

# **A12 Chelmsford to A120 widening scheme**

**TR010060**

## **8.17 Statement of Commonality for Deadline 2**

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The Infrastructure Planning  
(Examination Procedure) Rules 2010

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

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**Statement of Commonality for Deadline 2**

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<b>Regulation Number</b>	Rule 8(1)(e)
<b>Planning Inspectorate Scheme Reference</b>	TR010060
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<b>Author</b>	A12 Project Team and National Highways

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# 1 Introduction

## 1.1 Purpose of this document

- 1.1.1 This Statement of Commonality for Statements of Common Ground (this Statement) relates to an application made by National Highways (the Applicant) to the Planning Inspectorate to the Planning Inspectorate under Section 37 of the Planning Act 2008 (the 2008 Act) for a Development Consent Order (DCO). If made, the DCO would grant consent for the Applicant to undertake the A12 Chelmsford to A120 Widening Scheme (the Scheme). A detailed description of the Scheme can be found in Chapter 2: The Proposed Scheme of the Environmental Statement [APP-069].
- 1.1.2 This Statement has been prepared to provide the Examining Authority (the ExA) with the current position on Statements of Common Ground (SoCG) between National Highways and prescribed consultees, statutory undertakers and Interested Parties (other parties) in relation to the Scheme.
- 1.1.3 This Statement also provides a current position on the commonality on specific points between SoCG's at Examination Deadline 2 on 13 February 2023.

## **2 Structure of Statements of Common Ground**

- 2.1.1 To ensure consistency in the approach taken to documenting matters agreed, matters subject to further negotiation or matters not agreed, each of the SoCG's adopts a standard format in order to provide clarity to other parties and ultimately the ExA.
- 2.1.2 Each SoCG has the following structure:
- Section 1: provides an introduction to the SoCG and a description of its purpose.
  - Section 2: states the engagement that has occurred between the Applicant and other Party.
  - Section 3: sets out any issues that have arisen, reporting on the status of each issue, i.e. whether it is agreed, still under discussion or not agreed and any remaining actions.
- 2.1.3 Where relevant, documents not forming part of the Application that are referenced in the SoCG and which it is helpful to draw to the ExA's attention, have been appended to the SoCG.

### 3 List of Statements of Common Ground

- 3.1.1 The Applicant is preparing SoCGs with a number of Interested Parties (IPs), as requested by the Examining Authority in their Rule 6 letter of 12 December 2022 and Rule 8 letter of 20 January 2023, as well as with other IPs, where it considers it is beneficial to do so during the Pre-Examination and Examination stages.
- 3.1.2 The parties which the Applicant has prepared SoCG's with at Deadline 2 are listed in Table 3.1 below. Those with a '\*' after have been specifically requested by the ExA to be submitted during the Examination.
- 3.1.3 Further detail about the current position of each SoCG can be found at Chapter 4, Table 4.1 of this Statement.
- 3.1.4 Further SoCG's with IPs may be drafted during Examination that are not currently listed in Table 3.1 should it be considered beneficial to do so. If relevant, these will be included in future updates to this Statement.

**Table 3.1 List of SoCG's at Deadline 2**

<b>Local Authorities</b>
Colchester City Council*
Chelmsford Borough Council*
Essex County Council*
Maldon District Council*
Braintree District Council*
<b>Prescribed Consultees</b>
Natural England*
Environment Agency*
Historic England*
The Crown Estate Commissioners*
Messing and Inworth Parish Council and Messing and Inworth Action Group (MIAG) *
Boreham Parish Council*
Witham Town Council*
<b>Statutory Undertakers</b>
Essex Waterways Limited on behalf of Chelmer and Blackwater Navigation Limited*
Network Rail Infrastructure Limited*
Anglian Water
Cadent Gas Limited*
<b>Interested Parties</b>
Brice Aggregates Limited*



## 4 Summary of current position

4.1.1 This section provides the current position of each SoCG.

4.1.2 Table 4-1 provides a high-level position and where necessary includes further detail to aid understanding. The high-level positions used in the table are:

- a) **Final Signed SoCG all matters agreed** – The final SoCG has been signed by both parties and all matters are agreed.
- b) **Final Signed SoCG with matters outstanding** – The final SoCG has been signed by both parties and there remain matters outstanding that the Applicant and the other party agree will not be resolved during the Examination.
- c) **SoCG in draft** – The SoCG has been drafted by the Applicant, it has been shared with the other party and comments have been provided. Discussion is ongoing to reach a 'Final Signed SoCG all matters agreed' or 'Final Signed SoCG with matters outstanding' This category is split into the following sub-categories:

**Sub-category 1** – SoCG is/has been drafted but not shared with party (SC1)

**Sub-category 2** – SoCG has been shared with party and no have been comments received (SC2)

**Sub-category 3** – SoCG has been shared with party and comments have been received (SC3)

**Sub-category 4** - SoCG has been shared with party, comments have been received and a draft version of the SoCG has been signed (SC4)

**Table 4.1 SoCG Current Positions**

Document Reference	Party	Position at Deadline 2 13 February 2023	Position at Deadline 4 11 April 2023	Position at Deadline 6 12 June 2023	Position at Deadline 7 3 July 2023
<b>Local Authorities</b>					
TR010060/EXAM/8.9	Colchester Borough Council	SoCG in draft (SC4)			
TR010060/EXAM/8.10	Chelmsford City Council	SoCG in draft (SC3)			
TR010060/EXAM/8.12	Essex County Council	SoCG in draft (SC4)			
TR010060/EXAM/8.11	Maldon District Council	SoCG in draft (SC4)			
TR010060/EXAM/8.14	Braintree District Council	SoCG in draft (SC4)			



## Statement of Commonality

Document Reference	Party	Position at Deadline 2 13 February 2023	Position at Deadline 4 11 April 2023	Position at Deadline 6 12 June 2023	Position at Deadline 7 3 July 2023
<b>Prescribed Consultees</b>					
TR010060/EXAM/8.1	Natural England	SoCG in draft (SC3)			
TR010060/EXAM/8.2	Environment Agency	SoCG in draft (SC3)			
TR010060/EXAM/8.3	Historic England	SoCG in draft (SC2)			
TR010060/EXAM/8.7	The Crown Estate Commissioners	SoCG in draft (SC2)			
TR010060/EXAM/8.6	Messing and Inworth Parish Council and Messing and Inworth Action Group (MIAG)	SoCG in draft (SC2)			
TR010060/EXAM/8.15	Boreham Parish Council	SoCG in draft (SC2)			
TR010060/EXAM/8.16	Witham Town Council	SoCG in draft (SC2)			
<b>Statutory Undertakers</b>					
TR010060/EXAM/8.4	Essex Waterways Limited on behalf of Chelmer and Blackwater Navigation Limited	SoCG in draft (SC2)			
TR010060/EXAM/8.5	Network Rail Infrastructure	SoCG in draft (SC2)			
TR010060/EXAM/8.21	Anglian Water	SoCG in draft (SC3)			
TR010060/EXAM/8.13	Cadent Gas Limited	SoCG in draft (SC2)			
<b>Interested Parties</b>					
TR010060/EXAM/8.8	Brice Aggregates Limited	SoCG in draft (SC3)			



## 5 Commonality

5.1.1 This section of the Statement provides a summary of principal issues covered in the SoCG's and demonstrates where there is commonality in the topics or matters.

5.1.2 The table is presented to show topics covered within the various SoCG and how these are relevant to each other party and a position for each topic as follows:

	There is broad agreement on specific matters within this general topic area
	Specific matters within this general topic area are subject to further discussion
	There is general disagreement between the parties within this general topic area that may remain at the end of the Examination

5.1.3 Where a matter is not relevant, or of interest, to the other party, it is not included within the SoCG and therefore not covered in Table 5-1 and shown as a blank.

Table 5.1 Table of Commonality at Deadline 2

Party	Topics																									
	Draft DCO	Protective Provisions	Other Consents and Licenses	Consultation and Engagement	Design and Engineering	Detrunking	Outline Construction Traffic Management Plan and associated documents	First Iteration Environmental Management Plan and Register of Environmental Actions and Commitments (REAC)	Assessment of Alternatives	Local Planning Policy	Landscape and Visual	Cultural Heritage	Biodiversity (including Arboriculture)	Biodiversity Net Gain	Traffic and Transport	Air Quality	Noise and Vibration	Road Drainage and the Water Environment	Geology and Soils	Population and Health	Material Assets and Waste	Cumulative Effects	Climate	Replacement Land	Compulsory Acquisition	
Colchester Borough Council				Green	Yellow			Green		Green	Yellow		Yellow		Green	Yellow	Yellow				Yellow					
Chelmsford City Council				Green	Yellow							Yellow			Yellow	Yellow	Yellow									
Essex County Council				Green	Yellow	Red	Yellow	Yellow	Yellow		Yellow	Yellow	Yellow		Yellow	Yellow		Yellow		Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	
Maldon District Council				Yellow	Yellow		Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow		Yellow			Yellow								
Braintree District Council				Green	Yellow	Yellow	Yellow	Yellow		Green	Yellow	Yellow	Yellow		Green	Yellow	Yellow		Green	Yellow				Yellow		
Natural England			Yellow					Green		Green		Yellow	Green		Yellow			Green	Yellow	Green			Green			
Environment Agency	Yellow	Yellow	Yellow	Green	Yellow		Yellow					Yellow	Yellow					Yellow	Green		Green	Green	Green			
Historic England				Green			Yellow	Green		Green	Yellow							Yellow				Yellow				
The Crown Estate Commissioners	Yellow			Yellow	Yellow																					Yellow
Messing and Inworth Parish Council and Messing and Inworth	Yellow			Yellow	Yellow			Yellow			Yellow	Yellow			Yellow	Yellow	Yellow	Yellow								Yellow

Party	Topics																								
	Draft DCO	Protective Provisions	Other Consents and Licenses	Consultation and Engagement	Design and Engineering	Detrunking	Outline Construction Traffic Management Plan and associated documents	First Iteration Environmental Management Plan and Register of Environmental Actions and Commitments (REAC)	Assessment of Alternatives	Local Planning Policy	Landscape and Visual	Cultural Heritage	Biodiversity (including Arboriculture)	Biodiversity Net Gain	Traffic and Transport	Air Quality	Noise and Vibration	Road Drainage and the Water Environment	Geology and Soils	Population and Health	Material Assets and Waste	Cumulative Effects	Climate	Replacement Land	Compulsory Acquisition
Action Group (MIAG)	Yellow			Yellow	Yellow			Yellow			Yellow	Yellow		Yellow	Yellow	Yellow	Yellow	Yellow							Yellow
Boreham Parish Council					Yellow			Yellow						Yellow											
Witham Town Council							Yellow			Yellow		Yellow		Yellow		Yellow								Yellow	Yellow
Essex Waterways Limited on behalf of Chelmer and Blackwater Navigation Limited					Yellow												Yellow			Yellow					Yellow
Network Rail Infrastructure Limited		Yellow	Yellow		Yellow																				Yellow
Anglian Water	Yellow	Red	Green		Yellow		Green	Green			Yellow				Yellow									Green	Green
Cadent Gas Limited	Yellow	Yellow			Yellow																				Yellow
Brice Aggregates Limited				Green	Yellow																			Yellow	Yellow

## **6 Position at Deadline 2 (13 February 2023)**

6.1.1 This section provides a summary of the SoCG position between National Highways and each interested party as at Deadline 2. This section will be updated at each deadline when revised SoCGs will be submitted, to explain what has changed since the previous iteration. The individual SoCGs should be referred to for further detail on specific matters.

### **6.2 Colchester Borough Council**

6.2.1 A draft SoCG was shared with Colchester Borough Council on 6 January 2023 and comments received on 6 February 2023.

6.2.2 The key issues under discussion are:

- Traffic flows
- Listed buildings
- Construction effects on Easthorpe
- Assessment of archaeology
- Trial trenching
- Visual impact during construction
- Protected hedgerows
- Air quality modelling

### **6.3 Chelmsford City Council**

6.3.1 A draft SoCG was shared with Chelmsford City Council on 20 January 2023 and comments received on 8 February 2023.

6.3.2 The key issues under discussion are:

- Main Road, Boreham
- Noise and vibration
- Air Quality
- Traffic – Main Road, Boreham
- Landscape and visual
- Cultural Heritage
- Biodiversity

### **6.4 Essex County Council**

6.4.1 A draft SoCG was shared with Essex County Council on 9 December 2022 and comments received on 7 February 2023.

6.4.2 The key issues under discussion are:

- Detrunking

- Junction 21
- Junction 24
- Main Road, Boreham
- Monitoring
- Construction

## **6.5 Maldon District Council**

6.5.1 A draft SoCG was shared with Maldon District Council on 30 January 2023 and comments received on 9 February 2022.

6.5.2 The key issues under discussion are:

- Cadent Gas Main
- Junction 21
- Traffic

## **6.6 Braintree District Council**

6.6.1 A draft SoCG was shared with Braintree District Council on 15 December 2022 and comments received on 16 December 2022.

6.6.2 The key issues under discussion are:

- Air Quality
- Landscaping
- Noise
- Replacement land

## **6.7 Natural England**

6.7.1 A draft SoCG was shared with Natural England on 15 December and comments received on 3 January 2023.

6.7.2 The key issues under discussion are:

- The draft bat licence – following initial feedback from Natural England the Applicant is amending the licence.
- Air quality effects – Natural England have confirmed they are in agreement with respect to air quality effects on ancient woodland however the Applicant is awaiting confirmation this can be applied to all ecological receptors.
- Soils – discussions are ongoing with respect to the methodology for assessing soils, agricultural land classification surveys, soil resources surveys and soil mitigation.

## **6.8 Environment Agency**

6.8.1 A draft SoCG was shared most recently with the Environment Agency on 25 January 2023 and comments received on 6 February 2023.

6.8.2 The key issues under discussion are

- The biodiversity and ecology impacts of the culverting proposals.
- Consideration of extreme flood events.
- Provision with the DCO Requirements regarding ongoing consultation between the Applicant and the Environment Agency.

## **6.9 Historic England**

6.9.1 A draft SoCG was shared with Historic England on 1<sup>st</sup> February 2023 and comments have not yet been received.

6.9.2 The key issues under discussion are:

- Potential impacts on the setting of scheduled monuments and grade I and II\* listed buildings.
- The significance of Palaeolithic archaeological remains and potential impacts on them from the proposed scheme.
- Effects of changes in the groundwater regime on buried archaeological remains and grade I and II\* listed buildings.

## **6.10 The Crown Estate Commissioners**

6.10.1 A draft SoCG was shared with The Crown Estate Commissioners (TCE) on 8<sup>th</sup> February 2023. Discussions have been ongoing with TCE since January 2020 and have been monthly since June 2022.

6.10.2 The key issues under discussion are:

- The Crown Estate's LPP21 Planning Application.
- Junction configuration to the south of the London Road
- Land take, associated works and programme at four locations to the north of London Road; at Threshelfords bridge demolition; at Domsey Brook; and to the east of the proposed A12 at Feering.
- Access to retained land both through Prested Hall link and overbridge and to the east of the proposed A12 at Feering.

## **6.11 Messing and Inworth Parish Council & Messing and Inworth Action Group (MIAG)**

6.11.1 A draft SoCG was shared with both Messing and Inworth Parish Council and the Messing and Inworth Action Group (MIAG) on 20 January 2023.

6.11.2 The key issues under discussion are:

- Junction 24 and 'The Main Alternative'



- Traffic levels in Messing and Inworth
- Assessment of bypasses
- Engagement
- Flooding
- Air Quality
- Noise and vibration

## **6.12 Boreham Parish Council**

6.12.1 A draft SoCG has been drafted but has not yet been shared with Boreham Parish Council.

6.12.2 The key issues under discussion are:

- Main Road, Boreham
- Air Quality
- Noise and vibration
- Removal of Junction 20a

## **6.13 Witham Town Council**

6.13.1 A draft SoCG was shared with Witham Town Council on 31<sup>st</sup> January 2023 and comments are awaited.

6.13.2 The key issues under discussion are:

- Loss of land
- Replacement Land
- Slow Moving Vehicles
- Traffic
- Operational and Construction noise and
- Landscape

## **6.14 Essex Waterways Limited on behalf of Chelmer and Blackwater Navigation Limited**

6.14.1 A draft SoCG was shared with Essex Waterways Limited on 7<sup>th</sup> February 2023 and comments are awaited. Discussions have been happening since February 2022 and good progress has been made.

6.14.2 The key issues under discussion are:

- The detailed design of the outfall into the Chelmer
- Temporary Footpath Diversion during construction

## 6.15 Network Rail Infrastructure Limited

- 6.15.1 A draft SoCG was shared with Network Rail Infrastructure on 9<sup>th</sup> February 2023 and comments will be received at Deadline 3 –9<sup>th</sup> March 2023, Discussions commenced with Network Rail in August 2021. Weekly meetings have been happening since July 2022.
- 6.15.2 We have received the following text from Network Rail: *'The SoCG is The Applicant's draft, it is not agreed with Network Rail. Network Rail were only provided with the draft statement on 9th February 2023 and will comment on the draft at Deadline 3 [9th March 2023]*
- 6.15.3 The key issues under discussion are:
- Business and Technical Clearance.
  - Protective Provisions, Framework Agreement and Overbridge Agreement or Asset Protection Agreement
  - Interactions with Network Rail and Countryside Zest including maintenance access to pedestrian bridge, and forthcoming land transfer from Countryside Zest to Network Rail
  - Detailed design elements including on NR embankments and interactions in with new Beaulieu Park Station
  - The removal of General's Lane Level Crossing

## 6.16 Anglian Water

- 6.16.1 A draft SoCG was shared with Anglian Water on 30<sup>th</sup> of January 2023 however discussions with Anglian Water have been undertaken as part of a Position Statement prior the SOCG since the January 2022.
- 6.16.2 The key issues under discussion are:
- The impact on the odour complaints on the Witham Sewage Treatment Works due to the removal of trees along the A12.
  - Anglian Water request to be included as a consultee for the Surface water investigations and design.
  - Issues with the acceptance of the deferment of renewal which are outlined on the Draft DCO which have been rejected in the past by Anglian Water
  - Extent of the land rights that will be acquired for the construction of Cadent diversions

## 6.17 Cadent Gas Limited

- 6.17.1 A draft SoCG was shared with Cadent Gas Limited on 6<sup>th</sup> of February 2023 to address their comments received on their representation.
- 6.17.2 The key issues under discussion are:
- Cadent right to access and maintain their apparatus

- Extent of the land rights that will be acquired for the construction of Cadent diversions

## **6.18 Brice Aggregates Limited**

6.18.1 A draft SoCG was shared with Brice Aggregates Limited and their agent on 8<sup>th</sup> February, awaiting comments.

6.18.2 The key issues under discussion:

- Golf course irrigation pipe
- Colemans' quarry, extraction of materials under J22, relocation of processing and batching plant, creation of replacement habitats.
- Land required for utility diversion works
- Access for commercial lets and farm businesses whilst construction under way and once the new A12 is built.
- Rose Cottage access and site lines to the Braxted Road
- Agricultural use of the A12