



Pinsent Masons

**A12 CHELMSFORD TO A120 WIDENING SCHEME – TR010060
WRITTEN REPRESENTATION – ROYAL LONDON UK REAL ESTATE FUND
13 FEBRUARY 2023**

1. INTRODUCTION

- 1.1. This written representation is submitted by Pinsent Masons LLP on behalf of its client, Royal London UK Real Estate Fund (**Royal London**), in respect of National Highways' A12 Chelmsford to A120 Widening Scheme (**the Proposed Development**). The nature of the impact of the Proposed Development on Royal London's land interests is summarised in Royal London's relevant representation [**RR-032**] and is not repeated here.
- 1.2. Since the submission of that relevant representation, Royal London has continued to engage with National Highways, has observed the Preliminary Meeting and Open Floor Hearings on 12 January 2023, and also has considered National Highways' response to its relevant representation [**REP1-002**].
- 1.3. Royal London continues to have significant concerns in relation to various aspects of the Proposed Development and therefore maintains its objection. Several of the key issues have a direct impact on Royal London's land and its tenants. This written representation supports and endorses the submissions made by EEL in its written representation. Where relevant, this written representation sets out and expands upon key points which are relevant specifically to Royal London. For ease of reference, the same sub-headings are used in both written representations.
- 1.4. Whilst there has continued to be some initial engagement from National Highways in relation to the impact of the Proposed Development on Royal London, the parties have not been able to reach any agreement on the principal issues. Royal London remains committed to engaging with National Highways in respect of the Proposed Development but will maintain its objection until those issues have been resolved satisfactorily. Royal London reserves the right to make further representations during the course of the examination and, to the extent that any further issues arise, any subsequent representations will not necessarily be limited to the topics raised in this representation.

2. TRAFFIC AND TRANSPORT

- 2.1. Royal London and EEL have jointly instructed expert traffic and transport specialists Caneparo Associates in respect of the Proposed Development. Caneparo Associates have analysed key application documents including the Environmental Statement and the Outline Construction Traffic Management Plan [**APP-272 to APP-277**] to determine the likely impacts of the Proposed Development on EEL and Royal London. Their report is found at Appendix 1.

3. COMMERCIAL IMPACT OF THE PROPOSED DEVELOPMENT ON ROYAL LONDON

- 3.1. Royal London supports and endorses the submissions made by EEL in its written representation on this topic.
- 3.2. In addition, Royal London is concerned that the Proposed Development will have a significant impact on the wider Springfield Business Park and its tenants as a result of the additional traffic within an already heavily congested area including Junction 19 of the A12 and therefore wants to see clear evidence as to the maximum vehicle and construction traffic movements which arise as a result of the Proposed Development and the gas diversion works and that National Highways has actively looked to reduce and mitigate potential impacts as far as possible.



4. STATUTORY POWERS SOUGHT IN THE dDCO

- 4.1. Royal London supports and endorses the submissions made by EEL in its written representation on this topic.
- 4.2. Separately, Royal London is the landowner of plot number 1/10c. National Highways is seeking powers of compulsory acquisition of rights in respect of this plot (article 30 of the draft DCO). Article 40(1)(a)(ii) provides that National Highways would also have temporary possession powers in respect of this plot. The Book of Reference [APP-044] indicates that this plot would be both used temporarily, and new rights are to be acquired permanently.
- 4.3. Royal London seeks clarity on the proposed terms of the temporary possession of that land. In addition, Royal London would like to have a detailed explanation of how National Highways would propose to exercise the compulsory acquisition of rights power in respect of these plots, such that Royal London can understand fully the impact of the Proposed Development on its site.
- 4.4. The details requested in the above paragraph also apply in respect of plot numbers 1/10a and 1/10b, which are plots made up of culverts and vegetation where Royal London is also landowner.

5. SAFETY AND SECURITY

- 5.1. Royal London supports and endorses the submissions made by EEL in its written representation on this topic.
- 5.2. In particular, Royal London would like to emphasise the concerns raised by EEL in respect of the security of the site given the recent issues in the surrounding area, as referred to in EEL's written representation. As landowner, Royal London is keen to understand what thought has been given to safety and security and what potential measures National Highways is looking to put in place to ensure the site and the wider Business Park remain secure.

6. VEGETATION REMOVAL

- 6.1. Royal London supports and endorses the submissions made by EEL in its written representation on this topic.
- 6.2. Royal London would like to highlight that as landowner of plot numbers 1/10g and 1/10c, it is very concerned that trees on its land are "*at risk of being removed*". Royal London would like to understand whether this is entirely necessary and, if so, whether the impact has been minimised as far as possible. Royal London understands, with reference to Sheet 1 of the General Arrangement Plans [AS-030], that the relevant row of trees will not be replaced but would like to receive confirmation on the position. Our client can see no reason as to why those trees could not be replaced at the end of the proposed works.

7. CONSULTATION

- 7.1. EEL notes the National Highways' response to its relevant representation in respect of consultation [REP1-002]. EEL re-states its position that it has only received one piece of correspondence from National Highways relating to consultation and did not receive any of the earlier correspondence stated in National Highways response.

8. CONCLUSION

- 8.1. Royal London continues to object to various aspects of the Proposed Development. It is very concerned about how the proposals impact on its land and the interests of its tenants.



8.2. Royal London and its advisers remain willing and able to engage with National Highways in respect of the Proposed Development. Royal London would like to see a swift resolution to these issues, but that will depend on the level and nature of the engagement of National Highways.



APPENDIX 1

Job Title: A12 Chelmsford to A120 Widening Scheme
Job No: 2023-5088
File Ref: N01-JT-Transport Note (230213).docx
Date: 13/02/2023

Subject: **A12 Chelmsford to A120 Widening Scheme – DCO Scheme
Assessment of Impacts at Edmunson Electrical Limited and Royal London UK Real Estate
Fund, Chelmsford**

Introduction

1. Caneparo Associates (CA) has been appointed by Edmondson Electrical Limited ('EEL') and Royal London UK Real Estate Fund ('RL') to investigate the potential transport impacts associated with the A12 Chelmsford to A120 Widening Scheme (the 'Proposed Development'), as promoted by National Highways ('NH') via a Development Consent Order (DCO) application.
2. The Proposed Development comprises widening to the A12 to 3-lanes between Junction 19 and Junction 26, whilst also improving the junctions to allow for additional capacity. The Proposed Development also requires the relocation of utility services equipment in the vicinity of the scheme in order to facilitate the highway widening scheme including proposed works that require temporary possession of our client's land for access. The proposed utility diversion works that are relevant to EEL and RL are referenced 'U2' within the draft DCO document, dated August 2022. The works referenced U2 are described as follows:

"The diversion of a 600mm diameter pipe with a proposed diversion length of 200m commencing at the A12 northbound verge and terminating at the A12 southbound verge, south of the existing junction 19."
3. In order to deliver the above works, NH are proposing to use powers of compulsory acquisition of rights and imposition of restrictive covenants and temporary possession powers at a number of land parcels off Sheepcotes, Springfield, Chelmsford. The land parcels that have been identified off Sheepcotes for temporary possession are referenced 1/16a, 1/10f and 1/10g, with land parcel reference 1/10c being required for temporary possession and permanent acquisition rights.
4. The parcels of land referred to above are shown in **Plate 1** below.

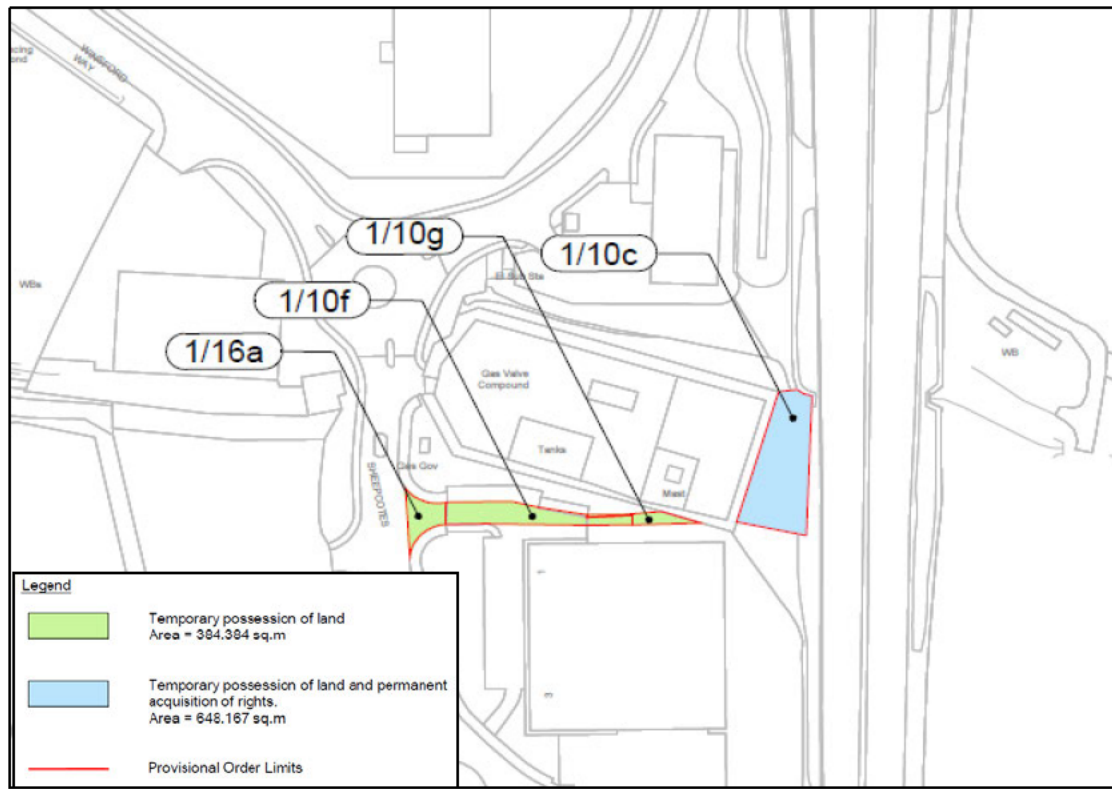


Plate 1: Extract from Development Consent Order ('DCO') Plan

5. The DCO identifies the parcel of land hatched blue, referenced 1/10c, as required to install the proposed diverted gas main works. The parcels of land hatched green referenced 1/16a, 1/10f and 1/10g are identified in the draft DCO as being required for temporary construction access.
6. The 1/10c works as outlined within the draft DCO document states that the works comprise the following:

“to lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant of machinery. To include restrictive covenants for protecting installed pipelines or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to installed pipelines or apparatus being made materially more difficult. To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove

overhead electricity cables and supports, together with rights to pass and repass and to remain on the land with or without vehicles, plant or machinery.”

7. This Transport Note assesses the potential transport, access and parking effects of the DCO scheme on the EEL premises covered by the land parcels referenced 1/16a, 1/10f and 1/10g, as well as the potential transport effects on the adjacent highway network including access to Springfield Business Park which is accessed off Sheepcotes to the south and south west of the land parcels described above.
8. This Transport Note has been produced following a review of the documents listed in **Table 1** below.

| Table 1: List of Key DCO Scheme Transport Related Documents |
|---|
| 2.2.2 Utility Diversions (August 2022) |
| 3.1 Draft DCO (August 2022) |
| 4.1 Statement of Reasons (August 2022) |
| 7.7 Outline Construction Traffic Management Plan (August 2022) |
| 9.3 Applicant’s Response to Relevant Representations (January 2023) |

9. A Representation was made by EEL and RL on 4th November 2022, which objected to the Proposed Development. The main reasons for objection are summarised below:

EEL Objection

- Did not receive any notice or information from NH in connection with the Proposed Development.
- Concerned about the potential impact of the Proposed Development on their site as NH will utilise the access that is critically important to EEL.
- Concerned about the construction traffic on local roads in terms of increased delays therefore impacting on the distribution business. Potential to also affect its customers as the access is used throughout the day.

RL Objection

- Accepts there has been initial engagement however the parties have not been able to reach any agreement on the principal issues.
 - Not satisfied that NH have given sufficient consideration to alternatives for those parts of the Proposed Development which affect RL's interests.
 - RL want to ensure that robust optioneering and scheme development has taken place such that there are no unnecessary impacts or effects on its land.
 - Further detail is required on the construction traffic extent and frequency.
 - Further congestion could have a significant impact on the ability of their tenants to operate their distribution service.
10. NH prepared a response to the above Representations, with the relevant responses included and discussed within this Note below.

Existing Site Conditions

11. The EEL site is situated between the A12 and Sheepcotes to the east and west respectively.
12. A gas compound, understood to be operated by Cadent, is located immediately to the north of the EEL site with a parcel distribution centre located to the south.
13. The EEL site benefits from two access points; the northern access (which is covered by the Order Limits) connects with the main staff and customer car park whilst the southern access which is outside the Order Limits connects with the main EEL delivery and servicing yard.
14. The northern site access is the only access to the on-site customer, visitor and staff parking area.
15. The EEL site forms part of Springfield Business Park which is also accessed via Sheepcotes, with a number of distribution units located within the vicinity including an Aldi distribution warehouse, located to the west.

16. The land parcel referenced 1/10c is located immediately to the north / north east of the EEL site and to the east of the gas compound referred to above.
17. As outlined within EEL's Representation, their site is currently operational between 6am and 10pm Mondays to Fridays and between 8am and 12pm Saturdays throughout the year. According to EEL, the existing operation generates in the region of 366 vehicle movements per day, on average, comprising around 50 Heavy Goods Vehicle (HGV) movements, 240 Light Goods Vehicle (LGV) movements, and around 76 car movements.
18. The vast majority of LGVs and cars associated with the EEL site access the site via the land covered by the green hatched land parcels while the majority of HGVs access the service yard located along the southern boundary of the EEL unit and accessed via Sheepcotes. According to EEL, the on-site car park is heavily used during normal site operating hours Mondays to Saturdays with very little spare capacity. **Plate 2** below illustrates the different components of the EEL site, in the context of the proposed construction access route.

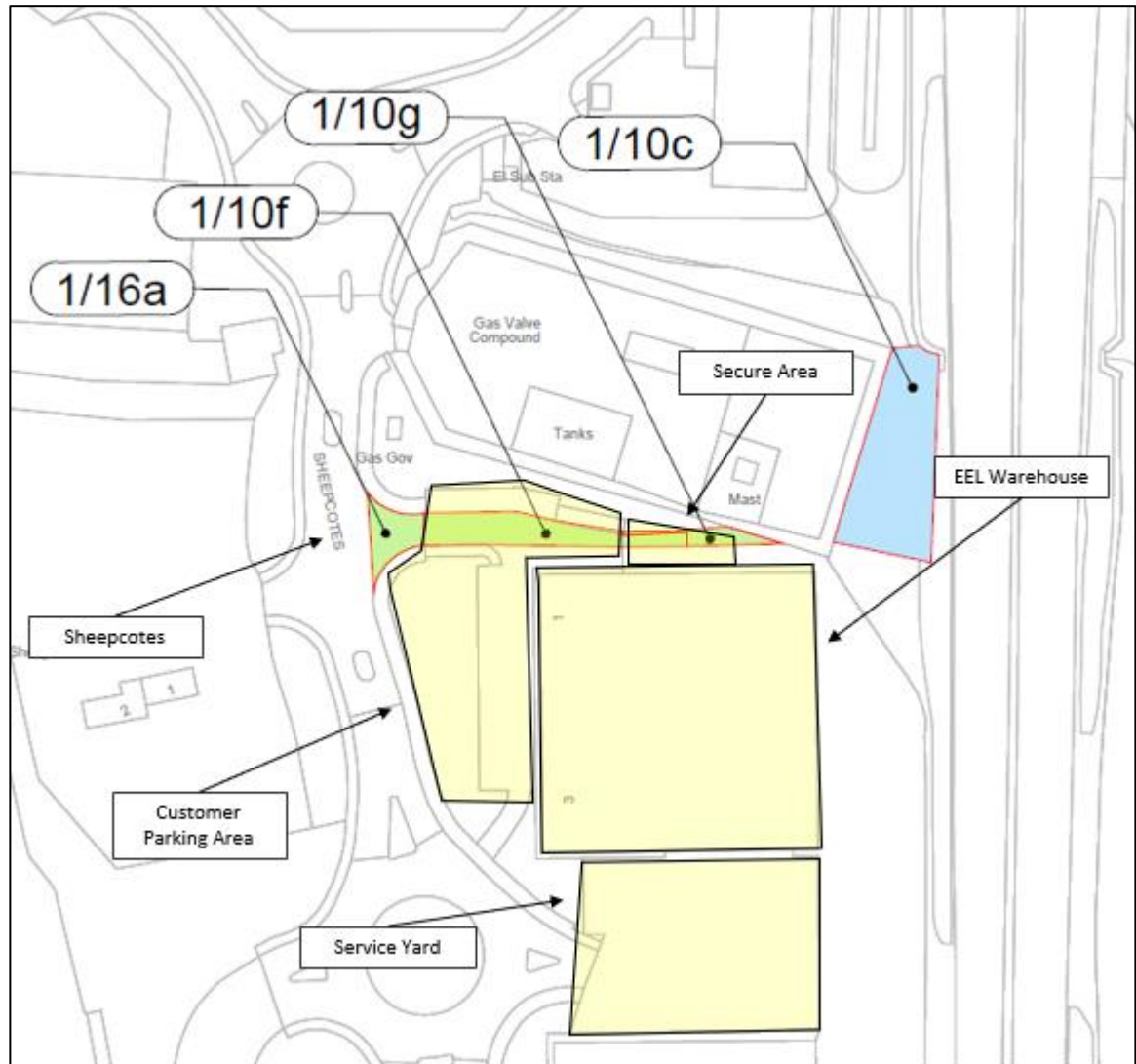


Plate 2: EEL in Relation to DCO Route and Sheepcotes (Illustrative)

19. Sheepcotes is the primary route into Springfield Business Park from the A12 and is understood to suffer from congestion at certain times of the day.
20. It is understood from recent correspondence that it is currently proposed that temporary possessive rights are required across the EEL land for up to 8 months.

21. As can be seen by the image included in **Plate 3** below, the existing car park and access is heavily used. In addition, there is a gated / secure area to the northern side of the EEL building used for storing items essential for the efficient operation of the business and HGV parking (also highlighted in Plate 2).



Plate 3: Image of EEL Access and Area Covered by DCO Application Order Limits

Deficiencies in the Application

Lack of Assessment of Traffic Effects on Sheepcotes

22. The DCO application does not consider the potential impact of construction vehicles operating along Sheepcotes.
23. It is noted that NH have responded to the EEL and RL Representations within their document dated January 2023 (Applicant's Response to Relevant Representations). This states at page 325, paragraph 1 '*during peak construction works only approximately 20 vehicles a day, plus ad-hoc material and plant movements would use this access*'.

24. It is unclear how many ad-hoc material and plant movements are expected and whether these movements would be significant enough to warrant a detailed assessment.
25. Whilst it is considered unlikely that an additional 20 vehicles on Sheepcotes will have a significant impact on highway safety, the application does not demonstrate that this would be the case or propose any measures that would ensure that any potential effects on highway safety would be minimised.

Lack of Assessment of Effect on EEL Site

26. With regard to the EEL site and the area covered by the Order Limits, the DCO application does not consider the potential effect on the EEL operation and access to the site for staff, customers and goods vehicle drivers.
27. The application does not demonstrate that the additional traffic movements on the access route through the EEL site would not result in queues at the access or obstructions to parking bays.
28. It is noted that at Sub-Part Reference RR-030-002 of the 'Applicant's Response to Representations' the Applicant states:

"The order limits have been designed not to encroach on any of the parking bays within the limits of land plot 1/10f. This is solely for access only, no construction vehicles related to the proposed scheme would park or obstruct this area. EEL and its customers will be able to continue to use the access throughout the works and the Applicant will endeavour to minimise any disruption".
29. However, no vehicle swept path analysis has been provided for the access route through the EEL site or of the proposed compound to the rear of the gas compound to demonstrate that vehicles can be driven through the EEL site in forward gear.
30. Furthermore, the Applicant has not demonstrated via the results of swept path analysis that the width of the access route is adequate for the vehicles that are anticipated.
31. The application does not include swept path analysis demonstrating that construction vehicles would not need to wait to pass another construction vehicle on the access route through the EEL site.

Information Contained within Outline Construction Traffic Management Plan

32. The Outline Construction Traffic Management Plan ('OCTMP') does not provide detailed traffic flow information relating to the utility diversion works that are located within the vicinity of the EEL site.
33. Paragraph 5.4.3 of the OCTMP states that *"A minimum of 10 working days' notice would be provided (except in emergency) if access is to be restricted to a residential property or business premises"*. Given the potential for significant disruption to occur to the EEL operation and the existing access and security arrangements, EEL and RL reserve the right to review this when further details pertaining to the access arrangements have been published.
34. The 'Applicant's Response to Relevant Representations' document, states that an updated OCTMP will be submitted to include all necessary details prior to Deadline 2, which according to the DCO programme is 13th February 2023. At the time of writing, an updated OCTMP has not been published. Therefore, EEL and RL reserve the right to provide further representations when the next iteration of the OCTMP has been published.
35. It is pertinent to note that Appendix B of the OCTMP includes a plan referenced 'Permitted and excluded routes for construction vehicles'. This includes the Order Limits in relation to Junction 19. An extract of this plan showing the Order Limits is included in **Plate 4** below.

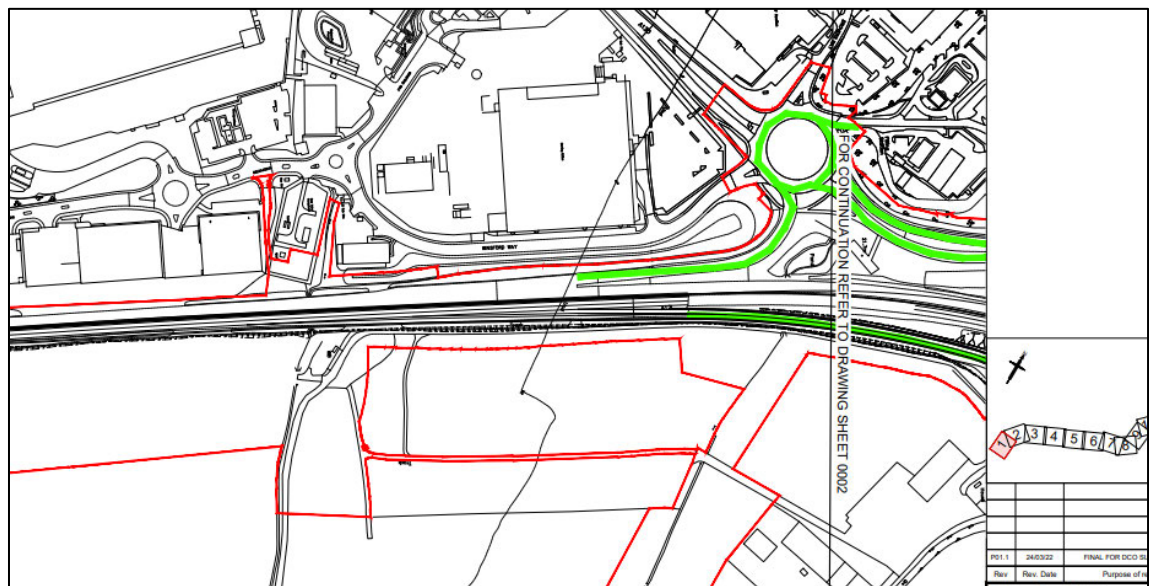


Plate 4: Order Limits (Extracted from Appendix B of the OCTMP)

36. The Order Limits includes land on the north side of the gas compound but the application does not include clear or detailed reasons why this alternative route to the gas works site has not been considered appropriate / deliverable.

Impact of Phone Mast

37. The proposed access route passes through the EEL site but ends at the boundary of the gas compound (as shown on Plate 2 above). The route through the EEL site does not connect with land parcel 1/10c. There are no details provided as to how access through the gas compound is to be achieved and it is noted that Cadent themselves object to the proposals. Such details will be required in order for EEL and RL to consider the effects of the proposals on the operation of the EEL site in further detail.

Assessment of Alternatives

38. It has been raised within the Representations that alternative options have not been assessed in detail.
39. The application does not consider in detail the potential to provide a temporary construction route from Winsford Way through the land to the north of the gas compound or a route on the eastern side of the A12. The application also does not demonstrate that a temporary route through the gas compound would have caused less harm than the proposed route through the EEL site, particularly where Cadent themselves will be carrying out the gas diversion works for which land parcel 1/10c is proposed to be required.
40. **Plate 5** below highlights the additional options that should have been explored by NH and queries why no information was previously provided.



Plate 5: Alternative Options

41. The lack of consideration for alternatives routes was queried by RL and EEL. It is acknowledged that Sub-Part Reference RR-032-003 of the ‘Applicant’s Response to Relevant Representations’, states that:

‘The Applicant has detailed the justification for each land plot for the proposed scheme within the Statement of Reasons’.

42. The Statement of Reasons (August 2022) document does not provide detailed justification as to why the route through the EEL site is required or why it creates less harm compared to the alternative access routes.

43. NH response states at page 333 paragraph 4:

"Alternatives were looked to the East and West but it has been concluded due to the existing ditch network and other factors the route to the east was more appropriate. However, regardless of the route selected access might still be required through Springfield Business Park. An access from Winsford Way was investigated but due to the large earthworks bund and the A12 being on an embankment at that point it would have had a greater environmental impact.

"Also, an access through Cadent's existing Above Ground Installation compound might be feasible but due to the operational nature of the Cadent infrastructure access within the works areas is to be restricted to trained and authorised personnel only, therefore a secondary access for deliveries etc. is required."

44. It is clear from the above that the route through the gas compound or to the north of that compound has not been assessed in detail and that any harm associated with this alternative route has not been compared with the potential harm created by creating an access route through the EEL site.
45. For instance, the route through the EEL site will require the removal of trees and landscaping works which has not been considered in detail by the applicant.
46. NH's response regarding the possibility of utilising Cadent's above ground installation compound should be seen as a positive, due to the fact that it states that it 'might be feasible'. It is therefore queried how often the above ground compound is accessed at present, as this is not set out in the DCO application document. Additionally, no consideration is given to the fact that it will be Cadent themselves who will in practice be requiring the access through the EEL site to access land parcel 1/10c to carry out the gas diversion works. As far as we can determine Cadent going through their own compound has not been given any proper consideration.
47. It is noted by the applicant that there could be security issues with using the Cadent site, however barriers could be installed within the compound to restrict access to any high-risk areas. Cadent will be responsible for undertaking the works and as mentioned above, therefore it would be prudent to suggest that they should utilise their own land, especially considering that this has direct access to the local highway network (route shown in Ref 1 of Plate 5).

48. An additional route that should also be considered is via Winsford Way, through utilising the servicing yard associated with Trilux Lighting (route shown in Ref 2 of Plate 5). This was previously earmarked within Appendix B of the OCTMP (highlighted in Plate 4 of this Note) to be within the Order Limits and therefore it is queried as to why no further analysis has been provided. The Trilux Lighting service yard is used less frequently, as shown by the image included at **Plate 6** below.



Plate 6: Trilux Lighting Service Yard Access

49. A third potential route that should be considered is directly from the A12, as this would utilise NH land (route shown in Ref 3 of Plate 5). This would allow direct access and would not rely on third party land. It is also likely that the ecological impact would be minimal and should therefore be seen as a benefit.
50. Lastly, further justification is requested as to why the gas relocation works cannot be delivered by starting the works on the eastern side of the A12, with an extract of all proposed gas works included in **Plate 7** below (route shown in Ref 4 of Plate 5).

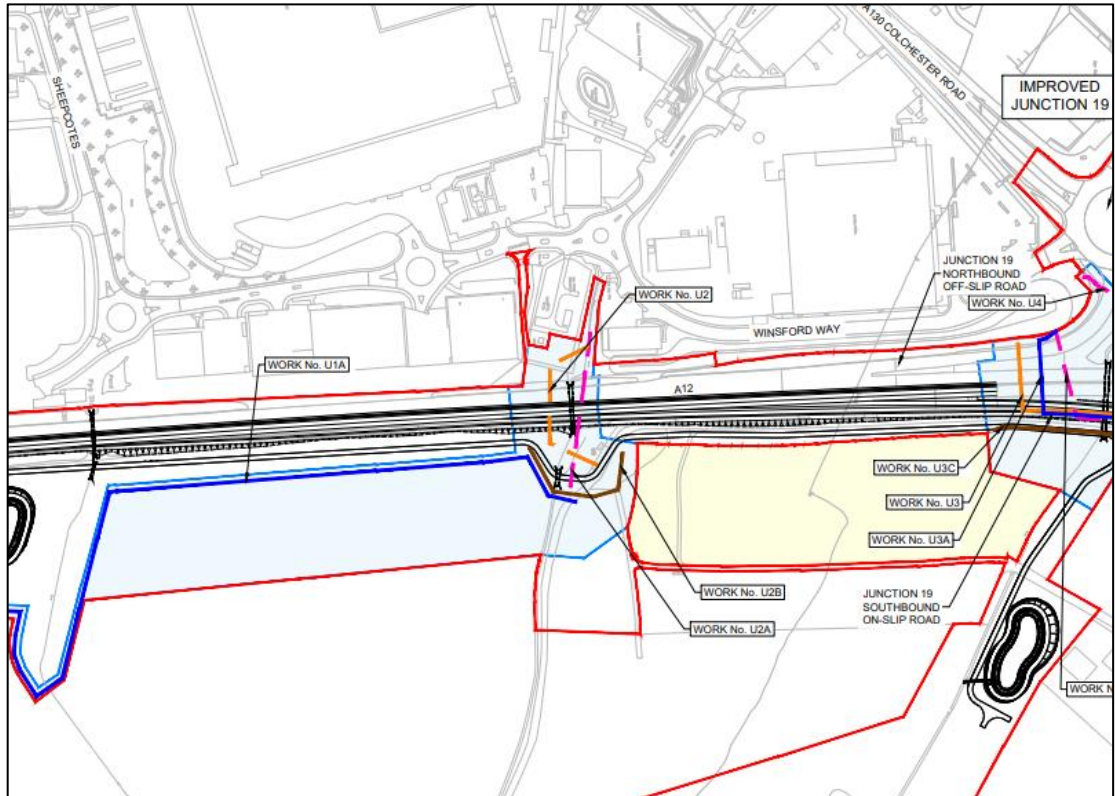


Plate 7: Proposed Gas Works Diversion (Extracted from Utility Diversions August 2022)

51. There are already a number of utility works planned for the eastern side of the A12 and therefore it is anticipated that there would be a compound for drivers to park. This would also be required for the improvements to Boreham Bridge and Paynes Bridge and will therefore already have infrastructure in place to accommodate construction workers. Any associated compound could therefore be increased in size to accommodate vehicles associated with works for reference: No. U2. This would also reduce the need for any construction related vehicles using Sheepcotes and therefore reducing any potential impact on the EEL site and nearby business park.
52. It is pertinent to note that the pink rectangles on Plate 7 and work reference No. U2A are associated with moving the low voltage overhead cable. It therefore appears that access to the area north of the 1/10c plot will be required, therefore an access through Trilux Lighting or the existing gas works may appear more appropriate.

Security Issues

53. The application does not consider the potential impact on the security arrangements that are currently in place at the EEL site. The gated compound located against the north facing of the EEL building would be disrupted by the proposed access route leading to a compromised security arrangement.
54. There is no spare space at the EEL site to relocate the secure compound without further impacting on the operation of the site. Furthermore, the compound is located close to service doors which would not be possible to relocate without significant disruption to the internal building arrangements.

Protective Provisions

55. Should NH provide all above sufficient information then the Applicant will want to ensure the following protective provisions are covered as a minimum to ensure the effects of the proposed DCO are minimised:
 - active consultation with EEL and RL prior to submission of the CTMP for this area of the proposed development and which identifies DCO related traffic including gas diversion works and appropriate restrictions.
 - Number of vehicles that can travel over the green land to be capped at 20 per day (20 in and 20 out).
 - Max size vehicles LGVs up to 3.5T.
 - No access during the morning and evening commuter peak periods.
 - No parking, waiting or obstructions on green hatched land.
 - No reversing on green hatched land (1/16a, 1/10f and 1/10g).
 - No parking in any of the parking bays.
 - Monitoring, review and penalty arrangements / mechanisms.

- Additional security arrangements in place.
- Alternative secure site for vehicles currently parked behind gated area within the site.

Summary

56. In summary, the DCO fails to provide sufficient information in terms of why the proposed access route through the EEL site has been selected. The documents submitted do not provide any details on how the space would be used and its potential impacts on surrounding sites and therefore further information is requested as set out within this Note.
57. The DCO is deficient in a number of respects, including:
- Lack of information on the potential highways impact on Sheepcote and the EEL parking area.
 - Information contained within the OCTMP lacks specific details, whilst also highlighting a route to the north of the existing above ground gas compound to be included within the Order Limits.
 - No vehicle swept path analysis has been included to demonstrate that access is achievable, and that the space can accommodate the number of vehicles required.
 - The ecological impact of accessing the plot from Winsford Way vs through EEL should be detailed.
 - Lack of information on how Cadent's above ground gas compound currently operates and reasons as to why this is not a sufficient access point.
 - Alternative options to access through Trilux Lighting service yard should be considered, especially considering that this is likely to be required in order to deliver U2A works.
 - The gas diversion works could start from the eastern side of the A12 which may be more appropriate considering additional utility works are already scheduled to take place.

Conclusions

58. Based on information included within the DCO, it is considered that that there is a lack of information on the likely impacts of utilising RL's and EEL's land for access on the local highway network and operation of adjacent sites, with insufficient information as to why alternative options have not been assessed, especially considering that Cadent will be undertaking the works and that they have direct access to the plot through their existing site.