

PLANNING ACT 2008

INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

**WRITTEN SUBMISSIONS OF NFU REGARDING THE A12 CHELMSFORD TO A120 WIDENING
SCHEME DEVELOPMENT CONSENT ORDER 201 [...]**

PLANNING INSPECTORATE REFERENCE NO TR010060

**SUBMISSIONS OF NATIONAL FARMERS UNION ON THE ISSUE SPECIFIC HEARING 2 ON 1st
MARCH 2023**

DATE 9TH MARCH 2023

1.0 Introduction

1.1 Submissions on behalf of the National Farmers Union (“NFU”) in respect of the application for a Development Consent Order (DCO) by National Highways (NH) for the A12 Chelmsford to A120 Widening Scheme. The NFU is making a case on behalf of its members who are affected by the proposed DCO.

2.0 Issue Specific Hearing 2 – 1st March 2023:

2.1 Article 26: Authority to survey and investigate the land

2.1.1 Under Article 26 1(b), the NFU feels that the word adjacent needs to be more defined. Under article 2, interpretation, there is no meaning of the word adjacent. Therefore, the NFU would like to see it stated how far away from the Order Limits a survey can be carried out. Surveys and investigations are often undertaken within a set radius and therefore the NFU feels that it is not unreasonable for National Highways to state the distance from the order limits where land may be affected by this. It is essential that all landowners and occupiers are aware of what land could be disturbed by surveys.

2.1.2 Paragraph (2) of Article 26 refers to the notice period for Surveys. NFU is happy to accept a 14 day written notice for surveys if it is agreed that a minimum notice of 28 days is given where the land in question is in an environmental scheme and a derogation is required from the RPA to avoid a financial penalty being applied. This notification could be given by the ALO and detailed under their responsibilities in the FIMP.

National Highways have responded that financial penalties would become a compensation matter. If a financial penalty is applied, it is done so on the whole agreement area, not the area of land where the breach has occurred and therefore, financial penalties can become very large sums of money. The NFU feels that 28 days notice to allow a derogation to be secured and therefore avoiding any financial penalties is not unreasonable, and the impact that this would have on the programme would be minimal.

2.1.3 The NFU would like to see the following wording added under Article 26 and to become number (3) ‘The Notice under paragraph (2) must indicate the nature of the survey and/or investigation the developer intends to carry out’. This wording has been agreed on other DCOs. The NFU believes that Article 26 at 26(3) should also state that the notice must indicate the following:

- Who will be taking entry
- The date of entry and for how long
- The type of equipment if any will be used.

The NFU believes strongly that it is only right that a landowner should know who is coming on to his land to be able to comply with their Health & Safety policies, how long they will be on the land for carrying out the survey and the vehicles and equipment that will be brought on to the land. The wording for this additional paragraph has also been sent to National Highways as requested in the Hearing.

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Dated: 9th March 2023