

A12 Chelmsford to A120 widening scheme

TR010060

8.21 Statement of Common Ground with The National Farmers Union

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A12 Chelmsford to A120 widening scheme
Development Consent Order 202X

Statement of Common Ground with The National Farmers Union

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P01.1	31/03/2023	For Deadline 4

STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) National Highways Company Limited and (2) The National Farmers Union.

Signed... 

PHILIP DAVIE

Project Manager

on behalf of National Highways

Date: 11/04/23

Signed.....

[NAME]

[POSITION]

**on behalf of the National Farmers
Union**

Date: [DATE]

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2 Introduction

2.3 Purpose of this document

- 2.3.1 This Statement of Common Ground ("SoCG") has been prepared in respect of the proposed A12 Chelmsford Widening ("the Application") made by National Highways Company Limited ("National Highways") to the Secretary of State for Transport ("Secretary of State") for a Development Consent Order ("the Order") under section 37 of the Planning Act 2008 ("PA 2008").
- 2.3.2 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and/or the Planning Inspectorate website.
- 2.3.3 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.

2.4 Parties to this Statement of Common Ground

- 2.4.1 This SoCG has been prepared by (1) National Highways as the Applicant and (2) The National Farmers Union (NFU).
- 2.4.2 National Highways became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing National Highways made provision for all legal rights and obligations of the Highways Agency, including in respect of the Application, to be conferred upon or assumed by National Highways.
- 2.4.3 The NFU represents more than 46,000 farming and growing businesses. Their purpose is to champion British agriculture and horticulture, to campaign for a stable and sustainable future for British farmers and to secure the best possible deal for their members. The NFU strive to protect and promote British farm life and give their members a voice now and in the future.

2.5 Terminology

- 2.5.1 In the tables in the Issues chapter of this SoCG, "Not Agreed" indicates a final position, and "Under discussion" where these points

will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. “Agreed” indicates where the issue has been resolved.

- 2.5.2 It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to NFU, and therefore have not been the subject of any discussion between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to NFU.

3 Record of Engagement

- 3.3.1 A summary of the meetings and correspondence that has taken place between National Highways and NFU in relation to the Application is outlined in table [3.1].

Table 3.1 Record of Engagement

Date	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
1 st February 2021	MS Teams Meeting	Survey access, sharing of plans and information, Landowner meetings prior to Statutory Consultation.
15 th July 2021	MS Teams Meeting	Borrow Pit justification and strategy, slow moving vehicles, Walking, Cycling & Horse Riding Routes (WCH), environmental mitigation land, temporary land.
10 th February 2022	MS Teams Meeting	<ol style="list-style-type: none"> 1. Consultation with Landowners 2. Voluntary agreements 3. Agricultural Land Drainage 4. Amount of land taken for the scheme, 5. Environmental Mitigation, BNG and Impact on agricultural businesses, 6. NH access for Maintenance – rights only 7. Unwanted Access 8. Borrow Pits – temporary 9. Restriction of Agricultural Vehicles on the A12 10. Soil & Environmental Management Plan
29 th June 2022	Email	Sharing of the following pre application documents: <ul style="list-style-type: none"> • GA Plans • Draft Borrow Pits Report • Draft Streets, Rights of Way and Access Plans • Draft EMP
20 th March 2023	MS Teams meeting	Discussion regarding the NFU’s written representation to the DCO.

Date	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
30 th March 2023	MS Teams meeting	Discussion regarding the draft SoCG and each point raised within it.
30 th March 2023	Email	Sharing of the draft SoCG for NFU review

- 3.3.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) National Highways and (2) The NFU in relation to the issues addressed in this SoCG.

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3 Issues

3.1 Issues Agreed

Table 3.1 Issues Agreed

Ref	Issue	Doc Reference	NFU Position	National Highways Position	Status	Date
1	Agricultural Liaison Officers	APP-184 (6.5 First Iteration Environmental Management Plan, table 2.1, page 17)	An ALO to be appointed by the Developer prior to the commencement of the Works and will be the primary contact for ongoing engagement about practical matters with the Landowner	The Agricultural Liaison Officer (ALO) will be appointed by the Principal Contractor (PC) prior to the commencement of the works and would be the primary contact for ongoing engagement about practical matters with the landowners, the occupier (if applicable) and their respective agents prior, throughout and after the construction of the proposed scheme. The PC would be permitted to appoint more than one ALO if required.	Agreed	30 th March 2023
2	Record of Condition	APP-184 (6.5 First Iteration Environmental Management Plan – 5.3, page 28)	<p>A Record of Condition will be undertaken pre -construction and will include the following:</p> <ul style="list-style-type: none"> Existing crop regimes The position and condition of existing field boundaries The condition of existing access arrangements The location and type of existing private water supplies The type of agricultural use taking place; The condition of crops (if at a stage this can be assessed) The quality of grazing land The existing weed burden Soil Resource Survey report Weather conditions Date of survey Grid reference <p>Photographs, drone and video footage including section drawings/plans should be included in the record of condition (If necessary), alongside the SRS report and should be provided to the landowner and occupier, for agreement, prior to entry to the landholding.</p>	A record of condition/pre-entry condition survey will be undertaken prior to taking possession of agricultural land that will be temporarily possessed from landowners and occupiers (if applicable) and that will be returned to agriculture on completion of the Scheme. This will include the detail requested by the NFU.	Agreed	30 th March 2023
3	Irrigation	APP-184 (6.5 First Iteration Environmental Management Plan, table 2.1, page 17)	<p>Details of the irrigation system on each land holding, where relevant, will be gathered during the detailed design stage and irrigation plans will be developed including;</p> <ul style="list-style-type: none"> Location of boreholes and water supplies used by each farmer; Irrigation or impoundment licence granted by the EA; and System of irrigation applied and the location of irrigation network for each field. 	<p>The ALO role would gather details of irrigation systems prior to works commencing on that specific land parcel as specified by the NFU at Ref 3 and would include the following additional responsibilities:</p> <ul style="list-style-type: none"> coordinating drainage surveys with the landowner or occupier; coordinating water supply statements; and liaising with owner/occupiers regarding measures to be implemented to maintain livestock water supplies which may be affected due to construction works and fencing requirements both during and post construction. 	Agreed.	30 th March 2023

Ref	Issue	Doc Reference	NFU Position	National Highways Position	Status	Date
4	Agricultural Land Drainage	APP-184 (6.5 First Iteration Environmental Management Plan, table 2.1, page 17)	Particular care will be taken to ensure that the existing land drainage system is not compromised as a result of construction. Land drainage systems will be maintained during construction and reinstated on completion.	The ALO role includes coordinating drainage surveys with the landowner or occupier. Land drainage would be protected during construction and reinstated in accordance with Appendix N: Water Management Plan of the First Iteration Environmental Management Plan [APP-198] paragraphs N.11.27 to N.11.34.	Agreed.	30 th March 2023
5	Soils	APP-184 (6.5 First Iteration Environmental Management Plan, table 2.1, page 17)	The preliminary or main works contractor shall produce and provide to landowners and occupiers if necessary, Preconstruction Soils Statements for areas of agricultural land within individual land holdings that will be temporarily occupied during the preliminary and main construction of the Scheme. These shall provide a baseline schedule of soil condition against which the restoration of the soil will be assessed. The statements shall identify soils resource topsoil and subsoil unit plans and shall include, as a minimum, all pre-construction soil survey information obtained.	As detailed in Ref 2, Soil Resource Survey information will be provided to landowners and occupiers for agricultural land to be temporarily possessed and that will be returned to agriculture. Details of the soil parameters recorded by the Soil Resource Survey are detailed in Table 3.2 Ref 19.	Agreed.	30 th March 2023
6	Private Water Supplies	APP-184 (6.5 First Iteration Environmental Management Plan, table 2.1, page 17)	Where an existing mains or private water supply to a farm is adversely and directly affected by the construction of the Scheme, the main works contractor shall, if requested by the farmer or landowner to do so, provide or procure or meet the reasonable cost of the provision of an alternative supply of water.	RDWE 43 in Appendix A: Register of Environmental Actions and Commitments (REAC) [APP-185] confirms that monitoring of existing licensed and unlicensed groundwater abstractions potentially impacted by the proposed scheme will take place and where monitoring indicates an impact during the proposed work, a temporary replacement water supply would be provided, where practicable. If monitoring demonstrates a long-term impact, an alternative solution would be proposed.	Agreed.	30 th March 2023
7	Temporary use of land for carrying out the authorised development	dDCO	It is noted that in the DCO at Article 40 'Temporary use of land for carrying out the authorised development' it is stated that a 14 day notice has to be served before taking entry. At a minimum the NFU will want to see a 28 day notice being served before entry is taken on to land on a temporary basis.	National Highways has agreed to a 28 day notice period, this will be updated within the 2 nd Iteration EMP.	Agreed	30 th March 2023

3.2 Issues in discussion

Table 3.2 Issues in discussion

Ref	Issue	Doc Reference	NFU Position	National Highways Position	Status	Date
8	Biosecurity	APP-184 (6.5 First Iteration Environmental Management Plan,	The main works contractor shall comply with the requirements of DEFRA and appropriate guidance to avoid, as far as possible, the spread of soil-borne crop and animal diseases. The main works contractor will implement appropriate measures to control run-off to reduce any risks associated with disease transmission.	<p>Biosecurity risks relating to soil borne diseases and their management are outlined in Appendix M: Soil Management Handling Plan of the First Iteration Environmental Management Plan [APP-197] at paragraphs M.5.4 and M.5.14. Biosecurity risks would be identified in advance of soil stripping via consultation, and good practice measures put in place as applicable, to reduce the potential for soil-borne disease (crop and animal disease) and pathogen transfer between different areas of agricultural land. This may include segregation of soils and cleaning/disinfection of machinery where appropriate.</p> <p>The control measures and management of biosecurity will be developed further within the Second Iteration Environment Management Plan taking into account relevant guidance including DEFRA.</p>	Under Discussion - NFU to review the Soil Handling Management Plan provided	30 th March 2023
9	Voluntary agreements		The NFU would like to see NH having meaningful negotiations with landowners to seek a voluntary agreement and accommodating landowner's requirements where possible with compulsory purchase only being a last resort.	<p>National Highways is looking to secure agreement in as many cases as possible by the end of Examination. In order to achieve this:</p> <ul style="list-style-type: none"> • 31 offers are being prepared, • 9 offers have been made with 1 accepted, • 39 landowners are in discussions with National Highways, • National Highways is waiting for a response from 21 landowners, • 5 landowners have indicated that they are not interested in acquisition by agreement. <p>The nature of the scheme makes it difficult to secure agreement with all parties. Acquisition by agreement is being progressed with all landowners that are willing to negotiate (see the Status of Negotiations submitted at Deadline 4 for the latest position).</p>	Ongoing	30 th March 2023
10	Permanent Land Acquisition		The NFU raised concerns in the consultations regarding the amount of land that is proposed to be acquired on a permanent basis. Feedback from agents and members is that some landowners would like to retain a lot of these areas and would prefer for these to be taken temporarily, which include areas for borrow pits, ecological mitigation and balance ponds.	In relation to the borrow pit sites, National Highways has outlined a mechanism to the four affected landowners which would allow ownership of the borrow pit areas to be retained by the landowners. The approach to compensation has been discussed and draft Heads of Terms are currently being prepared with a view to reaching agreement before	Not agreed	30 th March 2023

Ref	Issue	Doc Reference	NFU Position	National Highways Position	Status	Date
				<p>the end of the examination period if landowners are in agreement.</p> <p>The provisions regarding the restoration of land in Article 40 (4) of the dDCO prevents National Highways relying on temporary powers for the extraction of materials from land used as borrow pits as all temporary works must be removed and the land restored to the reasonable satisfaction of the owners of the land. The permanent change in condition of the land means that permanent acquisition is appropriate, if powers in the Order are to be relied upon because agreement has not been secured.</p> <p>Not owning the freehold of the land required for essential mitigation would expose National Highways to the risk of criminal sanctions due to a breach of the DCO were any subsequent disposal to be made of the land or any management agreement breached. As explained in those written submissions, National Highways' only remedy in such circumstances would be to seek to enforce the management agreement against the landowners in the civil courts, whilst itself facing criminal liability.</p> <p>Criminal liability cannot be 'contracted out' or transferred by legal agreement and therefore it is National Highways' view that there is no legal mechanism that would appropriately protect it from the potential criminal liability referred to.</p>		
11	Habitat Mitigation and Biodiversity Net Gain	(ENVIRONMENTAL STATEMENT APPENDIX 9.14 BIODIVERSITY NET GAIN REPORT [APP-138	Further to the response submitted to the consultation the NFU would still like to receive clarification as to why so much land is being taken for habitat mitigation and it is understood that (NH) have now identified a 25.01% biodiversity net gain for onsite habitat, 36.06% for Hedgerows and 156.73% gain for rivers. These figures do demonstrate a significant biodiversity net gain and the NFU would like further information on how this gain is being achieved. The NFU has asked for clarity on if land is being acquired for BNG purposes only.	<p>A Biodiversity Net Gain (BNG) report (Environmental Statement, Appendix 9.14, Biodiversity Net Gain Report [APP-138]) has been prepared and submitted as part of the DCO. This provides details on the BNG performance of the proposed scheme and how it will be achieved</p> <p>National Highways has provided a response to NFU's Relevant Representation RR-024-003 [REP1-002] on this matter which sets out that there is no land within the Order Limits which the Applicant proposes to acquire purely for the purposes of biodiversity net gain. Land which would be acquired for other purposes, such as ecological mitigation for protected species, landscape mitigation for screening of visual impacts and verges of the proposed scheme would have a secondary benefit of contributing towards biodiversity net gain. Details of the purpose for which</p>	Under Discussion - NFU to review Information provided	30 th March 2023

Ref	Issue	Doc Reference	NFU Position	National Highways Position	Status	Date
				<p>compulsory Acquisition and temporary possession powers are sought are set out within Annex A of the Statement of Reasons [APP-042].</p> <p>Biodiversity Net Gain would be achieved through habitat retention, creation and enhancement (for watercourses only) on-site post-construction (as presented in Table 3 of Appendix 9.14: Biodiversity Net Gain Report, of the Environmental Statement [APP138]). Proposals include grassland, pond and woodland creation as well as enhancement to river corridors.</p>		
12	Powers to Survey Land	dDCO	It is noted that in the DCO under Article 26: Authority to survey and investigate the land under 26.1 (b) ii it is stated that HE can discharge water from sampling operations. The NFU would like further detail on the types of sampling that is to be undertaken and the quantities water that could be discharged.	<p>As set out in RR-024-005 [REP1-002] - Specific details of the quantity and nature of water to be discharged and the sampling requirements for such discharge, are not known at this stage.</p> <p>Where required the ALO will provide explanations of why surveys are being completed prior to the the survey. This will be included within the Second Iteration Environment Management Plan</p>	Under Discussion – NFU to review Information provided	30 th March 2023
13	Balance Ponds		The NFU would like information to be provided to explain why there are so many balance ponds required for the scheme. The NFU would like to see further negotiations with landowners especially in regard to the design and refinement of balance ponds and to see whether some of the balance ponds could be relocated next to field boundaries to minimise the impact on farmland.	National Highways has responded and detailed the reasons for the number of balance ponds within RR-024-007 [REP1-002]	Under Discussion – NFU to review Information provided	30 th March 2023
14	Dust	APP-184 (6.5 First Iteration Environmental Management Plan)	It is noted that within the FIEMP that dust will be controlled during construction, but clarification is needed on how dust will be controlled during construction to protect arable crops.	National Highways' response to NFU's Relevant Representation RR-024-009 provides information on the control of dust as it relates to arable crops. In accordance with paragraph E.3.8 of the Dust Management Plan (DMP) [APP-189], the DMP to be included within the second iteration EMP will be updated to give details of measures to limit dust from specific construction activities and/or locations including, but not limited to, borrow pit excavations, earthworks, demolition, and the storage and handling of materials.	Under Discussion - NFU to review Information provided	30 th March 2023
15	Prohibition of Agricultural Vehicles		The A12 is used as a main route by a lot of agricultural businesses. NFU members are concerned regarding the suitability of local routes which will increase congestion and impact highway safety if more agricultural vehicles are moved to local roads in particular through Witham, Kelvedon High Street and around Marks Tey.	<p>NH has responded to this within RR-024-010 [REP1-002]. The responses details NH's position and that NH has undertaken a Programme-level Safety Risk Assessment (SRA) to document the safety impacts of Slow Moving Vehicles (SMVs) such as tractors and combine harvesters, as they are affected by design approach set out in document GD 300 within the Design Manual for Roads and Bridges. The SRA process balances risks to users of trunk roads and users of local roads in rural and urban areas, as well as risk to workers and other people affected.</p> <ul style="list-style-type: none"> • That SRA evaluates both options ie, 	Under Discussion - NFU to review Information provided	30 th March 2023

Ref	Issue	Doc Reference	NFU Position	National Highways Position	Status	Date
				<ul style="list-style-type: none"> retaining SMVs on A12 following scheme construction; and prohibition of SMVs from trunk roads to local roads following scheme On high-speed dual carriageway roads, vehicles travelling at a much lower speed than other vehicles affect many aspects of safety such as merge and diverge manoeuvres, and the likelihood of shunt collisions when drivers fail to anticipate a slow-moving vehicle. Motorcyclists can be especially at risk in primary incidents, for example a collision with a tractor. They are also vulnerable to secondary incidents, for example a car driver suddenly changing lanes to avoid a collision with a slow tractor may fail to see an adjacent motorcycle. 		
16	Clarity on the Agricultural liaison Officer role	APP-184 (6.5 First Iteration Environmental Management Plan,	<p>1 The ALO (or their company) will be contactable between 7am and 7 pm during the construction phase of the Works by and with the Landowner, the Occupier (if applicable) and their respective agents and will provide 24-hour team or company contact details for use in the event of emergency.</p> <p>2. The ALO will have relevant experience of working with landowners and agricultural businesses and will have knowledge of the compulsory acquisition process (if required) and working on a linear infrastructure project.</p> <p>3. The ALO will remain appointed for up to one year after completion of the Works in order to manage remediation issues.</p>	<p>A Community Liaison Manager (CLM) will be appointed on the proposed scheme to manage all community relations and will be the first point of contact for all community queries. The CLM will be supported by an ALO who will provide relevant & correct advice based on their agricultural knowledge and experience. The CLM and ALO will be contactable between the hours of 8am and 6pm. Outside of these hours an emergency phone number will be provided.</p> <p>The CLM will remain appointed for 1 year after completion of the main works to manage remediation issues and they will be supported by the ALO as required.</p>	Under Discussion - NFU to review Information provided	30 th March 2023
17	Clarity on Agricultural Liaison Officers responsibility	APP-184 (6.5 First Iteration Environmental Management Plan, table 2.1, page 17)	<p>The role of the ALO will involve having responsibility for liaising with the Landowner, the Occupier (if applicable) and their respective agents in respect of the following:</p> <p>1.1.1 The ALO will coordinate the provision of the Schedule of Condition and Pre-Construction Soil Survey.</p> <p>1.1.2 The ALO will also undertake pre-construction liaison with affected parties to minimise disruption, where possible, to existing farming regimes and timings of activities (which will include endeavouring to keep the Landowner informed at least 3 months in advance (where practicable) of the Developer's intention to take entry in order to commence the Works);</p> <p>1.1.3 Provide preconstruction survey information to landowners including company name, survey type and equipment to be used, an estimate of how long the surveys are expected to take and where surveys are to take place on land outside of the Order limits, an explanation of why such land is required;</p>	National Highways will include the responsibilities listed by the NFU within the Second iteration EMP. The exception to this will be the requirement to complete quarterly meetings with the landowners – Instead this will be done as and when required/requested by the landowner.	Under Discussion - NFU to review Information provided	30 th March 2023

Ref	Issue	Doc Reference	NFU Position	National Highways Position	Status	Date
			<p>1.1.4 coordinating drainage surveys and sharing pre and post construction drainage schemes with the Landowner or Occupier (if applicable) in advance for their consideration;</p> <p>1.1.5 coordinating water supply statements;</p> <p>1.1.6 ensuring the Landowner and the Occupier (if applicable) are consulted in respect of requirements to field entrances and accesses across the Works to landlocked and severed land parcels;</p> <p>1.1.7 Liaise with owner/occupiers regarding:</p> <p>(a) measures to be implemented to maintain livestock water supplies which may be affected due to construction works;</p> <p>(b) fencing requirements both during and post-construction;</p> <p>1.1.8 Liaise with landowners prior to any proposed discharges to existing drains if any such discharge is necessary;</p> <p>1.1.9 discussing the location, grouping, and marking of Inspection Chambers with the Landowner and the Occupier (if applicable);</p> <p>1.1.10 advising on risks relating to the translocation of soil diseases, where necessary, and ensuring appropriate protective provisions are implemented;</p> <p>1.1.11 Liaise with affected landowners/occupiers about activities which may affect their land/business prior to public release of information about those activities;</p> <p>1.1.12 Liaise with the affected landowners/occupiers regarding balancing pond locations;</p> <p>1.1.13 Liaise with the affected landowners/occupiers regarding gate design where agricultural access is required;</p> <p>1.1.14 Liaise with private water abstractors should any pollution incidents occur which may impact on private water supplies;</p> <p>1.1.15 arranging quarterly meetings with the Landowner, the Occupier (if applicable) or their respective agent representatives;</p> <p>1.1.16 Undertake pre-construction and day-to-day discussions with affected owner/occupiers to minimise disruption, where possible, to existing farming regimes and timings of activities;</p> <p>1.1.17 Undertake site inspections during construction to monitor working practices and compliance of the contractor/s with their obligations to owner/occupiers under this EMP;</p> <p>1.1.18 discussing and agreeing reinstatement measures following completion of the Works;</p>			
18	Agricultural Land drainage		<p>1. The services of a suitably qualified drainage consultant who will have experience of working in the region, will be employed by the contractor to act as a drainage expert during the detailed design process and liaise with landowners or occupiers (through the ALO) to consult on the pre and post drainage schemes required. This will include the design of any land drainage works required during construction, and on the design and timing of any land drainage works required for the subsequent restoration of the land. This process will take due regard of any local and site-specific knowledge.</p> <p>2. Existing agricultural land drains, where encountered during the construction of each phase, will be appropriately marked. The location of drains cut or disturbed by the construction works will be photographed, given a unique number and logged using GPRS coordinates. The actual</p>	National Highways can confirm that a suitably qualified drainage consultant will be used. The specific points set out in Ref 18 are currently under internal National Highways discussion.	Under Discussion	30 th March 2023

Ref	Issue	Doc Reference	NFU Position	National Highways Position	Status	Date
			<p>condition and characteristics (e.g. depth of installation, pipe type and diameter) of the existing drainage will also be recorded upon excavation.</p> <p>3. During the construction works, temporary drainage will be installed to intercept existing field drains and ditches to maintain the integrity of the existing field-drainage system during construction. Such measures will also assist in reducing the potential for wet areas to form during the works, thereby reducing the impact on soil structure and fertility. Drainage systems however will not be installed into areas where they are not currently present, e.g. environmental wetlands.</p> <p>4. Any field drainage intercepted during construction will either be reinstated following reinstatement of the land or diverted to a secondary channel. Landowners and occupiers will be informed of the design of drainage works required during construction, including: pipe layout, falls, dimensions and outfalls (if required). The drainage would be reinstated in a condition that is at least as effective as the previous condition and will follow best practice for field drainage installations taking into account site specific conditions.</p> <p>5. Where it is reasonable for the reinstatement of drainage to involve works outside of the order limits it will be done subject to the agreement of the landowner.</p> <p>6. Landowners and occupiers will be provided with the opportunity to inspect land drainage works as they progress, subject to health and safety considerations. Furthermore, records of existing and remedial drainage will be maintained by the contractor with copies provided to the Landowner (and the Occupier, if applicable) following the completion of construction works in each phase.</p> <p>7. A dispute resolution process will be established including the appointment of a jointly agreed Independent Expert, who shall have at least 5 years experience of dealing with land drainage issues in the region, for drainage design and implementation, if required. Where agreement cannot be reached on the appointment of the expert the matter will be referred to the President of the Institution of Civil Engineers.</p>			
19	Soil Resource Survey	APP-184 (6.5 First Iteration Environmental Management Plan	<p>Preconstruction Soils Statements for areas of agricultural land within individual land holdings that will be temporarily occupied during the preliminary and main construction of the Scheme.</p> <p>The Pre-Construction Soil Survey will include the identification of the physical characteristics of profiles at a standard density of 100 metre intervals (with additional profiles examined where the 100 metre grid sampling does not enable a suitable density of sampling in an agricultural enclosure that will otherwise be missed). Soil pits will be examined at appropriate locations to provide additional detail on soil structure. The Pre-Construction Soil Survey will also provide information on the following physical soil characteristics:-</p> <p>a) soil horizon depths for topsoil and subsoil horizons;</p>	<p>A specification for the Soil Resource Survey (SRS) has been developed and will be agreed with Natural England in accordance with the Statement of Common Ground with Natural England.</p> <p>The SRS will fulfil the scope as defined by the <i>Construction Code of Practice for the Sustainable Use of Soils on Construction Sites</i>. As such, the SRS will:</p> <ul style="list-style-type: none"> involve the collection of soil samples for laboratory testing of key determinands; 	Under Discussion - NFU to review Information provided	30 th March 2023

Ref	Issue	Doc Reference	NFU Position	National Highways Position	Status	Date
			b) soil textures of all horizons; c) soil colour; d) stone contents, estimated from augering, confirmed by soil pit excavation/and or sample analysis; e) presence and characteristics of mottling, a soil wetness indicator; f) presence of manganese concretions, a soil wetness indicator; g) identification of gleyed horizons; h) identification of slowly permeable layers; and i) identification of impenetrable rock layers.	<ul style="list-style-type: none"> address spatial gaps in the ALC data where land access was not available at the time of the survey, or where the Order Limits have since extended; and investigate soils in non-agricultural land that will be impacted by the scheme. <p>The specification of the SRS states that in-situ observations for all soil horizons will be recorded in accordance with the Soil Survey Field Handbook , with the minimum set of descriptors to include horizon type and depth, colour (assessed using a Munsell soil colour chart), mottling abundance and contrast, manganese concretions, stone size and abundance, soil-water state, structure, consistence (including plasticity), wetness class, root size and abundance, and boundary distinction and identification of gleyed horizons, slowly permeable layers and impenetrable rock layers.</p> <p>As detailed in National Highways response to Natural England Relevant Representation RR-184-010 [REP1-002] the survey density of the ALC survey already completed and reported in Chapter 10: Geology and Soils [APP-077] was agreed with Natural England and corresponded to a density of approximately 1 observation per 1.3ha within the surveyed areas.</p> <p>The specification of the SRS to be agreed with Natural England states that the rate of sampling generally conforms to a rate of 1 sample location per 4 ha as a minimum, with at least one sample location per field within the Order Limits. SRS locations are scheduled where non-agricultural land was identified from the ALC survey or aerial imagery. ALC survey locations are scheduled to address spatial gaps in the existing ALC data and conform to an observation density of around 1 per 2 ha, with a higher density where soil types are anticipated to be variable.</p>		
20	Monitoring of Soil During the Works	APP-184 (6.5 First Iteration Environmental Management Plan	1. The Developer's soil expert shall consult with the landowner/occupier (through the ALO if necessary) to assess as to whether to continue with or commence the Works in circumstances where long term and/or adverse weather conditions have led to cumulative wetting of the land so as to make it unsuitable for the Works to be carried out, provided that this regulation shall not apply where the Developer is required to work on stone or other similar material (including inter alia roads, access tracks and compounds). 2. Works that have been suspended or not commenced under paragraph 1, may be carried out only with consultation having taken place with the Soil Expert and the landowner/occupier. The Soil Expert may suggest the conditions necessary before works start again. 3. Soil will be stored and managed in accordance with DEFRA Construction Code of Practice for Sustainable Use of Soils on	National Highways has provided updates to each point below: 1. National Highways has an agreed position with Natural England on the handling of soils in wet conditions following Natural England's Relevant Representation RR-184-014 and National Highways response [REP1-002]. The second iteration Environmental Management Plan will include rainfall and soil moisture criteria referred to in the Good Practice Guide for Handling Soils in Mineral Working guidance. This guidance, alongside implementation and monitoring protocols to be detailed within the second	Under Discussion - NFU to review Information provided	30 th March 2023

Ref	Issue	Doc Reference	NFU Position	National Highways Position	Status	Date
			<p>Construction Sites (Ref PB1328) or the latest relevant available guidance.</p> <p>4. The Developer shall as far as reasonably practicable reinstate and put back subsoil and top soil into the same condition as it was in prior to its opening or breaking up for the purpose of carrying out the Works but shall not be obliged to reinstate the soil into any better condition than as evidenced by the Schedule of Condition and the Pre-Construction Soil Survey.</p> <p>5. The Developer shall procure that any topsoil stripped from agricultural land shall be preserved and stored in a bund.</p> <p>6. Any damaged topsoil will be replaced with topsoil of equivalent grade (The Developer shall use reasonable endeavours to procure is free of contamination or disease).</p> <p>7. The subsoil will be stored in a separate bund to the topsoil.</p> <p>8. If required in accordance with Environment Agency Guidelines, the Developer shall install around each relevant bund entrenched vertical entrapment fences (also known as silt fences) provided that even if it is not required in accordance with Environment Agency Guidelines, the Developer may still choose (but shall not be obliged) to install the same.</p> <p>9. If requested by the Landowner/occupier each topsoil bund that has been in situ for more than 6 (six) months shall be seeded with a rapid-growing grass mix to minimise erosion.</p> <p>10. The Soil Expert shall carry out an assessment to consider where water may pond on subsoil in the stripped working area and, where appropriate, shall determine (such determination to be binding on both parties) means to drain this water away through the bund;</p> <p>11..The Developer shall procure the control of weed growth on the topsoil and subsoil bunds (and otherwise on the Construction Strip) before the weeds flower, where necessary hand roguing wild oats or black grass and taking precautions not to allow weed spray to drift onto adjoining crops adjacent to the Construction Strip.</p> <p>12. The subsoil from agricultural land shall be loosened (by appropriate sub-soiling) before any top soil is returned.</p>	<p>iteration EMP would help ensure that soils are handled in suitable conditions and limit long-term damage.</p> <p>2. The agreed position with Natural England referred to in point 1. above includes criteria for the recommencement of work following wet conditions.</p> <p>3. Soils will be stored and managed in accordance with Appendix M: Soil Handling Management Plan of the first iteration Environmental Management Plan [APP-197]. As detailed in paragraph M.3.1 soil management will be undertaken following the DEFRA Construction Code of Practice for the Sustainable Use of Soils on Construction Sites where practicable. Section M.6 contains information on the management of stored soils.</p> <p>4. Soils will be reinstated in accordance with Appendix M: Soil Handling Management Plan of the first iteration Environmental Management Plan [APP-197] with details of the management of soil restoration provided in section M.7 Soil Restoration. As per Ref's 2, 5 and 21 of this SoCG, a record of condition/pre-entry condition survey and Soil Resource Survey will be undertaken and this will inform the reinstatement of land temporarily possessed and to be returned to agriculture.</p> <p>5. Soils will be temporarily stored in stockpiles in accordance with Appendix M: Soil Handling Management Plan of the first iteration Environmental Management Plan [APP-197].</p> <p>6. Soils will be managed in accordance with Appendix M: Soil Handling Management Plan of the first iteration Environmental Management Plan [APP-197] to protect soils and maintain their quality for future use before being returned to their original location where practicable or reused elsewhere on the proposed scheme. In accordance with Paragraph M.7.12 of the Soil Management Handling Plan Damaged topsoil may be replaced where appropriate with topsoil of an equivalent quality with reference to the soil resource plan and schedule of condition (the Principal Contractor shall use reasonable endeavours to procure soil free from contamination or disease).</p> <p>7. Soils will be temporarily stored in stockpiles in accordance with Appendix M: Soil Handling Management Plan of the first iteration Environmental Management Plan [APP-197] and topsoils and subsoils will be segregated (refer to paragraph M.6.2).</p>		

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				<p>8. To minimise the effects of storage, soil stockpiles would be shaped in a manner that facilitates the shedding of water and avoids the potential for ponding. The stockpiles would be monitored for signs of ponding, as indicated by standing water, and erosion. Where it occurs, temporary drainage measures, regrading and/or silt fencing would be put into effect. This is detailed in paragraph M.6.5 of Appendix M: Soil Handling Management Plan of the first iteration Environmental Management Plan [APP-197].</p> <p>9. Where the duration of storage of soils in stockpiles is greater than six months, the stockpile surface will be seeded with a mix of grass and clover. This is detailed in paragraph M.6.10 of Appendix M: Soil Handling Management Plan of the first iteration Environmental Management Plan [APP-197].</p> <p>10. Refer to National Highways response to point 8. above.</p> <p>11. In accordance with paragraph M.6.10 of Appendix M: Soil Handling Management Plan of the first iteration Environmental Management Plan [APP-197], any weeds that have established on the stockpiles would be managed during summer months by the application of appropriate herbicide, by spraying techniques to kill off the weeds (taking precautions not to allow herbicide spray to drift onto adjacent crops), or by cutting techniques such as mowing and strimming to prevent any possible seed dispersion.</p> <p>12. In accordance with paragraph M.7.5 of Appendix M: Soil Handling Management Plan of the first iteration Environmental Management Plan [APP-197] appropriate cultivation and decompaction measures would be undertaken during reinstatement for topsoils, subsoils and their receiving substrates, for example loosening with ripping equipment.</p>		
21	Soil restoration and Aftercare	APP-184 (6.5 First Iteration Environmental Management Plan	<p>Restoration of agricultural land and aftercare: Where land is to be restored to agriculture the main works contractor shall liaise with the landowner / occupier, through the ALO, and set out the detail for restoration on each specific area of farmland. The land restoration will proceed with full consultation between the landowner/occupier and the main works contractor including inspection of works where applicable and in accordance with requisite site health and safety procedures.</p> <p>Where land is to be used temporarily and returned to the landowner/occupier, the ALO will carry out the following:</p> <p>a) liaise with the landowner on the working methods and the detail for restoration of each specific land parcel and the restoration of the soil</p>	<p>Aftercare of restored agricultural land is detailed in paragraphs M.7.17 to M.7.21 of Appendix M: Soil Handling Management Plan of the Environmental Management Plan [APP-197]. In these paragraphs there are commitments that the ALO will be responsible for discussing and agreeing reinstatement measures with the landowner/occupier; and the ALO will undertake inspections of restored agricultural land with the landowner/occupier where issues arise requiring potential remedial measures.</p>	Under Discussion - NFU to review Information provided	30 th March 2023

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			<p>shall be assessed against the baseline schedule of soil condition (pre-construction soil statement);</p> <p>b) the schedule of aftercare maintenance is to include soil testing, appropriate to the target specification for a period of up to five years following completion of the relevant construction work.</p> <p>c) undertake site inspections during construction to monitor working practices and compliance of the contractors with their obligations to landowners and occupiers under the FIEMP;</p> <p>d) liaise with the landowner/occupier on the reinstatement measures following completion of the works;</p> <p>e) During the aftercare period, there will be annual monitoring of physical soil characteristics and soil nutrient levels to set aftercare management requirements for the following year. Undertake inspections of restored agricultural land with the landowner/occupier and the Developer's soil expert to assess the progress of the restoration;</p> <p>f) coordinate the appropriate remedial actions or compensation agreed within the parameters of the compensation code and/or any previous agreements made at the time of acceptance of the initial restoration works and handover to the landowner/occupier.</p> <p>The land will be handed back to the landowner/occupier at the earliest opportunity once the restored land is in a suitable condition to be returned to its former use.</p> <p>The landowner shall approve and agree the reinstatement works before and after soil replacement. A final report to determine the final handover condition of the agricultural soil will be produced.</p>			

Acronyms

Abbreviation	Term
BNG	Biodiversity Net Gain
dDCO	Draft Development Consent Order
DEFRA	Department for Environment, Food and Rural Affairs
EMP	Environmental Management Plan
SoCG	Statement of Common Ground

