constructive notice to treat), in subsection (1)(a), the words “(as modified by section 4 of the Acquisition of Land Act 1981)” shall be omitted.</p> <p>(8) References to the 1965 Act in the Compulsory Purchase (Vesting Declarations) Act 1981 shall be construed as references to that Act as applied by section 125 of the 2008 Act to the compulsory acquisition of land under this Order.</p> <p>M25 Junction 28 Development Consent Order 2022</p> <p>31.—(1) The 1981 Act applies as if this Order were a compulsory purchase order.</p> <p>(2) The 1981 Act, as so applied by paragraph (1), has effect with the following modifications.</p> <p>(3) In section 1 (application of Act), for subsection 2 substitute—</p> <p>“(2) This section applies to any Minister, any local or other public authority or any other body or person authorised to acquire land by means of a compulsory purchase order.”.</p> <p>(4) In section 5(1) (earliest date for execution of declaration), in subsection (2), omit the words from “, and this subsection” to the end.</p> <p>(5) Omit section 5A(2) (time limit for general vesting declaration).</p> <p>(6) In section 5B(1)(3) (extension of time limit during challenge) for “section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order), the three year period mentioned in section 5A” substitute “section 118 (legal challenges relating to applications for orders granting development consent) of the Planning Act 2008, the five year period mentioned in article 27 (time limit for exercise of authority to acquire land compulsorily) of the M25 Junction 28 Development Consent Order 2022”.</p>

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			<p>(7) In section 6(4) (notices after execution of declaration) in subsection (1)(b) for "section 15 of, or paragraph 6 of Schedule 1 to, the Acquisition of Land Act 1981" substitute "section 134(5) (notice of authorisation of compulsory acquisition) of the Planning Act 2008".</p> <p>(8) In section 7(6) (constructive notice to treat) in subsection (1)(a), omit "(as modified by section 4 of the Acquisition of Land Act 1981)".</p> <p>(9) In section 11 (recovery of compensation overpaid), for subsection (1) substitute— “(1) This section applies where after the execution of a general vesting declaration a person (“the claimant”) claims compensation in respect of the acquisition of an interest in land by virtue of the declaration, and the acquiring authority pay compensation in respect of that interest.”.</p> <p>(10) In Schedule A1(7) (counter-notice requiring purchase of land not in general vesting declaration), omit paragraph 1(2).</p> <p>(11) References to the 1965 Act in the 1981 Act are to be construed as references to the 1965 Act as applied by section 125 (application of compulsory acquisition provisions) of the 2008 Act (and as modified by article 30 (modification of Part 1 of the 1965 Act)) to the compulsory acquisition of land under this Order.</p>
4.165	Article 38 - Acquisition of subsoil or airspace only	M20 Junction 10a Development Consent Order 2017 Article 29 The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 Article 25	<p>M20 Junction 10a Development Consent Order 2017 29.—(1) The undertaker may acquire compulsorily so much of, or such rights in, the subsoil of or the airspace over the land referred to in paragraph (1) of article 21 (compulsory acquisition of land) as may be required for any purpose for which that land may be acquired under that provision instead of acquiring the whole of the land.</p> <p>(2) Where the undertaker acquires any part of, or rights in, the subsoil of or the airspace over the land referred to in paragraph (1), the undertaker is not required to acquire an interest in any other part of the land.</p> <p>(3) The following do not apply in connection with the exercise of the power under paragraph (1) in relation to subsoil or airspace only— (a) Schedule 2A (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act; (b) Schedule A1 (counter-notice requiring purchase of land not in general vesting declaration) to the Compulsory Purchase (Vesting Declarations) Act 1981; and (c) section 153(4A) (blighted land: proposed acquisition of part interest; material detriment test) of the Town and Country Planning Act 1990.</p> <p>(4) Paragraphs (2) and (3) are to be disregarded where the undertaker acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory or airspace above a house, building or manufactory.</p> <p>The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 25.—(1) The undertaker may acquire compulsorily so much of, or such rights in, the subsoil of or the air-space over the land referred to in paragraph (1) of article 20 (compulsory acquisition of land) as may be required for any purpose for</p>

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			<p>which that land may be acquired under that provision instead of acquiring the whole of the land.</p> <p>(2) Where the undertaker acquires any part of, or rights in, the subsoil of or the air-space over land referred to in paragraph (1), the undertaker is not required to acquire an interest in any other part of the land.</p> <p>(3) Paragraph (2) does not prevent article 26 (acquisition of part of certain properties) from applying where the undertaker acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory.</p>
4.167	Article 39 - Rights under or over streets	Model Provisions Article 27	<p>27.—(1) The undertaker may enter on and appropriate so much of the subsoil of, or air-space over, any street within the Order limits as may be required for the purposes of the authorised project and may use the subsoil or air-space for those purposes or any other purpose ancillary to the authorised project.</p> <p>(2) Subject to paragraph (3), the undertaker may exercise any power conferred by paragraph (1) in relation to a street without being required to acquire any part of the street or any easement or right in the street.</p> <p>(3) Paragraph (2) shall not apply in relation to—</p> <p>(a) any subway or underground building; or</p> <p>(b) any cellar, vault, arch or other construction in, on or under a street which forms part of a building fronting onto the street.</p> <p>(4) Subject to paragraph (5), any person who is an owner or occupier of land appropriated under paragraph (1) without the undertaker acquiring any part of that person's interest in the land, and who suffers loss as a result, shall be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.</p> <p>(5) Compensation shall not be payable under paragraph (4) to any person who is an undertaker to whom section 85 of the 1991 Act (sharing cost of necessary measures) applies in respect of measures of which the allowable costs are to be borne in accordance with that section.</p>
4.170	Article 40 - Temporary use of land for carrying out the authorised development	Model Provisions Article 28 M25 Junction 28 Development Consent Order 2022 M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022	<p>Model Provisions</p> <p>28.—(1) The undertaker may, in connection with the carrying out of the authorised project—</p> <p>(a) enter on and take temporary possession of the land specified in columns (1) and (2) of Schedule G (land of which temporary possession may be taken) for the purpose specified in relation to that land in column (3) of that Schedule relating to the part of the authorised project specified in column (4) of that Schedule;</p> <p>(b) remove any buildings and vegetation from that land; and</p> <p>(c) construct temporary works (including the provision of means of access) and buildings on that land.</p> <p>(2) Not less than 14 days before entering on and taking temporary possession of land under this article the undertaker shall serve notice of the intended entry on the owners and occupiers of the land.</p> <p>(3) The undertaker may not, without the agreement of the owners of the land, remain in possession of any land under this article after the end of the period of one year beginning</p>

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			<p>with the date of completion of the part of the authorised project specified in relation to that land in column (4) of Schedule G.</p> <p>(4) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker shall remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but the undertaker shall not be required to replace a building removed under this article.</p> <p>(5) The undertaker shall pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the provisions of any power conferred by this article.</p> <p>(6) Any dispute as to a person’s entitlement to compensation under paragraph (5), or as to the amount of the compensation, shall be determined under Part 1 of the 1961 Act.</p> <p>(7) Nothing in this article shall affect any liability to pay compensation under section 10(2) of the 1965 Act (further provisions as to compensation for injurious affection) or under any other enactment in respect of loss or damage arising from the carrying out of the authorised project, other than loss or damage for which compensation is payable under paragraph (5).</p> <p>(8) The undertaker may not compulsorily acquire under this Order the land referred to in paragraph (1) except that the undertaker shall not be precluded from—</p> <p>(a) acquiring new rights over any part of that land under article 21 (compulsory acquisition of rights); or</p> <p>(b) acquiring any part of the subsoil (or rights in the subsoil) of that land under article 24 (acquisition of subsoil only) or in accordance with article 25 (acquisition of land limited to subsoil lying more than 9 metres beneath surface).</p> <p>(9) Where the undertaker takes possession of land under this article, the undertaker shall not be required to acquire the land or any interest in it.</p> <p>(10) Section 13 of the 1965 Act (refusal to give possession to acquiring authority) shall apply to the temporary use of land pursuant to this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 of the 2008 Act (application of compulsory acquisition provisions).</p> <p>M25 Junction 28 Development Consent Order 2022</p> <p>34.—(1) The undertaker may, in connection with the carrying out of the authorised development, but subject to article 27(2) (time limit for exercise of authority to acquire land compulsorily)—</p> <p>(a) enter on and take temporary possession of—</p> <p>(i) the land specified in column (1) of Schedule 8 (land of which temporary possession only may be taken) for the purpose specified in relation to that land in column (2) of that Schedule relating to the part of the authorised development specified in column (3) of that Schedule; and</p> <p>(ii) any other Order land in respect of which no notice of entry has been served under section 11 (powers of entry) of the 1965 Act (other than in connection with the acquisition of rights</p>

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			<p>only) and no declaration has been made under section 4 (execution of declaration) of the 1981 Act;</p> <p>(b) remove any electric line, electrical plant, apparatus, buildings, landscaping and vegetation from that land;</p> <p>(c) construct temporary works (including the provision of means of access) and buildings on that land; and</p> <p>(d) construct any works on that land as are mentioned in Schedule 1 (authorised development).</p> <p>(2) Not less than 14 days before entering on and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land and explain the purpose for which entry is taken in respect of land specified under paragraph (1)(a)(ii).</p> <p>(3) The undertaker must not, without the agreement of the owners of the land, remain in possession of any land under this article—</p> <p>(a) in the case of land specified in paragraph (1)(a)(i), after the end of the period of one year beginning with the date of completion of the part of the authorised development specified in relation to that land in column (3) of Schedule 8; or</p> <p>(b) in the case of any land referred to in paragraph (1)(a)(ii), after the end of the period of one year beginning with the date of completion of the work for which temporary possession of the land was taken unless the undertaker has, by the end of that period, served a notice of entry under section 11 of the 1965 Act or made a declaration under section 4 (execution of declaration) of the 1981 Act in relation to that land.</p> <p>(4) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but the undertaker is not required to—</p> <p>(a) replace a building removed under this article;</p> <p>(b) restore the land on which any permanent works have been constructed under paragraph (1)(d);</p> <p>(c) remove any ground strengthening works which have been placed on the land to facilitate construction of the authorised development;</p> <p>(d) remove any measures installed over or around statutory undertakers’ apparatus to protect that apparatus from the authorised development; or</p> <p>(e) remove or reposition any apparatus belonging to statutory undertakers or necessary mitigation works.</p> <p>(5) The undertaker must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the provisions of this article.</p> <p>(6) Any dispute as to a person’s entitlement to compensation under paragraph (5), or as to the amount of the compensation, is to be determined as if it were a dispute under Part 1 of the 1961 Act.</p> <p>(7) Any dispute as to the removal of temporary works and restoration of land under paragraph (4) does not prevent the undertaker giving up possession of the land.</p>

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			<p>(8) Nothing in this article affects any liability to pay compensation under section 152 (compensation in case where no right to claim in nuisance) of the 2008 Act or under any other enactment in respect of loss or damage arising from the carrying out of the authorised development, other than loss or damage for which compensation is payable under paragraph (5).</p> <p>(9) Where the undertaker takes possession of land under this article, the undertaker is not required to acquire the land or any interest in it.</p> <p>(10) Section 13(1) (refusal to give possession to acquiring authority) of the 1965 Act applies to the temporary use of land under this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 (application of compulsory acquisition provisions) of the 2008 Act.</p> <p>(11) Nothing in this article prevents the taking of temporary possession more than once in relation to any land specified in paragraph (1).</p> <p>M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022</p> <p>32.—(1) The undertaker may, in connection with the carrying out of the authorised development, but subject to article 24(2) (time limit for the exercise of authority to acquire land compulsorily)—</p> <p>(a) enter on and take temporary possession of—</p> <p>(i) the land specified in column (1) of Schedule 7 (land of which temporary possession may be taken) for the purpose specified in relation to that land in column (2) of that Schedule relating to the part of the authorised development specified in column (3) of that Schedule; and</p> <p>(ii) any other Order land in respect of which no notice of entry has been served under section 11 (powers of entry) of the 1965 Act (other than in connection with the acquisition of rights only) and no declaration has been made under section 4 (execution of declaration) of the 1981 Act;</p> <p>(b) remove any buildings and vegetation from that land;</p> <p>(c) construct temporary works (including the provision of means of access) and buildings on that land; and</p> <p>(d) construct any works on that land as are mentioned in Schedule 1 (authorised development).</p> <p>(2) Not less than 14 days before entering on and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land and explain the purpose for which entry is taken in respect of land specified under paragraph (1)(a)(ii).</p> <p>(3) Notwithstanding article 24(2), the undertaker may not, without the agreement of the owners of the land, remain in possession of any land under this article—</p> <p>(a) in the case of land specified in paragraph (1)(a)(i), after the end of the period of one year beginning with the date of completion of the part of the authorised development specified in relation to that land in column (3) of Schedule 7; or</p> <p>(b) in the case of any land referred to in paragraph (1)(a)(ii), after the end of the period of one year beginning with the date</p>

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			<p>of completion of the work for which temporary possession of the land was taken unless the undertaker has, by the end of that period, served a notice of entry under section 11 of the 1965 Act or made a declaration under section 4 of the 1981 Act in relation to that land.</p> <p>(4) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but the undertaker is not required to—</p> <p>(a) replace a building removed under this article;</p> <p>(b) restore the land on which any permanent works have been constructed under paragraph (1)(d);</p> <p>(c) remove any ground strengthening works which have been placed on the land to facilitate construction of the authorised development; or</p> <p>(d) remove any measures installed over or around statutory undertakers’ apparatus to protect that apparatus from the authorised development.</p> <p>(5) The undertaker must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the provisions of this article.</p> <p>(6) Any dispute as to a person’s entitlement to compensation under paragraph (5), or as to the amount of the compensation, is to be determined as if it were a dispute under Part 1 of the 1961 Act.</p> <p>(7) Any dispute as to the satisfactory removal of temporary works and restoration of land under paragraph (4) does not prevent the undertaker giving up possession of the land.</p> <p>(8) Nothing in this article affects any liability to pay compensation under section 152 (compensation in case where no right to claim in nuisance) of the 2008 Act or under any other enactment in respect of loss or damage arising from the carrying out of the authorised development, other than loss or damage for which compensation is payable under paragraph (5).</p> <p>(9) Where the undertaker takes possession of land under this article, the undertaker is not required to acquire the land or any interest in it.</p> <p>(10) Section 13(1) (refusal to give possession to acquiring authority) of the 1965 Act applies to the temporary use of land under this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 (application of compulsory acquisition provisions) of the 2008 Act.</p>
4.175	Article 41 - Temporary use of land for maintaining the authorised	M25 Junction 28 Development Consent Order 2022 Article 35 (4)	<p>35. (4) The undertaker is not required to serve notice under paragraph (3) where the undertaker has identified a potential risk to the safety of—</p> <p>(a) the authorised development or any of its parts;</p> <p>(b) the public; or</p> <p>(c) the surrounding environment,</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
	development Paragraph (4)		and in such circumstances, the undertaker may enter the land under paragraph (1) subject to giving such period of notice as is reasonably practical in the circumstances.
4.177	Article 41 - Temporary use of land for maintaining the authorised development	A19/A1058 Coast Road (Junction Improvement) Order 2016 Article 28 M4 Motorway (Junctions 3 to 12) (Smart Motorway) Order 2016 Article 29 A19/A184 Testo’s Junction Alteration Development Consent Order 2018 Article 30 M42 Junction 6 Development Consent Order 2020 Article 34 Model Provisions Article 29 M25 Junction 28 Development Consent Order 2022 Article 35	<p>A19/A1058 Coast Road (Junction Improvement) Order 2016</p> <p>28.—(1) Subject to paragraph (2), at any time during the maintenance period relating to any part of the authorised development, the undertaker may—</p> <p>(a) enter upon and take temporary possession of any land within the Order limits if such possession is reasonably required for the purpose of maintaining the authorised development; and</p> <p>(b) construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose.</p> <p>(2) Paragraph (1) does not authorise the undertaker to take temporary possession of—</p> <p>(a) any house or garden belonging to a house; or</p> <p>(b) any building (other than a house) if it is for the time being occupied.</p> <p>(3) Not less than 28 days before entering upon and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land.</p> <p>(4) The undertaker may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance of the part of the authorised development for which possession of the land was taken.</p> <p>(5) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land.</p> <p>(6) The undertaker must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.</p> <p>(7) Any dispute as to a person’s entitlement to compensation under paragraph (6), or as to the amount of the compensation, is to be determined under Part 1 of the 1961 Act.</p> <p>(8) Nothing in this article affects any liability to pay compensation under section 152 (compensation in case where no right to claim in nuisance) of the 2008 Act or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (6).</p> <p>(9) Where the undertaker takes possession of land under this article, the undertaker is not required to acquire the land or any interest in it.</p> <p>(10) Section 13 (refusal to give possession to the acquiring authority) of the 1965 Act applies to the temporary use of land under this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 of the 2008 Act (application of compulsory acquisition provisions).</p> <p>(11) In this article “the maintenance period”, in relation to any part of the authorised development means the period of 5 years</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>beginning with the date on which that part of the authorised development is first opened for use.</p> <p>M4 Motorway (Junctions 3 to 12) (Smart Motorway) Order 2016</p> <p>29.—(1) Subject to paragraph (2), at any time during the maintenance period relating to any part of the authorised development, the undertaker may—</p> <p>(a) enter on and take temporary possession of any land within the Order limits if such possession is reasonably required for the purpose of maintaining the authorised development; and</p> <p>(b) construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose.</p> <p>(2) Paragraph (1) does not authorise the undertaker to take temporary possession of—</p> <p>(a) any house or garden belonging to a house; or</p> <p>(b) any building (other than a house) if it is for the time being occupied.</p> <p>(3) Not less than 28 days before entering on and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land.</p> <p>(4) The undertaker may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance of the part of the authorised development for which possession of the land was taken.</p> <p>(5) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land.</p> <p>(6) The undertaker must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage rising from the exercise in relation to the land of the provisions of this article.</p> <p>(7) Any dispute as to a person’s entitlement to compensation under paragraph (6), or as to the amount of compensation, is to be determined under Part 1 (determination of questions of disputed compensation) of the 1961 Act.</p> <p>(8) Nothing in this article affects any liability to pay compensation under section 152 (compensation in case where no right to claim in nuisance) of the 2008 Act or under any other enactment in respect of loss or damage arising from the maintenance of the authorised development, other than loss or damage for which compensation is payable under paragraph (6).</p> <p>(9) Where the undertaker takes possession of land under this article, the undertaker is not to be required to acquire the land or any interest in it.</p> <p>(10) Section 13 (refusal to give possession to acquiring authority) of the 1965 Act applies to the temporary use of land pursuant to this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 (application of compulsory acquisition provisions) of the 2008 Act.</p> <p>(11) In this article “the maintenance period”, in relation to any part of the authorised development, means the period of 5 years</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>beginning with the date on which that part of the authorised development is first opened for use.</p> <p>A19/A184 Testo's Junction Alteration Development Consent Order 2018</p> <p>30.—(1) Subject to paragraph (2), at any time during the maintenance period relating to any part of the authorised development, the undertaker may—</p> <p>(a) enter upon and take temporary possession of any land within the Order limits if such possession is reasonably required for the purpose of maintaining the authorised development; and</p> <p>(b) construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose.</p> <p>(2) Paragraph (1) does not authorise the undertaker to take temporary possession of—</p> <p>(a) any house or garden belonging to a house; or</p> <p>(b) any building (other than a house) if it is for the time being occupied.</p> <p>(3) Not less than 28 days before entering upon and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land and explain the purpose for which entry is taken.</p> <p>(4) The undertaker may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance of the part of the authorised development for which possession of the land was taken.</p> <p>(5) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land.</p> <p>(6) The undertaker must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.</p> <p>(7) Any dispute as to a person’s entitlement to compensation under paragraph (6), or as to the amount of the compensation, is to be determined under Part 1 of the 1961 Act.</p> <p>(8) Nothing in this article affects any liability to pay compensation under section 152 (compensation in case where no right to claim in nuisance) of the 2008 Act or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (6).</p> <p>(9) Where the undertaker takes possession of land under this article, the undertaker is not required to acquire the land or any interest in it.</p> <p>(10) Section 13 (refusal to give possession to the acquiring authority) of the 1965 Act applies to the temporary use of land pursuant to this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 (application of compulsory acquisition provisions) of the 2008 Act.</p> <p>(11) In this article “the maintenance period”, in relation to any part of the authorised development means the period of 5 years</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>beginning with the date on which that part of the authorised development is first opened for use.</p> <p>M42 Junction 6 Development Consent Order 2020</p> <p>34.—(1) Subject to paragraph (2), at any time during the maintenance period relating to any part of the authorised development, the undertaker may—</p> <p>(a) enter upon and take temporary possession of any land within the Order limits if such possession is reasonably required for the purpose of maintaining the authorised development;</p> <p>(b) enter on any land within the Order limits for the purpose of gaining such access as is reasonably required for the purpose of maintaining the authorised development; and</p> <p>(c) construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose.</p> <p>(2) Paragraph (1) does not authorise the undertaker to take temporary possession of—</p> <p>(a) any house or garden belonging to a house; or</p> <p>(b) any building (other than a house) if it is for the time being occupied.</p> <p>(3) Not less than 28 days before entering upon and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land explaining the purpose for which entry is taken.</p> <p>(4) The undertaker is not required to serve notice under paragraph (3) where the undertaker has identified a potential risk to the safety of—</p> <p>(a) the authorised development or any of its parts,</p> <p>(b) the public, or</p> <p>(c) the surrounding environment, and in such circumstances, the undertaker may enter the land under paragraph (1) subject to giving such period of notice as is reasonably practical in the circumstances.</p> <p>(5) The undertaker may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance of the part of the authorised development for which possession of the land was taken.</p> <p>(6) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land.</p> <p>(7) Any dispute as to the removal of temporary works and restoration of land under paragraph (6) does not prevent the undertaker giving up possession of the land.</p> <p>(8) The undertaker must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.</p> <p>(9) Any dispute as to a person’s entitlement to compensation under paragraph (6), or as to the amount of the compensation, is to be determined under Part 1 of the 1961 Act.</p> <p>(10) Nothing in this article affects any liability to pay compensation under section 152 (compensation in case where</p>

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			<p>no right to claim in nuisance) of the 2008 Act or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (6).</p> <p>(11) Where the undertaker takes possession of land under this article, the undertaker is not required to acquire the land or any interest in it.</p> <p>(12) Section 13 (refusal to give possession to the acquiring authority) of the 1965 Act applies to the temporary use of land pursuant to this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 (application of compulsory acquisition provisions) of the 2008 Act.</p> <p>(13) In this article “the maintenance period”, in relation to any part of the authorised development means the period of 5 years beginning with the date on which that part of the authorised development is first opened for use.</p> <p>Model Provisions</p> <p>29.—(1) Subject to paragraph (2), at any time during the maintenance period relating to any part of the authorised project, the undertaker may—</p> <p>(a) enter on and take temporary possession of any land within the Order limits if such possession is reasonably required for the purpose of maintaining the authorised project; and</p> <p>(b) construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose.</p> <p>(2) Paragraph (1) shall not authorise the undertaker to take temporary possession of—</p> <p>(a) any house or garden belonging to a house; or</p> <p>(b) any building (other than a house) if it is for the time being occupied.</p> <p>(3) Not less than 28 days before entering on and taking temporary possession of land under this article the undertaker shall serve notice of the intended entry on the owners and occupiers of the land.</p> <p>(4) The undertaker may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance of the part of the authorised project for which possession of the land was taken.</p> <p>(5) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker shall remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land.</p> <p>(6) The undertaker shall pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the provisions of this article.</p> <p>(7) Any dispute as to a person’s entitlement to compensation under paragraph (6), or as to the amount of the compensation, shall be determined under Part 1 of the 1961 Act.</p> <p>(8) Nothing in this article shall affect any liability to pay compensation under section 10(2) of the 1965 Act (further provisions as to compensation for injurious affection) or under any other enactment in respect of loss or damage arising from</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>the maintenance of the authorised project, other than loss or damage for which compensation is payable under paragraph (6).</p> <p>(9) Where the undertaker takes possession of land under this article, the undertaker shall not be required to acquire the land or any interest in it.</p> <p>(10) Section 13 of the 1965 Act (refusal to give possession to acquiring authority) shall apply to the temporary use of land pursuant to this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 of the 2008 Act (application of compulsory acquisition provisions).</p> <p>(11) In this article “the maintenance period”, in relation to any part of the authorised project, means the period of 5 years beginning with the date on which that part of the authorised project is first opened for use.</p> <p>M25 Junction 28 Development Consent Order 2022</p> <p>35.—(1) Subject to paragraph (2), at any time during the maintenance period relating to any part of the authorised development, the undertaker may—</p> <p>(a) enter upon and take temporary possession of any land within the Order limits if such possession is reasonably required for the purpose of maintaining the authorised development;</p> <p>(b) enter onto land within the Order limits for the purpose of gaining such access as is reasonably required for the purpose of maintaining the authorised development; and</p> <p>(c) construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose.</p> <p>(2) Paragraph (1) does not authorise the undertaker to take temporary possession of—</p> <p>(a) any house or garden belonging to a house; or</p> <p>(b) any building (other than a house) if it is for the time being occupied.</p> <p>(3) Not less than 28 days before entering upon and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land and explain the purpose for which entry is taken.</p> <p>(4) The undertaker is not required to serve notice under paragraph (3) where the undertaker has identified a potential risk to the safety of—</p> <p>(a) the authorised development or any of its parts;</p> <p>(b) the public; or</p> <p>(c) the surrounding environment, and in such circumstances, the undertaker may enter the land under paragraph (1) subject to giving such period of notice as is reasonably practical in the circumstances.</p> <p>(5) The undertaker may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance of the part of the authorised development for which possession of the land was taken.</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>(6) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land.</p> <p>(7) Any dispute as to the removal of temporary works and restoration of land under paragraph (6) does not prevent the undertaker giving up possession of the land.</p> <p>(8) The undertaker must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.</p> <p>(9) Any dispute as to a person’s entitlement to compensation under paragraph (8), or as to the amount of the compensation, is to be determined as if it were a dispute under Part 1 of the 1961 Act.</p> <p>(10) Nothing in this article affects any liability to pay compensation under section 152 (compensation in case where no right to claim in nuisance) of the 2008 Act or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (8).</p> <p>(11) Where the undertaker takes possession of land under this article, the undertaker is not required to acquire the land or any interest in it.</p> <p>(12) Section 13 (refusal to give possession to the acquiring authority) of the 1965 Act applies to the temporary use of land under this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 (application of compulsory acquisition provisions) of the 2008 Act.</p> <p>(13) In this article “the maintenance period”, in relation to any part of the authorised development means the period of 5 years beginning with the date on which that part of the authorised development is first opened for use.</p>
4.182	Article 42 - Statutory undertakers	Model Provisions Article 31 M20 Junction 10a Development Consent Order 2017 Article 33 M4 Motorway (Junctions 3 to 12) (Smart Motorway) Order 2016 Article 30	<p>Model Provisions</p> <p>31. The undertaker may—</p> <p>(a) acquire compulsorily the land belonging to statutory undertakers shown on the land plan within the limits of the land to be acquired and described in the book of reference;</p> <p>(b) extinguish the rights of, remove or reposition the apparatus belonging to statutory undertakers shown on the [insert name] plan and described in the book of reference; and</p> <p>(c) acquire compulsorily the new rights over land belonging to statutory undertakers shown on the [insert name] plan and described in the book of reference.</p> <p>M20 Junction 10a Development Consent Order 2017</p> <p>33.—(1) Subject to the provisions of article 24(3) (compulsory acquisition of rights), Schedule 9 (protective provisions) and paragraph (2), the undertaker may—</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>(a) acquire compulsorily, or acquire new rights or impose restrictive covenants over, any Order land belonging to statutory undertakers; and</p> <p>(b) extinguish the rights of, or remove or reposition the apparatus belonging to, statutory undertakers over or within the Order land.</p> <p>(2) Paragraph (1)(b) has no effect in relation to apparatus in respect of which the following provisions apply—</p> <p>(a) Part 3 (street works in England and Wales) of the 1991 Act; and</p> <p>(b) article 34 (apparatus and rights of statutory undertakers in stopped up streets).</p> <p>M4 Motorway (Junctions 3 to 12) (Smart Motorway) Order 2016</p> <p>30.—(1) Subject to the provisions of article 22(3) (compulsory acquisition of rights), Schedule 9 (protection of interests) and paragraph (2), the undertaker may—</p> <p>(a) acquire compulsorily, or acquire new rights over, any Order land belonging to statutory undertakers;</p> <p>(b) extinguish the rights of, remove or reposition the apparatus belonging to statutory undertakers over or within the Order land.</p> <p>(2) Paragraph (1)(b) has no effect in relation to apparatus in respect of which the following provisions apply—</p> <p>(a) Part 3 (street works in England and Wales) of the 1991 Act; and</p> <p>(b) article 31 (apparatus and rights of statutory undertakers in stopped up streets).</p>
4.188	Article 43 - Apparatus and rights of statutory undertakers in stopped up streets	Model Provisions Article 32	<p>32.—(1) Where a street is stopped up under article 9 (stopping up of streets), any statutory utility whose apparatus is under, in, on, along or across the street shall have the same powers and rights in respect of that apparatus, subject to the provisions of this article, as if this Order had not been made.</p> <p>(2) Where a street is stopped up under article 9, any statutory utility whose apparatus is under, in, on, over, along or across the street may, and if reasonably requested to do so by the undertaker shall—</p> <p>(a) remove the apparatus and place it or other apparatus provided in substitution for it in such other position as the utility may reasonably determine and have power to place it; or</p> <p>(b) provide other apparatus in substitution for the existing apparatus and place it in such position as described in subparagraph (a).</p> <p>(3) Subject to the following provisions of this article, the undertaker shall pay to any statutory utility an amount equal to the cost reasonably incurred by the utility in or in connection with—</p> <p>(a) the execution of the relocation works required in consequence of the stopping up of the street; and</p> <p>(b) the doing of any other work or thing rendered necessary by the execution of the relocation works.</p> <p>(4) If in the course of the execution of relocation works under paragraph (2)—</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>(a) apparatus of a better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus; or (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was, and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker, or, in default of agreement, is not determined by arbitration to be necessary, then, if it involves cost in the execution of the relocation works exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which, apart from this paragraph, would be payable to the statutory utility by virtue of paragraph (3) shall be reduced by the amount of that excess.</p> <p>(5) For the purposes of paragraph (4)— (a) an extension of apparatus to a length greater than the length of existing apparatus shall not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and (b) where the provision of a joint in a cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole shall be treated as if it also had been agreed or had been so determined.</p> <p>(6) An amount which, apart from this paragraph, would be payable to a statutory utility in respect of works by virtue of paragraph (3) (and having regard, where relevant, to paragraph (4)) shall, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the utility any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.</p> <p>(7) Paragraphs (3) to (6) shall not apply where the authorised project constitutes major highway works, major bridge works or major transport works for the purposes of Part 3 of the 1991 Act, but instead— (a) the allowable costs of the relocation works shall be determined in accordance with section 85 of that Act (sharing of cost of necessary measures) and any regulations for the time being having effect under that section; and (b) the allowable costs shall be borne by the undertaker and the statutory utility in such proportions as may be prescribed by any such regulations.</p> <p>(8) In this article— “apparatus” has the same meaning as in Part 3 of the 1991 Act; “relocation works” means work executed, or apparatus provided, under paragraph (2); and “statutory utility” means a statutory undertaker for the purposes of the 1980 Act or a public communications provider as defined in section 151(1) of the Communications Act 2003(18).</p>
4.190	Article 44 - Recovery	Model Provisions Article 33	33.—(1) Where any apparatus of a public utility undertaker or of a public communications provider is removed under article 31 (statutory undertakers) any person who is the owner or

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
	of costs of new connections		<p>occupier of premises to which a supply was given from that apparatus shall be entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given.</p> <p>(2) Paragraph (1) shall not apply in the case of the removal of a public sewer but where such a sewer is removed under article 31, any person who is—</p> <p>(a) the owner or occupier of premises the drains of which communicated with that sewer; or</p> <p>(b) the owner of a private sewer which communicated with that sewer,</p> <p>shall be entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of making the drain or sewer belonging to that person communicate with any other public sewer or with a private sewerage disposal plant.</p> <p>(3) This article shall not have effect in relation to apparatus to which article 32 (apparatus and rights of statutory undertakers in stopped-up streets) or Part 3 of the 1991 Act applies.</p> <p>(4) In this paragraph— “public communications provider” has the same meaning as in section 151(1) of the Communications Act 2003; and “public utility undertaker” has the same meaning as in the 1980 Act.</p>
4.194	Article 45 - Special category land	M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022 Article 38	<p>38.—(1) On the exercise by the undertaker of the relevant Order powers, the special category land identified in Part 1 of Schedule 10 is not to vest in the undertaker, and the undertaker may not acquire any rights over the special category (rights) land identified in Part 2 of Schedule 10, until the undertaker has acquired the replacement land identified in Part 4 of Schedule 10 and the Secretary of State has approved the details required by requirement 7 (design, layout and implementation of Replacement Land) of Schedule 2 (requirements).</p> <p>(2) On the requirements of paragraph (1) being satisfied, the special category land identified in Part 1 of Schedule 10 is to vest in the undertaker and be discharged from all rights, trusts and incidents to which it was previously subject.</p> <p>(3) On the requirements of paragraph (1) being satisfied, the undertaker may acquire the rights over the special category (rights) land identified in Part 2 of Schedule 10 and the said land is to be discharged from all rights, trusts and incidents to which it was previously subject so far as their continuance would be inconsistent with the said rights to be acquired.</p> <p>(4) On the requirements of paragraph (1) being satisfied, the land numbered 2/13 (being common land of which temporary possession may be taken under this Order) in the book of reference and on the land plans will be discharged from all rights, trusts and incidents to which it</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>was previously subject.</p> <p>(5) On the date on which the land comprising plots numbered in the book of reference and on the land plans 11/16, 11/17, 11/17b, 11/17c (in so far as not required for the purpose of paragraph (7)) 11/17d, 11/17e, 11/17f, 11/17g, 11/17h, 11/17i and 11/17j is laid out and provided in accordance with the requirements at paragraph (1), the said land is to vest in the persons in whom the special category land identified in Part 1 and Part 2 of Schedule 10 (save for the land comprised in plots numbered 11/3a, 11/4a, 11/8 and 11/8a in the book of reference and on the land plans) was vested immediately before it was vested in the undertaker and is to be subject to the same rights, trusts and incidents as attached to that land.</p> <p>(6) On the date on which the land comprising plot numbered 27/1 and 11/17a in the book of reference and on the land plans is laid out and provided in accordance with the scheme requirements at paragraph (1), the said land is to vest in the persons in whom the land comprised in plots numbered 11/3a and 11/4a in the book of reference and on the land plans was vested immediately before it was vested in the undertaker and is to be subject to the same rights, trusts and incidents as attached to that land.</p> <p>(7) On the date on which the land comprising so much of plot numbered 11/17c in the book of reference as is required for the purpose of providing replacement land to the persons in whom those parts of the special category land comprised in plots numbered 11/8, 11/8a and 28/2 in the book of reference and on the land plans was vested immediately before it was vested in the undertaker is laid out and provided in accordance with the scheme requirements at paragraph (1), the said land is to vest in the persons described in this paragraph and is to be subject to the same rights, trusts and incidents as attached to that land.</p> <p>(8) In this article “the relevant Order powers” means the powers exercisable over the special category land or the special category (rights) land by the undertaker under article 22 (compulsory acquisition of land) or article 25 (compulsory acquisition of rights and restrictive covenants).</p>
4.196	Part 6 - Operations Article 46 - Felling or lopping of trees and removal of	Model Provisions Article 39 M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022 Article 39	<p>Model Provisions</p> <p>39.—(1) The undertaker may fell or lop any tree or shrub near any part of the authorised project, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub—</p> <p>(a) from obstructing or interfering with the construction, maintenance or operation of the authorised project or any apparatus used in connection with the authorised project; or</p> <p>(b) from constituting a danger to passengers or other persons using the authorised project.</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
	hedgerows		<p>(2) In carrying out any activity authorised by paragraph (1), the undertaker shall do no unnecessary damage to any tree or shrub and shall pay compensation to any person for any loss or damage arising from such activity.</p> <p>(3) Any dispute as to a person’s entitlement to compensation under paragraph (2), or as to the amount of compensation, shall be determined under Part 1 of the 1961 Act.</p> <p>M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022</p> <p>39.—(1) The undertaker may fell or lop any tree or shrub within or overhanging land within the Order limits, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub—</p> <p>(a) from obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development; or (b) from constituting a danger to persons using the authorised development.</p> <p>(2) In carrying out any activity authorised by paragraph (1), the undertaker must do no unnecessary damage to any tree or shrub and must pay compensation to any person for any loss or damage arising from such activity.</p> <p>(3) Any dispute as to a person’s entitlement to compensation under paragraph (2), or as to the amount of compensation, is to be determined as if it were a dispute under Part 1 of the 1961 Act.</p> <p>(4) The undertaker may, for the purposes of carrying out the authorised development but subject to paragraph (2), remove any hedgerow within the Order limits that is required to be removed.</p> <p>(5) In this article “hedgerow” includes a hedgerow to which the Hedgerow Regulations 1997(a) apply and includes important hedgerows.</p>
4.198	Article 47 - Trees subject to tree preservation orders, etc.	Model Provisions Article 40 M54 to M6 Link Road Development Consent Order 2022 Article 35	<p>Model Provisions</p> <p>40.—(1) The undertaker may fell or lop any tree described in Schedule J [and identified on the [insert name] plan, or cut back its roots if it reasonably believes it to be necessary in order to do so to prevent the tree or shrub—</p> <p>(a) from obstructing or interfering with the construction, maintenance or operation of the authorised project or any apparatus used in connection with the authorised project; or (b) from constituting a danger to passengers or other persons using the authorised project.</p> <p>(2) In carrying out any activity authorised by paragraph (1)—</p> <p>(a) the undertaker shall do no unnecessary damage to any tree or shrub and shall pay compensation to any person for any loss or damage arising from such activity; and</p> <p>(b) the duty contained in section 206(1) of the 1990 Act (replacement of trees) shall not apply.</p> <p>(3) The authority given by paragraph (1) shall constitute a deemed consent under the relevant tree preservation order.</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>(4) Any dispute as to a person’s entitlement to compensation under paragraph (2), or as to the amount of compensation, shall be determined under Part 1 of the 1961 Act.</p> <p>M54 to M6 Link Road Development Consent Order 2022</p> <p>35.—(1) The undertaker may fell or lop any tree described in Part 2 (trees subject to tree preservation orders) of Schedule 8 or cut back its roots or undertake such other works if it reasonably believes it to be necessary in order to do so to prevent the tree or shrub—</p> <p>(a) from obstructing or interfering with the construction, maintenance or operation of the authorised project or any apparatus used in connection with the authorised project; or</p> <p>(b) from constituting a danger to passengers or other persons using the authorised project.</p> <p>(2) In carrying out any activity authorised by paragraph (1)—</p> <p>(a) the undertaker shall do no unnecessary damage to any tree or shrub and must pay compensation to any person for any loss or damage arising from such activity; and</p> <p>(b) the duty contained in section 206(1) (replacement of trees) of the 1990 Act is not to apply.</p> <p>(3) The authority given by paragraph (1) shall constitute a deemed consent under the relevant tree preservation order.</p> <p>(4) Any dispute as to a person’s entitlement to compensation under paragraph (2), or as to the amount of compensation, is to be determined as if it were a dispute under Part 1 of the 1961 Act.</p>
4.201	Part 7 - Miscellaneous and General Article 48 - Application of landlord and tenant law	Model Provisions Article 35	<p>35.—(1) This article applies to—</p> <p>(a) any agreement for leasing to any person the whole or any part of the authorised project or the right to operate the same; and</p> <p>(b) any agreement entered into by the undertaker with any person for the construction, maintenance, use or operation of the authorised project, or any part of it,</p> <p>so far as any such agreement relates to the terms on which any land which is the subject of a lease granted by or under that agreement is to be provided for that person’s use.</p> <p>(2) No enactment or rule of law regulating the rights and obligations of landlords and tenants shall prejudice the operation of any agreement to which this article applies.</p> <p>(3) Accordingly, no such enactment or rule of law shall apply in relation to the rights and obligations of the parties to any lease granted by or under any such agreement so as to—</p> <p>(a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;</p> <p>(b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or</p> <p>(c) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
4.203	Article 49 - Operational land for purposes of the 1990 Act	Model Provisions Article 36	36. Development consent granted by this Order shall be treated as specific planning permission for the purposes of section 264(3)(a) of the 1990 Act (cases in which land is to be treated as operational land for the purposes of that Act).
4.207	Article 50 - Defence to proceedings in respect of statutory nuisance	Model Provisions Article 7 M20 Junction 10a Development Consent Order 2017 Article 42 M4 Motorway (Junctions 3 to 12) (Smart Motorway) Order 2016 Article 38	<p>Model Provisions</p> <p>7.—(1) Where proceedings are brought under section 82(1) of the Environmental Protection Act 1990(9) (summary proceedings by person aggrieved by statutory nuisance) in relation to a nuisance falling within paragraph (g) of section 79(1) of that Act (noise emitted from premises so as to be prejudicial to health or a nuisance) no order shall be made, and no fine may be imposed, under section 82(2) of that Act if—</p> <p>(a) the defendant shows that the nuisance—</p> <p>(i) relates to premises used by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised project and that the nuisance is attributable to the carrying out of the authorised project in accordance with a notice served under section 60 (control of noise on construction site), or a consent given under section 61 (prior consent for work on construction site) or 65 (noise exceeding registered level), of the Control of Pollution Act 1974(10); or</p> <p>(ii) is a consequence of the construction or maintenance of the authorised project and that it cannot reasonably be avoided;</p> <p>or</p> <p>(b) the defendant shows that the nuisance—</p> <p>(i) relates to premises used by the undertaker for the purposes of or in connection with the use of the authorised project and that the nuisance is attributable to the use of the authorised project which is being used in accordance with a scheme of monitoring and attenuation of noise agreed with the Commission as described in requirement 25; or</p> <p>(ii) is a consequence of the use of the authorised project and that it cannot reasonably be avoided.</p> <p>(2) Section 61(9) (consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990) of the Control of Pollution Act 1974 and section 65(8) of that Act (corresponding provision in relation to consent for registered noise level to be exceeded), shall not apply where the consent relates to the use of premises by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised project.</p> <p>M20 Junction 10a Development Consent Order 2017 Article 42</p> <p>42. Development consent granted by this Order is to be treated as specific planning permission for the purposes of section 264(3) (cases in which land is to be treated as operational land for the purposes of that Act) of the 1990 Act.</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>M4 Motorway (Junctions 3 to 12) (Smart Motorway) Order 2016 Article 38 38.—(1) Where proceedings are brought under section 82(1) (summary proceedings by persons aggrieved by statutory nuisances) of the Environmental Protection Act 1990(a) in relation to a nuisance falling within paragraphs (c), (d), (e), (fb), (g), (ga) and (h) of section 79(1) (statutory nuisances and inspections therefor) of that Act no order is to be made, and no fine may be imposed, under section 82(2) of that Act if— (a) the defendant shows that the nuisance— (i) relates to premises used by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development and that the nuisance is attributable to the carrying out of the authorised development in accordance with a notice served under section 60 (control of noise on construction site), or a consent given under section 61 (prior consent for work on construction site) of the Control of Pollution Act 1974(b); or (ii) is a consequence of the construction or maintenance of the authorised development and that it cannot reasonably be avoided; or (b) the defendant shows that the nuisance is a consequence of the use of the authorised development and that it cannot reasonably be avoided. (2) Section 61(9) (consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990) of the Control of Pollution Act 1974 does not apply where the consent relates to the use of premises by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development.</p>
4.209	Article 51 - Appeals relating to the Control of Pollution Act 1974	M25 Junction 28 Development Consent Order 2022 Article 52	<p>52.—(1) Except as otherwise provided in this Order, the undertaker may appeal in the event that a local authority issues a notice under section 60 (control of noise on construction sites), or does not give consent or grants consent but subject to conditions, under section 61 (prior consent for work on construction sites) of the Control of Pollution Act 1974(1). (2) The appeal process is as follows— (a) any appeal by the undertaker must be made within 42 days of the date of the notice of the decision, or the date by which a decision was due to be made, as the case may be; (b) the undertaker must submit the appeal documentation to the Secretary of State and must on the same day provide copies of the appeal documentation to the local authority and affix a notice to a conspicuous object on or near the site of the works which are the subject of such appeal, which must give details of the decision of the local authority and notice that an appeal has been made together with the address within the locality where the appeal documents may be inspected and details of the manner in which representations on the appeal may be made;</p>

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			<p>(c) as soon as is practicable after receiving the appeal documentation, the Secretary of State must appoint a person to consider the appeal (“the appointed person”) and must notify the appeal parties of the identity of the appointed person, a start date and the address to which all correspondence for their attention should be sent;</p> <p>(d) the local authority must submit their written representations to the appointed person in respect of the appeal within 10 business days of the start date and must ensure that copies of their written representations and any other representations as sent to the appointed person are sent to each other and to the undertaker on the day on which they are submitted to the appointed person;</p> <p>(e) the appeal parties must make any counter-submissions to the appointed person within 10 business days of receipt of written representations under sub-paragraph (d); and</p> <p>(f) the appointed person must make a decision and notify it to the appeal parties, with reasons, as soon as reasonably practicable.</p> <p>(3) The appointment of the person under sub-paragraph (2)(c) may be undertaken by a person appointed by the Secretary of State for this purpose instead of by the Secretary of State.</p> <p>(4) In the event that the appointed person considers that further information is necessary to enable the appointed person to consider the appeal, the appointed person must as soon as practicable notify the appeal parties in writing specifying the further information required, the appeal party from whom the information is sought, and the date by which the information is to be submitted.</p> <p>(5) Any further information required under paragraph (4) must be provided by the party from whom the information is sought to the appointed person and to other appeal parties by the date specified by the appointed person.</p> <p>(6) The appointed person must notify the appeal parties of the revised timetable for the appeal on or before that day.</p> <p>(7) The revised timetable for the appeal must require submission of written representations to the appointed person within 10 business days of the agreed date but must otherwise be in accordance with the process and time limits set out in sub-paragraphs (2)(c) to (e).</p> <p>(8) On an appeal under this paragraph, the appointed person may—</p> <p>(a) allow or dismiss the appeal; or</p> <p>(b) reverse or vary any part of the decision of the local authority (whether the appeal relates to that part of it or not), and may deal with the application as if it had been made to the appointed person in the first instance.</p> <p>(9) The appointed person may proceed to a decision on an appeal taking into account such written representations as have been sent within the relevant time limits and in the sole discretion of the appointed person such written representations as have been sent outside the relevant time limits.</p> <p>(10) The appointed person may proceed to a decision even though no written representations have been made within the</p>

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			<p>relevant time limits, if it appears to the appointed person that there is sufficient material to enable a decision to be made on the merits of the case.</p> <p>(11) The decision of the appointed person on an appeal is final and binding on the parties, and a court may entertain proceedings for questioning the decision only if the proceedings are brought by a claim for judicial review.</p> <p>(12) Except where a direction is given under paragraph (13) requiring some or all of the costs of the appointed person to be paid by the local authority, the reasonable costs of the appointed person must be met by the undertaker.</p> <p>(13) The appointed person may give directions as to the costs of the appeal and as to the parties by whom such costs are to be paid.</p> <p>(14) In considering whether to make any such direction and the terms on which it is to be made, the appointed person must have regard to the relevant Planning Practice Guidance published by the Department for Levelling Up, Housing and Communities or such guidance as may from time to time replace it.</p>
4.210	Article 52 – Removal of human remains	Model Provisions Article 17	<p>17.—(1) In this article “the specified land” means [insert description of the land].</p> <p>(2) Before the undertaker carries out any development or works which will or may disturb any human remains in the specified land it shall remove those human remains from the specified land, or cause them to be removed, in accordance with the following provisions of this article.</p> <p>(3) Before any such remains are removed from the specified land the undertaker shall give notice of the intended removal, describing the specified land and stating the general effect of the following provisions of this article, by—</p> <p>(a) publishing a notice once in each of two successive weeks in a newspaper circulating in the area of the authorised project; and</p> <p>(b) displaying a notice in a conspicuous place on or near to the specified land.</p> <p>(4) As soon as reasonably practicable after the first publication of a notice under paragraph (3) the undertaker shall send a copy of the notice to [insert relevant local authority].</p> <p>(5) At any time within 56 days after the first publication of a notice under paragraph (3) any person who is a personal representative or relative of any deceased person whose remains are interred in the specified land may give notice in writing to the undertaker of that person’s intention to undertake the removal of the remains.</p> <p>(6) Where a person has given notice under paragraph (5), and the remains in question can be identified, that person may cause such remains to be—</p> <p>(a) removed and re-interred in any burial ground or cemetery in which burials may legally take place; or</p> <p>(b) removed to, and cremated in, any crematorium, and that person shall, as soon as reasonably practicable after such re-interment or cremation, provide to the undertaker a certificate for the purpose of enabling compliance with paragraph (11).</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>(7) If the undertaker is not satisfied that any person giving notice under paragraph (5) is the personal representative or relative as that person claims to be, or that the remains in question can be identified, the question shall be determined on the application of either party in a summary manner by the county court, and the court may make an order specifying who shall remove the remains and as to the payment of the costs of the application.</p> <p>(8) The undertaker shall pay the reasonable expenses of removing and re-interring or cremating the remains of any deceased person under this article.</p> <p>(9) If—</p> <p>(a) within the period of 56 days referred to in paragraph (5) no notice under that paragraph has been given to the undertaker in respect of any remains in the specified land; or</p> <p>(b) such notice is given and no application is made under paragraph (7) within 56 days after the giving of the notice but the person who gave the notice fails to remove the remains within a further period of 56 days; or</p> <p>(c) within 56 days after any order is made by the county court under paragraph (7) any person, other than the undertaker, specified in the order fails to remove the remains; or</p> <p>(d) it is determined that the remains to which any such notice relates cannot be identified,</p> <p>subject to paragraph (10) the undertaker shall remove the remains and cause them to be re-interred in such burial ground or cemetery in which burials may legally take place as the undertaker thinks suitable for the purpose; and, so far as possible, remains from individual graves shall be re-interred in individual containers which shall be identifiable by a record prepared with reference to the original position of burial of the remains that they contain.</p> <p>(10) If the undertaker is satisfied that any person giving notice under paragraph (5) is the personal representative or relative as that person claims to be and that the remains in question can be identified, but that person does not remove the remains, the undertaker shall comply with any reasonable request that person may make in relation to the removal and re-interment or cremation of the remains.</p> <p>(11) On the re-interment or cremation of any remains under this article—</p> <p>(a) a certificate of re-interment or cremation shall be sent by the undertaker to the Registrar General by the undertaker giving the date of re-interment or cremation and identifying the place from which the remains were removed and the place in which they were re-interred or cremated; and</p> <p>(b) a copy of the certificate of re-interment or cremation and the record mentioned in paragraph (9) shall be sent by the undertaker to [insert relevant local authority] mentioned in paragraph (4).</p> <p>(12) The removal of the remains of any deceased person under this article shall be carried out in accordance with any directions which may be given by the Secretary of State.</p>

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			<p>(13) Any jurisdiction or function conferred on the county court by this article may be exercised by the district judge of the court.</p> <p>(14) Section 25 of the Burial Act 1857(14) (bodies not to be removed from burial grounds, save under faculty, without licence of Secretary of State) shall not apply to a removal carried out in accordance with this article.</p>
4.214	Article 53 - Crown rights	A19/A1058 Coast Road (Junction Improvement) Order 2016 Article 37	<p>37.—(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular, nothing in this Order authorises the undertaker or any licensee—</p> <p>(a) to take, use, enter upon or in any manner interfere with any land or rights of any description—</p> <p>(i) belonging to Her Majesty in right of the Crown and forming part of The Crown Estate without the consent in writing of the Crown Estate Commissioners;</p> <p>(ii) belonging to Her Majesty in right of the Crown and not forming part of The Crown Estate without the consent in writing of the government department having the management of that land;</p> <p>(iii) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department;</p> <p>or</p> <p>(b) to exercise any right under this Order compulsorily to acquire an interest in any land which is Crown Land (as defined in the 2008 Act) which is for the time being held otherwise than by or on behalf of the Crown without the consent in writing of the appropriate Crown authority (as defined in the 2008 Act).</p> <p>(2) A consent under paragraph (1) may be given unconditionally or subject to terms and conditions; and is deemed to have been given in writing where it is sent electronically.</p>
4.219	Article 54 – Use of private roads for construction	Port of Tilbury (Expansion) Order 2019 Article 16 Lake Lothing (Lowestoft) Third Crossing Order 2020 Article 14	<p>Port of Tilbury (Expansion) Order 2019</p> <p>16.—(1) The Company may use any private road within the Order limits for the passage of persons or vehicles (with or without materials, plant and machinery) for the purposes of, or in connection with, the construction of the authorised development.</p> <p>(2) The Company must compensate the person liable for the repair of a road to which paragraph (1) applies for any loss or damage which that person may suffer by reason of the exercise of the power conferred by paragraph (1).</p> <p>(3) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of such compensation, is to be determined under Part 1 (determination of questions of disputed compensation) of the 1961 Act.</p> <p>Lake Lothing (Lowestoft) Third Crossing Order 2020</p> <p>14.—(1) The undertaker may use any private road within the Order limits for the passage of persons or vehicles (with or without materials, plant and machinery) for the purposes of, or in connection with, the construction of the authorised development.</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>(2) The undertaker must compensate the person liable for the repair of a road to which paragraph (1) applies for any loss or damage which that person may suffer by reason of the exercise of the power conferred by paragraph (1).</p> <p>(3) Any dispute as to a person’s entitlement to compensation under paragraph (2), or as to the amount of such compensation, is to be determined under Part 1 (determination of questions of disputed compensation) of the 1961 Act.</p>
4.234	Article 60 - Certification of documents, etc.	Model Provisions Article 41	<p>41.—(1) The undertaker shall, as soon as practicable after the making of this Order, submit to the decision-maker copies of—</p> <ul style="list-style-type: none"> (a) the book of reference; (b) the land plan; (c) the rights plan; (d) the works plan; (e) the sections; and (f) any other plans or documents referred to in this Order, for certification that they are true copies of the documents referred to in this Order. <p>(2) A plan or document so certified shall be admissible in any proceedings as evidence of the contents of the document of which it is a copy.</p>
4.236	Article 61 - Service of notices	M20 Junction 10a Development Consent Order 2017 Article 45 M4 Motorway (Junctions 3 to 12) (Smart Motorway) Order 2016 Article 41	<p>M20 Junction 10a Development Consent Order 2017</p> <p>45.—(1) A notice or other document required or authorised to be served for the purposes of this Order may be served—</p> <ul style="list-style-type: none"> (a) by post; (b) by delivering it to the person on whom it is to be served or to whom it is to be given or supplied; or (c) with the consent of the recipient and subject to paragraphs (5) to (8) by electronic transmission. <p>(2) Where the person on whom a notice or other document to be served for the purposes of this Order is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.</p> <p>(3) For the purposes of section 7 (references to service by post) of the Interpretation Act 1978(1) as it applies for the purposes of this article, the proper address of any person in relation to the service on that person of a notice or document under paragraph (1) is, if that person has given an address for service, that address, and otherwise—</p> <ul style="list-style-type: none"> (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and (b) in any other case, the last known address of that person at the time of service. <p>(4) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person as having any interest in, or as the occupier of, land and the name or address of that person cannot be ascertained after reasonable enquiry, the notice may be served by—</p> <ul style="list-style-type: none"> (a) addressing it to that person by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it); and (b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>conspicuously affixed to some building or object on or near the land.</p> <p>(5) Where a notice or other document required to be served or sent for the purposes of this Order is served or sent by electronic transmission the requirement is to be taken to be fulfilled only where—</p> <p>(a) the recipient of the notice or other document to be transmitted has given consent to the use of electronic transmission in writing or by electronic transmission;</p> <p>(b) the notice or document is capable of being accessed by the recipient;</p> <p>(c) the notice or document is legible in all material respects; and</p> <p>(d) the notice or document is in a form sufficiently permanent to be used for subsequent reference.</p> <p>(6) Where the recipient of a notice or other document served or sent by electronic transmission notifies the sender within 7 days of receipt that the recipient requires a paper copy of all or part of that notice or other document the sender must provide such a copy as soon as reasonably practicable.</p> <p>(7) Any consent to the use of electronic communication given by a person may be revoked by that person in accordance with paragraph (8).</p> <p>(8) Where a person is no longer willing to accept the use of electronic transmission for any of the purposes of this Order—</p> <p>(a) that person must give notice in writing or by electronic transmission revoking any consent given by that person for that purpose; and</p> <p>(b) such revocation is final and takes effect on a date specified by the person in the notice but that date must not be less than 7 days after the date on which the notice is given.</p> <p>(9) This article does not exclude the employment of any method of service not expressly provided for by it.</p> <p>(10) In this article “legible in all material respects” means that the information contained in the notice or document is available to that person to no lesser extent than it would be if served, given or supplied by means of a notice or document in printed form.</p> <p>M4 Motorway (Junctions 3 to 12) (Smart Motorway) Order 2016</p> <p>41.—(1) A notice or other document required or authorised to be served for the purposes of this Order may be served—</p> <p>(a) by post;</p> <p>(b) by delivering it to the person on whom it is to be served or to whom it is to be given or supplied; or</p> <p>(c) with the consent of the recipient and subject to paragraphs (5) to (8) by electronic transmission.</p> <p>(2) Where the person on whom a notice or other document to be served for the purposes of this Order is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.</p> <p>(3) For the purposes of section 7 (references to service by post) of the Interpretation Act 1978(1) as it applies for the purposes of this article, the proper address of any person in relation to the service on that person of a notice or document</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>under paragraph (1) is, if that person has given an address for service, that address, and otherwise—</p> <p>(a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and</p> <p>(b) in any other case, the last known address of that person at the time of service.</p> <p>(4) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person as having any interest in, or as the occupier of, land and the name or address of that person cannot be ascertained after reasonable enquiry, the notice may be served by—</p> <p>(a) addressing it to that person by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it); and</p> <p>(b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.</p> <p>(5) Where a notice or other document required to be served or sent for the purposes of this Order is served or sent by electronic transmission the requirement is taken to be fulfilled only where—</p> <p>(a) the recipient of the notice or other document to be transmitted has given consent to the use of electronic transmission in writing or by electronic transmission;</p> <p>(b) the notice or document is capable of being accessed by the recipient;</p> <p>(c) the notice or document is legible in all material respects; and</p> <p>(d) the notice or document is in a form sufficiently permanent to be used for subsequent reference.</p> <p>(6) Where the recipient of a notice or other document served or sent by electronic transmission notifies the sender within 7 days of receipt that the recipient requires a paper copy of all or part of that notice or other document the sender must provide such a copy as soon as reasonably practicable.</p> <p>(7) Any consent to the use of electronic communication given by a person may be revoked by that person in accordance with paragraph (8).</p> <p>(8) Where a person is no longer willing to accept the use of electronic transmission for any of the purposes of this Order—</p> <p>(a) that person must give notice in writing or by electronic transmission revoking any consent given by that person for that purpose; and</p> <p>(b) such revocation will be final and takes effect on a date specified by the person in the notice but that date must not be less than 7 days after the date on which the notice is given.</p> <p>(9) This article does not exclude the employment of any method of service not expressly provided for by it.</p> <p>(10) In this article “legible in all material respects” means that the information contained in the notice or document is available to that person to no lesser extent than it would be if served, given or supplied by means of a notice or document in printed form.</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
	REQUIREMENTS – Article 5 - Schedule 2 – Part 1		
6.5 (b)	Requirement 2	Model Provisions Requirement 2	2. The authorised development must be begun within [insert number] years of the date of this Order.
6.5 (e)	Requirement 5	Model Provisions Requirement 7 and 8 M42 Junction 6 Improvement Development Consent Order 2020 Requirement 5	<p>Model Provisions Provision of landscaping 7. No [stage of the] authorised development shall until commence a written landscaping scheme [for that stage] has, after consultation with the relevant planning authority, been submitted to and approved by the Commission. The landscaping scheme must include details of all proposed hard and soft landscaping works, including— (a) location, number, species, size and planting density of any proposed planting; (b) cultivation, importing of materials and other operations to ensure plant establishment; (c) proposed finished ground levels; (d) hard surfacing materials; (e) vehicular and pedestrian access, parking and circulation areas; (f) minor structures, such as furniture, refuse or other storage units, signs and lighting; (g) proposed and existing functional services above and below ground, including drainage, power and communications cables and pipelines, manholes and supports; (h) details of existing trees to be retained, with measures for their protection during the construction period; (i) retained historic landscape features and proposals for restoration, where relevant; and (j) implementation timetables for all landscaping works.</p> <p>Implementation and maintenance of landscaping 8.—(1) All landscaping works must be carried out in accordance with the landscaping scheme approved under requirement 7 and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice. (2) The landscaping works must be carried out in accordance with implementation timetables approved under requirement 6. (3) Any tree or shrub planted as part of an approved landscaping scheme that, within a period of five years after planting, is removed, dies or becomes, in the opinion of the Commission, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted, unless otherwise approved by the Commission.</p> <p>M42 Junction 6 Improvement Development Consent Order 2020 5.—(1) No part of the authorised development is to commence until a landscaping scheme applicable to that part has been</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>submitted to and approved in writing by the Secretary of State, following consultation with—</p> <p>(a) the relevant planning authority on matters related to its functions; and</p> <p>(b) where that part of the authorised development is comprised in the Airport safeguarding zone, Birmingham Airport Limited on matters relevant to the safety of aircraft taking off or landing, or flying in the vicinity of, Birmingham Airport.</p> <p>(2) The landscaping scheme must reflect the mitigation measures set out in the REAC and must be based on the proposed landscape planting strategy (figure 8.3) and the illustrative environmental masterplan (figure 8.8) annexed to the environmental statement (application document TR010027/APP/6.1).</p> <p>(3) The landscaping scheme prepared under sub-paragraph (1) must include details of—</p> <p>(a) location, number, species mix, size and planting density of any proposed planting;</p> <p>(b) cultivation, importing of materials and other operations to ensure plant establishment;</p> <p>(c) existing trees to be retained, with measures for their protection during the construction period;</p> <p>(d) proposed finished ground levels; and</p> <p>(e) implementation timetables for all landscaping works.</p> <p>(4) All landscaping works must be carried out to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards.</p> <p>(5) Any tree or shrub planted as part of the landscaping scheme that, within a period of 5 years after planting, is removed, dies or becomes in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted, unless the Secretary of State, following consultation with the relevant planning authority on matters related to its function, gives consent to a variation.</p>
6.5 (f)	Requirement 6	Model Provisions Requirement 15 M42 Junction 6 Improvement Development Consent Order 2020 Requirement 6	<p>Model Provisions</p> <p>15.—(1) No [stage of the] authorised development shall commence until a written scheme [applicable to that stage,] to deal with the contamination of any land, including groundwater, within the Order limits which is likely to cause significant harm to persons or pollution of controlled waters or the environment has, after consultation with the relevant planning authority and the Environment Agency, been submitted to and approved by the Commission.</p> <p>(2) The scheme shall include an investigation and assessment report, prepared by a specialist consultant approved by the relevant planning authority, to identify the extent of any contamination and the remedial measures to be taken to render the land fit for its intended purpose, together with a management plan which sets out long-term measures with respect to any contaminants remaining on the site.</p> <p>(3) Remediation must be carried out in accordance with the approved scheme.</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>M42 Junction 6 Improvement Development Consent Order 2020</p> <p>6.—(1) In the event that contaminated land, including groundwater, is found at any time when carrying out the authorised development which was not previously identified in the environmental statement, it must be reported as soon as reasonably practicable to the Secretary of State, the relevant planning authority and the Environment Agency, and the undertaker must complete a risk assessment of the contamination in consultation with the relevant planning authority and the Environment Agency.</p> <p>(2) Where the undertaker determines that remediation of the contaminated land is necessary, a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose must be submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority on matters related to its function and the Environment Agency.</p> <p>(3) Remediation must be carried out in accordance with the approved scheme.</p>
6.5 (h)	Requirement 8	<p>Model Provisions Requirement 34</p> <p>The A585 Windy Harbour to Skippool Highway Development Consent Order 2020</p> <p>Requirement 7 M20 Junction 10a</p> <p>Development Consent Order 2017</p> <p>Requirement 10</p>	<p>Model Provisions</p> <p>34.—(1) No [stage of the] authorised development shall commence until [further] survey work has been carried out to establish whether a European protected species is present on any of the land affected, or likely to be affected, by the authorised development or in any of the trees to be lopped or felled or buildings to be demolished during [that stage of] the authorised development.</p> <p>(2) Where a European protected species is shown to be present, no authorised development [of that stage] shall be begun until, after consultation with the relevant planning authority, Natural England and the Secretary of State for the Environment, Food and Rural Affairs, a scheme of protection and mitigation measures has been submitted to and approved by the Commission; and the authorised development shall be carried out in accordance with the approved scheme.</p> <p>(3) “European protected species” has the same meaning as in regulations 38 and 42 of the Conservation (Natural Habitats, &c.) Regulations 1994(2).</p> <p>The A585 Windy Harbour to Skippool Highway Development Consent Order 2020</p> <p>7.—(1) In the event that any protected species which are not previously identified in the environmental statement or nesting birds are found at any time when carrying out the authorised development the undertaker must cease construction works and report it immediately to the Ecological Clerk of Works.</p> <p>(2) The undertaker must prepare a written scheme for the protection and mitigation measures for any protected species that were not previously identified in the environmental statement or nesting birds when carrying out the authorised development. Where nesting birds are identified works should cease within 10 metres of the nest until birds have fledged and the nest is no longer in use.</p> <p>(3) The undertaker must implement the written scheme prepared under sub-paragraph (2) immediately and</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>construction in the area specified in the written scheme must not recommence until any necessary licences are obtained to enable mitigation measures to be implemented.</p> <p>(4) Prior to demolition of Skippool Bridge the undertaker must carry out an endoscope survey of the features on the bridge which have the potential to be used by bats. If the results of the survey show that bats are present and a protected species licence is required, no further work shall be undertaken to the bridge until a written scheme of investigation and mitigation has been prepared.</p> <p>(5) The undertaker must implement the written scheme prepared under sub-paragraph (4) immediately and construction in the area specified in the written scheme must not recommence until any necessary licences are obtained to enable mitigation measures to be implemented.</p> <p>(6) The undertaker must implement the Bird Mitigation Strategy prepared under requirement 4(2)(d)(i) at all times during construction of the authorised development unless otherwise agreed in writing by the Secretary of State following consultation with Natural England.</p> <p>M20 Junction 10a Development Consent Order 2017</p> <p>10.—(1) In the event that any protected species which were not previously identified in the environmental statement or nesting birds are found at any time when carrying out the authorised development the undertaker must cease construction works and report it immediately to the Ecological Clerk of Works.</p> <p>(2) The undertaker must prepare a written scheme for the protection and mitigation measures for any protected species that were not previously identified in the environmental statement or nesting birds found when carrying out the authorised development. Where nesting birds are identified works should cease within 10 metres of the nest until birds have fledged and the nest is no longer in use.</p> <p>(3) The undertaker must implement the written scheme prepared under sub-paragraph (2) immediately and construction in the area specified in the written scheme must not recommence until any necessary licences are obtained to enable mitigation measures to be implemented.</p>
6.5 (i)	Requirement 9	M20 Junction 10a Development Consent Order 2017 Requirement 11 M4 Motorway (Junctions 3 to 12) (Smart Motorway) Order 2016 Requirement 18	<p>M20 Junction 10a Development Consent Order 2017</p> <p>11.—(1) No part of the authorised development is to commence until a traffic management plan for the construction of the authorised development, substantially in accordance with the draft traffic management plan, has been submitted to and approved in writing by the Secretary of State following consultation with the relevant highway authority.</p> <p>(2) The authorised development must be constructed in accordance with the approved traffic management plan.</p> <p>M4 Motorway (Junctions 3 to 12) (Smart Motorway) Order 2016</p> <p>18.—(1) No part of the authorised development is to commence until a construction traffic management plan, detailing traffic management measures during construction of the authorised development and substantially in accordance with the outline construction traffic management plan annexed</p>

EM Paragraph	Article in Order	Precedent(s) referenced in EM	Extract of precedent
			<p>to the outline CEMP (Application Document Reference No. 6.3, Appendix 4.2A, Annex E), has been submitted to and approved by the Secretary of State, following consultation with the relevant planning authority.</p> <p>(2) The authorised development must be constructed in accordance with the approved details.</p>
6.5 (j)	Requirement 10	Model Provisions Requirements 4 to 6 M20 Junction 10a Development Consent Order 2017 Requirement 12	<p>Model Provisions</p> <p>4. No [stage of the] authorised development shall commence until [for that stage] written details of the following have, after consultation with the relevant planning authority, been submitted to and approved by the Commission—</p> <p>[or</p> <p>5. No [stage of the] authorised development shall commence until details of the layout, scale and external appearance of the following elements of the authorised development [within that stage] have, after consultation with the relevant planning authority, been submitted to and approved by the Commission]</p> <p>6. The authorised development must be carried out in accordance with the approved details.</p> <p>M20 Junction 10a Development Consent Order 2017</p> <p>12.—(1) The authorised development must be designed in detail and carried out so that it is compatible with the preliminary scheme design shown on the works plans and the engineering section drawings, unless otherwise agreed in writing by the Secretary of State following consultation with the relevant planning authority and local highway authority on matters related to their functions and provided that the Secretary of State is satisfied that any amendments to the works plans and the engineering section drawings showing departures from the preliminary design would not give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the environmental statement.</p> <p>(2) Where amended details are approved by the Secretary of State under sub-paragraph (1), those details are deemed to be substituted for the corresponding works plans or engineering section drawings and the undertaker must make those amended details available in electronic form for inspection by members of the public.</p>
6.5 (k)	Requirement 11	Model Provisions Requirement 14	<p>14.—(1) No [stage of the] authorised development shall commence until [for that stage,] written details of the surface and foul water drainage system (including means of pollution control) have, after consultation with the relevant planning authority and the sewerage and drainage authority, been submitted to and approved by the Commission.</p> <p>(2) The surface and foul water drainage system must be constructed in accordance with the approved details.</p>
6.5 (n)	Requirement 14	Model Provisions Requirement 37	<p>37. With respect to any requirement which requires the authorised development to be carried out in accordance with the details approved by the Commission, the approved details shall be taken to include any amendments that may subsequently be approved in writing by the Commission.</p>

Appendix F - List of all objections to CA and TP powers

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])

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
1	David Bolton and Stephen Bolton		RR-050			Part 1 (Category 1)	Permanent acquisition of all interests in land	1/11a 1/15a 2/6a – subsoil 2/9a – subsoil 2/12a 2/12g 2/19a 2/20a – subsoil	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	1/11e 2/12i	No	
							Land to be used temporarily and new rights to be acquired permanently	1/11c 1/11d 1/11f 1/11g 2/12b 2/12c 2/12d 2/12f 2/12h 2/12j 2/12l	Yes	
							Permanent acquisition of all interests in land	2/1a 2/13a 2/13b 2/14a 2/14b	Yes	
						Part 1 (Category 2) and Part 3	Land to be used temporarily	N/A	No	

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
							Land to be used temporarily and new rights to be acquired permanently	2/13c 2/13d 2/13e	Yes	
2	The Honourable John Frederick Strutt		RR-186			Part 1 (Category 1)	Permanent acquisition of all interests in land	5/12a 5/12b 5/12c 5/12e 6/7a 6/12b 6/12d 6/29a 6/29b 6/29c	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	5/12f 5/12g 6/12a 6/12e 6/12f 6/12h	No	
							Land to be used temporarily and new rights to be acquired permanently	5/12d 5/12h 6/12c 6/12g	Yes	
						Part 1 (Category 2) and Part 3	Permanent acquisition of all interests in land	5/1b	Yes	
							Land to be used temporarily	5/20a	No	
							Land to be used	N/A	Yes	

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
							temporarily and new rights to be acquired permanently			
3	The Right Honourable John Gerald Sixth Baron Rayleigh		RR-185			Part 1 (Category 1)	Permanent acquisition of all interests in land	4/9a 5/36a 5/36c	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	4/9b 5/17a 5/36b	No	
							Land to be used temporarily and new rights to be acquired permanently	4/9c	Yes	
4	S G Ratcliff Limited		RR-022			Part 1 (Category 1)	Permanent acquisition of all interests in land	5/13a 5/37a	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be acquired permanently	N/A	Yes	
5	Victoria and Gary Woods		RR-082			Part 1 (Category 1)	Permanent acquisition of all interests in land	6/15b	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	6/15a 6/15b	No	
							Land to be used temporarily and	6/15c	Yes	

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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
							new rights to be acquired permanently			
6	Ulting Overseas Trust		RR-012			Part 1 (Category 1)	Permanent acquisition of all interests in land	6/18c 6/30a	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	6/18b 6/18d 6/18f	No	
							Land to be used temporarily and new rights to be acquired permanently	6/18a 6/18e	Yes	
7	Andrew Ferguson Wood		RR-018			Part 1 (Category 1)	Permanent acquisition of all interests in land	6/10a – subsoil 6/19a 6/20a 6/20b 6/21a 6/22a 6/25a 6/30a 7/5a – subsoil 7/9a 7/10a 7/10e 7/10i 7/10j 7/11a 7/23a 8/33a 8/33f	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]

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
								8/33g 8/33i 8/33m 8/34a 8/34b		
							Land to be used temporarily	6/20c 7/10b 7/10g 7/10h 7/10l	No	
							Land to be used temporarily and new rights to be acquired permanently	6/19b 7/10c 7/10f 7/10k 8/33b 8/33e 8/33k 8/33l 8/35a	Yes	
						Part 1 (Category 2) and Part 3	Permanent acquisition of all interests in land	6/1g 6/20a 6/22a 6/24a 7/1b 7/11a 7/17d	Yes	
							Land to be used temporarily	7/17a 7/17b	No	
							Land to be used temporarily and new rights to be acquired	6/17a	Yes	

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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
							permanently			
8	Julia Joy Rees and Jillian Faith Nicholls		RR-018			Part 1 (Category 1)	Permanent acquisition of all interests in land	6/21a 7/9a	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be acquired permanently	N/A	Yes	
						Part 1 (Category 2) and Part 3	Permanent acquisition of all interests in land	6/1g 6/20b 7/1b 7/11a	Yes	
							Land to be used temporarily	6/21a 7/9a	No	
Land to be used temporarily and new rights to be acquired permanently	N/A	Yes								
9	Vivienne Cecilia Wood, Amanda Jane Bright and Grant Mitchell Smith		RR-018			Part 1 (Category 1)	Permanent acquisition of all interests in land	6/22a	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be acquired	N/A	Yes	

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
							permanently			
						Part 1 (Category 2) and Part 3	Permanent acquisition of all interests in land	6/1g	Yes	
					Land to be used temporarily		N/A	No		
					Land to be used temporarily and new rights to be acquired permanently		N/A	Yes		
10	Olivia Hope Kingsford		RR-018			Part 1 (Category 1)	Permanent acquisition of all interests in land	6/21a 6/23a 6/24a 6/24b 7/9a	Yes	
					Land to be used temporarily		N/A	No		
					Land to be used temporarily and new rights to be acquired permanently		N/A	Yes		
					Part 1 (Category 2) and Part 3	Permanent acquisition of all interests in land	6/1g 6/20b 7/1b 7/11a	Yes		
						Land to be used temporarily	6/21a 7/9a	No		
						Land to be used temporarily and	N/A	Yes		

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
							new rights to be acquired permanently			
11	R & J.R.Wood Limited		RR-018			Part 1 (Category 1)	Permanent acquisition of all interests in land	6/10a – subsoil 6/25a	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be acquired permanently	N/A	Yes	
						Part 1 (Category 2) and Part 3	Permanent acquisition of all interests in land	6/1g 6/20a 6/23a 6/24a	Yes	
							Land to be used temporarily	N/A	No	
Land to be used temporarily and new rights to be acquired permanently	N/A	Yes								
12	Gillian Elaine Hodges and Jacqueline Anne Osborn		RR-018			Part 1 (Category 1)	Permanent acquisition of all interests in land	6/19a	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be	6/19b	Yes	

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
							acquired permanently			
13	Deanna Bunting and Susan Bunting		RR-007			Part 1 (Category 1)	Permanent acquisition of all interests in land	12/9a 13/14a 13/14b 13/14d 13/14e 13/14f 13/14h 13/14k 13/17a 13/19a – subsoil 14/3a 14/3c 14/3i 14/3k 14/3m 14/4 – subsoil 14/10a – subsoil 14/17b – subsoil 14/19a – subsoil 20/1 – subsoil 20/4a 20/4b 20/4e 20/4f 20/5a 21/2a	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	12/9b 13/14l 14/3b 14/3d 14/3f	No	

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
								14/3l		
							Land to be used temporarily and new rights to be acquired permanently	13/14c 13/14g 13/14j 14/3g 14/3j 14/3n 14/7a – subsoil	Yes	
						Part 1 (Category 2) and Part 3	Permanent acquisition of all interests in land	12/1h 12/11a 12/24a	Yes	
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be acquired permanently	N/A	Yes	
14	The Executors of Robert Anthony Bunting		RR-007			Part 1 (Category 1)	Permanent acquisition of all interests in land	12/23a- subsoil 12/23b- subsoil 12/23c- subsoil 12/24a 12/26a	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	2/25a	No	
							Land to be used temporarily and new rights to be acquired permanently	N/A	Yes	
						Part 1 (Category 2)	Permanent	13/18a	Yes	

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
						and Part 3	acquisition of all interests in land	14/1a		
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be acquired permanently	N/A	Yes	
15	Graham Paget Holland and Tamasyn Joan Holland		RR-218			Part 1 (Category 1)	Permanent acquisition of all interests in land	13/16a	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be acquired permanently	N/A	Yes	
						Part 1 (Category 2) and Part 3	Permanent acquisition of all interests in land	13/14a	Yes	
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be acquired permanently	N/A	Yes	
16	Matthew Bunting and Jane Phillips		RR-007			Part 1 (Category 1)	Permanent acquisition of all interests in land	20/1a 20/8b 20/12a	Yes	Refer to the 9.3 Applicant's Response to Relevant

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
								20/12b		Representations – Rev 2 [REP1-002]
							Land to be used temporarily	20/8a	No	
							Land to be used temporarily and new rights to be acquired permanently	N/A	Yes	
17	Henry Robert Siggers		RR-021		REP1-056 REP1-057	Part 1 (Category 1)	Permanent acquisition of all interests in land	11/8a 11/8c 11/8d 11/17a 11/18a 12/4a	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be acquired permanently	N/A	Yes	
						Part 1 (Category 2) and Part 3	Permanent acquisition of all interests in land	11/20b 12/5a 12/5c 12/29a	Yes	
							Land to be used temporarily	12/5b	No	
							Land to be used temporarily and new rights to be acquired	11/9a 12/5d	Yes	

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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
							permanently			
18	Essex County Fire & Rescue Service		RR-066			Part 1 (Category 1)	Permanent acquisition of all interests in land	11/14a 11/14b 12/6a 12/6c 12/6d 12/7a	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	12/6b 12/6e	No	
							Land to be used temporarily and new rights to be acquired permanently	11/14c 12/6f	Yes	
19	Simon Robert Brice		RR-119			Part 1 (Category 1)	Permanent acquisition of all interests in land	9/13a 9/13d 9/13e 9/13f 9/13g 9/22a 9/22b 10/7a 10/20a 10/20c 10/20e 10/20g 10/20j 10/20k 10/23a 10/27a – subsoil 10/28a – subsoil 11/4b	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]

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
								11/4c 11/4d 11/4f 11/4g 11/4j 11/4k 11/4m 11/16a – subsoil 11/18a 12/16a 12/23a 12/23b 12/23c 13/5a 13/10a – subsoil		
							Land to be used temporarily	9/13c 10/20b 10/20d 11/4a 11/4e 11/4l 13/5b	No	
							Land to be used temporarily and new rights to be acquired permanently	9/13b 9/19a 9/19b 10/20f 10/20h 10/20i 11/4n	Yes	
						Part 1 (Category 2) and Part 3	Permanent acquisition of all interests in land	11/8d 11/10a 11/20b 12/4a	Yes	

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
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be acquired permanently	11/9a	Yes	
20	Pamela Vi Brice and Clare Elizabeth Brice		RR-119			Part 1 (Category 1)	Permanent acquisition of all interests in land	11/10a 11/16a - subsoil	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be acquired permanently	N/A	Yes	
21	Paul Albert Hedges, Vicky Romaine Hedges and Lisa Charmaine Hedges Sharman		RR-055			Part 1 (Category 1)	Permanent acquisition of all interests in land	11/16a - subsoil	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be acquired permanently	11/9a	Yes	
						Part 1 (Category 2) and Part 3	Permanent acquisition of all interests in land	11/20b	Yes	
							Land to be used temporarily	N/A	No	

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
							Land to be used temporarily and new rights to be acquired permanently	N/A	Yes	
22	Malcolm Campbell, Richard Campbell and Jane Wilson		RR-111			Part 1 (Category 1)	Permanent acquisition of all interests in land	20/1a – subsoil 20/10a	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be acquired permanently	N/A	Yes	
23	James Christopher Crayston and Robert William Crayston		RR-085			Part 1 (Category 1)	Permanent acquisition of all interests in land	N/A	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be acquired permanently	15/10a	Yes	
24	Chelmsford City Council		RR-079		REP1-013	Part 1 (Category 1)	Permanent acquisition of all interests in land	1/4a 2/3a 1/7a	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and	N/A	Yes	

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
							new rights to be acquired permanently			
						Part 1 (Category 2) and Part 3	Permanent acquisition of all interests in land	1/6a 2/4a	Yes	
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be acquired permanently	1/10a 1/10b 1/10c	Yes	
25	Essex County Council		RR-025 RR-207		REP1-015	Part 1 (Category 1)	Permanent acquisition of all interests in land	1/2c 1/4a 1/6a 2/2b 2/2e 2/2f 2/2g 2/2h 2/2k 2/2l 2/3a 2/4a 4/2c 4/7a 5/2a 5/2d 5/2e 5/2g 5/2i	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]

Applicant's Response to the Examining Authority's First Round of Written Questions

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
								5/2p 5/2u 5/2q 5/5a 5/5b 5/6b 5/3a 5/5a 5/5b 5/7a 5/8a 5/9a 5/10a 5/11a 6/2a 6/2b 6/2c 6/2d 6/2e 6/2f 6/2g 6/2h 6/5a 7/2a 8/2b 8/2e 8/13b 10/2a 10/2b 10/2c 10/2d 10/2e 10/2f		

Applicant's Response to the Examining Authority's First Round of Written Questions

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
								10/5e 10/11a 11/2b 11/2c 11/2d 11/2e 11/2f 12/2a 12/2b 12/2d 12/2e 12/2f 12/2g 13/2a 13/2b 13/2c 13/2e 13/2f 13/2g 15/2a 16/2a 18/2b 18/2c 18/2d 19/2a 19/2b 19/2d 19/2e 19/2g 19/2h 19/2i		
							Land to be used temporarily	1/5a 2/2a	No	

Applicant's Response to the Examining Authority's First Round of Written Questions

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
								2/2i 2/2j 3/2a 4/2a 4/2b 5/2b 5/2c 5/2f 5/2h 5/2j 5/2k 5/2l 5/2m 5/2n 5/2r 5/2s 5/2t 7/18a 8/2a 8/2d 8/7a 8/8a 8/9a 8/9b 8/10a 8/10b 8/10c 8/13a 8/13c 8/15a 8/29a 9/5a 9/6a		

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
								9/6b 11/2a 12/2c 18/2a 19/2f		
							Land to be used temporarily and new rights to be acquired permanently	7/4a 8/35a 10/11c 10/11d 10/22a 11/4n 13/14j 19/2c	Yes	
						Part 1 (Category 2) and Part 3	Permanent acquisition of all interests in land	7/10i 7/14a 8/11af 8/14a 8/33a	Yes	
							Land to be used temporarily	7/10h 7/16a 7/16b 7/16c 7/19c	No	
							Land to be used temporarily and new rights to be acquired permanently	1/10a 1/10b 1/10c 7/10c 7/10f 8/11i 8/11x	Yes	
26	Witham Town Council		RR-084			Part 1 (Category 1)	Permanent acquisition of all	8/11q 8/11aa	Yes	Refer to the 9.3 Applicant's Response

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
							interests in land	8/11af 8/11ah 8/47a 9/11a		to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	8/11y	No	
							Land to be used temporarily and new rights to be acquired permanently	8/11h 8/11i 8/11o 8/11z 8/11ab 8/11ai 8/47b 9/11b	Yes	
						Part 1 (Category 2) and Part 3	Permanent acquisition of all interests in land	8/1i 8/1k 8/11af	Yes	
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be acquired permanently	8/11x 8/68e 8/68f	Yes	
27	Roger Frederick Wacey, Christine Joy Wacey and Nathan Wacey		RR-061 AS-037		REP1-060 REP1-061 REP1-062 REP1-063 REP1-064 REP1-065	Part 1 (Category 1)	Permanent acquisition of all interests in land	N/A	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be	18/9a	Yes	

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
							acquired permanently			
						Part 1 (Category 2) and Part 3	Permanent acquisition of all interests in land	18/6b	Yes	
					Land to be used temporarily		18/6a	No		
					Land to be used temporarily and new rights to be acquired permanently		18/6g	Yes		
28	The Crown Estate Commissioners		RR-041			Part 1 (Category 1) and Part 4	Permanent acquisition of all interests in land	14/5b 14/5d 14/17b – subsoil 15/5a – subsoil 15/8b 15/8d 15/8f 15/8g 15/8i 15/8j	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
					Land to be used temporarily		14/5a 14/5c 14/5e 14/5f 14/6a 15/8a 15/8c 15/8e	No		
					Land to be used temporarily and		14/7a – subsoil 15/8h	Yes		

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	
							new rights to be acquired permanently				
						Part 1 (Category 2). Part 3 and Part 4	Permanent acquisition of all interests in land	15/1a 15/1b	Yes		
							Land to be used temporarily	14/12a 15/7a	No		
							Land to be used temporarily and new rights to be acquired permanently	N/A	Yes		
29	Network Rail Infrastructure Limited		RR-045		REP1-017	Part 1 (Category 1)	Permanent acquisition of all interests in land	2/17a 2/17g 2/17l 2/17m 2/18b 19/8a	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]	
							Land to be used temporarily	2/17b 2/17h 2/17k 2/17n 2/18a 2/18c	No		
							Land to be used temporarily and new rights to be acquired permanently	2/17j 2/18d 19/11a 19/11b 19/12a 19/12b 19/12c	Yes		

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
							Permanent acquisition of all interests in the airspace over land.	2/17e	Yes	
							Permanent acquisition of all interests in the subsoil.	2/17i	Yes	
							Land not subject to powers of compulsory acquisition or temporary possession	2/17c	No	
						Part 1 (Category 2) and Part 3	Permanent acquisition of all interests in land	12/5a	Yes	
							Land to be used temporarily	2/15b	No	
							Land to be used temporarily and new rights to be acquired permanently	8/6l	Yes	
30	Stephen Peter Butcher and Karen Anne Butcher		RR-096			Part 1 (Category 1)	Permanent acquisition of all interests in land	8/20a – subsoil 8/41a 8/41b	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	8/41d	No	
							Land to be used temporarily and	N/A	Yes	

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
							new rights to be acquired permanently			
31	Julian Graham Whittle and Danielle Whittle		RR-067			Part 1 (Category 1)	Permanent acquisition of all interests in land	8/19a 8/19b	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	8/19d	No	
							Land to be used temporarily and new rights to be acquired permanently	N/A	Yes	
32	Robert Alexander Buchanan, Harry Christopher Buchanan and Elizabeth Anne Buchanan		RR-009			Part 1 (Category 1)	Permanent acquisition of all interests in land	8/43a 8/43d 8/43e 8/43f 8/43g	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be acquired permanently	8/43b 8/43c 8/49a 8/49b	Yes	
33	Eileen Elizabeth Buchanan		RR-009			Part 1 (Category 1)	Permanent acquisition of all interests in land	8/43a 8/43d 8/43e 8/43f 8/43g 8/44a 8/44c	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]

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
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be acquired permanently	8/43b 8/43c 8/44b 8/49a 8/49b	Yes	
34	Gerrard Robert Bibbey and Jayne Marie Bibbey		RR-039			Part 1 (Category 1)	Permanent acquisition of all interests in land	9/16a 9/16b 9/22a 9/22b 10/6a 10/7a	Yes	
							Land to be used temporarily	N/A	No	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily and new rights to be acquired permanently	N/A	Yes	
35	Iain Andrew Melrose		RR-017			Part 1 (Category 1)	Permanent acquisition of all interests in land	19/14a 19/15a	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be acquired permanently	N/A	Yes	
36	Bluemoor Properties Limited		RR-034			Part 1 (Category 1)	Permanent acquisition of all	15/13a 15/13c	Yes	Refer to the 9.3 Applicant's Response

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
							interests in land	15/14a		to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be acquired permanently	15/13b	Yes	
						Part 1 (Category 2) and Part 3	Permanent acquisition of all interests in land	15/12a	Yes	
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be acquired permanently	N/A	Yes	
37	Ambrose Smith		RR-115			Part 1 (Category 1)	Permanent acquisition of all interests in land	17/5a	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be acquired permanently	N/A	Yes	
						Part 1 (Category 2) and Part 3	Permanent acquisition of all interests in land	17/3d	Yes	

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
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be acquired permanently	N/A	Yes	
38	Anglian Water Services Limited		RR-054			Part 1 (Category 1)	Permanent acquisition of all interests in land	8/32b 9/10b 9/10c 9/10d 9/12a 11/11b 15/6a – subsoil	Yes	
							Land to be used temporarily	5/16a	No	
							Land to be used temporarily and new rights to be acquired permanently	8/32a 9/10a 9/10e 9/12b 15/9a 21/5b	Yes	
39	AWG Land Holdings Limited		RR-054			Part 1 (Category 1)	Permanent acquisition of all interests in land	9/12a	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be acquired permanently	9/12b	Yes	

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
						Part 1 (Category 2) and Part 3	Permanent acquisition of all interests in land	8/32b 9/10b 9/10c 9/10d	Yes	
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be acquired permanently	8/32a 9/10a 9/10e	Yes	
40	Legal and General Assurance (Pensions Management Limited)		RR-035		REP1-034	Part 1 (Category 1)	Permanent acquisition of all interests in land	10/12a 10/12b	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	10/12c 10/12d 10/12e	No	
							Land to be used temporarily and new rights to be acquired permanently	N/A	Yes	
41	Neeb Holdings Ltd		RR-217			Part 1 (Category 1)	Permanent acquisition of all interests in land	11/16a – subsoil 11/25a 11/27a	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be acquired permanently	11/6a	Yes	

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
42	Euro Garages Limited		RR-013			Part 1 (Category 1)	Permanent acquisition of all interests in land	N/A	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	11/7a	No	
							Land to be used temporarily and new rights to be acquired permanently	N/A	Yes	
						Part 1 (Category 2) and Part 3	Permanent acquisition of all interests in land	N/A	Yes	
							Land to be used temporarily	11/12a	No	
Land to be used temporarily and new rights to be acquired permanently	N/A	Yes								
43	Mark David Cathcart		RR-106 DA-016		REP1-037	Part 1 (Category 1)	Permanent acquisition of all interests in land	N/A	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be acquired permanently	8/52c 8/53a – subsoil	Yes	
44	Philip Anthony Setter and Lorna Anne Setter		RR-016 RR-072			Part 1 (Category 1)	Permanent acquisition of all	N/A	Yes	Refer to the 9.3 Applicant's Response

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
							interests in land			to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be acquired permanently	8/54c 8/54d	Yes	
45	SCL Property LLP		RR-057			Part 1 (Category 1)	Permanent acquisition of all interests in land	N/A	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be acquired permanently	10/26a	Yes	
46	Nicholas John Wright, Pauline Wright, Jeremy Barton Ruggles and Cheryl Elizabeth Ruggles		RR-062			Part 1 (Category 1)	Permanent acquisition of all interests in land	21/3a 21/4a – subsoil	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be acquired permanently	N/A	Yes	
47	Catherine Vigrass, William Shuckburgh and Sarah Shuckburgh		RR-038			Part 1 (Category 1)	Permanent acquisition of all interests in land	20/1a – subsoil 20/9a	Yes	Refer to the 9.3 Applicant's Response to Relevant

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
							Land to be used temporarily	N/A	No	Representations – Rev 2 [REP1-002]
							Land to be used temporarily and new rights to be acquired permanently	N/A	Yes	
48	Countryside Zest (Beaulieu Park) LLP		RR-033			Part 1 (Category 1)	Permanent acquisition of all interests in land	2/14a 2/14b 2/15a	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	2/15b 2/15d 2/15e 2/15f 2/15g	No	
							Land to be used temporarily and new rights to be acquired permanently	2/15c	Yes	
49	Angela Carter		AS-035		REP1-019 REP1-020 REP1-021	Part 1 (Category 1)	Permanent acquisition of all interests in land	5/32a	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be acquired permanently	N/A	Yes	
50	Royal London UK Real Estate Fund		RR-032		REP1-054 REP1-055	Part 1 (Category 1)	Permanent acquisition of all	N/A	Yes	Refer to the 9.3 Applicant's Response

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
							interests in land			to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	1/10f 1/10g 1/16a	No	
							Land to be used temporarily and new rights to be acquired permanently	1/10a 1/10b 1/10c	Yes	
51	Company of Proprietors of The Chelmer and Blackwater Navigation Limited		RR-071			Part 1 (Category 1)	Permanent acquisition of all interests in land	N/A	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be acquired permanently	1/14a	Yes	
52	Countryside Properties (Housebuilding) Limited		RR-044			Part 1 (Category 1)	Permanent acquisition of all interests in land	N/A	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	5/21a	No	
							Land to be used temporarily and new rights to be acquired permanently	5/21b	Yes	
53	Countryside Properties (UK) Limited		RR-044			Part 1 (Category 1)	Permanent acquisition of all	N/A	Yes	Refer to the 9.3 Applicant's Response

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
							interests in land			to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	5/21a	No	
							Land to be used temporarily and new rights to be acquired permanently	5/21b	Yes	
						Part 1 (Category 2) and Part 3	Permanent acquisition of all interests in land	2/15a 6/20a 6/22a 6/25a	Yes	
							Land to be used temporarily	2/15b	No	
							Land to be used temporarily and new rights to be acquired permanently	N/A	Yes	
54	BP Oil UK Limited		RR-006			Part 1 (Category 1)	Permanent acquisition of all interests in land	2/11c 2/11d	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	11/12a	No	
							Land to be used temporarily and new rights to be acquired permanently	N/A	Yes	
						Part 1 (Category 2) and Part 3	Permanent acquisition of all	N/A	Yes	

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
							interests in land			
							Land to be used temporarily	11/7a	No	
							Land to be used temporarily and new rights to be acquired permanently	N/A	Yes	
55	The Environment Agency		RR-011		REP1-014	Part 1 (Category 1)	Permanent acquisition of all interests in land	12/14b	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
						Land to be used temporarily	12/14a	No		
						Land to be used temporarily and new rights to be acquired permanently	2/17j 8/11o 8/11t 8/27a 8/53a 9/14a 9/14b 9/19a 9/19b	Yes		
56	Charles Robert Barker Hewitson and James Westwood Squier		RR-080			Part 1 (Category 1)	Permanent acquisition of all interests in land	6/10a – subsoil 6/26a 7/7a	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
						Land to be used temporarily	N/A	No		
						Land to be used temporarily and new rights to be acquired	N/A	Yes		

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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
							permanently			
57	Islanders Fish Restaurants and Take Away Limited		RR-102			Part 1 (Category 1)	Permanent acquisition of all interests in land	6/9a – subsoil	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be acquired permanently	6/16a	Yes	
58	Patricia Jane Gooding and Josephine Roberta Ann Witten		RR-080			Part 1 (Category 1)	Permanent acquisition of all interests in land	7/6a – subsoil 7/16d 7/16f 7/16h 8/14a	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	7/8a 7/8b 7/8c 7/16a 7/16b 7/16c 7/16g	No	
							Land to be used temporarily and new rights to be acquired permanently	7/16e	Yes	
							Part 1 (Category 2) and Part 3	Permanent acquisition of all interests in land	N/A	

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
							Land to be used temporarily	7/17a 7/17b 7/19c	No	
							Land to be used temporarily and new rights to be acquired permanently	N/A	Yes	
59	John Mackinnon Sawdon				REP1-069	Part 1 (Category 1)	Permanent acquisition of all interests in land	13/9a – subsoil 13/10a – subsoil 13/12a 13/12b	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be acquired permanently	N/A	Yes	
60	Ian Mahoney		RR-042		REP1-032	Part 1 (Category 1)	Permanent acquisition of all interests in land	5/9a –subsoil 5/26a	Yes	Refer to the 9.3 Applicant's Response to Relevant Representations – Rev 2 [REP1-002]
							Land to be used temporarily	N/A	No	
							Land to be used temporarily and new rights to be acquired permanently	N/A	Yes	
61	Stephen Northfield, Diane Wallace, Ronald Elliston, Ian Twinley and Marilyn				REP1-059	Part 1 (Category 1)	Permanent acquisition of all interests in land	6/14a 6/14c 6/14d	Yes	Refer to the 9.3 Applicant's Response to Relevant

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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
	Elliston (as Trustee of The Hatfield Charities Otherwise The Charities of Sir Edward Alleyne and Others)						Land to be used temporarily	N/A	No	Representations – Rev 2 [REP1-002]
							Land to be used temporarily and new rights to be acquired permanently	6/14b	Yes	