

A12 Chelmsford to A120 widening scheme

TR010060

8.17 Statement of Commonality for Deadline 6

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Statement of Commonality for Deadline 6

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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 SoCGs at Examination Deadline 6 on 12 June 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 SoCGs 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 has prepared 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 has been beneficial to do so to assist with the Examination.
- 3.1.2** The parties which the Applicant has prepared SoCGs with at Deadline 6 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.

Table 3.1 List of SoCGs at Deadline 6

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) * (see comment at 3.1.4)
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)

- 3.1.4** Submission of a SoCG with Messing and Inworth Parish Council and MIAG was requested by the ExA in the Rule 8 letter dated 20 January 2023. An Additional Submission by the Interested Parties was accepted by the ExA on 25 May 2023 [AS-065] which outlined their position on not wishing to progress the SoCG with National Highways. As the Interested Parties have indicated there are no matters of commonality between themselves and National Highways, this SoCG is no longer being progressed.

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 comments have been 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)
 - **Sub-category 5** – SoCG has been shared with party, comments have been received and a final version (agreed position for close of the Examination) of the SoCG has been signed (SC5)

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 City Council	SoCG in draft (SC4)	SoCG in draft (SC4)	SoCG in draft (SC4)	
TR010060/EXAM/8.10	Chelmsford City Council	SoCG in draft (SC3)	SoCG in draft (SC3)	SoCG in draft (SC3)	

Statement of Commonality

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/8.12	Essex County Council	SoCG in draft (SC4)	SoCG in draft (SC4)	SoCG in draft (SC4)	
TR010060/EXAM/8.11	Maldon District Council	SoCG in draft (SC4)	SoCG in draft (SC3)	SoCG in draft (SC4)	
TR010060/EXAM/8.14	Braintree District Council	SoCG in draft (SC4)	SoCG in draft (SC4)	SoCG in draft (SC4)	
Prescribed Consultees					
TR010060/EXAM/8.1	Natural England	SoCG in draft (SC3)	SoCG in draft (SC4)	SoCG in draft (SC4)	
TR010060/EXAM/8.2	Environment Agency	SoCG in draft (SC3)	SoCG in draft (SC4)	SoCG in draft (SC4)	
TR010060/EXAM/8.3	Historic England	SoCG in draft (SC2)	SoCG in draft (SC3)	SoCG in draft (SC3)	
TR010060/EXAM/8.7	The Crown Estate Commissioners	SoCG in draft (SC2)	SoCG in draft (SC2)	SoCG in draft (SC3)	
TR010060/EXAM/8.15	Boreham Parish Council	SoCG in draft (SC2)	SoCG in draft (SC2)	SoCG in draft (SC4)	
TR010060/EXAM/8.16	Witham Town Council	SoCG in draft (SC2)	SoCG in draft (SC2)	SoCG in draft (SC3)	
TR010060/EXAM/8.19	Hatfield Peverel Parish Council	-	SoCG in draft (SC4)	SoCG in draft (SC4)	
TR010060/EXAM/8.20	Essex Police	-	SoCG in draft (SC4)	SoCG in draft (SC4)	
Statutory Undertakers					
TR010060/EXAM/8.4	Essex Waterways Limited on behalf of Chelmer and Blackwater	SoCG in draft (SC2)	SoCG in draft (SC3)	SoCG in draft (SC3)	

Statement of Commonality

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
	Navigation Limited				
TR010060/EXAM/8.5	Network Rail Infrastructure	SoCG in draft (SC2)	SoCG in draft (SC3)	SoCG in draft (SC3)	
TR010060/EXAM/8.21	Anglian Water	SoCG in draft (SC3)	SoCG in draft (SC3)	SoCG in draft (SC3)	
TR010060/EXAM/8.13	Cadent Gas Limited	SoCG in draft (SC2)	SoCG in draft (SC3)	SoCG in draft (SC3)	
Interested Parties					
TR010060/EXAM/8.8	Brice Aggregates Limited	SoCG in draft (SC4)	SoCG in draft (SC3)	SoCG in draft (SC3)	
TR010060/EXAM/8.21	National Farmers Union (NFU)	-	SoCG in draft (SC3)	SoCG in draft (SC3)	

5 Commonality

5.1.1 This section of the Statement provides a summary of principal issues covered in the SoCGs and demonstrates where there is commonality in the topics or matters.

5.1.2 The table is presented to show broad topics covered within the various SoCGs, how these topics are relevant to each Interested 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.

5.1.4 Table 5.1 does not necessarily accurately reflect the progress that has been made in resolving matters within each broad topic area since deadline 4; Table 5.1 should therefore be read in parallel with the more detailed summaries provided in Section 6 of this Statement.

Table 5.1 Table of Commonality at Deadline 6

Party	Topics																								
	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 City Council																									
Chelmsford City Council																									
Essex County Council																									
Maldon District Council																									
Braintree District Council																									
Natural England																									
Environment Agency																									
Historic England																									
The Crown Estate Commissioners																									
Boreham Parish Council																									
Witham Town Council																									

Party	Topics																								
	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
Hatfield Peverel Parish Council					Yellow		Yellow								Red	Yellow	Green								
Essex Police			Yellow		Green	Green	Green													Green					
Essex Waterways Limited on behalf of Chelmer and Blackwater Navigation Limited	Yellow				Yellow													Green		Green					Yellow
Network Rail Infrastructure Limited		Yellow	Yellow	Green	Yellow													Yellow							Yellow
Anglian Water		Yellow	Green	Green	Yellow		Green	Green			Yellow		Yellow			Yellow		Yellow						Green	Yellow
Cadent Gas Limited		Yellow		Yellow	Yellow			Yellow																	Yellow
Brice Aggregates Limited				Green	Yellow							Yellow	Green					Yellow			Yellow			Yellow	Yellow
National Farmers Union (NFU)	Yellow			Green			Green						Green	Yellow	Green			Green	Yellow						Yellow

6 Position at Deadline 6 (12 June 2023)

6.1.1 This section provides a summary of the SoCG position between National Highways and each Interested Party as at Deadline 6. This section explains what has changed since the previous iteration of the Statement, summarising the matters that have now been agreed and where relevant, the matters that are still under discussion or the matters that will not be agreed by the end of the Examination. The individual SoCGs should be referred to for further detail on specific matters.

6.2 Colchester City Council

6.2.1 National Highways has been discussing the draft SoCG with Colchester City Council since 18 May 2022. The most recent SoCG draft was shared with Colchester City Council on 12 May 2023 and their comments were received on 22 May 2023.

6.2.2 The matters that have been agreed since the deadline 4 SoCG submission are:

- SoCG Reference 1.10 – Built heritage, Listed buildings
- SoCG Reference 1.11 – Protected hedgerows
- SoCG Reference 1.12 – Landscape impact, visual impact during construction
- SoCG Reference 1.13 – Social severance, traffic flows
- SoCG Reference 1.14 – Noise, landscape and biodiversity, construction effect on Easthorpe
- SoCG Reference 1.15 – Noise Junction 24, mitigation of noise receptors in Messing
- SoCG Reference 1.16 – Air quality, air quality modelling

6.2.3 There are no matters outstanding with Colchester City Council at Deadline 6.

6.3 Chelmsford City Council

6.3.1 National Highways has been discussing the draft SoCG with Chelmsford City Council since 11 May 2022. The most recent SoCG draft was shared with Chelmsford City Council on 26 May 2023 and their comments were received on 30 May 2023. The matters that have been agreed since the deadline 4 SoCG submission are:

- SoCG Reference 2.9 – Traffic at Main Road, Boreham
- SoCG Reference 2.7 – Air Quality, Main Road Boreham
- SoCG Reference 2.6 – Landscape and visual, Canopy cover assessment
- SoCG Reference 2.5 – Biodiversity, badgers

- SoCG Reference 2.4 – Biodiversity, water voles

6.3.2 The main matters still under discussion are:

- SoCG Reference 2.1, 2.2 and 2.3 Cultural Heritage – assessment methodology, mitigation of impacts on setting of Boreham House and the Conservation Area and listed buildings along Main Road.
- SoCG Reference 2.10 – Design and capacity of Junction 19.
- SoCG Reference 2.11 and 2.15 – Design and construction of Paynes Lane Bridge.
- SoCG Reference 2.12 - construction timing at Junction 19.
- SoCG Reference 2.14 - Draft DCO – requirements relating to design

6.3.3 The following matter is not agreed and it is not expected agreement will be reached at close of the Examination:

- SoCG Reference 3.1 - Noise and vibration – disagreement on the level of noise mitigation required.

6.4 Essex County Council

6.4.1 National Highways has been discussing the draft SoCG with Essex County Council since 28 March 2022. The most recent SoCG draft was shared with Essex County Council on 1 June 2023 and their comments were received on 1 June 2023.

6.4.2 The matters that have been agreed since the deadline 4 SoCG submission are:

- SoCG Reference 2.62 – Cumulative carbon impacts.
- SoCG Reference 2.52 – Inclusion of a drainage system on Inworth Road.
- SoCG Reference 2.36 – Drainage design criteria.
- SoCG Reference 2.44 – Requirement for a Historic Buildings Management Plan.
- SoCG Reference 2.43 – Requirement for a cultural and built heritage specialist.
- SoCG Reference 2.30 - Built heritage impact assessment.
- SoCG Reference 2.26 - Photomontage and visualisation.
- SoCG Reference 2.29 – Analysis of local landscape character areas and assessment of national character areas.
- SoCG Reference 2.28 – Opportunities for advanced planting and its implementation.

- SoCG Reference 2.27 – Development of preliminary Environmental Masterplan and Landscape and Ecological Management Plan.
- SoCG Reference 2.23 - Impact of the scheme on aboriginal features.
- SoCG Reference 2.17 – Protection of retained trees and vegetation during construction.
- SoCG Reference 2.42 – Veteran trees assessment and management strategy.
- SoCG Reference 2.35 – Evidence that the impacts of the planned IWMF have been taken into account.
- SoCG Reference 2.16 – Request for ECC Transport teams to be involved in development of Construction Environmental Management Plans.
- SoCG Reference 2.18 – Use of health care facilities in Essex during construction.

6.4.3 The main matters still under discussion are:

- SoCG Reference 2.1 – Information on traffic modelling.
- SoCG Reference 2.2 - Speed limits and enforcement on Main Road, Boreham
- SoCG Reference 2.3 - Compatibility of Junction 19 with longer-term plans to dual the proposed Chelmsford North East Bypass
- SoCG Reference 2.4 - Uncertainty regarding traffic impact at Duke of Wellington junction (Maldon Road/The Street) and consideration of requirements for future link road
- SoCG Reference 2.5 - Optioneering process and further design development at Inworth Road Roundabout.
- SoCG Reference 2.6 and 2.7 - Mitigation measures at Inworth Road/Messing
- SoCG Reference 2.9 - Monitoring and evaluation of operational impacts.
- SoCG Reference 2.10 - Walking, cycling and horse-riding proposals and LTN 1/20.
- SoCG Reference 2.11 - Design of key 'gateway' bridges and evidence of Design Council Review.
- SoCG Reference 2.12, 2.13, 2.14 and 2.15 Passenger Transport.
- SoCG Reference 2.19 - Greener construction
- SoCG Reference 2.20 - Access and delays to journey times for school transport during construction.

- SoCG Reference 2.21 - Access to Hatfield Peverel resulting from Station Road bridge replacement.
- SoCG Reference 2.24, 2.25, 2.60, 2.61 -Carbon.
- SoCG Reference 2.34 - Air quality and noise assessments.
- SoCG Reference 2.37 - Replacement land
- SoCG Reference 2.38, 2.39, 2.40 and 2.41 - Historic environment.
- SoCG Reference 2.45 - Archaeology.
- SoCG Reference 2.47 - Diversion route through Witham for slow vehicles.
- SoCG Reference 2.48 - Speed limits during construction.
- SoCG Reference 2.49 and 2.50 - Social value.
- SoCG Reference 2.53 - Amendments to the drainage and Green Infrastructure proposals and pollutant mitigation.
- SoCG Reference 2.54 - Asset information regarding assets for which it is proposed ECC will be liable.
- SoCG Reference 2.55 - Design of Little Braxted Lane to deter HGVs travelling southbound.
- SoCG Reference 2.58 - Classification of roads and speed limits.
- SoCG Reference 2.59 - Bridge cross sections and LTN 1/20.
- SoCG Reference 2.63 - Viewpoints.
- SoCG Reference 2.64 - Dilapidation survey of the condition of the roads, bridges and retaining walls.
- SoCG Reference 2.65 and 2.66 - Health and Safety inspections and officers.
- SoCG Reference 2.67 and 2.68 - Road Safety Audits.
- SoCG Reference 2.69 - Timeframe to repair defects.
- SoCG Reference 2.22, 2.31, 2.32 and 2.33 - Ecology issues.

6.4.4 The following matters are not agreed and it is not expected that agreement will be reached at close of the Examination:

- SoCG Reference 3.1, 3.2 and 3.3 – Acceptability of the approach to de-trunking.
- SoCG Reference 3.4 - Electric Vehicle Charging and renewable energy.
- SoCG Reference 2.57 - Recovery of ECC costs associated with the DCO Examination and other post-submission processes.

- SoCG Reference 2.8 - Junction 23 Kelvedon South – evidence requested to confirm that the Project has taken appropriate account of the A120 Braintree to A12 proposals.

6.4.5 National Highways will continue discussion on these matters before the close of Examination but are not confident that all matters will be resolved.

6.5 Maldon District Council

6.5.1 National Highways submitted the updated draft SoCG with Maldon District Council as a late submission to deadline 4. Maldon District Council subsequently provided comments on the draft SoCG at deadline 5.

6.5.2 National Highways has been in discussion with Maldon District Council on the draft SoCG since 25 August 2022. The most recent draft SoCG was shared with Maldon District Council on 18 May 2023. Comments were received on 31 May 2023.

6.5.3 The matters that have been agreed since the deadline 4 SoCG submission are:

- SoCG Reference 2.1 – Level of engagement between National Highways and Maldon District Council during the DCO process.
- SoCG Reference 2.6 – HGV use of Little Braxted Lane.
- SoCG Reference 2.7 – Cadent Gas Main – construction and maintenance impacts on Little Braxted Lane.
- SoCG Reference 2.8 – Cadent Gas Main – landscape and visual impacts on the Blue Mills Nature Reserve.
- SoCG Reference 2.10 – Groundwater impacts.
- SoCG Reference 3.4 and 3.6 – Cadent Gas - Main routeing.

6.5.4 The main matter still under discussion is:

- SoCG Reference 2.9 Cadent Gas Main – impacts on trees in Blue Mills Nature Reserve.

6.5.5 The following matters are not agreed and it is not expected that agreement will be reached at close of the Examination:

- SoCG Reference 2.2 - Junction 21 design and impact on local road network and the Duke of Wellington mini-roundabout.
- SoCG Reference 2.3 Local road network and the omission of the Maldon Link Road/ Hatfield Peverel Bypass from the Project.
- SoCG Reference 2.4 Duke of Wellington mini-roundabout suitability for the intended use.
- SoCG Reference 2.5 Duke of Wellington Bridge – impacts of two way traffic on the upgraded bridge.
- SoCG Reference 3.1 Maldon Road – lack of consideration of options for the Maldon Link Road.

- SoCG Reference 3.2 Junction 20b – suitability of the Duke of Wellington mini-roundabout for its intended use.
- SoCG Reference 3.3 Local road network – traffic modelling the level of service and the Duke of Wellington mini-roundabout.
- SoCG Reference 3.7 Cadent Gas Main – application of Biodiversity net gain should be applied separately to the Cadent Gas Main rather than applied across the whole of the Project.

6.5.6 National Highways will continue discussion on these matters before the close of Examination but are not confident that matters on Junction 21 will be resolved.

6.6 Braintree District Council

6.6.1 National Highways has been in discussion with Braintree District Council on the draft SoCG since 12 May 2022. The most recent draft SoCG was shared with Braintree District Council on 26 May 2023 and their comments were received on 26 May 2023.

6.6.2 Since the deadline 4 SoCG submission the following matters have now been agreed:

- SOoG Reference 1.17 - Low noise surfacing
- SoCG Reference 1.18 - Loss of veteran trees
- SoCG Reference 1.19 - Removal of street lighting on detrunked sections

6.6.3 The main matters still under discussion are:

- SoCG Reference 2.1 - Ownership of Land – opening of National Highways land for public use.
- SoCG Reference 2.2 - Replacement land within Braintree.
- SoCG Reference 2.3 - Detrunking for communities in Witham, Rivenhall End and Feering.

6.7 Natural England

6.7.1 National Highways has been in discussion with Natural England on the draft SoCG since 29 November 2022. The most recent meeting with Natural England was held on 10 May 2023 to specifically discuss outstanding matters relating to soils. The Letter of No Impediment for bats was received on 1 June 2023.

6.7.2 Since the deadline 4 SoCG submission the following matters have now been agreed:

- SoCG Reference 1.11 - Survey methodology and results – bats.
- SoCG Reference 5.2 - Licencing and mitigation for bats.
- SoCG Reference 6.3 - Agricultural land classification survey.

- SoCG Reference 6.4 and 6.5 - Soil resources survey.
- SoCG Reference 6.9 - Soil mitigation.
- SoCG Reference 6.22 Agricultural land classification and soil resource survey.

6.7.3 The main matters still under discussion are:

- SoCG Reference 6.11, 6.16, 6.17, 6.18 and 6.24 Soil mitigation - in particular the machinery to be used for soil handling.

6.8 Environment Agency

6.8.1 National Highways has been in discussion with the Environment Agency since 4 November 2022. The most recent iteration of the SoCG was shared with the Environment Agency on 6 June 2023 and their comments were received on 8 June 2023. Since the deadline 4 SoCG submission the following matters have now been agreed:

6.8.2 SoCG Reference F6 - Ordinary Watercourse 15.

- SoCG Reference F12 - Increased water levels on Domsey Brook (East).

6.8.3 SoCG Reference F15 - culverts on ordinary watercourses

- SoCG Reference F17 - Explanation of drainage basins located within published Flood Zones.
- SoCG Reference F19 and F20 - Safety and flood warnings
- SoCG Reference F20 – Water level monitoring .
- SoCG Reference F36 and F37 - Works subject to ordinary watercourse consent.
- SoCG Reference F38 - Apparent increase in water levels on ordinary watercourse 7.
- SoCG Reference F40 – Culvert works to ordinary watercourse 23.
- SoCG Reference S5 - Additional information on site drainage would be added to the Environmental Management Plan.
- SoCG Reference S6 - Watercourse checking process would be added to the Environmental management Plan.
- SoCG Reference S15 - Culverting proposals to be addressed through consenting via the Lead Local Flood Authority.
- SoCG Reference S17 – Water quality effects.

6.8.4 The main matters still under discussion are:

- SoCG Reference B1-B5, B7, B10, B12, F15 and S16 - A lack of agreement between the parties on the biodiversity and aquatic

ecology (fish and mammal passage) impacts of the culverting proposals and resulting effect on the water environment.

- SoCG Reference B9 - The consideration of Main Rivers as part of the Biodiversity Net Gain assessment.
- SoCG Reference F14 – The effect of temporary works to flood risk at Witham.
- SoCG Reference S16 – WFD assessment and individual water quality elements.
- SoCG Reference D7 – Environmental permits – disapplication of the requirement for Flood Risk Activity Permits (FRAPs).

6.8.5 The SoCG between the two parties includes a number of matters that have been classified as ‘Agreed in Principle’ so effectively ‘Under Discussion’ but the parties have agreed a path to resolution and compliance is outstanding:

- SoCG Reference F4 and F29 – Demonstration of landowner acceptance of the increase in peak water levels on Rivenhall Brook.
- SoCG Reference F16 and F25 – Demonstration of acceptance of predicted flood risk by emergency services.
- SoCG Reference F35 – Demonstration that area of increased flood risk would remain within land owned by National Highways.

6.9 Historic England

6.9.1 National Highways has been engaging with Historic England on the Project since January 2017. The most recent meeting was held on 26 May 2023 to discuss the outstanding matters in the SoCG. Good progress was made and further matters were agreed or discussed as summarised below.

6.9.2 Since the deadline 4 SoCG submission the following matter has now been agreed:

- SoCG Reference 2.10 – Assessment of value of non-designated archaeological remains.

6.9.3 The main matters still under discussion are:

- SoCG Reference 2.6 - Potential impacts on the setting of scheduled monuments.
- SoCG Reference 2.9 and 2.11 - Assessment of palaeolithic, environmental and geoarchaeological potential. It is hoped that resolution on this matter can be achieved before close of the Examination.

6.9.4 It has now been agreed between National Highways and Historic England that resolution on the following matter will not be achieved by the end of

Examination and this matter has therefore been moved to 'not agreed' in the SoCG:

- SoCG Reference 2.12 - Impacts on designated heritage assets.

6.10 The Crown Estate Commissioners

6.10.1 Discussions have been ongoing with The Crown Estate Commissioners (TCE) since January 2020 and have been monthly since June 2022. A meeting was held on 18 May 2023 to discuss the SoCG. An updated SoCG was subsequently shared with TCE on 25 May 2023 and comments have not yet been received at the time of writing this statement.

6.10.2 Since the deadline 4 SoCG submission the following matters have now been agreed:

- SoCG Reference 3.2.4 and 3.2.6 - Land take at land parcels 14/5c, 14/12a, 15/7a, 15/8a, 15/8b and 15/8c.
- SoCG Reference 3.2.5 - Access to retained land east of the proposed A12 route at Feering via Prested Hall Link (General Arrangement – Sheet 15) - SoCG Reference 3.2.11 - Materials storage and rights required on land to the West of the A12; minimisation of Freehold land take on land parcel 15/8b..
- SoCG Reference 3.2.7 - Reduction of Freehold land take at land parcel 14/5b (Domsey Brook). National Highways is waiting for the TCE specification of the outfall at this location.
- SoCG Reference 3.2.8 - Timings of works around Domsey Brook – agreed that both parties will put mechanisms in place for works to happen at the same time.
- SoCG Reference 3.2.9 - Discharge, pipes and access and land parcel 14/5b
- National Highways has committed to providing a footpath to link severed TCE land..

6.10.3 The main matters still under discussion are:

- SoCG Reference 3.2.1 - The Crown Estate's LPP21 Planning Application to develop the land adjacent to the A12 works The schemes need to work together to accommodate both schemes.
- SoCG Reference 3.2.2 - London Road Junction design.
- SoCG Reference 3.2.3 - Land take at plots 15/8g, 15/8h, 15/8i and 15
- SoCG Reference 3.2.3a - Drainage at New Lane Ditch.
- SoCG Reference 3.2.10 – Timings of works at land parcel 15/8a.
- SoCG Reference 3.2.12 - Landscaping on retained land to the east of the A12 (plots 15/8d and 15/8e).

6.11 Boreham Parish Council

6.11.1 National Highways has been in discussion with Boreham Parish Council on the draft SoCG since 13 February 2023. The most recent draft SoCG was shared with Boreham Parish Council on 11 May 2023. Comments were received on 29 May 2023.

6.11.2 Since the deadline 2 SoCG submission the following matters have now been agreed:

- SoCG Reference 1.1 - Appropriate mitigation measures for Main Road
- SoCG Reference 1.2 – Paynes Lane bridge, Connectivity to existing WCH facilities

6.11.3 The main matters still under discussion are:

- SoCG Reference 2.1 - Closure of Junction 20a.
- SoCG Reference 2.2 - Main Road, Boreham – missed opportunity to provide cycle route along Main Road.
- SoCG Reference 2.3 - Design of Paynes Lane Bridge.
- SoCG Reference 2.4 - Noise reducing surfacing.
- SoCG Reference 2.5 - Boreham Village traffic modelling.
- SoCG Reference 2.6 - Air Quality at Main Road, Boreham.
- SoCG Reference 2.7 - Noise and vibration at Main Road, Boreham.

6.12 Witham Town Council

6.12.1 Discussions have been ongoing with Witham Town Council since August 2016. The most recent iteration of the SoCG was shared with Witham Town Council on 31 May 2023 and their comments were received on 2 June 2023.

6.12.2 Since the deadline 4 SoCG submission, the following matters have now been agreed:

- SoCG Reference 1 – Loss of Land at Whetmead Nature Reserve.
- SoCG Reference 2 – Replacement Land at Whetmead Nature Reserve.
- SoCG Reference 3 – Slow moving vehicles through Witham Town Centre.
- SoCG Reference 4 – Traffic impacts during the construction period.
- SoCG Reference 5 – Operational noise impacts on the Witham area.
- SoCG Reference 6 – Construction noise impacts.

- SoCG Reference 7 – Landscape impacts resulting from loss of mature trees and shrubs.
- SoCG Reference 8 – Access to Whetmead Local Nature Reserve during construction.
- SoCG Reference 9 – Sharing of ground investigation information for Whetmead Local Nature Reserve.
- SoCG Reference 10 – Translocation of reptiles within the Whetmead Local Nature Reserve and surrounding area.

6.12.3 The only outstanding matter to be agreed is:

- SoCG Reference 11 - Land Acquisition and permanent loss of land to National Highways.

6.13 Hatfield Peverel Parish Council

6.13.1 Discussions have been ongoing with Hatfield Peverel Parish Council since 27 March 2023. The most recent iteration of the SoCG was shared with Hatfield Peverel Parish Council on 1 June 2023 and comments received on 5 June 2023. Since the deadline 4 SoCG submission the following matters have now been agreed:

- SoCG Reference 1.3 – SID/VAS sockets on Wellington Bridge.
- SoCG Reference 2.1 – Traffic flows on the B1019 Maldon Road and B1137 The Street.
- SoCG Reference 2.2 – Traffic flows resulting from the retention of the Maldon Road mini-roundabout.
- SoCG Reference 2.4 – Highway network matters – Maldon Link Road.
- SoCG Reference 2.8 - relocation of bus shelter at The Street

6.13.2 The main matters still under discussion are:

- SoCG Reference 2.5 – construction of Station Road bridge – traffic diversion proposals.
- SoCG Reference 2.6 Air Quality – impacts resulting from perceived increase in traffic congestion on Maldon Road.
- SoCG Reference 2.7 Air Quality – health impacts to residents.

6.13.3 The following matter is not agreed and it is considered unlikely to be agreed at close of the Examination:

- SoCG Reference 2.3 – “rat running” of Church Road and need for traffic calming measures.

National Highways will continue discussions on these matters before the close of Examination but are not confident that the matters on “rat running” will be resolved.

6.14 Essex Police

- 6.14.1** Discussions have been ongoing with Essex Police since November 2021. The most recent iteration of the SoCG was shared with Essex Police on 30 May 2023 and a signed version received on 7 June 2023.
- 6.14.2** Since the deadline 4 SoCG submission the following matters have now been agreed:
- SoCG Reference 1.2 - Abnormal Indivisible Loads (AIL's).
 - SoCG Reference 1.9 - Design of proposed de-trunked sections.
 - SoCG Reference 1.10 - Protest response plan.
 - SoCG Reference 1.11 - Average speed cameras on local road network
 - SoCG Reference 1.12 - Traffic Regulation Orders.
- 6.14.3** The main matter still under discussion is:
- SoCG Reference 1.13 - Funding of a temporary Traffic Management Officer post.

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

- 6.15.1** Discussions have been ongoing with Essex Waterways Limited (EWL) since February 2022. The SoCG was originally shared with EWL on 7 February 2023 and their comments were received on 3 April 2023. A further call was held to discuss SoCG matters on 12 May 2023.
- 6.15.2** Since the deadline 4 SoCG submission the following matters have now been agreed:
- SoCG Reference 3.2.8 - Temporary Possession.
 - The main matters still under discussion are:
 - SoCG Reference 3.2.1 - Land Take and impact along River Chelmer.
 - SoCG Reference 3.2.2 and 3.2.3 - Access, use and adverse effects of towpath.
 - SoCG Reference 3.2.4 and 3.2.4a- Siltation arising from discharge of surface water from the highway during construction and operation.
 - SoCG Reference 3.2.5 - Disapplication of byelaws in the draft DCO.
 - SoCG Reference 3.2.6 - Review of detailed design and construction method statements relating to works on EWL
 - SoCG Reference 3.2.7 Concern about outfall protruding into navigation forming an obstruction.

6.16 Network Rail Infrastructure Limited

- 6.16.1** Discussions have been ongoing with Network Rail Infrastructure since August 2021 with weekly meetings taking place since July 2022. A call was most recently held on 6 June 2023 to discuss SoCG matters and a copy of the SoCG shared on 9 June 2023.
- 6.16.2** Since the deadline 4 SoCG submission the following matters have now been agreed:
- SoCG Reference 3.1.8 - Restriction on Compulsory Acquisition.
 - SoCG Reference 3.1.9 - Agreement of Interoperability Requirements.
 - SoCG Reference 3.1.10 - Agreement of Common Safety Method.
 - SoCG Reference 3.2.5 - Protective Provisions.
 - SoCG Reference 3.2.6 - Maintenance Road to Paynes Lane Footbridge to be transferred to NR.
 - SoCG Reference 3.2.7 and 3.2.7a - Transfer of land from Countryside Zest to Network Rail. NH will provide access to Network Rail.
 - SoCG Reference 3.2.8e - Auto Transformer Feed. Locally NR can accommodate the ATF with troughing.
 - SoCG Reference 3.2.10 - Access via Boreham Viaduct.
 - SoCG Reference 3.2.13 - Existing overbridge infrastructure concerns at New Lane, Feering (near Junction 24).
 - The main matters still under discussion are:
 - SoCG Reference 3.2.1, 3.2.1a and 3.2.2 - Business and Technical Clearance. National Highways is awaiting further detail around objections so they can be worked through.
 - SoCG Reference 3.2.3 - Framework Agreement
 - SoCG Reference 3.2.4 - Asset Protection Agreement.
 - SoCG Reference 3.2.8, 3.2.8c and 3.2.8g - Detailed design elements including on NR embankments, signal sighting and interactions with New Beaulieu Park Station, design of Paynes Lane Bridge.
 - SoCG Reference 3.2.9 - Freehold land take at plot 2/18b. SoCG Reference 3.2.11 - Access to the mainline for maintenance.
 - SoCG Reference 3.2.12 - Signal sighting impacts. SoCG Reference 3.2.14 - Existing infrastructure, drainage and embankment stability.
 - SoCG Reference 3.2.15 - Section 10 Claim for Loss of Profit to existing Hatfield Peverel Station Car Park for Greater Anglia, Train Operating Company.

6.16.3 The following matters are still under discussion:

- SoCG Reference 3.1.5 – Removal of NR land interest on selected land parcels.
- SoCG Reference 3.2.8a, 3.2.8b and 3.2.8d - Access, parking and drainage at Beaulieu Park Station.
- SoCG Reference 3.2.8f - Sufficient space under Paynes Lane Bridge for Third Track.

6.17 Anglian Water

6.17.1 Discussions with Anglian Water Services (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. Multiple iterations of the draft SoCG have been shared with Anglian Water, the most recent being on 25 May 2023. Comments were subsequently received from Anglian Water on this draft.

6.17.2 Since the deadline 4 SoCG submission the following matters have now been agreed with Anglian Water:

- SoCG Reference 10 - 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.
- SoCG Reference 11 - AWS have ongoing concerns about any impacts the A12 works may have on 3 no. various diameter assets located to the North of Witham STW. Project references AWF15, 16 and 17.
- SoCG Reference 12 - 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.

6.17.3 The following matters are still under discussion:

- SoCG Reference 13 - AWS wishes to be included as a consultee through inclusion on the on-going Surface Water Management investigations and designs.
- SoCG Reference 14 - Rivenhall End access from the A12 service area (11/11b) will be removed and AWS to continue to use current access off Braxted Road.
- SoCG Reference 15 - The form of protective provisions for the benefit of AWS in Schedule 11 of the draft DCO are partially agreed, Stand-off distances to be set out in Sch.11 Pt.3 Clause 27 (Retained Apparatus) Para. (7).

6.18 Cadent Gas Limited

- 6.18.1** Discussions have been ongoing with Cadent Gas Limited (Cadent) since 15 May 2020. The most recent iterations of the SoCG were shared with Cadent on 5 May 2023 and 26 May 2023 and their comments were received on 15 May 2023 and 30 May 2023 respectively.
- 6.18.2** Since the deadline 4 SoCG submission the following matters have now been agreed with Cadent:
- SoCG Reference 1 – Scope of works for High Pressure diversions.
 - SoCG Reference 2 – Scope of works for Medium Pressure diversions.
- 6.18.3** The following matters are still under discussion:
- SoCG Reference 1 - Protective Provisions.
 - SoCG Reference 2 - 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.
 - SoCG Reference 3 - 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.
 - SoCG Reference 4 - 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.
 - SoCG Reference 5 - Development of detail design for Cadent Gas High Pressure diversions
 - SoCG Reference 6 - Development of detail design for Medium Pressure diversions

6.19 Brice Aggregates Limited

- 6.19.1** Discussions have been ongoing with Brice Aggregates Limited (Brice) since 2020. The most recent iteration of the SoCG was shared with Brice on 22 May 2023 and their comments were received on 26 May 2023.
- 6.19.2** Since the deadline 4 SoCG submission the following matters have now been agreed with Brice Aggregates:
- 6.19.3** SoCG Reference 3.1.4 - Location of Balancing Pond outside Colemans Farmhouse.
- SoCG Reference 3.2.2, Environmental Offsetting – 10% Biodiversity Net Gain.

- SoCG Reference 3.2.4, Environmental/Ecological Mitigation Land impact on adjoining Quarry land. SoCG Reference 3.2.7a Farming Operations – Permanent Impact. SoCG Reference 3.2.14a - Quarry Entrance – Design for permanent access.

6.19.4 The main matters still under discussion are:

- SoCG Reference 3.2.3 - Balancing Ponds. SoCG Reference 3.2.5 - Land take and Red Line Boundary on Environmental/Ecological Mitigation Areas. SoCG Reference 3.2.7b - Agricultural Vehicles - Access to Farm during construction period.
- SoCG Reference 3.2.8a - Access to Willow planted land off Henry Dixon Road.
- SoCG Reference 3.2.8b - Farm Access – Access from Rivenhall Roundabout.
- SoCG Reference 3.2.10 - Commercial shoot. SoCG Reference 3.2.11a – Commercial Lets Access – Temporary. .
- SoCG Reference 3.2.12 - Commercial Lets Disruption. SoCG Reference 3.2.13 - Biodiversity Priority Habitats – Quarry Restoration. SoCG Reference 3.2.14 - Access to the main Highway –
- SoCG Reference 3.2.15 - Operation of Quarry – during and post scheme to include both the Processing and Batching Plant..
- SoCG Reference 3.2.16 - Compound access.
- SoCG Reference 3.2.17 - Acquisition of grassland.
- SoCG Reference 3.2.18 - Rose Cottage – visibility splays and access.

6.20 National Farmers Union

6.20.1 Discussions have been ongoing with the National Farmers Union (NFU) since 1 February 2023. The most recent iteration of the SoCG was shared with the NFU on 25 May 2023 and comments received on 26 May 2023.

6.20.2 Since the deadline 4 SoCG submission the following matters have now been agreed with the NFU:

- SoCG Reference 5 - Private Water Supplies.
- SoCG Reference 7 - Biosecurity.
- SoCG Reference 8 - Biodiversity Net Gain.
- SoCG Reference 10 – Agricultural Land drainage
- SoCG Reference 11 – Powers to survey land
- SoCG Reference 12 - Dust Management.

- SoCG Reference 13 – Soil Resource Survey.
- SoCG Reference 14 – Authority to survey and investigate the land.

6.20.3 The main matters still under discussion are:

- SoCG Reference 15 - Voluntary agreements. This matter will remain open throughout examination, as NH continues works to secure land agreements.
- SoCG Reference 16 – Balance Ponds. The NFU has asked for clarity on the reasoning behind the number of balance ponds. NH has provided a response on this that the NFU are reviewing.
- SoCG Reference 17- Prohibition of agricultural vehicles. NH and the NFU have discussed this, with a meeting to be set up with local farmers to discuss alternative routes for agricultural vehicles.
- SoCG Reference 18 and 19 - Soil Monitoring and Restoration. The NFU and NH are mostly aligned on this point, however further discussions are planned to agree the final position.
- SoCG Reference 20 and 21 - Authority to Survey and investigate land.