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To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Deadline 6 submission
Date: 22 June 2023 15:04:45
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Bunting rep below.



**Nick Dexter BSc MA MRTPI | Senior Director
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From: Hugh Wastenev [REDACTED]@stanfords-colchester.co.uk>
Sent: Thursday, June 22, 2023 2:08 PM
To: Nick Dexter [REDACTED]@ardent-management.com>; James Moody
[REDACTED]@rutherfordproperty.co.uk>
Cc: Laura Crumpton [REDACTED]@ardent-management.com>
Subject: RE: Deadline 6 submission

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Hi Nick,

Thanks for letting us know. Please see our submission wording below.

'This submission at deadline 6 is made on behalf of The Bunting Family. It relates to the proposed A12 Chelmsford to A120 widening scheme being promoted by National Highways by way of an application for a Development Consent Order.

Firstly, we will provide a brief update on the status of our objection and the progression of discussions with National Highways to overcome these objections. Draft Heads of Terms for a side agreement were drafted by us and sent to National Highways/Ardent at the beginning of April, and a response was not received until 18th May. Whilst progress is being made and we are close to reaching agreement on a number of points, there are many fundamental parts of our objection which are yet to be resolved and for many we are still somewhat apart from reaching an agreement. Tracked changes to the draft Heads of Terms for the side agreement were provided to National Highways/Ardent w/c 22nd May and we are currently awaiting a response.

Discussions with the District Valuer remain stalled pending agreement of Heads of Terms for a side agreement. Our current position remains that we maintain our objection to the elements detailed in our original relevant representation for the reasons specified.

The second part of this submission provides a response to the Examining Authorities Questions 3 (EXQ3) that are relevant to us. The format below includes the Examining Authority's question followed by our response in *italics*:

Q3.5.10

Question - Following from the previous query at Q3.5.9 above, if it is possible to import 650,000 cubic metres from external sources, then if this contingency supply is not required at Colemans Quarry, is it not possible for these materials to be used for the Project which would reduce the requirement for the four Borrow Pits identified? The reasoning provided by the Applicant in REP5-020 is noted.

Borrow Pit J in fact consists of four separate pits separated by hedgerows. The import of material could enable the loss of one or a number of pits which make up Borrow Pit J which would minimise the impact on the Bunting's farming operation. The Buntings preference would be pits are removed from the proposals in an east to west direction (from the proposed junction 24 towards Highfields Lane).

Q3.5.13

Question - The owner of the fourth Borrow Pit is the Bunting family (Pit J) and their adviser raised a number of questions at CAH2. These may to some extent have been answered in the latest Borrow Pits Summary and an update is requested from both sides?

Our response to this depends upon the extent to which the latest Borrow Pits Summary report addresses the queries at Issue Specific Hearing 3. On that basis we comment thus based on the numbering used in NH document '9.53 Written submission of oral case for Issue Specific Hearing 3' (referenced TR010060/EXAM/9.53 and dated 10/05/23)

6.2

The NH response indicates that the original Borrow Pits report (ref TR010060/APP/7.8 Rev 1 dated August 2022) did not include 445, 000m³ of 'granular engineering fill' as this report 'focused on four borrow pits and excluded materials expected to be won from off site' – we understand this to mean that originally it was assumed that the granular engineering fill would be imported from off site, not won from Borrow Pit J. It is noted that the Supplementary Borrow Pits Report (referenced TR010060/EXAM/9.12 indicated and dated 30 January 2023) indicated 425 000m³ of such material was needed but that NH's response and recently provided Borrow Pits Summary Report (referenced TRP10060/EXAM/9.59 and dated 10 May 2023) now indicate 445 000m³. Based on NH's response, it appears that of the 445 000m³ of 'granular engineering fill' 300 000m³ is now required from Borrow Pit J. So 145 000m³ is to be imported, this being indicated to be 'higher quality' aggregates that cannot be obtained from Borrow Pit J or elsewhere on site.

From the above it would appear that originally NH assumed that 445 000m³ of 'engineered granular fill' would be imported from off-site sources and we assumed that they had budgeted for that. After the original borrow pit report was written NH then decided to reduce that to 145

000m³ by deciding to excavate 300 000m³ of such material from Borrow Pit J. Why was this change made? What was wrong with the offsite source originally assumed? The response indicates that the granular soils from Borrow Pit J is to be used as Class 6 (selected granular fill for specific engineering applications) and could be used as Class 1 fill 'if required'. It remains unclear as to what is the volume of Class 6 material required for the project – NH to confirm. It remains unclear as to what 'if required' means. What would trigger the use of Class 1 material from Borrow Pit J? This should be confirmed by NH. How might the risk of triggering requirements/event be minimised by NH?

NH indicate that the overburden will be used to backfill Borrow Pit J, at least in part, if these materials are not used to backfill Colemans Quarry. However, it remains unclear from the response as to how the quarry operator is being incentivised to meet the programme.

Borrow Pits Summary Report (referenced TRP10060/EXAM/9.59 and dated 10 May 2023) indicates that the planned works for Colemans Quarry include 600 000m³ of imported fill. Why can this not be increased to 950 000m³ for the contingency plan rather than using the overburden from Borrow Pit J? It is just a contingency and NH seemed confident the risk of this contingency plan being adopted is low. This would give the Bunting Family confidence that Borrow Pit J could be backfilled, at in least in part, with the overburden materials (which are likely to be more suitable to their needs than Class U1A materials as discussed below)

6.4

It is already known from previous supplied documents that some of the materials excavated from the main works may contain elevated concentrations of sulphur bearing compounds and so may have a potential risk of heaving if treated with lime. It would seem that NH have assumed that this risk is sufficiently high (even if additional or other additives are used) based on initial testing to determine the TPS alone. It remains unclear if NH have undertaken heave testing to confirm their assumption. It would seem not from their response, otherwise they would have explicitly said so. It remains unclear as to what trials using other additives or combination of additives have been undertaken to confirm whether or not they could address the potential heave issue (if indeed an actual issue). It would seem not from their response, otherwise they would have explicitly said so. The response therefore does not address our concerns. We are keen for the excavation of Borrow Pit J to be minimised through maximising the reuse of soils arising from the main works and this possibility does not seem to have been considered in suitable detail. Maximising the reuse of site won soils (which may otherwise be discarded) arising from the main works may bring a number of cost and environmental benefits. We would suggest that NH do not rule this option out until further testing is undertaken to confirm matters.

6.3 – raised by others

The response seems to discuss all the borrow pits and indicates NH 'intend to win earthworks material above the groundwater table'. We welcome this, however, this is caveated with the works 'as far as practicable'. How is 'practicable' determined, by whom and based on what basis?

6.9

NH do not indicate a suitable specification for the placement and compaction of the materials to backfill Borrow Pit J. By definition Class U1A materials do not comply with the Specification for Highways works and this is also re-iterated in the response ('unsuitable for engineering purpose'). Consequently they are likely to be difficult to compact to suitable specification to form a

development platform required for the intended redevelopment of the site. Although not re-stated in the response it was understood from NH that decayable materials will not be included in the materials to be placed. As NH have not provided a specification and given the nature of backfill materials, WSP (on behalf of the Buntings) could suggest a specification to them. For example, an end product specification suitable to form a development platform – with NH then to determine whether and how they could treat/modify, place and compact Class U1A materials to meet such an end product specification. This could be discussed with NH alongside the following items.

NH are willing to explore the possibility of excavating above the groundwater table. While this is an open ended and non-committal statement, it is nevertheless welcome. However, clarification is required in respect of how and when such discussions are to take place? Also see item 6.3 above.

NH are willing to explore the possibility of backfilling to above the groundwater table. As above, while this is an open ended and non-committal statement, it is nevertheless welcome provided that the materials are placed to a suitable specification – see above. As above, clarification is required in respect of how and when such discussions are to take place?

6.10

The response confirms that the cost assessment does include for dewatering activities. The response refers to Borrow Pits Cost Information [REP3-023] Appendix 4, Table 4.4 item 100.01 'Temporary works'. We assume NH mean 100.02 'Dewatering – BP J' of Borrow Pits Summary Report (referenced TRP10060/EXAM/9.59 and dated 10 May 2023). This is costed at £649,000. It remains unclear as to what form of dewatering is anticipated to inform this costing. This should be confirmed by NH. The original Borrow Pit report (ref TR010060/APP/7.8 Rev 1 dated August 2022) suggests pumping from sumps. Are NH confident that this is appropriate given the shallow groundwater level anticipated, relatively high permeability of the deposits they intend to excavate, the proximity of the R. Blackwater? Also does this include the suitable disposal of the pumped water, bearing in mind that part of the site seems to have been used as a landfill (although not fully investigated by NH at this stage). Such considerations may impact on the assumed unit cost of soils from Borrow Pit J and this in turn may make alternative sources more appropriate. These matters should be considered by NH.

We remain keen to continue to engage with National Highways to try to resolve the principles of our objection, but in the absence of reaching an agreement with National Highways, our position remains that we strongly object to the proposed Order.'

Thanks,

Hugh

Hugh Wastenev BSc (Hons) MRICS
Associate

For & on behalf of Stanfords

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From: Nick Dexter [REDACTED]@ardent-management.com>

Sent: Thursday, June 22, 2023 1:07 PM

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Subject: Deadline 6 submission

Hi both,

The Bunting response submitted at deadline 6 appears incomplete (cuts off at 6.10). Would it be possible to forward on the document. Link here: [TR010060-002584-Stanfords on behalf of J A Bunting & Sons - Any further information requested by ExA.pdf](https://tr010060-002584-stanfords.on.behalf.of.j.a.bunting&sons-any.further.information.requested.by.exa.pdf) (planninginspectorate.gov.uk)

Many thanks,

Nick.



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