

A12 Chelmsford to A120 widening scheme

TR010060

8.18 Statement of Common Ground with ANGLIAN WATER

Rule 8 (1)(e)

Planning Act 2008
Infrastructure Planning (Examination Procedure)
Regulations 2010

Volume 8

January 2023

Infrastructure Planning

Planning Act 2008

The Infrastructure Planning
(Examination Procedure) Rules 2010

A12 Chelmsford to A120 widening scheme
Development Consent Order 202[X]

Statement of Common Ground with
ANGLIAN WATER SERVICES LIMITED

Regulation Reference	Rule 8(1)(e)
Planning Inspectorate Scheme Reference	TR010060
Application Document Reference	TR010060/EXAM/8.18
Author	A12 Project Team and National Highways

Version	Date	Status of Version
P01.1	February 2023	DRAFT

STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) National Highways Limited and (2) Anglian Water Services Limited

Signed.....

[NAME]

Project Manager

on behalf of National Highways

Date: [DATE]

Signed.....

[NAME]

[POSITION]

on behalf of [Anglian Water Services Limited]

Date: [DATE]

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1 Introduction

1.1 Purpose of this document

- 1.1.1 SoCGs are a useful and established means of ensuring that the evidence at the DCO examination focuses on the material differences between the main parties, and so aim to help facilitate a more efficient examination process.
- 1.1.2 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.
- 1.1.3 The purpose of the SoCG is to set out agreed factual information about the proposed DCO application. It is intended that the SoCG should provide matters on which both parties agree. As well as identifying matters which are not in dispute, the SoCG may also identify areas where agreement has not been reached.
- 1.1.4 It is envisaged that this SoCG will evolve during the examination phase of the DCO application.
- 1.1.5 Any subsequent drafts will be agreed and issued, with the version numbers clearly recorded in the 'Document Control' table at the beginning of the document.
- 1.1.6 This Statement of Common Ground ("SoCG") relates to an application made by National Highways Limited ("the Applicant") to the Planning Inspectorate ("PINS") under Section 37 of the Planning Act 2008 ("PA 2008") for the A12 Chelmsford to A120 Widening Development Consent Order ("the DCO"). If made, the DCO would grant consent for the Applicant to undertake the A12 Chelmsford to A120 Widening Scheme ("the Scheme").
- 1.1.7 A detailed description of the Scheme can be found in the ES Chapter 2 "The Proposed Scheme" [[6.1 Environmental Statement - Chapter 2 The proposed scheme \(planninginspectorate.gov.uk\)](#)].
- 1.1.8 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and/or the Planning Inspectorate website:
[\[A12 Chelmsford to A120 Widening Scheme | National Infrastructure Planning \(planninginspectorate.gov.uk\)\]](#)

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) the Applicant and (2) Anglian Water Services Limited ("Anglian Water").
- 1.2.2 The Applicant became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage,

maintain and enhance the network. Regulatory powers remain with the Secretary of State.

- 1.2.3 Anglian Water is a water and water recycling company whose apparatus is affected by the Scheme.

2 Record of Engagement

- 2.1.1 A summary of the meetings and correspondence that has taken place between the Applicant and Anglian Water in relation to the Application is outlined in table below.

Table 2.1 Record of Engagement

Date	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
19/10/18	Meeting	Introductory meeting to discuss AW interests within the project boundary.
20/03/25	Email	Closure of Barrows Creep underpass.
20/03/26	Email	Confirm that the underpass is not used by AW to cross over to the site.
20/03/30	Meeting	A12 team Introduction and notification of scheme.
20/03/31	E-mail	Follow up on A12 team Introduction and C2 notification of scheme and provision of hyperlink to project information.
20/12/23	Email	Email from Charles Ashby to Lewis Atton (Savills) with copy of PRA letter (dated 28 August 2020).
21/02/03	E-mail	AW ask the Applicant NH to upload drawings online for C3 quotations.
21/02/03	E-mail	AW advising NH to make C3 application online.
21/02/03	E-mail	Submission of C3 application to AW.
21/02/04	E-mail	A12 team acknowledge AW response to C3 requests.
21/03/31	E-mail	AW notification of delay to C3's.
21/04/07	E-mail	Confirmation of payment required prior to C3's provided by AW.
21/04/26	E-mail	NSIP information request to AW.
21/05/05	E-mail	AW update on C3 estimate and estimate development cost.
21/05/20	E-mail	A12 team send link to revised drawings.
21/06/10	Email	Email from Louisa Garvey to Anglian Water regarding unregistered land at Sewage Treatment Works, London Road, Rivenhall, Witham, next to EX732747.

Date	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
21/06/11	E-mail	AW update on how they will present C3 estimates.
21/06/29	E-mail	A12 team request update on when they can expect C3's.
21/06/30	E-mail	AW Invoice for C3.
21/07/02	E-mail	Provisional C3 issued by AW.
21/09/21	E-mail	A12 team request for stats information near Boreham interchange.
21/11/29	E-mail	DF4.0 drawings issued to AW.
21/12/22	E-mail	AW design review.
22/01/31	Teams Meeting	Meeting to discuss: - critical AW assets along A12 corridor - access arrangements for AW assets - protective provisions
22/03/28	E-mail	Update from AW about when invoices can be expected.
22/03/30	Email	Email from Theresa Tschainer to Lewis Atton (Savills) regarding AW assets along the A12 corridor.
22/04/27	Teams Meeting	Meeting to discuss: - diversion works (update) - stat. consultation and supp. Consultation response - Chelmsford diversion - Barrows Creep underpass, replacement land and access across Whetmead - operational use of treatment land - sewer flooding information
22/05/09	E-mail	Follow up meeting request for design from A12 team to AW.
22/05/13	Email	Email from Theresa Tschainer to Lewis Atton (Savills) regarding AW assets along the A12 corridor.
22/05/18	Email	Email from Lewis Atton (Savills) to Theresa Tschainer regarding AW asset list along the A12 corridor.
22/06/15	TEAMS Consultation Meeting	Meeting to discuss • Sewer Flooding • Foul water/early works • Essex & Suffolk Water Main • Culvert • Open Space and Effluent Pipe at north end of Whetmead Reserve • Sewer Flooding • Statement of Common Ground • DCO Timeline.
22/07/11	E-mail	Appointment of Infracore Consulting.

Date	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
22/07/13	TEAMS Consultation Meeting	Meeting to discuss <ul style="list-style-type: none"> • Air Quality • Essex Water Main • Review of Hatfield Hill, Barrows Creep, New Lane, Rivenhall End pump house, Maldon Road, Witham, Benton Close, Pump Station nr Blackwater Lane, Eastways Ind Est, Inworth Road, • DCO submission
22/07/20	Site Meeting at Whetmead Nature Reserve and Barrows Creep	<ul style="list-style-type: none"> • Photos and review of the assets at Whetmead Nature Reserve including Barrows Creep, effluent outfall, surface water outfall, other outfalls and assets in the area, access along Blackwater Lane under A12 underpass to other AW assets to east of A12 and telecons mast • Odour • Rivenhall End STW- discussion on access
22/07/21	E-mail	Initial thoughts from AW are: <ul style="list-style-type: none"> • Acquisition of land on east of A12 – approved, with approval of temp area acquisition too. • Existing tunnel access - okay for it to be filled in, subject to ownership/RoW check. A drain must be incorporated into the banking works to ensure that there is no flooding of AW's site. • Access to east of A12 – AW will require formalised vehicular access to the final effluent chamber (fenced off triangular area) using the existing pathway and roads. AW will also require foot access from this RoW to the surface water outlet pipe screen into the river. (I am checking for existing easements here). • As discussed on site, the existing final effluent pipework from the AW operational site to the above chamber must be protected and maintained at all times. This will cause huge problems to AW if damage occurs. We will also require some additional information regarding: <ul style="list-style-type: none"> • Use of AW's access road to their site. What will it be used for and how intensively will this be used? • Further discussion on the potential relocation of Essex and Suffolk Water water main. AW's stance is that they do not want this pushed further into their land. It causes operational problems. • Confirmation that existing surface water sewers are subject to appropriate build over and protection provisions.
22/07/29	E-mail	Confirming the existing deeds/accesses around Witham STW and Rivenhall End.
22/08/09	E-mail	Update on Effluent pipe at Witham STW.

Date	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
22/08/16	E-mail	Update on Effluent pipe at Witham STW.
22/08/17	TEAMS Consultation Meeting	Discussion Topics <ul style="list-style-type: none"> • Air quality and tree removal • Construction and asset protection • Protective Provisions • Essex & Suffolk Water Main • Drainage • Rivenhall Hall End access • Underpass- clarifications • Shared Working Space
22/08/17	Progress Meeting	Progress Meeting.
22/08/17	E-mail	Sharing the National Highways Structure report for Barrows Creep and clarifying the existing access and FH ownership at Witham STW, Blackwater Lane and Whetmead Nature Reserve
22/08/22	E-mail	A12 team issues drawing outlining section splits to AW.
22/08/22	Progress Meeting	Progress Meeting.
22/08/23	E-mail	Confirming <ul style="list-style-type: none"> • Starbucks access will be removed • Henry Dixon Road will be stopped up • A12 project team to ensure Witham Woodchips access will remain operational 24/7
22/09/05	Progress Meeting	Progress Meeting.
22/09/05	E-mail	To have an answer confirmed from AWS on Rivenhall access.
22/09/07	E-mail	AW issues programme.
22/09/12	E-mail	Response indicating that project will provide 24/7 to AW critical assets during the scheme. NH to also input on Advanced works, NH Impacts and Diversion Works.
22/09/12	E-mail	To clarify that the AW's accesses will not be changed.
22/09/12	E-mail	To have an answer confirmed from AWS on Rivenhall access.
22/09/13	Progress Meeting	Progress Meeting.
22/09/13	E-mail	Protective Provisions discussion & request for programme.
22/09/14	E-mail	Confirming vehicle access requirements on area to east of A12.

Date	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
22/09/14	TEAMS Consultation	Discussion on <ul style="list-style-type: none"> • Odour • Pipe Investigation • Bund. • PPs • Easement, • Access under Brain Bridge
22/09/21	E-mail	Section 56 Notice sent to AW.
22/09/22	E-mail	Issuing revised documents to AW.
22/09/26	E-mail	AW potable water operations team meeting notes.
22/09/26	TEAMS Consultation Meeting on frequency of access at Rivenhall End	Existing access is via Fair Rest Access is to be widened for Fair Rest vehicles, including bellmouth and turning circles AW vehicles are 10.5 m length so no issues. Concerns with parking but restrictions can be put on area
22/10/03	Progress Meeting	Progress Meeting.
22/10/06	E-mail	Partial as built for new foul main Jnc 19.
22/10/11	E-mail	Received populated typical programme durations from AW.
22/10/11	E-mail	request to populate typical programme sent to AW.
22/10/14	TEAMS Consultation Meeting	Discussion on <ul style="list-style-type: none"> • Access to the Brain Bridge underpass area. • Clarification of the weight restriction for the Farmer's Bridge • 3 large diameter pipes to the north of Witham – ongoing discussions with AW and NH • AW requested a CCTV survey to be undertaken by AW ops team and levels to be assessed both sides. • There is a Plastic water main pipe at Hatfield Peverel, JZ has concerns about piling and the diversions for access, houses, businesses in this area PPs – using the Lower Thames Crossing as a base
22/10/14	E-mail	Request by AW for the Applicant to do CCTV survey of effluent pipe.
22/10/17	Progress Meeting	Progress Meeting.
22/10/31	E-mail	Issued link to PAS128 info to AW.
22/10/31	Progress Meeting	Progress Meeting.
22/11/03	E-mail	Documents needed for access to AW site for trial holes issued to AW.
22/11/09	E-mail	Info sent to AW for C4 design.

Date	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
22/11/14	E-mail	Request to AW for effluent as built drawings.
22/11/16	Progress Meeting	Progress Meeting.
22/11/18	E-mail	AW advise their designers SWECO are now in contract.
22/11/28	Progress Meeting	Progress Meeting.
22/11/29	E-mail	CCTV discussion with AW.
22/12/06	E-mail	SoCG discussion.
22/12/08	E-mail	License for access to AW for trial holes.
22/12/12	Progress Meeting	Progress Meeting.
22/12/13	E-mail	HoT update for access to AW site for trial holes.
22/12/22	E-mail	CCTV surveys done by Costain sent to AW.
22/12/23	E-mail	Topographic info sent to AW.
23/01/03	Progress meeting	SoCG discussion.
23/01/13	E-mail	AW compound application.
23/01/23	E-mail	Compounds application correspondence.
23/01/23	Teams meeting	Meeting to discuss odour issues and removal of trees at Witham WRC.

2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) the Applicant and (2) Anglian Water in relation to the issues addressed in this SoCG.

2.2 Terminology

2.2.1 In the tables in the Issues chapter of this SoCG

- “Agreed” indicates where the issue has been resolved;
- “Under discussion” indicates area(s) of current disagreement where resolution remains possible, and where the parties will continue to discuss the issue(s) to seek to reach agreement by the end of the examination; and
- “Not Agreed” indicates a final position for area(s) of disagreement where the resolution of divergent positions will not be possible, and parties agree on this point.

2.2.2 It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to Anglian Water Services, and therefore have not been the subject of any discussion between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to Anglian Water Services.

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3 Issues

3.1 Issues agreed

Table 3.1 Issues agreed.

Ref	Issue	Doc Ref	Agreement	Date
1	The protection of access to the Witham Water Recycling Works (WWRC) along Blackwater Lane. NH may take temporary possession under the DCO.	TR010060/APP/3.1	<p>During the construction of the A12, provision will be made for AWS to have vehicular access to their assets as required via Blackwater Lane and Perry Road.</p> <p>It must be noted that Blackwater Lane is not a highway maintainable at the public expense, although it is a public footpath along part of its length. AWS has the benefit of private rights to access the Witham WRC over Blackwater Lane. Under article 31 of the draft DCO if NH takes possession of Blackwater Lane, the starting point would be that private rights would be suspended and unenforceable while NH remained in possession. However, the private rights of AWS would be preserved under article 31(6) which excludes any right to which Section 138 of the Planning Act 2008 or Article 42 of the draft DCO applies (ie the rights of statutory undertakers).</p> <p>In short Anglian Water's rights to access WWRC would not be affected by NH taking temporary possession of the land.</p>	25/01/2023

Ref	Issue	Doc Ref	Agreement	Date
			<p>Under paragraph 27 of Schedule 11, Anglian Water's protective provisions provide that before NH carries out any works "that are near to, or will or may affect, any apparatus (or any means of access to it) the removal of which has not been required by the undertaker under paragraph 25(2), the undertaker must submit to AWS a plan of the works". Where such a plan is submitted AWS may impose "such reasonable requirements as may be made in accordance with sub-paragraph (3) by AWS for the alteration or otherwise for the protection of the apparatus, or for securing access to it".</p> <p>NH is also seeking powers to temporarily exclude traffic from roads within the Order Limits under article 19. However, under paragraph 22(2) of Schedule 11, Anglian Water's protective provisions provide that "Anglian Water is at liberty at all times to take all necessary access across any such altered, diverted, prohibited or restricted highway".</p> <p>The proposed scheme will not therefore interfere with access to Witham WRC.</p>	

Ref	Issue	Doc Ref	Agreement	Date
2	Barrows Creep Underpass and Land at Whetmead Nature reserve.	(Plot 9/10c and 9/10d)	<p>From AWS point of view the scheme can include provision for the Barrow's Creep Underpass to be sealed off.</p> <p>NH will need to ensure longitudinal drainage provision is provided at the toe of embankment to capture and drain surface water runoff. Also, to check that any other stakeholders do not use the underpass.</p>	25/01/2023
3	<p>Open Space Replacement Land (replacement of 9/10d with 9/1q)</p> <p>Replacement land of AW lost to the project and its links with land including connectivity for nature conservation purposes to land owned by Witham Town Council.</p>	TR010060/APP/7.9 - Replacement-Land Statement	<p>NH has made provisions within the dDCO for replacement land to be provided (due to Whetmead Nature reserve being considered public open space) for plot number 9/10d.</p> <p>Further to this during discussions AWS have agreed to Plot 9/1q being included in the order for these purposes.</p>	25/01/2023
4	AWS are concerned about the protection of operations of Witham WRC during construction.		<p>NH does not anticipate that the construction and operation of the proposed scheme will adversely affect the operations of the Witham WRC.</p> <p>Protective provisions have been included in the draft DCO to ensure that Anglian Water's assets are suitably protected (see the response to paragraph 1 above in relation to maintaining access to the WRC).</p>	25/01/2023

Ref	Issue	Doc Ref	Agreement	Date
5	Connectivity of Land owned by Witham Town Council for nature conservation purposes - NH must include a connection for nature conservation purposes to land owned by Witham Town Council, subject to agreement of Witham Town Council.		NH has made provision in the Application for replacement land for AWS, which will include a connection for nature conservation purposes to land owned by Witham Town Council.	25/01/2023

3.2 Issues in discussion

Table 3.2 Issues in discussion.

Ref	Issue	Doc Reference	Agreement	Status	Date
1	<p>New Anglian Water Rising main at Junction 19 on Countryside Zest Ltd land.</p> <p>The new main has been installed and is now considered as an existing asset. NH to ensure access route through Countryside Zest land is not impacted by our work.</p>	TR010060/APP/2.7 Land plans Plot 2/15a	<p>Surface Water Drainage and Foul Water Models have been provided by Murphys. NH, AWS and Countryside Zest to work together to ensure the foul main is not affected by our works by supplying the as built drawings for the rising main.</p> <p>NH need to confirm location of asset and check it doesn't clash with proposed works</p> <p>NH need to check access to the new pumping station is</p>	Under Discussion	25/01/2023

Ref	Issue	Doc Reference	Agreement	Status	Date
			<p>not affected by our works and is maintained during and after construction.</p> <p>AWS to confirm ownership of rising main.</p>		
2	Access at Hatfield Peveral Pumping Station whilst River Ter bridge modifications are carried out.		<p>NH are advising AWS the scheme will maintain this access during works (2025-26).</p> <p>If not possible via the existing access then access will need to be created from Bury Road across the fields.</p> <p>Any changes to the permanent access need to ensure the clearances remain the same for vehicles.</p>	Under Discussion	25/01/2023
3	AWS have ongoing concerns about any impacts the A12 works may have on 3 no. various diameter assets located to the North of Witham STW.project references AWF15, 16 and 17.		<p>AWS have advised NH need to undertake CCTV and other investigations to confirm depth of assets.</p> <p>NH to undertake the required design checks and clash detection and engage AWS plant protection to confirm no works are required.</p>	Under Discussion	25/01/2023

Ref	Issue	Doc Reference	Agreement	Status	Date
4	Removal of Trees (odour screening). The trees provide screening in respect of the odour arising out of the Witham Water Recycling Works ("WRW").	Land Plots 9/10a and 9/10b	<p>NH does not agree that the trees provide odour screening and does not consider that the A12 scheme will cause any adverse impact to the operation of the WRW.</p> <p>NH is seeking access to the site to establish the location of the Essex and Suffolk Water main (U67) in order to establish the extent of the trees/vegetation that will need to be removed.</p> <p>Hedgerows will be planted along this corridor to maintain a suitable visual screening which will be designed during the landscape detail design.</p> <p>AWS will continue to deal with the responses in regards to the odour complaints raised at this site and should there be an increase on the complaints.</p>	Under Discussion	25/01/2023
5	AWS wishes to be included as a consultee through		NH does not consider it appropriate or necessary that	Under Discussion	

Ref	Issue	Doc Reference	Agreement	Status	Date
	inclusion on the on-going Surface Water Management investigations and designs.		AWS should be included as a consultee given the existing requirement to consult local authority and the Environment Agency in this regard.		
6	Possible relocation of Essex and Suffolk Water's main route into plot no's 9/10a and 9/10b (Work No. U67). Relocation of this water main will cause AWS operational problems.	Land Plots 9/10a and 9/10b	NH is seeking to carry out site investigations with AW to establish the location of the existing asset.	Under Discussion	25/01/2023
7	The form of protective provisions for the benefit of AWS.	TR010060/APP/3.1	The protective provisions included for the benefit of AWS in Schedule 11 of the draft DCO are partially agreed, deferment of renewal (point 8 below) is still to be agreed.	Under Discussion	25/01/2023
8	The draft DCO contains a statement regarding the Deferment of renewal which will not be accepted by AW.	dDCO	This was a matter not agreed and passed the SOS for their view and decision. Check NH position on the A47 and other schemes.	Under Discussion	01/02/2023

Ref	Issue	Doc Reference	Agreement	Status	Date
9	Existing clearance of Brain Bridge to be maintained following the completion of the widening works proposed.	Land plots 8/1i & 8/1k	A cross section will need to be produced and issued to AW to demonstrate that the clearance will not be compromised during and after construction.	Under Discussion	07/02/2023
10	Rivenhall End access from the A12 Service Area (11/11b) will be removed and AWS to continue using current access of Braxted Road.	Land plots 11/11b 11/16a, 11/2c, 11/20b	The A12 scheme does not adversely affect current operational access or turning circles at this location for the maximum sized vehicle – A 10.3m length tanker or a 10.5m length DAF Sleeper Cab which service at monthly intervals. However, AWS will confirm whether they will still require the preservation of their access rights from “Starbucks”.	Under Discussion	25/01/2023
11	AWS access requirements to assets to the area to the East of the A12 to the Whetmead Nature Reserve to access the Surface Water Outfall on plot no 9/1q.	Final Outfall from WRC inspection chamber (Located outside the Order Limits on title EX74597, owned by Witham Town Council.)	Sampling and emergency tankering would take place. During the construction of the A12, provision will be made for AWS to have vehicular access to their assets as required via Blue Mills Hill Road, subject to standard site safety eg induction. Need to	Under Discussion	25/01/2023

Ref	Issue	Doc Reference	Agreement	Status	Date
			ensure that the haul road and bailey bridge across the river Brain will be suitable for construction plant.		

- 3.2.2 The parties will update the Examining Authority as to progress in negotiations as the Examination proceeds and as requested by the Examining Authority. If agreement is not reached then the Protective Provisions in Schedule 11 of the DCO will apply.

Acronyms

Abbreviation	Term
AWS	Anglian Water Services
NH	National Highways
CAD	Computer Aided Design
DCO	Development Consent Order
dDCO	Draft Development Consent Order
SoCG	Statement Of Common Ground

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