



National Infrastructure
Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer
Services: 0303 444 5000
e-mail: A12chelmsfordA120@planninginspectorate.gov.uk

All Interested Parties and Statutory
Parties

Your Ref:

Our Ref: TR010060

Date: 9 June 2023

Dear Sir/Madam

Planning Act 2008 – section 89; and The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 9

Application by National Highways for an Order Granting Development Consent for the A12 Chelmsford to A120 Widening Scheme

Procedural Decision following request to make changes to the application

We are writing to inform you of a Procedural Decision made by the Examining Authority (ExA) following the Change Application made by the Applicant dated 30 May 2023 (Examination Library references [AS-068 to AS-101]). All documentation referred to herein has been published under the 'Documents' tab on the [A12 Chelmsford to A120 Widening Scheme | National Infrastructure Planning \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk) of the National Infrastructure Planning website.

Procedural Decision on Changes to the Application

Following the submission of a Change Notification [AS-049], and our subsequent response, [PD-011], the Applicant submitted their Change Application on 30 May 2023.

In summary, the proposed changes sought by the Applicant are:

- Re-design of the proposed north-bound on-slip road at Junction 19;
- The exclusion of the proposed Anglian Water pumping station from land proposed for compulsory acquisition at Hatfield Peverel;
- Changes to the provision of proposed replacement land at Whetmead, plus additional consequential changes to reflect a change of ownership for open space in the Witham area that occurred subsequent to the submission of the DCO application;
- Changes to the proposed drainage works associated with proposed works along the B1023 Kelvedon Road at Inworth;
- Removal of the proposed segregated left turn lane at proposed Junction 24/Inworth Road B1023; and

- Removal of the proposed signalised crossroads and partial signalisation of the existing roundabout at Junction 25/A120.

More details on the changes sought can be found in the Applicant's Change Application Summary Report [AS-083].

Following the submission of the Change Notification [AS-049], the environmental implications of the proposed changes were discussed at Issue Specific Hearing 3 on 26 April 2023. No substantive issues were raised by any parties at this hearing.

Prior to the submission of the Change Application, the Applicant undertook consultation with Interested and Statutory Parties. Consultation ran from Thursday 13 April 2023 to Sunday 14 May 2023. Details of the consultation process, along with the responses received was submitted alongside the Applicant's Change Application in their Consultation Report [AS-077].

In reaching our conclusions, the ExA has reviewed the information provided and assessed the Applicant's request in line with paragraphs 109 to 115 of the DCLG Guidance 'Planning Act 2008: Examination of Applications for Development Consent' and the Planning Inspectorate's ['Advice Note 16: Requests to change applications after they have been accepted for examination'](#) Version 3 (March 2023).

The ExA concludes that the proposed changes, either individually or cumulatively, are not so substantial that they would constitute a materially different project and the proposed changes are not considered to lead to the project being different in nature or substance to that which was originally applied for in August 2022.

Having reviewed the detail before us, whilst the proposed change to the land around the proposed Anglian Water pumping station would result in a change to the status of the land in relation to compulsory acquisition, we note that it would result in a reduction in the land required to be acquired compulsorily. We are therefore satisfied that the Applicant has demonstrated that s123 of the PA2008 has been complied with and, as such, the prescribed procedures of the Compulsory Acquisition Regulations do not apply.

Furthermore, the Environmental Statement Addendum [AS-098] did not identify any change in or new significant effects for any topics assessed in the Environmental Statement. We are therefore also satisfied by the evidence, including the responses from Interested Parties, that there will be no new or different likely significant environmental effects as a result of the proposed changes.

For these reasons, the ExA have therefore made the Procedural Decision to accept the Applicant's Change Application and the proposed changes, as set out above.

This letter forms part of the change request recommended procedures as set out in the Planning Inspectorate's ['Advice Note 16: Requests to change applications after they have been accepted for examination'](#), Version 3 (March 2023).

If you have any questions about any of the matters raised in this correspondence, please contact the Case Team using the details provided at the top of this letter.

Yours faithfully

Adrian Hunter

Adrian Hunter
Lead Member of the Panel of Examining Inspectors

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