

A12 Chelmsford to A120 widening scheme

TR010060

8.17 Statement of Commonality for Deadline 4

Rule 8(1)(e)

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A12 Chelmsford to A120 widening scheme

Development Consent Order 202[]

Statement of Commonality for Deadline 4

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Statement of Commonality



1 Introduction

1.1 Purpose of this document

- 1.1.1 This Statement of Commonality for Statements of Common Ground (this Statement) relates to an application made by National Highways (the Applicant) to the Planning Inspectorate to the Planning Inspectorate under Section 37 of the Planning Act 2008 (the 2008 Act) for a Development Consent Order (DCO). If made, the DCO would grant consent for the Applicant to undertake the A12 Chelmsford to A120 Widening Scheme (the Scheme). A detailed description of the Scheme can be found in Chapter 2: The Proposed Scheme of the Environmental Statement [APP-069].
- 1.1.2 This Statement has been prepared to provide the Examining Authority (the ExA) with the current position on Statements of Common Ground (SoCG) between National Highways and prescribed consultees, statutory undertakers and Interested Parties (other parties) in relation to the Scheme.
- 1.1.3 This Statement also provides a current position on the commonality on specific points between SoCG's at Examination Deadline 4 on 11 April 2023.



2 Structure of Statements of Common Ground

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



3 List of Statements of Common Ground

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

Table 3.1 List of SoCG's at Deadline 4

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



Brice Aggregates Limited*

National Farmers Union (NFU)

3.1.5 Regarding the Maldon District Council SoCG that was previously submitted at Deadline 2, an update to this SoCG is not being submitted at Deadline 4 for the reasons explained in paragraph 6.5.2 of this Statement.



4 Summary of current position

- 4.1.1 This section provides the current position of each SoCG.
- 4.1.2 Table 4.1 provides a high-level position and where necessary includes further detail to aid understanding. The high-level positions used in the table are:
 - a) **Final Signed SoCG all matters agreed** The final SoCG has been signed by both parties and all matters are agreed.
 - b) **Final Signed SoCG with matters outstanding** The final SoCG has been signed by both parties and there remain matters outstanding that the Applicant and the other party agree will not be resolved during the Examination.
 - c) **SoCG** in **draft** The SoCG has been drafted by the Applicant, it has been shared with the other party and comments have been provided. Discussion is ongoing to reach a 'Final Signed SoCG all matters agreed' or 'Final Signed SoCG with matters outstanding' This category is split into the following sub-categories:

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

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

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

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

Table 4.1 SoCG Current Positions

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



Document Reference	Party	Position at Deadline 2 13 February 2023	Position at Deadline 4 11 April 2023	Position at Deadline 6 12 June 2023	Position at Deadline 7 3 July 2023
TR010060/EXAM/8.11	Maldon District Council	SoCG in draft (SC4)	SoCG in draft (SC3)		
TR010060/EXAM/8.14	Braintree District Council	SoCG in draft (SC4)	SoCG in draft (SC4)		
Prescribed Consultees	S				
TR010060/EXAM/8.1	Natural England	SoCG in draft (SC3)	SoCG in draft (SC4)		
TR010060/EXAM/8.2	Environment Agency	SoCG in draft (SC3)	SoCG in draft (SC4)		
TR010060/EXAM/8.3	Historic England	SoCG in draft (SC2)	SoCG in draft (SC3)		
TR010060/EXAM/8.7	The Crown Estate Commissioners	SoCG in draft (SC2)	SoCG in draft (SC2)		
TR010060/EXAM/8.6	Messing and Inworth Parish Council and Messing and Inworth Action Group (MIAG)	SoCG in draft (SC2)	SoCG in draft (SC2)		
TR010060/EXAM/8.15	Boreham Parish Council	SoCG in draft (SC2)	SoCG in draft (SC2)		
TR010060/EXAM/8.16	Witham Town Council	SoCG in draft (SC2)	SoCG in draft (SC2)		
TR010060/EXAM/8.19	Hatfield Peverel Parish Council	-	SoCG in draft (SC4)		
TR010060/EXAM/8.20	Essex Police	-	SoCG in draft (SC4)		
Statutory Undertakers					



Document Reference	Party	Position at Deadline 2 13 February 2023	Position at Deadline 4 11 April 2023	Position at Deadline 6 12 June 2023	Position at Deadline 7 3 July 2023
TR010060/EXAM/8.4	Essex Waterways Limited on behalf of Chelmer and Blackwater Navigation Limited	SoCG in draft (SC2)	SoCG in draft (SC3)		
TR010060/EXAM/8.5	Network Rail Infrastructure	SoCG in draft (SC2)	SoCG in draft (SC3)		
TR010060/EXAM/8.21	Anglian Water	SoCG in draft (SC3)	SoCG in draft (SC3)		
TR010060/EXAM/8.13	Cadent Gas Limited	SoCG in draft (SC2)	SoCG in draft (SC3)		
Interested Parties					
TR010060/EXAM/8.8	Brice Aggregates Limited	SoCG in draft (SC4)	SoCG in draft (SC3)		
TR010060/EXAM/8.21	National Farmers Union (NFU)	-	SoCG in draft (SC3)		



5 Commonality

- 5.1.1 This section of the Statement provides a summary of principal issues covered in the SoCG's and demonstrates where there is commonality in the topics or matters.
- 5.1.2 The table is presented to show topics covered within the various SoCG and how these are relevant to each other party and a position for each topic as follows:

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

5.1.3 Where a matter is not relevant, or of interest, to the other party, it is not included within the SoCG and therefore not covered in Table 5.1 and shown as a blank.



Table 5.1 Table of Commonality at Deadline 4

	Table 5.1 Table of Commonality at Deadline 4																								
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Party	Draft DCO	Protective Provisions	Other Consents and Licenses	Consultation and Engagement	Design and Engineering	Detrunking	Outline Construction Traffic Management Plan and associated documents	First Iteration Environmental Management Plan and Register of Environmental Actions and Commitments (REAC)	Assessment of Alternatives	Local Planning Policy	Landscape and Visual	Cultural Heritage	Biodiversity (including Arboriculture)	Biodiversity Net Gain	Traffic and Transport	Air Quality	Noise and Vibration	Road Drainage and the Water Environment	Geology and Soils	Population and Health	Material Assets and Waste	Cumulative Effects	Climate	Replacement Land	Compulsory Acquisition
Colchester Borough Council																									
Chelmsford City Council																									
Essex County Council																									
Maldon District Council																									
Braintree District Council																									
Natural England																									
Environment Agency																									
Historic England																									
The Crown Estate Commissione rs																									
Messing and Inworth Parish Council and Messing and Inworth																									



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



6 Position at Deadline 4 (11 April 2023)

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

6.2 Colchester Borough Council

- 6.2.1 A draft SoCG was shared with Colchester Borough Council on 28 March 2023 and comments received on 28 March 2023.
- 6.2.2 The key issues under discussion are:
 - Traffic flows
 - Listed buildings
 - Construction effects on Easthorpe
 - Archaeology
 - Landscape impact
 - Protected hedgerows
 - Air quality modelling
 - Noise Junction 24

6.3 Chelmsford City Council

- 6.3.1 A draft SoCG was shared with Chelmsford City Council on 22 March 2023 and comments received on 5 April 2023.
- 6.3.2 The key issues under discussion are:
 - Noise and vibration
 - Air Quality and monitoring
 - Traffic Main Road, Boreham and Junction 19, Boreham Construction of Paynes Lane Bridge
 - Construction timing at Junction 19
 - Landscape and visual
 - Cultural Heritage
 - Biodiversity

6.4 Essex County Council

6.4.1 A draft SoCG was shared with Essex County Council on 17 March 2022 and comments received on 6 April 2023. Two new items were requested to be included (2.58 and 2.59) on 6 April 2023. The Applicant has agreed



to include them but noting that it has been unable to add its considered response to them prior to submission.

- 6.4.2 The key issues under discussion are:
 - De-trunking
 - Junction 21
 - Junction 24
 - Main Road, Boreham
 - Inworth Road/Messing
 - Monitoring
 - Construction
 - Walking, cycling and horse-riding

6.5 Maldon District Council

- 6.5.1 A draft SoCG was shared with Maldon District Council on 30 March 2023.
- The Applicant received a response to the draft from the Council on 3 April 2023. Due to timescales the Applicant has not had the opportunity to respond to the further information provided by the Council for the Deadline 4 submission. However, a meeting has been organised with Maldon District Councill to go through the SOCG on 18 April 2023. An updated SoCG has therefore not been submitted at Deadline 4.
- 6.5.3 The key issues under discussion are:
 - Cadent Gas Main
 - Junction 21
 - Traffic

6.6 Braintree District Council

- 6.6.1 A draft SoCG was shared with Braintree District Council on 20 March 2023 and comments received on 30 March 2023.
- 6.6.2 The key issues under discussion are:
 - Ownership of Land
 - Arboriculture
 - Noise
 - Replacement land

6.7 Natural England

- 6.7.1 A revised draft SoCG was shared with Natural England on 30 March 2023.
- 6.7.2 The key issues under discussion are:



- Bat survey and methodology results
- The draft bat licence following initial feedback from Natural England the Applicant has amended the licence which has been reissued to Natural England.
- Agricultural land classification surveys, soil resources surveys and soil handling mitigation.

6.8 Environment Agency

- 6.8.1 The draft SoCG submitted by the Applicant at Deadline 2 [REP2-008] has been reviewed by the Environment Agency and their comments discussed by the parties on 30 March 2023.
- 6.8.2 The key issues under discussion are
 - The biodiversity and ecology impacts of the culverting proposals.
 - The design of Watercourse crossings
 - Biodiversity Net Gain
 - Assessment of aquatic ecology
 - Ordinary watercourses
 - Drainage basins
 - Consideration of extreme flood events.
 - Environmental permits

6.9 Historic England

- 6.9.1 A draft SoCG was shared with Historic England on 1 February 2023 and comments have not yet been received.
- 6.9.2 The key issues under discussion are:
 - Potential impacts on designated cultural heritage sites and scheduled monuments.
 - Assessment of palaeolithic, environmental and geoarchaeological potential.
 - Assessment of value of non-designated archaeological remains.
 - Impacts and designated and non-designated heritage assets Effects of changes in the groundwater regime on buried archaeological remains and grade I and II* listed buildings.

6.10 The Crown Estate Commissioners

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



on 17 March 2023, from which a number of actions for both parties are being worked through

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

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

- 6.11.1 A draft SoCG was shared with both Messing and Inworth Parish Council and the Messing and Inworth Action Group (MIAG) on 20 January 2023. An updated version of the draft SoCG has not been submitted for Deadline 4 as no change to the status of topics has been made and therefore the SoCG remains as it did at Deadline 2. The Applicant continues to send offers of meetings, the most recent of which was 24 March 2023.
- 6.11.2 The key issues under discussion are:
 - Junction 23, Junction 24 and 'The Main Alternative'
 - Traffic levels in Messing and Inworth
 - Extent of proposed works in and around Inworth village
 - Assessment of bypasses
 - Engagement
 - Flooding
 - Air Quality
 - Noise and vibration
 - Road Safety and speeding
 - Cultural Heritage All Saints Church, Inworth
 - Draft DCO and the extent of powers sought
 - Compulsory Acquisition
 - Design of Inworth Road roundabout
 - Monitoring

6.12 Boreham Parish Council



- 6.12.1 A draft SoCG has been drafted and was shared with Boreham Parish Council on 13 February 2023. An updated version of the draft SoCG has not been submitted for Deadline 4 as no change to the status of topics has been made and therefore the SoCG remains as it did at Deadline 2. The Applicant continues to send offers of meetings, the most recent of which was 16 March 2023.
- 6.12.2 The key issues under discussion are:
 - Main Road, Boreham
 - Air Quality
 - Noise and vibration
 - Removal of Junction 20a

6.13 Witham Town Council

- 6.13.1 A signed draft SoCG was submitted at Deadline 2.
- 6.13.2 Discussions are ongoing with Witham Town Council and further meetings and engagements have been held, in particular with regards to agreeing an alternative area of replacement land.
- 6.13.3 Whilst discussions have been productive, outstanding matters have not yet been agreed or changed status and therefore the SoCG remains as it did at Deadline 2, therefore no update has been submitted for Deadline 4.
- 6.13.4 The key issues under discussion are:
 - Loss of land
 - Replacement Land
 - Slow Moving Vehicles
 - Traffic
 - Operational and Construction noise and
 - Landscape

6.14 Hatfield Peverel Parish Council

- 6.14.1 A draft SoCG was shared with Hatfield Peverel Council on 27 March 2023 and comments received on 28 March 2023.
- 6.14.2 The key issues still under discussion are:
 - Traffic
 - Construction
 - Air Quality

6.15 Essex Police



- 6.15.1 A draft SoCG was shared with Essex Police on 17 March 2023 and a meeting was held on 21 March 2023 to discuss the comments made by Essex Police.
- 6.15.2 The key issues still under discussion are:
 - Proposed de-trunked sections.
 - Protest response plan.
 - Average speed cameras on local road network.
 - Traffic Regulation Orders.
 - Traffic Manager Officer post.
 - Abnormal Indivisible Loads (AlL's).

6.16 Essex Waterways Limited on behalf of Chelmer and Blackwater Navigation Limited

- 6.16.1 A draft SoCG was shared with Essex Waterways Limited (EWL) on 7
 February 2023 and comments are awaited. Discussions have been
 happening since February 2022 and a meeting with EWL took place on 3
 April 2023 and good progress has been made.
- 6.16.2 The key issues under discussion are:
 - Land Take and impact along River Chelmer
 - Access, use and adverse effects of towpath
 - Disapplication of legislation in DCO
 - The detailed design of the outfall into the Chelmer; Scour protection from outfall Adverse effects on EWL interests

6.17 Network Rail Infrastructure Limited

- 6.17.1 A draft SoCG was shared with Network Rail Infrastructure on 9 February 2023 and comments received at Deadline 3. Discussions commenced with Network Rail in August 2021. Weekly meetings have been happening since July 2022 with extensive collaboration since 20 March 2023 between both parties.
- 6.17.2 Both parties reviewed the SoCG on 31 March 2023 and progressed outstanding issues. The key issues still under discussion are:
 - Business and Technical Clearance. National Highways is awaiting further detail around objections so they can be worked through.
 - Protective Provisions, Framework Agreement and Overbridge Agreement or Asset Protection Agreement.
 - Interactions with Network Rail and Countryside Zest including maintenance access to pedestrian bridge, and forthcoming land



transfer from Countryside Zest to Network Rail. Overlay plans to be drafted.

- Detailed design elements including on NR embankments, signal sighting and interactions with New Beaulieu Park Station, design of Paynes Lane Bridge.
- Land take at plot 2/18b.

6.18 Anglian Water

- 6.18.1 Discussions with Anglian Water (AWS) have been undertaken as part of a Position Statement since January 2022. Since February 2023, a SoCG has been developed to capture bespoke protective provisions for the benefit of Anglian Water. An updated draft SoCG was shared with Anglian Water on 24 March 2023.
- 6.18.2 The key issues under discussion are:
 - The protection of access to the Witham Water Recycling Works (WWRW) along Blackwater Lane. National Highways may take temporary possession of this access under the DCO.
 - Connectivity of land owned by Witham Town Council for nature conservation purposes. Anglian Water assert that National Highways must include a connection for nature conservation purposes to the land owned by Witham Town Council, subject to the agreement of Witham Town Council.
 - Proposed removal of trees at eastern boundary of WWRW (odour screening). Anglian Water have advised that these trees provide screening in respect of the odour arising out of the WWRW.
 - AWS access requirements to assets to the area to the east of the A12 to the Whetmead Nature Reserve to access the surface water outfall on plot no 9/1q.
 - New AWS rising main at Junction 19 on Countryside Zest Ltd land. The new main has been installed and is now considered as an existing asset. National Highways is to ensure the access route through Countryside Zest land is not impacted by the Proposed Scheme.
 - Access at Hatfield Peverel Pumping Station whilst River Ter bridge modifications are carried out.
 - AWS wishes to be included as a consultee through inclusion on the on-going Surface Water Management investigations and designs.
 - The possible relocation of Essex and Suffolk Water Main Route into plot no's 9/10a and 9/b is considered to cause AWS operational issues.



- The draft DCO contains a statement regarding the Deferment of renewal which will not be accepted by AWS.
- Existing Brian Bridge to be main

6.19 Cadent Gas Limited

- 6.19.1 A draft SoCG was shared with Cadent Gas Limited on 6 February 2023 to address their comments received on their representation.
- 6.19.2 An SoCG is being developed to capture bespoke protective provisions for the benefit of Cadent Gas since February 2023. An updated draft SoCG was shared with Cadent Gas on 15 March 2023.
- 6.19.3 The issues currently under discussion are:
 - Protective Provisions.
 - Cadent's rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the order limits should be maintained at all times and access to inspect such apparatus must not be restricted.
 - Cadent is not yet satisfied that the DCO includes all land and rights required to accommodate diversions as detailed design studies will need to influence these requirements.
 - Cadent will require National Highways to obtain and grant to Cadent adequate rights to lay, access, protect and maintain apparatus on Cadent's standard easement terms or equivalent rights acquired by compulsion including the imposition of restrictive covenants to protect apparatus.

6.20 Brice Aggregates Limited

- 6.20.1 A draft SoCG was signed with Brice Aggregates Limited at Deadline 2. For Deadline 4 a design meeting was held with the Interested Party on 21 March 2023 and a subsequent meeting on 24 March was held with the agent for the Brice's to agree updates to the draft SoCG. The updated version was sent to the agent on 31 March 2023.
- 6.20.2 The key issues under discussion are:
 - Land take
 - Environmental offsetting
 - Balancing ponds
 - Environmental/ecological mitigation land
 - Red line boundary
 - Farming operations and access
 - Agricultural vehicle use of the A12



- Access
- Commercial shoot, lets access and lets disruption
- Restoration of Quarry
- Operation and design of Quarry
- Compound access
- Grassland
- Rose Cottage visibility slays and access
- Coleman's Reservoir Fishery pollution, temporary loss of swims and the ability for members to walk around the reservoir.

6.21 National Farmers Union

- 6.21.1 A draft SoCG was shared with the NFU on 29th March 2023 and discussed during a meeting on the 30 March 2023. The NFU is currently reviewing the draft SoCG and will respond ahead of DCO Deadline 6.
- 6.21.2 The key issues still under discussion are:
 - Biosecurity
 - Permanent land acquisition
 - Voluntary agreements
 - Habitat mitigation and biodiversity net gain
 - Powers to survey the land
 - Dust Balance ponds
 - Prohibition of agricultural vehicles
 - Agricultural land drainage
 - Soil resource survey, soil monitoring and soil restoration and aftercare