

PLANNING ACT 2008

INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

**WRITTEN SUBMISSIONS OF NFU REGARDING THE A12 CHELMSFORD TO A120 WIDENING
SCHEME DEVELOPMENT CONSENT ORDER 201 [...]**

PLANNING INSPECTORATE REFERENCE NO TR010060

**SUBMISSIONS OF NATIONAL FARMERS UNION ON THE – EXAMINERS THIRD WRITTEN
QUESTIONS**

DATE 12th JUNE 2023

1.0 Introduction

- 1.1 Submissions on behalf of the National Farmers Union (“NFU”) in respect of the application for a Development Consent Order (DCO) by National Highways (NH) for the A12 Chelmsford to A120 Widening Scheme. The NFU is making a case on behalf of its members who are affected by the proposed DCO.

2.0 Third Written Questions:

2.1 Compulsory Acquisition, Temporary Possession and Other Land or Right Considerations Q3.5.7 : Environmental Mitigation Agreements

The NFU are aware that where National Highways are required under the Development Consent Order (DCO) to provide ecological mitigation, any non-compliance of this requirement would put them in breach of the DCO. The NFU understands that failure to comply with the terms of the DCO, could result in criminal liability under the Planning Act 2008.

The NFU, however would like to reiterate that where a landowner wishes to retain land that is used for environmental mitigation and are willing to enter into a management agreement, then they would comply with the terms rather than the land be acquired permanently. As outlined within REP4-093, the NFU would expect the drafting of the agreement to reserve the right for National Highways to monitor that the obligations under the agreement are being carried out, and in the event of non-compliance the applicant would have the right to enter upon the land and carry out the maintenance themselves to ensure that they were able to meet their obligations under the DCO. This would enable National Highways to ensure that environmental mitigation areas are managed and monitored and provides the ability for National Highways to retain the right to carry out the management of the areas in the event of non-compliance to avoid any potential criminal sanctions.

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Dated: 12th June 2023