



Pinsent Masons

**A12 CHELMSFORD TO A120 WIDENING SCHEME – TR010060
DEADLINE 4 SUBMISSION – RESPONSE TO EXQ2 Q2.5.14
ROYAL LONDON UK REAL ESTATE FUND AND EDMUNDSON ELECTRICAL LIMITED
11 APRIL 2023**

1. INTRODUCTION

- 1.1. This submission is made by Pinsent Masons LLP on behalf of its clients Royal London UK Real Estate Fund (**Royal London**) and Edmundson Electrical Limited (**EEL**). This submission is made in response to Q2.5.14 of the Examining Authority's written questions and requests for information (ExQ2), issued on 20 March 2023. It provides the Examining Authority with an update on the current status, from Royal London's and EEL's perspective, of discussions between Royal London / EEL and National Highways (**the Applicant**) as promoter of the A12 to A120 Widening Scheme (**the Scheme**). It also seeks to highlight some continuing issues with the Scheme. Our clients have already made several submissions to the examination, which the Examining Authority will be aware of. For ease of reference, those submissions are as follows:
- a. Royal London: relevant representation [**RR-032**] and written representation [**REP2-100**];
 - b. EEL: relevant representation [**RR-030**] and written representation [**REP2-099**]; and
 - c. Joint submission of Royal London and EEL: written submissions of oral representations made at hearings [**REP3-077**].

2. RESPONSE TO EXQ2 – UPDATE ON DISCUSSIONS WITH THE APPLICANT

- 2.1. As noted by the Examining Authority, a site visit took place on 8 March 2023 between representatives of Royal London, EEL and the Applicant. Prior to that site visit, a meeting took place on 21 February 2023. No further meetings or discussions have since taken place with the Applicant.
- 2.2. During the site visit, Royal London and EEL reiterated the key operational concerns that they continue to have with the Applicant's proposals, in particular the suitability of the access route through EEL's site. Royal London and EEL would like to draw the Examining Authority's attention to the following points arising from the site visit:

Alternatives

- 2.3. Royal London and EEL re-stated their view presented in previous submissions that the Applicant's consideration of alternatives has not been fully or adequately justified. Despite raising this issue on numerous occasions, Royal London and EEL are yet to receive any evidence from the Applicant that the proposed access route is the only suitable option available. The alternatives proposed by Royal London and EEL are illustrated most clearly in the written representations ([**REP2-100** and **REP2-099**]).

'Ref 1' – Cadent Compound

- 2.4. There were discussions during the site visit in relation to the potential for using the neighbouring Cadent compound as an alternative access route. This is 'Ref 1' as referred to in the written representations and the post hearings submission [**REP3-077**]. The Applicant re-stated its previous position that this route would not be feasible due to health and safety / operational concerns.



- 2.5. Royal London and EEL remain dissatisfied with the Applicant's position on this alternative route. The Applicant affirms that it is not possible, but the proposal relates to Cadent's land and it is understood that it is Cadent who are undertaking the design and will be undertaking the relevant works i.e. the diversion of a high-pressure gas pipeline, Work No.U2.
- 2.6. On that basis and as raised at the hearing on 1 March 2023, Royal London and EEL would like to hear directly from Cadent to understand what their view on this proposed alternative is. Royal London and EEL note that Cadent is an interested party in the examination and has set out its objections in several representations. This relates to the various diversions proposed under the Scheme and in respect of the protection of its existing network ([RR-031] and REP2-042]). Royal London and EEL note that at the hearing on 1 March 2023, the Applicant responded to a query from the Examining Authority by stating that that Cadent had objected but not in relation to this part of the Scheme. We do not believe that is correct as Cadent's objection and representations are not specific to any part of the Scheme so it cannot be said that they have not objected to this part of the works.
- 2.7. As a related point, Royal London and EEL also note that Cadent is undertaking "*detailed design of the Diversion routes and will be able to provide an update to the Examining Authority once the detailed design has been finalised*" (paragraph 3.2 of [REP2-042]). It is suggested by the Applicant in respect of "*the gas diversion*" that "*prior to the end of the examination*" the detailed design will have progressed to inform the final alignment and construction methodology, and this will be shared with "*directly affected parties*" [REP3-012] – Royal London and EEL would like confirmation that this relates to the gas diversion they are affected by.
- 2.8. Royal London and EEL have previously queried [REP3-077] why the new pipe could not go straight across and link up to the existing pipework to the north of the current proposals, which would negate any need for access through the EEL site. The Applicant responded to this point during Compulsory Acquisition Hearing 1 and in [REP3-014] by stating that the diversion needs to be made to "one side or the other" of the existing pipeline, as provided for in the Works Plans and the limits of deviation under the dDCO, and this is subject to detailed design.
- 2.9. However Royal London and EEL had understood that it would not be possible to divert to the north of the existing pipeline because of the presence of a stream in that location. This appears to contradict what was stated by the Applicant in the hearing and in the post-hearing submission. If it cannot go to the north for technical reasons, it is unclear why the full extent of the Order limits is still provided for by the Applicant. Royal London and EEL request clarity on this point from the Applicant.
- 2.10. More generally, the optioneering undertaken which resulted in the route shown on the Works Plans Utility Diversions (sheet 1, [AS-003]) has been requested from the Applicant. Consequently, Royal London and EEL would like to know the latest on the progress of this detailed design and be kept updated on any developments. In addition, please note Royal London and EEL's proposed requirement in relation to the diversion works (see 'New Requirement 3' as set out in paragraphs 3.7 and 3.8 of [REP3-077]).

'Ref 2' - Trilux

- 2.11. This alternative option was not considered in significant detail during the site visit. Royal London and EEL note the Applicant's justification for discounting this option in its Written Submission of Oral case for Compulsory Acquisition Hearing [REP3-014]. This submission indicates that it is not suitable due to the route running on top of the existing gas main, plus the powerlines and watercourse in the vicinity. However, Royal London and EEL remain unconvinced and request technical analysis to substantiate the Applicant's position.



'Ref 3' – Directly from the A12

- 2.12. Another key area of discussion at the site visit related to this alternative option. The Applicant has suggested previously that this would not be possible for various reasons, each of which is considered and responded to below:
- a. the “level differences” between the works area and the A12 northbound carriageway would require a substantial temporary works area to construct a safe access – Royal London and EEL reject this assertion. It was demonstrated on the site visit that the carriageway and the proposed works area are effectively level. In addition, Royal London and EEL consider that the topography does not prevent a direct access from the A12. Clearly a works area would be required to construct the access, but Royal London and EEL do not think this would be disproportionate in size or cost.
 - b. there would be transport impacts from the access works in a busy area. The Applicant has not provided any data or evidence in terms of numbers of HGVs and potential consequential effects or how the transport impacts compare to the current proposal through the EEL site. Royal London and EEL would welcome seeing that information.
 - c. for safe access and egress, temporary traffic management would be required on the A12 mainline carriageway and J19 northbound exit slip-road –
 - (i) Royal London and EEL acknowledge that appropriate management will need to be put in place to ensure that this access can be used safely. However, there are clear practical measures which could be implemented to reduce the impact on the A12 and the Applicant confirmed that it would discuss with its traffic team about potential impacts on Junction 19 for this alternative. No further information has been provided and is requested from the Applicant.
 - (ii) Separately, Royal London and EEL contest the suggestion that there necessarily would be impacts on the slip-road. It was demonstrated during the site visit that access to the relevant work site directly from the A12 could be provided before the slip-road.
- 2.13. Royal London and EEL are of the view that the site visit re-iterated that 'Ref 3' is a viable option and consider that the Applicant must consider it in more detail.
- 2.14. To summarise on alternatives, Royal London and EEL consider that each of the three options referred to above may be viable. Royal London and EEL request that the Applicant responds to the position on each alternative and provides any technical information to support their position.

Issue with the current proposed route

Existence of run-off tank (or similar)

- 2.15. During the site visit the location of a run-off tank (believed to be for petrol or oil) beneath the Applicant's proposed access route was raised. A plan showing the location of this tank is included at Appendix 1.
- 2.16. Royal London and EEL consider that it will be necessary to investigate this further as there are likely to be weight restrictions in this area preventing the Applicant and Cadent using the access for the purposes required and the issue does not appear to have been considered previously. Royal London and EEL are of the view that investigative work should be undertaken by them at the Applicant's cost to determine the position. Royal London and EEL have raised this with the Applicant but wanted to draw it to the attention of the Examining Authority.



Impact on EEL

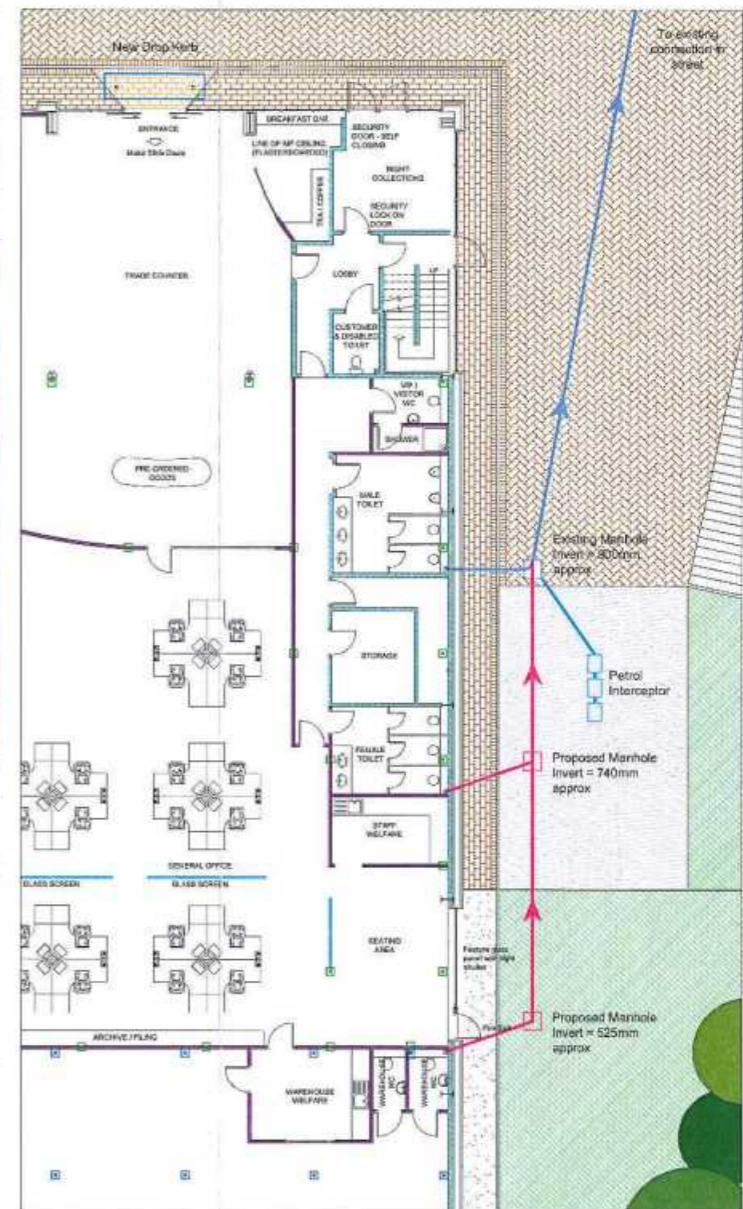
- 2.17. EEL notes the reference in the Applicant's Written Submission of Oral Case for Compulsory Acquisition Hearing [REP3-014] to the impact on EEL expected to be "*minimal as the order limits have been designed not to encroach on any of the parking bays*". EEL reiterated at the site meeting that the impact on parking is not the principal issue on this point and the fact that the parking bays are not affected does not result in a minimal impact to the operation of EEL's business. It is difficult to quantify the commercial impact at the moment given the lack of detailed information provided by the Applicant in terms of quantity, size, frequency, duration of vehicles accessing this route, [REP1-002].
- 2.18. EEL notes that the Applicant indicates that it is waiting for EEL to provide a 'commercial impact assessment'. EEL is not at the moment able to provide this commercial impact assessment given the lack of information provided as outlined above but considers that the impact is likely to be significant and continue after the works have been completed (customers and trade going elsewhere as a result of traffic and access difficulties and delays). EEL requests further details from the Applicant in terms of quantity and size of movements proposed over the access such that it can complete an assessment.

3. **CONCLUSION**

- 3.1. Royal London and EEL believe that the site visit was helpful in demonstrating the key operational concerns with the Applicant's proposals and that there are three feasible alternatives to the proposed access route. These routes need to be considered further by the Applicant. Royal London and EEL re-iterate that, at present, their view is that the impact from the Scheme on their relevant land interests, which derives from the selection of the access route, is not justified. In addition, Royal London and EEL request that the Applicant covers the costs of investigating the impact from the run-off tank on the suitability of the proposed access route and that the Applicant and Cadent provide further details of the frequency, duration, quantity and size of vehicles proposed over the access such that it can complete a commercial assessment of the impact.



APPENDIX



Exploded View - NTS