



Application by National Highways for the A12 Chelmsford to A120 Widening Scheme
The Examining Authority's written questions and requests for information (ExQ2)
Issued on 20 March 2023

The following table sets out the Examining Authority's (ExA's) written questions and requests for information – ExQ2. If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ3.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annex C to the Rule 6 letter of 12 December 2022. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 2 (indicating that it is from ExQ2) and then has an issue number and a question number. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact A12chelmsfordA120wideningScheme@planninginspectorate.gov.uk and include 'A12 ExQ2' in the subject line of your email.

Responses are due by Deadline 4: Tuesday 11 April 2023



Abbreviations used:

| | | | |
|-----------------|------------------------------|-----------------------|---|
| PA2008 | The Planning Act 2008 | LIR | Local Impact Report |
| Art | Article | LPA | Local Planning Authority |
| ALA 1981 | Acquisition of Land Act 1981 | LSE | Likely Significant Effect |
| AQMA | Air Quality Management Area | MDC | Maldon District Council |
| AQO | Air Quality Objective | MP | Model Provision (in the MP Order) |
| BDC | Braintree District Council | MP Order | The Infrastructure Planning (Model Provisions) Order 2009 |
| BoR | Book of Reference | NE | Natural England |
| CA | Compulsory Acquisition | NO₂ | Nitrogen Dioxide |
| CoCC | Colchester City Council | NNNPS | National Networks National Policy Statement |
| CCC | Chelmsford City Council | NSIP | Nationally Significant Infrastructure Project |
| CPO | Compulsory purchase order | PAQAP | Project Air Quality Action Plan |
| dDCO | Draft DCO | R | Requirement |
| EA | Environment Agency | RR | Relevant Representation |
| ECC | Essex County Council | SI | Statutory Instrument |
| EM | Explanatory Memorandum | SoS | Secretary of State |
| ES | Environmental Statement | SuDS | Sustainable Drainage System |
| ExA | Examining Authority | TP | Temporary Possession |
| HE | Historic England | WHO | World Health Organisation |



The Examination Library

References in these questions set out in square brackets (e.g. [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010060/TR010060-000463-TR010060%20A12%20Chelmsford%20to%20A120%20Widening%20Scheme%20Examination%20Library.pdf>

It will be updated as the Examination progresses.



Index

| | | |
|-----|--|----|
| 1. | General and Cross-topic Questions..... | 5 |
| 2. | Air Quality and Emissions..... | 5 |
| 3. | Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA)) | 6 |
| 4. | Climate Change | 6 |
| 5. | Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations | 6 |
| 6. | Draft Development Consent Order (dDCO) | 9 |
| 7. | Gas Pipeline Diversion | 9 |
| 8. | Geology and Soils..... | 9 |
| 9. | Good Design..... | 9 |
| 10. | Health | 9 |
| 11. | Historic Environment | 10 |
| 12. | Landscape and visual | 11 |
| 13. | Land Use | 11 |
| 14. | Material Assets and Waste | 12 |
| 15. | Noise and Vibration | 12 |
| 16. | Socio Economic Effects | 13 |
| 17. | Traffic and Transport | 14 |
| 18. | Water Environment..... | 14 |

Responses due by Deadline 4: Tuesday 11 April 2023

| ExQ2 | Question to: | Question: |
|---|---------------|--|
| 1. General and Cross-topic Questions | | |
| Q2.1.1 | The Applicant | On 14 March 2023, the Government published its draft National Networks National Policy Statement for consultation. By Deadline 4, (Tuesday 11 April 2023), please can the Applicant provide full details of how the Proposed Development accords with the policy as set out in the draft consultation document, having regards to the advice contained within Paragraphs 1.16 and 1.17 in relation to transitional provisions. |
| 2. Air Quality and Emissions | | |
| Q2.2.1 | The Applicant | ES Chapter 6 [APP-073], Air Quality, identifies that during the peak construction year, two human health receptors (R189 and R193) were found to be at risk of exceeding the annual mean NO ₂ Air Quality Objectives (AQO). These receptors were also shown to exceed the threshold once the Proposed Development is operational. Given that in both instances levels are predicted to exceed AQO during both construction and operation, notwithstanding details already submitted, please can the Applicant provide more justification as to why the need for an Air Quality Management Area (AQMA) and associated Project Air Quality Action Plan (PAQAP) is not triggered at these locations. |
| Q2.2.2 | The Applicant | Reference has been made to WHO Guidance by Mr Mark East [AS-039]. Can the Applicant explain the relevance of the WHO guidelines, how they have been considered and what weight the SoS should give to these? |
| Q2.2.3 | The Applicant | The Environmental Targets (Fine Particulate Matter) (England) Regulations 2023 have recently come into force. At the same time, the UK Government also published the Environmental Improvement Plan which includes an interim target. What are the implications of these recent Regulations for the Proposed Development and how should the SoS consider these in their decision making? |
| Q2.2.4 | The Applicant | Have changes to vehicles, mainly the phasing out of petrol/diesel and the increased use of electric vehicles been factored into the assessment presented in ES Chapter 6, Air Quality [APP-073]? If so, what are the predicted effects of these changes and what assumptions have been made with regards to uptake/usage of electric vehicles over the assessment period? |
| Q2.2.5 | The Applicant | In relation to human health receptor R225, the submissions from the Applicant indicate that, despite a predicted exceedance of the AQO at this location, the ES concludes that there will be |

Responses due by Deadline 4: Tuesday 11 April 2023

| ExQ2 | Question to: | Question: |
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| | | no significant effects and therefore no mitigation is proposed. Notwithstanding this, given the acceptance that the AQO is predicted to be exceeded, which in other circumstances could lead to the designation of an AQMA and preparation of a PAQAP, please can the Applicant provide further justification as to why they do not consider it necessary in this instance. |
| 3. Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA)) | | |
| Q2.3.1 | MDC | Can MDC comment on the extent to which the Applicant's response to ExQ1 – 7.0.3 [REP2-025] and the results of botanical and species surveys undertaken at Blue Mills (submitted at Deadline 2) [REP2-026 to REP2-029], address the concerns raised in MDC's LIR [REP2-068] regarding potential impacts on the Blue Mills nature reserve? |
| Q2.3.2 | NE | Considering the Applicant's responses to ExQ1 - 3.0.9 and 3.0.10 [REP2-025], can NE confirm whether it remains content that the Proposed Development would not result in an LSE on any of the European sites considered in the assessment? |
| 4. Climate Change | | |
| Q2.4.1 | | No further questions at this stage. |
| 5. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations | | |
| Q2.5.1 | The Applicant | An objection from the Bolton family and Hammond Estates LLP was lodged at REP2-051 and a response was provided at REP3-009. It was expected that there would be a speaker on behalf of the family at the Compulsory Acquisition Hearing (CAH1) and whilst one registered, no appearance was made. It is therefore assumed that discussions have continued but the objection is of course still outstanding. Please confirm the latest position. |
| Q2.5.2 | The Applicant Countryside Zest | Countryside Zest made a further submission at REP2-046-001. The response at REP3-009 indicated that there were on-going discussions between the parties. What progress has been made with these? |
| Q2.5.3 | The Applicant Network Rail | Addleshaw Goddard LLP on behalf Network Rail helpfully summarised their client's position [REP3-074]. At the moment, Network Rail are maintaining their objection [REP2-093]. One of their primary concerns relates to the siting of the Paynes Lane footbridge and, in particular, the height and width of this. The ExA viewed the proposed siting in their Accompanied Site Inspection ("ASI"). Where have these discussions reached? |

Responses due by Deadline 4: Tuesday 11 April 2023

| ExQ2 | Question to: | Question: |
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| Q2.5.4 | The Applicant Chelmsford City Council Boreham Conservation Society | Discussions on the Paynes Lane footbridge have been taking place with other bodies. Please confirm where these have reached. |
| Q2.5.5 | The Applicant Essex County Council | As outlined at the CAH1 meeting and also in their subsequent submission, Essex County Council as landowner is reserving their position whilst further discussions took place. It is to be hoped that an agreement is reached, is this the case yet? |
| Q2.5.6 | The Applicant | Mr Wacey spoke at the CAH1 meeting and has repeated his objection [REP3-078]. The Blight Notice has been accepted and it is therefore a question of the progress which can be made with the negotiations. Please confirm whether this has in fact been the case. |
| Q2.5.7 | The Applicant Mr and Mrs Lindsay | A similar position exists with Mr and Mrs Lindsay. They spoke at the CAH1 [REP3-045]. The ExA visited their property during the ASI and it is hoped that the negotiations can progress speedily once Mr and Mrs Lindsay have instructed a surveyor. At the present time, is this objection still outstanding? |
| Q2.5.8 | The Applicant Braintree District Council Witham Town Council Essex County Council Anglia Water Services | Concerning Special Category Land, the Applicant reported that progress was being made with the discussions with the various Councils. It is to be hoped that sufficient progress is made before the next group of hearings at the end of April so that this does not need to become an issue for consideration at the hearings. Please update. |
| Q2.5.9 | The Applicant | The ExA queried the funding for the project at CAH1 in view of the concerns raised by the National Audit office. The Applicant indicated that an update would be provided at the next CAH. If this can be earlier, this would be appreciated. |
| Q2.5.10 | The Applicant | The Applicant confirmed that the consent from Crown Estates was a priority. Since this land is not subject to compulsory acquisition, the query is raised under land use but when is this consent likely to be available? |
| Q2.5.11 | The Applicant | The indication is that the CA schedule will be updated at Deadline 4 (11 April 2023) and progress with the negotiations will be closely followed. Please update? |

Responses due by Deadline 4: Tuesday 11 April 2023

| ExQ2 | Question to: | Question: |
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| Q2.5.12 | The Applicant National Farmers' Union | The NFU appeared at the CAH1 and whilst not an Affected Person, it was clear that they would represent a number of affected landowners. They have subsequently provided confirmation to this effect. They asked for the notice period in Article 40 to be extended to 28 days and it is acknowledged that this has been accepted as confirmed in REP3-014 at reference 22. There remains the issue [REP3- 071] of land ownership and returning the land even though environmental mitigation is required. The Applicant has responded (at para 24, [REP3 –014]). Can an appropriate legal mechanism be agreed which will adequately protect the Applicant? |
| Q2.5.13 | Legal and General Investment Management | They had been due to speak at CAH1 but notified in advance that this would not be the case. Their solicitors reported [REP3-048] that progress had been made so please provide an update? |
| Q2.5.14 | The Applicant Edmundson Electrical and Royal London | This objection was outlined at CAH1 and the ExA spent some time during the ASI inspecting the site and also looking at the possible alternative routes which had been suggested. It is noted that a subsequent meeting between the parties was to take place on site on 08 March 2023 to discuss security and commercial impacts. Please can the parties update the ExA on these discussions. |
| Q2.5.15 | The Applicant | The issue of the Borrow Pits received some attention at CAH1 and in particular the consideration of the position relating to the Coleman Farm Quarry. The response to one of the original objections was made at REP1-002 and a Supplementary Technical Note explained the position further [REP1-011]. The position concerning the Colemans Quarry needs to be better explained since its need for backfilling is uncertain (see APP-069, ES Chap 2 at 2.686; and RR027-15 and RR027-19). The difference would be significant as this involves a significant amount of material (although figures of 600,000 and 650,000 are separately given). Please can the Applicant give an explanation as to why Colemans Quarry needs this backfill; how likely is it that this will be required; and when will the position become clearer? |
| Q2.5.16 | The Applicant | Following from question 2.5.15, there does seem the opportunity of delivery of materials by rail especially as there are a number of nearby local stations with a rail route running roughly parallel with the A12. Has this option been fully explored? |
| Q2.5.17 | The Applicant | As noted in the Borrow Pits Cost Information [REP3-023], a request was made in CAH1 for additional detail. This has been provided [REP3-023] but has been heavily redacted as it apparently contains commercially sensitive information. The Applicant is a public sector |

Responses due by Deadline 4: Tuesday 11 April 2023

| ExQ2 | Question to: | Question: |
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| | | organisation and is under a duty to make information available on request. Please provide a considered explanation as to why this information falls within one of the exceptions to disclosure as the reason for the removal of this information suggested at paragraph 1.1.2 of REP3-023 is very limited. |
| Q2.5.18 | The Applicant | In the reply to question 5.0.6 in the ExQ1 [REP2-025], the Applicant suggests that there is an “overwhelming justification for expropriation powers to be sought.” Does the Applicant accept that this is a matter of opinion, and it is for the Secretary of State to reach a decision having heard the recommendation from the ExA? |
| Q2.5.19 | The Applicant | Mr Mahoney at the CAH1 raised the issue of Temporary Possession for a footbridge over his land whilst a permanent bridge was being constructed. In the response to the hearing [REP3-014], the Applicant has indicated that they will be preparing a position statement to confirm what has been offered and agreed with Mr Mahoney. When will this be available? |
| 6. | Draft Development Consent Order (dDCO) | |
| Q2.6.1 | | No further questions at this stage. |
| 7. | Gas Pipeline Diversion | |
| Q2.7.1 | The Applicant | During the ASI the ExA observed the ecological value of the Blue Mills Nature Reserve and adjoining Ancient Woodland. Please summarise: <ul style="list-style-type: none"> the alternative options considered which would avoid or mitigate the impacts of routing the pipeline diversion through the nature reserve; and justify the reasons why each option has been discounted. |
| 8. | Geology and Soils | |
| Q2.8.1 | | No further questions at this stage. |
| 9. | Good Design | |
| Q2.9.1 | | No further questions at this stage. |
| 10. | Health | |

Responses due by Deadline 4: Tuesday 11 April 2023

| ExQ2 | Question to: | Question: |
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| Q2.10.1 | The Applicant | In response to the submission from UK Health Security Agency (RR-028), reference is made by the Applicant [REP1-002] to continuing to work with the Interested Party to agree a strategy and assessment to address their concerns. Please can the Applicant update the ExA on the progress of this work and confirm whether this will be submitted to the Examination or whether it will form part of the detailed design stage. If it is the latter, please can the Applicant provide an indication of the likely details that will be included to address the issue, along with how this would be delivered and agreed. |
| 11. | Historic Environment | |
| Q2.11.1 | The Applicant | Concern was raised by Essex County Council at ISH1 over the impact on Palaeolithic remains as the initial report did not cover the entire scheme. A request was made for full coverage of the impacts on such remains and this is awaited. The Applicant [REP3-012] explains that it is in the process of undertaking additional desktop and digital work to determine the extent of this resource across the area of construction impact. Can the Applicant confirm the timescales applicable to this work? |
| Q2.11.2 | The Applicant Andrew Watson | A representation was originally made concerning the 17 th century Grade II Listed Building on the B1023 Inworth Road [RR-075]. This party spoke at the Open Floor Hearing but not at the CAH1 although the property was included in the sites for the ASI. Please update the ExA. |
| Q2.11.3 | The Applicant Historic England | The representation from HE [REP2-060] counters the assessment made by the Applicant on the significance of the scheduled monument at Appleford Farm, Rivenhall End. HE considers that the proposed construction works would result in a substantial change in the context of the monument. Can the Applicant re-appraise the impact on the monument as suggested by HE at their paragraph 5.3.8? Can further mitigation be provided in order to reduce the level of harm to the designated heritage asset? |
| Q2.11.4 | The Applicant Historic England | HE has also raised concerns as to the other scheduled monument along the proposed A12 route, being the Medieval moat at Marks Tey Hall. They have suggested an updated assessment taking into account their comments, but the Applicant has responded from page 190 of REP3-009. Can HE comment on this? Again, is it possible for the Applicant to provide additional mitigation which might ease the concerns of HE? |

Responses due by Deadline 4: Tuesday 11 April 2023

| ExQ2 | Question to: | Question: |
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| Q2.11.5 | Historic England | It is noted that a number of heritage assets (reference is made to 4 Grade I and 20 Grade II* listed buildings) might be affected by groundwater conditions. The Applicant proposes further assessment should be carried out as soon as possible and provided for the Examination. Can HE comment on the Applicant's response to its Written Representation [REP3-009] on this point? |
| Q2.11.6 | The Applicant | HE has also commented at paragraph 7.3 of REP2-060 that the Applicant provide a timetable of the areas that have not been investigated by the geophysical survey? Please confirm that submission of the results of the additional geophysical survey will be sent to the LPA and HE for approval and thereafter how this would be secured through the dDCO? |
| Q2.11.7 | The Applicant Maldon District Council | Maldon District Council expressed a concern at the ISH1 over the impact on the Grade 1 Listed church of St Nicholas. The Applicant has stated at para 84, REP3-012 that the impact on the church would be neutral. Does the Council have any further comment on this? |
| Q2.11.8 | Messing and Inworth Parish Council | Concerns were raised in relation to the impacts on the Messing village Conservation Area. The Applicant responded to these at para 88, REP3-012. Does the Council wish to make any further representation concerning the Conservation Area? |
| 12. Landscape and visual | | |
| Q2.12.1 | | No further questions at this stage. |
| 13. Land Use | | |
| Q2.13.1 | The Applicant | The ExA visited the site of Coleman's Cottage Fishery at Little Braxted during the ASI. Photographs of the scene have been submitted at REP3-079. This was also raised by the Essex Local Access Forum [REP3-037]. The possibility was raised of the proposed footpath being moved. Is there any progress with this? |
| Q2.13.2 | The Applicant | A specific note concerning the Gershwin Boulevard Bridge has been lodged at REP3-011. This includes a plan, photographs and consideration of an alternative siting. Mr Keith Lomax spoke at the hearing and has lodged a representation at REP3-046. Does the Applicant wish to provide any additional information in response to this? |
| Q2.13.3 | The Applicant | The severance of Prested Hall drive and the nearby Feering Footpath 15 by the new A12 route has been raised again at REP3-078. An additional bridge for walkers, cyclists and horses has |

Responses due by Deadline 4: Tuesday 11 April 2023

| ExQ2 | Question to: | Question: |
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| | | been suggested by the Essex Local Access Forum as mitigation which would improve connectivity. Has this been fully considered by the Applicant? The same point has been raised by Feering Parish Council [REP3-041]. |
| Q2.13.4 | Essex County Council | ECC raised a number of access concerns in their LIR at paragraph 8.3 REP2-055. The Applicant has provided a detailed response [REP3-021] and also in section 108 of REP3-012 and ECC is asked for an updated position in the context of the proposed public routes for walkers, cyclists and horse riders |
| Q2.13.5 | The Applicant Crown Estates | The Applicant confirms that this is a priority issue. It is noted that Heads of Terms have been exchanged and a workshop took place on 17 March 2023. The ExA awaits an update on progress towards getting a consent under section 135, PA2008 by the close of the Examination. |
| 14. Material Assets and Waste | | |
| Q2.14.1 | The Applicant | In support of the proposed use of borrow pits, the Applicant identifies that their use would result in a potential reduction in construction vehicles that would need to use the public highway, along with an associated reduction in construction vehicle miles. Can the Applicant provide information in relation to the predicted construction vehicle movements associated with the use of borrow pits, compared with importing material from sources outside of the Order Limits, along with any other associated environmental benefits, including GHG emissions, that they consider would arise from their use. |
| 15. Noise and Vibration | | |
| Q2.15.1 | The Applicant | Notwithstanding the detail already submitted, please can the Applicant provide more detail on how noise from construction activities across the site will be mitigated, focusing in particular upon noise arising from the proposed compounds and associated activity, and the extraction works at the proposed borrow pits. Furthermore, at the ASI the ExA visited Columbine Cottage, which is located in close proximity to the construction works. Please can the Applicant identify what mitigation measures are proposed in this location and how these measures would be secured through the dDCO? |
| Q2.15.2 | The Applicant | The ExA has reviewed ES Chapter 12 (Noise and Vibration) [APP-079], in particular section 12.10 in relation to night-time working. Notwithstanding this, please can the Applicant provide |

Responses due by Deadline 4: Tuesday 11 April 2023

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| | | further details of how often night-time working is likely to occur, what mitigation is proposed to minimise disturbance and what measures would be put in place to ensure advance notice is given to local stakeholders and local residents. Please also confirm how these measures would be secured through the dDCO. |
| Q2.15.3 | The Applicant | <p>Paragraph 5.195 of the NNNPS identifies that the SoS should not grant development consent unless satisfied that proposals would meet the following aims:</p> <ul style="list-style-type: none"> • avoid significant adverse impacts on health and quality of life from noise as a result of the new development; • mitigate and minimise other adverse impacts on health and quality of life from noise from the new development; and • contribute to improvements to health and quality of life through the effective management and control of noise, where possible. <p>Given the conclusions of ES Chapter 12, Noise and Vibration [APP-079] in relation to the predicted significant operational noise effects that would arise in Messing, Inworth and Boreham, please explain how the Proposed Development meets this paragraph.</p> |
| 16. Socio Economic Effects | | |
| Q2.16.1 | The Applicant | Essex Police have raised concerns [REP3-039] about interruption to their operations and have asked for an updated Outline Construction Traffic Management Plan. Can the Applicant review these concerns and make any necessary amendments and submit to the Examination by Deadline 4? |
| Q2.16.2 | The Applicant | Lynfield Properties have objected on behalf of a number of affected businesses in Witham [REP3-049]. They are maintaining an objection whilst further discussions can take place. Has this in fact occurred and with what result? |
| Q2.16.3 | The Applicant | The objection on behalf of Prested Hall [REP3-076] refers to the impact on their business. It is noted that a meeting was planned for 16 March 2023. Please confirm the outcome of this. |
| Q2.16.4 | The Applicant | The ExA visited the site of the Fisheries at Little Braxted during the ASI. Photographs of the site have been submitted by Strutt and Parker at REP3-079. This representation outlined the resultant impact on the fisheries business. Can the Applicant explain whether any measures are proposed to mitigate potential impacts of the Proposed Development on the fisheries |

Responses due by Deadline 4: Tuesday 11 April 2023

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| | | business? If so, can it provide a description of such measures and explain how they would be secured through the dDCO or other legal mechanism? |
| 17. Traffic and Transport | | |
| Q2.17.1 | The Applicant | Notwithstanding the submissions made at ISH1 [REP3-012] which outline the Applicant's position in relation to additional traffic in Messing, Inworth and Tiptree, please summarise: <ul style="list-style-type: none"> the alternative options considered which would avoid, reduce or mitigate the additional traffic and its associated noise; and justify the reasons why each option has been discounted. |
| Q2.17.2 | The Applicant | In response to the predicted increase in traffic through Boreham, please confirm which of the traffic mitigation measures proposed by IPs at the ISH [REP3-012] are going to be incorporated in the Proposed Development. For any measures proposed by the IPs not to be incorporated, please detail and justify the reasons for their exclusion. |
| Q2.17.3 | The Applicant | Please provide a summary assessment of the uncertainties in the traffic modelling. This should include an easily understandable metric for quantifying the different uncertainties (numeric or other quantification) to enable the ExA to understand the areas in which the modelling is least reliable and the reasons for the uncertainty. |
| 18. Water Environment | | |
| Q2.18.1 | The Applicant | In relation to proposed works along Inworth Road, what provision would be made within the Proposed Development to address existing flooding issues, as well as any additional flood risk that may arise from the creation of additional impermeable areas? |
| Q2.18.2 | The Applicant | Given that run-off from the Proposed Development is likely to contain contaminants, how have the proposed SuDs features been designed to ensure the removal of these contaminants before the water is discharged back into the water environment? What monitoring is proposed to ensure water quality is protected? |
| Q2.18.3 | The Applicant ECC | In their LIR [REP2-005] ECC referred to several catchments that would not be receiving any treatment prior to discharge. <ul style="list-style-type: none"> Please can ECC clarify where these locations are; and Can the Applicant explain and justify their approach to these locations. |

Responses due by Deadline 4: Tuesday 11 April 2023

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| Q2.18.4 | The Applicant | For the area where increased flood depths within the river channel downstream of the Rivenhall Brook crossing are predicted, the Applicant has confirmed that the river channel is within third party ownership and that they are in the process of engaging with the landowner to obtain permission for the increase in flood depths as a result of the scheme. Can the Applicant provide an update on the progress of this agreement, along with any other locations where such agreements are required? Can the Applicant comment on whether these agreements are likely to be in place by the end of the Examination? |
| Q2.18.5 | The Applicant EA | From submissions to the Examination, it appears that there is a fundamental difference of opinion between the EA and the Applicant with regards to the proposed use of culverts and the design of the extensions to bridges on the 6 new and extended main river crossings. Can the parties explain if/how they are working towards resolving this? Is it possible that this will remain an outstanding area of disagreement at the close of Examination? In answering this question, we would refer the parties to Paragraph 5.227 of the NNNPS. In any further submissions, it would be helpful to reference this paragraph. |
| Q2.18.6 | The Applicant | In relation to the use of culverts, focusing upon those locations where their use is an issue for the EA, can the Applicant explain what alternatives were considered and why these were discounted? |