

A12 Chelmsford to A120 widening scheme

TR010060

8.16 Statement of Common Ground with Witham Town Council

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A12 Chelmsford to A120 widening scheme
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Statement of Common Ground with Witham Town Council

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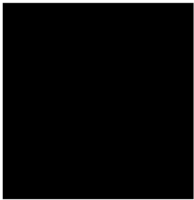
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STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) National Highways Limited and (2) Witham Town Council.



Phil Davie
Project Director
on behalf of National Highways
Date: 09/06/2023

Nikki Smith
Town Clerk and Proper Officer
on behalf of Witham Town Council
Date:

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1 Introduction

1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared in respect of the proposed A12 Chelmsford Widening (the Scheme) made by National Highways Company Limited (National Highways) to the Secretary of State for Transport (Secretary of State) for a Development Consent Order (the Order) under section 37 of the Planning Act 2008 (PA 2008).
- 1.1.2 The Order, if granted, would authorise National Highways to widen the existing A12 to three lanes between junction 19 and 25 in each direction, where it is not already three lanes. This would mainly involve online widening of the carriageway, with offline bypasses created between junctions 22 and 23 (Rivenhall End Bypass) and between junctions 24 and 25 (Kelvedon to Marks Tey). This would be accompanied by junction improvements (junction 19 and 25), construction of new junctions catering for traffic movements both north and southbound (junctions 21, 22 and 24), and removal of existing junctions (junction 20a, 20b and 23).
- 1.1.3 This SoCG does not seek to replicate information which is available elsewhere within the application documents. All documents are available in the deposit locations and/or the Planning Inspectorate website.
- 1.1.4 The SoCG has been produced to confirm to the Examining Authority (ExA) where agreement has been reached between the parties to it; where agreement has not (yet) been reached and still under discussion; and areas of disagreement. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) National Highways (formerly known as Highways England) as the Applicant and (2) Witham Town Council.
- 1.2.2 National Highways became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing National Highways made provision for all legal rights and obligations of the Highways Agency, including in respect of the Application, to be conferred upon or assumed by National Highways.
- 1.2.3 Witham Town Council is a prescribed consultee under Section 42 of the PA 2008.

1.3 Terminology

- 1.3.1 In the tables in the Issues chapter of this SoCG, “In disagreement” indicates a final position, and “Under discussion” where these points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. “Agreed” indicates where the issue has been resolved.
- 1.3.2 It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to Witham Town Council, and therefore have not been the subject of any discussion between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to Witham Town Council.

2 Record of Engagement

- 2.1.1 A summary of the meetings and correspondence that has taken place between National Highways and Witham Town Council in relation to the Application is outlined in Table 2.1.

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Table 2.1 Record of Engagement

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Date	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
11 August 2016	Meeting	Braintree and Chelmsford Community Forum Introduced the Scheme.
26 September 2016	Meeting	Braintree and Chelmsford Community Forum To inform forum members about the consultation and the principles of a good consultation, as well as providing a Scheme update.
11 February 2017	Public Information Event	Gather feedback from the consultation to shape the designs and to identify potential opportunities to meet Key Performance Indicators and wider targets.
3 August 2017	Meeting	Braintree and Chelmsford Community Forum To inform forum members about the consultation, as well as providing a Scheme update.
24 July 2019	Meeting	East and West Community Forum Provide an overview of the Scheme, including work that has taken place to date and provide an update on the way forward for the Scheme.
2 March 2020	Meeting	Following the Preferred Route Announcement (PRA), discuss the next steps.
24 August 2020	Online Meeting	East Community Forum To provide a Scheme update. An overview of how the two sections of the Scheme (between J19-J23 and J23-J25) will now be drawn back together and an overview of how, when a PRA is announced, it will be managed.
25 August 2020	Online Meeting	West Community Forum To provide a Scheme update. An overview of how the two sections of the Scheme (between J19-J23 and J23-J25) will now be drawn back together and an overview of how, when a PRA is announced, it will be managed.
18 November 2020	Online meeting	To discuss the updates to the Scheme and get feedback
18 March 2021	Online meeting	To provide an update on design fix 1 and get feedback

15 June 2021	Online meeting	East Community Forum Present arrangements for statutory consultation.
10 July 2021	Public Information Event	To explain the Scheme under the statutory consultation.
23 September 2021	Meeting and site visit	To discuss impacts of the Scheme to Whetmead Local Nature Reserve (LNR). Followed by a joint site visit to Whetmead LNR.
26 November 2021	Public Information Event	To explain the Scheme under the supplementary consultation.
9 March 2022	Meeting	Provide a Scheme update, discuss the biodiversity mitigation, replacement land and designated funds.
6 June 2022	Meeting	Replacement Land Meeting. To discuss the replacement land proposals for Witham Town Council.
15 June 2022	Site visit	Walk around the slow moving vehicles diversion route with Councillors.
4 October 2022	Meeting	To discuss consultation responses, designated funds, Walker Cyclist Horse-rider (WCH) designs and advanced works.
19 January 2023	Meeting	To discuss concerns arising from the Book of Reference.
24 January 2023	Hybrid Meeting	Replacement Land Meeting Joint meeting with Essex County Council, Witham Town Council and Braintree District Council regarding replacement land proposals in the Witham area.
1 February 2023	Site Visit	To view replacement land.
15 March 2023	Meeting	Replacement Land and SoCG Meeting. Boundaries set out within Whetmead LNR.
4 April 2023	Site Visit	To view new replacement land with boundaries set out.
20 April 2023	Site Visit	To view boundaries set out for permanent and temporary land acquisition on Whetmead.

4 May 2023	Meeting	To discuss existing issues. Able to progress some of the issues to 'Agreed in principle (subject to Council resolution)'. These are to be discussed within next WTC planning meeting.
23 May 2023	Meeting	Presentation to new councillors regarding the Scheme and discussions around issues previously discussed.
31 May 2023	Online Meeting	To discuss whether issues can be progressed to agreed or not, after WTC Planning Meeting on 30 May 2023.

- 2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) National Highways and (2) Witham Town Council in relation to the issues addressed in this SoCG. Additional correspondence has also taken place with a view to finalising the SoCG.
- 1.1.1 The issues and matters highlighted in Section 3 of this SoCG summarise the key issues that have been identified in relation to a number of key areas of the DCO application.

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3 Issues summary

3.1 Introduction

3.1.1 This section summarises the key issues explored by Witham Town Council (WTC) and National Highways.

3.2 Summary of issues agreed

The below Table [3.1] provides a summary of the issues currently agreed between Witham Town Council and National Highways. The full table of issues agreed can be seen in Table [4.1].

Table 3.1 Summary of issues agreed between Witham Town Council and National Highways

1	Loss of Land	Loss of Land at Whetmead Nature Reserve	Agreed	31/05/2023
2	Replacement Land	Proposed Replacement Land is Inadequate for a Nature Reserve	Agreed	31/05/2023
3	Slow Moving Vehicles	Slow Moving Vehicles banned on the A12 and the alternative route through Witham Town Centre	Agreed	31/05/2023
4	Traffic	Traffic impacts during the A12 construction period	Agreed	31/05/2023
5	Operational noise	Impact of road noise on the Witham area	Agreed	31/05/2023
6	Construction noise	Impact of noise during the construction period	Agreed	31/05/2023
7	Landscape	Loss of mature Trees and Shrubs	Agreed	31/05/2023
8	Access	Loss of Access to Local Nature Reserve during construction period	Agreed	31/05/2023
9	Ground Investigations	LNR is a Historic Landfill site	Agreed	31/05/2023
10	Whetmead as translocation zone	Translocation of reptiles within Whetmead LNR and the surrounding area	Agreed	31/05/2023

3.3 Summary of issues in discussion

The below Table [3.2] provides a summary of the issues currently under discussion between Witham Town Council and National Highways. The full table of issues under discussion can be seen in Table [4.2].

Table 3.2 Summary of issues in discussion between Witham Town Council and National Highways

11	Land Acquisition	Permanent loss of land to National Highways	In discussion	31/05/2023
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4 Issues

The below tables set out the issues in discussion between Witham Town Council and National Highways. These tables have been split into issues agreed and issues under discussion.

4.1 Issues agreed

The below Table [4.1] details the issues agreed between Witham Town Council and National Highways. This includes any reference to relevant documents, the current Witham Town Council position and the National Highways position.

Table 4.1 Issues agreed

Ref	Issue	Doc Reference	Witham Town Council Position	National Highways Position	Status	Date
1	Loss of Land at Whetmead Nature Reserve		<i>Loss of land at Whetmead Nature Reserve.</i>	<p>A narrow strip of land (plots 8/47a and 9/11a shown on sheets 8 and 9 of the Land Plans [REP4-005]) from the Whetmead Local Nature Reserve, adjacent to the A12 needs to be acquired for the widening of the A12.</p> <p>Adjacent to plots 8/47a and 9/11a, land is required temporarily for modifications to utilities, crossing or adjacent to the A12. Permanent rights need to be acquired over this land (plots 8/47b and 9/11b shown on sheets 8 and 9 of the Land Plans [REP4-005]) for the utility companies.</p> <p>Access to Whetmead Local Nature Reserve from Blackwater Lane is to be maintained where</p>	Agreed	31/05/2023

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Ref	Issue	Doc Reference	Witham Town Council Position	National Highways Position	Status	Date
				practical during works at Brain Bridge. Refer to the Outline Construction Traffic Management Plan [REP4-033] for further details.		
2	Proposed Replacement Land is Inadequate for a Nature Reserve	<p>Environmental Statement, Chapter 9, Biodiversity [APP-076]</p> <p>Environmental Statement, Figure 2.1 Environmental Masterplan Part 1 [APP-086]</p>	<p><i>Proposed replacement land is inadequate for a nature reserve. Concerns include required access and maintenance to make the are as enjoyable to the public.</i></p> <p><i>WTC are happy with the newly proposed replacement land, subject to plot 8/45f being accepted into examination in place of plot 9/1h.,</i></p>	<p>National Highways has sought to provide replacement land as close to the loss of the existing open space as is practicable.</p> <p>National Highways proposed replacement land as shown in the Replacement Land Statement [TR010060/APP/7.9] within Sections 2.1.25 - 2.1.27, and Plate 2.7 Open Space Areas 9 and 10.</p> <p>The parcels identified are both currently woodland adjacent to the existing A12 and would replace the existing woodland strip adjacent to the A12 in the Whetmead Nature Reserve. The plots identified as replacement land for Witham Town Council either border the existing Whetmead Nature Reserve or connect with an existing Public Right of Way (PRoW). Witham Town Council have expressed that plot 9/1h is inadequate as replacement land.</p> <p>On 30 May 2023, National Highways submitted a Change Application requesting that the Examining</p>	Agreed	31/05/2023

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Ref	Issue	Doc Reference	Witham Town Council Position	National Highways Position	Status	Date
				<p>Authority consider accepting six changes to the Scheme into the Examination of the DCO application.</p> <p>One of those changes relates to the provision of replacement land at Whetmead. The replacement land now proposed is near to the existing Whetmead Local Nature Reserve, plot 8/45f, and is shown in Development Consent Order Change Application, Map Book 3 – Replacement Land, Witham – Part 1 of 1 [AS-076]. This replaces the originally proposed plot 9/1h. National Highways will work with Witham Town Council to develop a suitable landscaping design and access design.</p>		
3	Slow Moving Vehicles banned on the A12 and the alternative route through Witham Town Centre		<p><i>Understanding that agricultural traffic will not be permitted on the A12 and the implications this will have on Witham town centre traffic</i></p>	<p>National Highways has undertaken a safety risk assessment that documents the safety impacts of Slow Moving Vehicles (SMVs).</p> <p>National Highways does not believe the volume of SMVs is such that it is inappropriate for use around the current route around Witham without current weight restraints.</p> <p>National Highways has requested information from National Farmers Union as to the number of SMVs that may be expected to travel on the local highways instead of</p>	Agreed	31/05/2023

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Ref	Issue	Doc Reference	Witham Town Council Position	National Highways Position	Status	Date
				<p>the A12. Feedback is that this volume of traffic would be limited to a small number of vehicles. National Highways does not believe it is proportionate to amend the existing environmental weight restriction through the Town Centre but will work with Witham Town Council and Essex County Council, as the Highways Authority, should they wish to amend the existing weight restriction orders.</p>		
4	<p>Traffic during the A12 Construction</p>	<p>Outline Construction Traffic Management Plan (OCTMP) [REP4-033]</p> <p>OCTMP, Appendix A: Proposed Diversion Routes Part 2 [APP-274]</p> <p>OCTMP, Appendix B: Permitted and Excluded Routes for Construction Vehicles (plans) [REP2-004].</p>	<p><i>Overall traffic issues for Witham during construction.</i></p> <p><i>WTC holds annual events on 3rd Saturday in September and 1st Saturday in December. WTC preference for traffic management closures to be avoided during</i></p>	<p>National Highways acknowledges the concerns of Witham Town Council with regards to road closures and diversions having an adverse effect on the community, however the traffic management philosophy of the Scheme, as set out in Section 1.1 - Purpose and Objectives of the Outline Construction Traffic Management Plan (OCTMP) [REP4-033], is to minimise disruption to all road users, business and communities. This is delivered through developing traffic management designs based on strategies to keep as much traffic as is practical on the existing A12, to avoid the desire for road users to divert onto local roads such as through Witham, and through proactive</p>	Agreed	31/05 /2023

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Ref	Issue	Doc Reference	Witham Town Council Position	National Highways Position	Status	Date
			<i>these annual events.</i>	<p>communication with local authorities, communities and wider road user groups.</p> <p>National Highway would invite Witham Town Council as a parish council to the Local Area Traffic Management Forum. This forum will enable communication between National Highways and Witham Town Council, and allow for input into and review of plans, restrictions and closures affecting local communities to be discussed. The inclusion of Witham Town Council in the forums will allow concerns to be raised and discussed prior to any proposed diversions, restrictions or closures being implemented. Refer to Table 3.1 of the OCTMP [TR010060/APP/7.7].</p>		
5	Operational noise	<p>Environmental Statement, Chapter 12, Noise and vibration [APP-079]</p> <p>Environmental Statement, Figure 12.8 Noise Change Contour Map Sheets 4 and 5 [APP-235]</p>	<p><i>Concerns that road noise from operational A12 will adversely affect residents. The expansion of an existing two lane dual carriageway to a three lane dual carriageway</i></p>	<p>Reduction of noise at source, is the most effective mitigation measure.</p> <p>Enhanced low noise surfacing is proposed between a point east of the new junction 21 and to the east of the new junction 22. This enhanced low noise surfacing has better noise reducing properties than conventional low noise surfacing and ensures the benefits of the enhanced low noise surfacing to the community of Witham.</p>	Agreed	31/05/2023

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Ref	Issue	Doc Reference	Witham Town Council Position	National Highways Position	Status	Date
			<i>ay leads to the anticipation of greater operational noise of the road upon the completion of the construction works.</i>	Refer to Environmental Masterplans Part 1 (sheets 6, 7 and 8) [APP-086] and Part 2 (sheets 9 and 10) [APP-087].		
6	Construction noise	<p>Environmental Statement, Chapter 12, Noise and vibration [APP-079]</p> <p>First iteration Environmental Management Plan (EMP) Appendix A: Register of Environmental Actions and Commitments (REAC) [TR010060/APP/6.5]</p>	<p><i>Noise during the construction period.</i></p> <p><i>WTC are happy subject to clarification that local residents will be made aware of potential high levels of noise, i.e., piling. An assurance has been given that the Community Liaison Team will provide information in advance of the works.</i></p>	<p>National Highways continues to investigate the construction methodology for the retaining walls on the north side of the A12 through Witham, in particular at Market Lane. The proposed retaining wall impacts upon the existing Market Lane retaining wall and would need to be removed to allow the construction of the proposed retaining wall, prior to being reinstated.</p> <p>National Highways will, if practicable, aim to maintain the existing noise barrier in Market Lane during the construction works.</p> <p>Piling works would predominately be undertaken during daytime working hours, however there is likely to be a requirement to undertake a small percentage of piling works during the night, where dictated by project</p>	Agreed	31/05/2023

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Ref	Issue	Doc Reference	Witham Town Council Position	National Highways Position	Status	Date
				<p>constraints or public / workforce safety.</p> <p>A Construction Phase Communications Plan would be developed and implemented, detailing the approach to managing external communications to stakeholders and communities.</p> <p>A Community Liaison Manager (CLM) responsible for leading engagement with affected communities and their representatives during the construction phase would be appointed. Appropriate mechanisms to communicate with local residents would be set up to highlight potential periods of disruption through the construction phase. This commitment, PH1, can be found in Appendix A: REAC [REP4-023] of the first iteration Environmental Management Plan.</p>		
7	Loss of mature Trees and Shrubs	<p>Environmental Statement, Chapter 9, Biodiversity [APP-076]</p> <p>Retained and Removed Vegetation Plans, Part 1 [APP-035] and Part 2 [AS-017]</p>	<p><i>Loss of mature trees and shrubs</i></p> <p><i>WTC are happy subject to the assurance that wherever possible, no mature or semi</i></p>	<p>The Applicant acknowledges that construction of the Scheme would result in adverse impacts to Whetmead Local Nature Reserve and Local Wildlife Site through the permanent loss of 0.89ha of semi-natural broadleaved woodland habitats adjacent to the A12 on the western boundary of the nature reserve. This loss would occur during site</p>	Agreed	31/05 /2023

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R e f	Issue	Doc Reference	Witham Town Council P osition	National Highways Position	Status	Date
		<p>Environmental Statement, Chapter 3, Assessment of Alternatives [APP-070]</p> <p>First iteration Environmental Management Plan (EMP) Appendix A: Register of Environmental Actions and Commitments (REAC) [REP4-023]</p> <p>Environmental Statement, Figure 2.1, Environmental Masterplan [APP-086, APP-087 and REP4-015]</p>	<p><i>mature tree will be removed unnecessarily.</i></p>	<p>clearance to enable widening of the existing A12 carriageway and construction of a retaining wall. This would be mitigated through provision of approximately 2ha of new habitats in an area immediately south of and outside the existing Whetmead Local Nature Reserve site as detailed in Section 9.10 of Chapter 9: Biodiversity, of the Environmental Statement, [APP-076] and shown on sheet 8 of 21 of the Environmental Masterplan – Part 1 [APP-086].</p> <p>For the wider Scheme, it is acknowledged that there would be a loss of mature trees and shrubs including woodland and five potential veteran trees. Vegetation loss and retention is illustrated on the Retained and Removed Vegetation Plans [APP-035 and AS-017].</p> <p>Existing vegetation within the Order Limits including temporary works areas would be retained as far as reasonably practicable as committed by LV4 within Appendix A: REAC of the first iteration Environmental Management Plan [APP-185].</p> <p>A landscape design is proposed to mitigate the effects of lost vegetation and screening as</p>		

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Ref	Issue	Doc Reference	Witham Town Council Position	National Highways Position	Status	Date
				committed by LV17 within Appendix A: REAC of the first iteration Environmental Management Plan [APP-185].		
8	Loss of Access to Local Nature Reserve during construction	<i>Outline Construction Traffic Management Plan (OCTMP) [REP4-033]</i>	<i>Loss of access to nature reserve during construction</i>	<p>National Highways has confirmed to Witham Town Council that its representatives, subject to suitable Health and Safety and any practical requirements, would be permitted access to Whetmead LNR in order to carry out ongoing maintenance activities. The construction works will be programmed to ensure that restricting access and egress from Whetmead Nature Reserve via Blackwater Lane is minimised, however closure periods would be for approximately three months at a time, up to approximately twelve months.</p> <p>If alternative access is required to be provided, this would most likely be via Blue Mills Hill utilising the construction temporary haul road T23, as shown on sheet 8 of 21, and T26, as shown on sheets 8 and 9 of the Temporary Works Plans [AS-004]</p>	Agreed	31/05/2023
9	LNR is a Historic Landfill site	Environmental Statement, Chapter 10 Geology and Soils [APP-077]	<i>Sharing of ground investigation information from</i>	Further ground investigation has been undertaken in the Whetmead historic landfill area.	Agreed	31/05/2023

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Ref	Issue	Doc Reference	Witham Town Council Position	National Highways Position	Status	Date
		<p>First iteration Environmental Management Plan (EMP) Appendix A: Register of Environmental Actions and Commitments (REAC) [TR010060/APP/6.5]</p> <p>First Iteration Environmental Management Plan, Appendix D: Land Contamination Management Plan [APP-188]</p>	<p><i>Whetmead LNR</i></p>	<p>National Highways has shared data from the ecological and geotechnical surveys.</p>		
10	<p>Whetmead as translocation zone</p>	<p>Environmental Statement, Figure 2.1, Environmental Masterplan [APP-086]</p>	<p><i>Whetmead was used as a translocation zone</i></p>	<p>National Highways acknowledges the presence of reptiles within Whetmead Local Nature Reserve and the surrounding area. Mitigation proposals include the creation of an ecological mitigation area south of the River Brain as shown on Figure 2.1 Environmental Masterplan – Part 1, sheet 8 of 21 [APP-086]</p> <p>National Highways would welcome discussions with the Interested Party regarding the creation of ecological and other environmental enhancements where appropriate by agreement within the existing nature reserve, such as hibernacula and log piles</p>	<p>Agreed</p>	<p>31/05/2023</p>

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Ref	Issue	Doc Reference	Witham Town Council Position	National Highways Position	Status	Date
				to increase carrying capacity for reptiles.		

4.2 Issues in discussion

The below Table [4.2] details the issues under discussion between Witham Town Council and National Highways. This includes any reference to relevant documents, the current Witham Town Council position and the National Highways position.

Table 4.2 Issues in discussion

Ref	Issue	Doc Reference	Witham Town Council Position	National Highways Position	Status	Date
11	Land Acquisition	Deadline 4 Submission – 2.7 Updated Land Plans – Rev 3 [REP4-005]	<i>Permanent loss of land to National Highways</i>	National Highways has set out the required land for the proposed scheme and commenced discussions with WTC.	Agreed subject to formal resolution from Town Council (to be considered on 12 June 2023)	31/05/2023

Acronyms

Abbreviation	Term
ECC	Essex County Council
WTC	Witham Town Council
SoCG	Statement of Common Ground
PA	Planning Act
PRA	Preferred Route Announcement
LNR	Local Nature Reserve
WCH	Walkers, Cyclist, Horseriders
DCO	Development Consent Order

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Glossary

Term	Definition

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