

A12 Chelmsford to A120 widening scheme

TR010060

9. Statement of Common Ground with The National Farmers Union

Rule 8 (1)(e)

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A12 Chelmsford to A120 widening scheme
Development Consent Order 202X

Statement of Common Ground with The National Farmers Union

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STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) National Highways Company Limited and (2) The National Farmers Union.



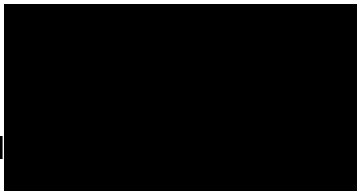
Signed

PHILIP DAVIE

Project Manager

on behalf of National Highways

Date: 29th June 2023



Signed

Alice

Sharlot

Rural

Surveyor

on behalf of the National Farmers Union

Date: 29th June 2023

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2 Introduction

2.3 Purpose of this document

- 2.3.1 This Statement of Common Ground ("SoCG") has been prepared in respect of the proposed A12 Chelmsford Widening ("the Application") 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").
- 2.3.2 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.
- 2.3.3 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. 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.

2.4 Parties to this Statement of Common Ground

- 2.4.1 This SoCG has been prepared by (1) National Highways as the Applicant and (2) The National Farmers Union (NFU).
- 2.4.2 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.
- 2.4.3 The NFU represents more than 46,000 farming and growing businesses. Their purpose is to champion British agriculture and horticulture, to campaign for a stable and sustainable future for British farmers and to secure the best possible deal for their members. The NFU strive to protect and promote British farm life and give their members a voice now and in the future.

2.5 Terminology

- 2.5.1 In the tables in the Issues chapter of this SoCG, "Not Agreed" 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.

- 2.5.2 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 NFU, 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 NFU.

3 Record of Engagement

- 3.3.1 A summary of the meetings and correspondence that has taken place between National Highways and NFU in relation to the Application is outlined in table 3.1.

Table 3.1 Record of Engagement

Date	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
1 st February 2021	MS Teams Meeting	Survey access, sharing of plans and information, Landowner meetings prior to Statutory Consultation.
15 th July 2021	MS Teams Meeting	Borrow Pit justification and strategy, slow moving vehicles, Walking, Cycling & Horse Riding Routes (WCH), environmental mitigation land, temporary land.
10 th February 2022	MS Teams Meeting	<ol style="list-style-type: none"> 1. Consultation with Landowners 2. Voluntary agreements 3. Agricultural Land Drainage 4. Amount of land taken for the scheme, 5. Environmental Mitigation, BNG and Impact on agricultural businesses, 6. NH access for Maintenance – rights only 7. Unwanted Access 8. Borrow Pits – temporary 9. Restriction of Agricultural Vehicles on the A12 10. Soil & Environmental Management Plan
29 th June 2022	Email	Sharing of the following pre application documents: <ul style="list-style-type: none"> • GA Plans • Draft Borrow Pits Report • Draft Streets, Rights of Way and Access Plans • Draft EMP
20 th March 2023	MS Teams meeting	Discussion regarding the NFU's written representation to the DCO.

Date	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
30 th March 2023	MS Teams meeting	Discussion regarding the draft SoCG and each point raised within it.
30 th March 2023	Email	NH sharing the draft SoCG with NFU for their review
28 th April 2023	MS Teams meeting	Discussion regarding draft SoCG
10 th May 2023	Phone call	Discussion regarding draft SoCG and upcoming meeting.
10 th May 2023	Email	NH sharing the draft SoCG with NFU for their review
11 th May 2023	MS Teams meeting	Discussion regarding draft SoCG
17 th May 2023	Email	NH sharing the draft SoCG with NFU for their review
19 th May 2023	MS Teams meeting	Discussion regarding draft SoCG
24 th May 2023	Email	NFU sharing their proposed wording that they have asked to be included within the Second Iteration Environment Management Plan for discussion with NH
25 th May 2023	MS Teams meeting	Discussion regarding the draft SoCG
25 th May 2023	Email	NH sharing the draft SoCG with NFU for their review
26 th May 2023	Email	NFU response to NH on the draft SoCG
8 th June 2023	Email	NH Sharing of DL6 SoCG with the NFU.
22 nd June 2023	MS Teams meeting	Meeting to agree final position of outstanding items within SoCG
22 nd June 2023	Email	NH sharing of draft SoCG with the NFU
23 rd June 2023	Email	NFU sharing of draft SoCG with NFU
27 th June 2023	Email	NH sharing of SoCG with NFU
28 th June	Email	NFU sharing of SoCG with NH

3.3.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) National Highways and (2) The NFU in relation to the issues addressed in this SoCG.

3 Issues

3.1 Issues Agreed

Table 3.1 Issues Agreed

Ref	Issue	Doc Reference	NFU Position	National Highways Position	Status	Date
1	Agricultural Liaison Officers	APP-184 (6.5 First Iteration Environmental Management Plan, table 2.1, page 17)	An ALO to be appointed by National Highways prior to the commencement of the Works and will be the primary contact for ongoing engagement about practical matters with the Landowner, the Occupier (if applicable) and their respective agents before and during the construction process. National Highways shall be permitted to appoint more than one ALO if required.	The Agricultural Liaison Officer (ALO) will be appointed by the Principal Contractor (PC) prior to the commencement of the works and would be the primary contact for ongoing engagement about practical matters with the landowners, the occupier (if applicable) and their respective agents prior, throughout and after the construction of the Scheme. The PC would be permitted to appoint more than one ALO if required.	Agreed	19 th May 2023
2	Record of Condition	APP-184 (6.5 First Iteration Environmental Management Plan – 5.3, page 28)	<p>A Record of Condition will be undertaken pre-construction and will include the following:</p> <ul style="list-style-type: none"> Existing crop regimes The position and condition of existing field boundaries The condition of existing access arrangements The location and type of existing private water supplies The type of agricultural use taking place; The condition of crops (if at a stage this can be assessed) The quality of grazing land The existing weed burden Soil Resource Survey report Weather conditions Date of survey Grid reference <p>Photographs, drone and video footage including section drawings/plans should be included in the record of condition, alongside the SRS report and should be provided to the landowner and occupier, for agreement, prior to entry to the landholding.</p> <p>NFU: 5.3 of the FIMP outlines the requirements for a record of condition. It is noted that 5.3.2 starts 'Where practicable, photographs, drone and /or video footage ...' The NFU would expect the record of condition to include photographs at a minimum. Please can NH confirm that that a photographic record of condition will be undertaken and which elements will be undertaken where practicable 19.05.23</p> <p>National Highways have agreed in a meeting on 25.05.23 that a photographic schedule of condition will be taken at a minimum and the use of drone and/or video footage where practicable. The remainder of the above wording is agreed and located within the First Iteration Management Plan. Agreed 26.05.23</p>	<p>A record of condition/pre-entry condition survey will be undertaken prior to taking possession of agricultural land that will be temporarily possessed from landowners and occupiers (if applicable) and that will be returned to agriculture on completion of the Scheme. This will include the information requested by the NFU.</p> <p>Photographic evidence will be taken, however drone and video footage will only be taken where practicable and deemed necessary.</p>	Agreed	26 th May 2023

Ref	Issue	Doc Reference	NFU Position	National Highways Position	Status	Date
3	Irrigation	APP-184 (6.5 First Iteration Environmental Management Plan, table 2.1, page 17)	<p>Details of the irrigation system on each land holding, where relevant, will be gathered during the detailed design stage and irrigation plans will be developed. The Agricultural Liaison Officer (ALO) will be responsible for consulting with each individual landowner to obtain the relevant information and to be a point of contact to report concerns regarding irrigation systems during construction. The plans will include the following information:</p> <ul style="list-style-type: none"> • Location of boreholes and water supplies used by each farmer; • Irrigation or impoundment licence granted by the EA; and • System of irrigation applied and the location of irrigation network for each field. 	<p>The ALO's role would be to gather details of irrigation systems prior to works commencing on that specific land parcel as specified by the NFU at Ref 3 and would include the following additional responsibilities:</p> <ul style="list-style-type: none"> • coordinating drainage surveys with the landowner or occupier; • coordinating water supply statements; and • liaising with owner/occupiers regarding measures to be implemented to maintain livestock water supplies which may be affected due to construction works and fencing requirements both during and post construction. 	Agreed.	23 rd June 2023
4	Soils	APP-184 (6.5 First Iteration Environmental Management Plan, table 2.1, page 17)	<p>The preliminary or main works contractor shall produce and provide to landowners and occupiers if necessary, Preconstruction Soils Statements for areas of agricultural land within individual land holdings that will be temporarily occupied during the preliminary and main construction of the Scheme. These shall provide a baseline schedule of soil condition against which the restoration of the soil will be assessed. The statements shall identify soils resource topsoil and subsoil unit plans and shall include, as a minimum, all pre-construction soil survey information obtained to inform the ES, the development of the Soils Management Strategy and the information gathered from the record of condition surveys.</p>	<p>As detailed in Ref 2, Soil Resource Survey information will be provided to landowners and occupiers for agricultural land to be temporarily possessed and that will be returned to agriculture. Details of the soil parameters recorded by the Soil Resource Survey are detailed in Table 3.1 Ref 12.</p>	Agreed.	23 rd June 2023
5	Private Water Supplies	APP-184 (6.5 First Iteration Environmental Management Plan, table 2.1, page 17)	<p>Where an existing mains or private water supply to a farm is adversely and directly affected by the construction of the Scheme, NH shall, if requested by the farmer or landowner to do so, provide or procure or meet the reasonable cost of the provision of an alternative supply of water (the form and type of which shall be at the contractor's option). Where the supply is affected temporarily by the construction of the Scheme, then the alternative supply need only be supplied for the period during which it is affected.</p> <p>Where a request is made by the farmer or landowner for a permanent supply due to permanent severance of the existing supply caused by the construction of the Scheme, NH shall, where provision of an alternative means of supply can be demonstrated by the land owner/farmer to be reasonably required for his business, provide or procure or meet the reasonable cost of a permanent means of alternative supply of water (the form and type (either borehole or mains supply) shall be at the contractor's option).</p> <p>Water Supply Statements</p> <p>National Highways shall produce Water Supply Statements for landowners / occupiers who rely on private water supplies which could be affected by the Scheme. These shall identify how water supply is to be maintained in the unlikely event that existing supplies are adversely affected as a consequence of the works. The statements shall be produced and provided to landowners / occupiers and The Authority prior to works commencing and include, as a minimum:</p> <p>a) Details and locations of existing boreholes which supply the landowner / occupier;</p>	<p>Road Drainage and Water Environment (RDWE) 43 in Appendix A: Register of Environmental Actions and Commitments (REAC) [APP-185] confirms that monitoring of existing licensed and unlicensed groundwater abstractions potentially impacted by the Scheme will take place and where monitoring indicates an impact during the proposed work, a temporary replacement water supply would be provided, where practicable. If monitoring demonstrates a long-term impact, an alternative solution would be proposed. Water statements will be provided to landowners who's water supply are to be effected to provide landowners with information on the replacement supply proposed.</p>	Agreed	26 th June 2023

Ref	Issue	Doc Reference	NFU Position	National Highways Position	Status	Date
			<p>b) Recorded results from groundwater monitoring undertaken by the main works contractor (as part of the water Management Plan) that are relevant to those boreholes;</p> <p>c) How an emergency will be reported if water is contaminated;</p> <p>d) The procedure for getting water to a farm and how it will be distributed to animals and residential properties if water is affected on a temporary basis; and</p> <p>e) The procedure for getting a new supply of water whether from a borehole, mains supply or combination of both to a farm if the water from the boreholes is contaminated on a permanent basis</p> <p>National Highways agreed in a meeting on 25.05.23 that the above requests will be carried out and that these requests will be reflected in the Second Iteration Management Plan 26.05.23</p>			
6	Temporary use of land for carrying out the authorised development	dDCO	It is noted that in the DCO at Article 40 'Temporary use of land for carrying out the authorised development' it is stated that a 14 day notice has to be served before taking entry. At a minimum the NFU will want to see a 28 day notice being served before entry is taken on to land on a temporary basis.	National Highways has agreed to a 28 day notice period, this will be updated within the Second Iteration Environment Management Plan	Agreed	19 th June 2023
7	Biosecurity	APP-184 (6.5 First Iteration Environmental Management Plan,	<p>NH shall comply with the requirements of DEFRA and appropriate guidance to avoid, as far as possible, the spread of soil-borne crop and animal diseases. NH will implement appropriate measures to control run-off to reduce any risks associated with disease transmission.</p> <p>NH have confirmed that biosecurity measures are in line with the above wording including the requirements of DEFRA and will be included within the Second Iteration Management Plan, Agreed 23.05.23</p>	<p>Biosecurity risks relating to soil borne diseases and their management are outlined in Appendix M: Soil Management Handling Plan of the First Iteration Environmental Management Plan [APP-197] at paragraphs M.5.4 and M.5.14. Biosecurity risks would be identified in advance of soil stripping via consultation, and good practice measures put in place as applicable, to reduce the potential for soil-borne disease (crop and animal disease) and pathogen transfer between different areas of agricultural land. This may include segregation of soils and cleaning/disinfection of machinery where appropriate.</p> <p>The control measures and management of biosecurity will be developed further within the Second Iteration Environment Management Plan taking into account relevant guidance including DEFRA.</p>	Agreed	23rdMay 2023
8	Biodiversity Net Gain	ENVIRONMENTAL STATEMENT APPENDIX 9.14 BIODIVERSITY NET GAIN REPORT APP-138	Further to the response submitted to the consultation the NFU would still like to receive clarification as to why so much land is being taken for habitat mitigation and it is understood that (NH) have now identified a 25.01% biodiversity net gain for onsite habitat, 36.06% for Hedgerows and 156.73% gain for rivers. These figures do demonstrate a significant biodiversity net gain and the NFU would like further information on how this gain is being	A Biodiversity Net Gain (BNG) report (Environmental Statement, Appendix 9.14, Biodiversity Net Gain Report [APP-138]) has been prepared and submitted as part of the Application. This provides details on the BNG performance of the Scheme and how it will be achieved.	Agreed	23 rd May 2023

Ref	Issue	Doc Reference	NFU Position	National Highways Position	Status	Date
			<p>achieved. The NFU has asked for clarity on if land is being acquired for BNG purposes only.</p> <p>NH have confirmed that no additional land is being acquired for the purpose of biodiversity net gain and that any gain is being carried out on land that is required for the operation of the scheme. Agreed 23.05.23</p>	<p>NH has provided a response to NFU's Relevant Representation RR-024-003 [REP1-002] on this matter which sets out that there is no land within the Order Limits which the Applicant proposes to acquire purely for the purposes of biodiversity net gain. Land which would be acquired for other purposes, such as ecological mitigation for protected species, landscape mitigation for screening of visual impacts and verges of the proposed scheme would have a secondary benefit of contributing towards biodiversity net gain. Details of the purpose for which compulsory Acquisition and temporary possession powers are sought are set out within Annex A of the Statement of Reasons [APP-042].</p> <p>Biodiversity Net Gain would be achieved through habitat retention, creation and enhancement (for watercourses only) on-site post-construction (as presented in Table 3 of Appendix 9.14: Biodiversity Net Gain Report, of the Environmental Statement [APP138]). Proposals include grassland, pond and woodland creation as well as enhancement to river corridors.</p>		
9	Clarity on Agricultural Liaison Officers responsibility	APP-184 (6.5 First Iteration Environmental Management Plan, table 2.1, page 17)	<p>The ALO (or their company) will be contactable between 7am and 7 pm during the construction phase of the Works by and with the Landowner, the Occupier (if applicable) and their respective agents and will provide 24-hour team or company contact details for use in the event of emergency.</p> <p>The ALO will have relevant experience of working with landowners and agricultural businesses and will have knowledge of the compulsory acquisition process (if required) and working on a linear infrastructure project.</p> <p>The ALO will remain appointed for up to one year after completion of the Works in order to manage remediation issues.</p> <p>The role of the ALO will involve having responsibility for liaising with the Landowner, the Occupier (if applicable) and their respective agents in respect of the following:</p> <p>1.1.1 The ALO will coordinate the provision of the Schedule of Condition and Pre-Construction Soil Survey.</p> <p>1.1.2 The ALO will also undertake pre-construction liaison with affected parties to minimise disruption, where possible, to existing farming regimes and timings of activities (which will include endeavouring to keep the Landowner informed at least 3 months in advance (where practicable) of the Developer's intention to take entry in order to commence the Works);</p> <p>1.1.3 Provide preconstruction survey information to landowners including company name, survey type and equipment to be used, an estimate of how long the surveys are expected to take and where surveys are to take place on land outside of the Order limits, an explanation of why such land is required;</p>	The agreed responsibilities of the ALO is provided within Appendix A, this will be included in the Second Iteration Environment Management Plan .	Agreed.	23 rd June 2023

Ref	Issue	Doc Reference	NFU Position	National Highways Position	Status	Date
			<p>1.1.4 coordinating drainage surveys and sharing pre and post construction drainage schemes with the Landowner or Occupier (if applicable) in advance for their consideration;</p> <p>1.1.5 coordinating water supply statements;</p> <p>1.1.6 ensuring the Landowner and the Occupier (if applicable) are consulted in respect of requirements to field entrances and accesses across the Works to landlocked and severed land parcels;</p> <p>1.1.7 Liaise with owner/occupiers regarding:</p> <p>(a) measures to be implemented to maintain livestock water supplies which may be affected due to construction works;</p> <p>(b) fencing requirements both during and post-construction;</p> <p>1.1.8 Liaise with landowners prior to any proposed discharges to existing drains if any such discharge is necessary;</p> <p>1.1.9 discussing the location, grouping, and marking of Inspection Chambers with the Landowner and the Occupier (if applicable);</p> <p>1.1.10 advising on risks relating to the translocation of soil diseases, where necessary, and ensuring appropriate protective provisions are implemented;</p> <p>1.1.11 Liaise with affected landowners/occupiers about activities which may affect their land/business prior to public release of information about those activities;</p> <p>1.1.12 Liaise with the affected landowners/occupiers regarding balancing pond locations;</p> <p>1.1.13 Liaise with the affected landowners/occupiers regarding gate design where agricultural access is required;</p> <p>1.1.14 Liaise with private water abstractors should any pollution incidents occur which may impact on private water supplies;</p> <p>1.1.15 arranging quarterly meetings with the Landowner, the Occupier (if applicable) or their respective agent representatives;</p> <p>1.1.16 Undertake pre-construction and day-to-day discussions with affected owner/occupiers to minimise disruption, where possible, to existing farming regimes and timings of activities;</p> <p>1.1.17 Undertake site inspections during construction to monitor working practices and compliance of the contractor/s with their obligations to owner/occupiers under this EMP;</p> <p>1.1.18 discussing and agreeing reinstatement measures following completion of the Works;</p> <p>National Highways to confirm that both pre and post construction drainage schemes will be shared with the landowner/occupier in advance for consideration. The remainder of the wording on the role of an agricultural liaison officer is agreed and outlined in Appendix A. 26.05.23</p> <p>N</p>			
10	Agricultural Land drainage		<p>Particular care will be taken to ensure that the existing land drainage system is not compromised as a result of construction. Land drainage systems will be maintained during construction and reinstated on completion.</p>	<p>NH and the NFU are in agreement on this item, however have clarified a number of points below.</p> <p>For clarity the principal contractor will coordinate surveys and drainage works, the ALO will be used to</p>	Agreed	25 th May 2023

Ref	Issue	Doc Reference	NFU Position	National Highways Position	Status	Date
			<p>The ALO will coordinate drainage surveys to establish the existing drainage position including any related farm drainage that may be affected by the scheme.</p> <p>The services of a suitably qualified drainage consultant who will have experience of working in the region, will be employed by the contractor to act as a drainage expert during the detailed design process and liaise with landowners or occupiers (through the ALO) to consult on the pre and post drainage schemes required. This will include the design of any land drainage works required during construction, and on the design and timing of any land drainage works required for the subsequent restoration of the land. This process will take due regard of any local and site-specific knowledge.</p> <p>Existing agricultural land drains, where encountered during the construction of each phase, will be appropriately marked. The location of drains cut or disturbed by the construction works will be photographed, given a unique number and logged using GPRS coordinates. The actual condition and characteristics (e.g. depth of installation, pipe type and diameter) of the existing drainage will also be recorded upon excavation.</p> <p>During the construction works, temporary drainage will be installed to intercept existing field drains and ditches to maintain the integrity of the existing field-drainage system during construction. Such measures will also assist in reducing the potential for wet areas to form during the works, thereby reducing the impact on soil structure and fertility. Drainage systems however will not be installed into areas where they are not currently present, e.g. environmental wetlands.</p> <p>Any field drainage intercepted during construction will either be reinstated following reinstatement of the land or diverted to a secondary channel. Landowners and occupiers will be informed of the design of drainage works required during construction, including: pipe layout, falls, dimensions and outfalls (if required). The drainage would be reinstated in a condition that is at least as effective as the previous condition and will follow best practice for field drainage installations taking into account site specific conditions.</p> <p>Where it is reasonable for the reinstatement of drainage to involve works outside of the order limits it will be done subject to the agreement of the landowner.</p> <p>Landowners and occupiers will be provided with the opportunity to inspect land drainage works as they progress, subject to health and safety considerations. Furthermore, records of existing and remedial drainage will be maintained by the contractor with copies provided to the Landowner (and the Occupier, if applicable) following the completion of construction works in each phase.</p> <p>A dispute resolution process will be established including the appointment of a jointly agreed Independent Expert, who shall have at least 5 years experience of dealing with land drainage issues in the region, for drainage design and implementation, if required. Where agreement cannot be</p>	<p>communicate between the NH contractor and the land owner.</p> <p>With exception to the point regarding the 5 years experience of the individual, in dealing with land drainage issues. Instead the applicant will use a suitable qualified and experienced individual.</p>		

Ref	Issue	Doc Reference	NFU Position	National Highways Position	Status	Date
			<p>reached on the appointment of the expert the matter will be referred to the President of the Institution of Civil Engineers.</p> <p>National Highways are in agreement with the requests outlined above and the NFU accepts that an Independent Expert will be a suitably qualified and experienced individual, rather than being required to have 5 years' experience. It was agreed in the meeting on 25.05.23 that this wording will be reflected in the Second Iteration Management Plan. Agreed 26.05.23</p>			
11	Dust	APP-184 (6.5 First Iteration Environmental Management Plan)	<p>It is noted that within the FIEMP that dust will be controlled during construction, but clarification is needed on how dust will be controlled during construction to protect arable crops.</p> <p>National Highways have confirmed that measures will be included within the Second Mitigation Management Plan to control the level of dust caused by the construction of the scheme and to protect arable crops in close proximity to the scheme, in consultation with the Agricultural Liaison Officer. Agreed 26.05.23</p>	National Highways' response to NFU's Relevant Representation RR-024-009 provides information on the control of dust as it relates to arable crops. In accordance with paragraph E.3.8 of the Dust Management Plan (DMP) [APP-189], the DMP to be included within the second iteration EMP will be updated to give details of measures to limit dust from specific construction activities and/or locations including, but not limited to, borrow pit excavations, earthworks, demolition, and the storage and handling of materials.	Agreed	26 th May 2023
12	Soil Resource Survey	APP-184 (6.5 First Iteration Environmental Management Plan)	<p>The preliminary or main works contractor shall produce and provide to landowners and occupiers if necessary, Preconstruction Soils Statements for areas of agricultural land within individual land holdings that will be temporarily occupied during the preliminary and main construction of the proposed Scheme. These shall provide a baseline schedule of soil condition against which the restoration of the soil will be assessed. The statements shall identify soils resource topsoil and subsoil unit plans and shall include, as a minimum, all pre-construction soil survey information obtained to inform the ES, the development of the Soils Management Strategy and the information gathered from the record of condition surveys.</p> <p>The Pre-Construction Soil Survey will include the identification of the physical characteristics of profiles at a standard density of 100 metre intervals (with additional profiles examined where the 100 metre grid sampling does not enable a suitable density of sampling in an agricultural enclosure that will otherwise be missed). Soil pits will be examined at appropriate locations to provide additional detail on soil structure. The Pre-Construction Soil Survey will also provide information on the following physical soil characteristics:-</p> <ol style="list-style-type: none"> soil horizon depths for topsoil and subsoil horizons; soil textures of all horizons; soil colour; stone contents, estimated from augering, confirmed by soil pit excavation/and or sample analysis; presence and characteristics of mottling, a soil wetness indicator; presence of manganese concretions, a soil wetness indicator; identification of gleyed horizons; identification of slowly permeable layers; and identification of impenetrable rock layers. <p>A copy of the pre-Construction Soil Survey shall be provided to the Landowner and any Occupier prior to commencement of the Works.</p>	<p>A specification for the Soil Resource Survey (SRS) has been developed and has been agreed with Natural England in accordance with the Statement of Common Ground with Natural England.</p> <p>The SRS fulfils the scope as defined by the <i>Construction Code of Practice for the Sustainable Use of Soils on Construction Sites</i>. As such, the SRS:</p> <ul style="list-style-type: none"> involves the collection of soil samples for laboratory testing of key determinands; addresses spatial gaps in the ALC data where land access was not available at the time of the survey, or where the Order Limits have since extended; and investigates soils in non-agricultural land that will be impacted by the scheme. <p>The specification of the SRS states that in-situ observations for all soil horizons will be recorded in accordance with the Soil Survey Field Handbook , with the minimum set of descriptors to include horizon type and depth, texture, colour (assessed using a Munsell soil colour chart), mottling abundance and contrast, manganese concretions, stone size and abundance, soil-water state, structure, consistence (including plasticity), wetness class, root size and abundance, and boundary distinction and identification of gleyed horizons, slowly permeable layers and impenetrable rock layers.</p>	Agreed	26 th May 2023

Ref	Issue	Doc Reference	NFU Position	National Highways Position	Status	Date
			<p>The NFU understands that all of the above requirements have been included within the contractors specification for the Soil Resource Survey, with the exception that the standard density for the identification of the physical characteristics of profiles will be at intervals of 0.6-1.3 ha. Agreed 26.05.23</p>	<p>As detailed in National Highways response to Natural England Relevant Representation RR-184-010 [REP1-002] the survey density of the ALC survey already completed and reported in Chapter 10: Geology and Soils [APP-077] was agreed with Natural England and corresponded to a density of approximately 1 observation per 1.3ha within the surveyed areas.</p> <p>The specification of the SRS agreed with Natural England states that the sampling density generally conforms to a minimum of 1 sample per 3 ha, with at least one sample location per field within the Order Limits. SRS locations are scheduled where non-agricultural land was identified from the ALC survey or aerial imagery. ALC survey locations are scheduled to address spatial gaps in the existing ALC data and conform to an observation density of a minimum of 1 per 1 ha.</p>		
13	Authority to survey and investigate the land	Article 26 dDCO	<p>The NFU would like to see the following wording added under Article 26 and to become number (3) 'The Notice under paragraph (2) must indicate the nature of the survey and/or investigation the developer intends to carry out'. This wording has been agreed on other DCOs. The NFU believes that Article 26 at 26(3) should also state that the notice must indicate the following: • Who will be taking entry • The date of entry and for how long • The type of equipment if any will be used.</p> <p>The NFU believes strongly that it is only right that a landowner should know who is coming on to his land to be able to comply with their Health & Safety policies, how long they will be on the land for carrying out the survey and the vehicles and equipment that will be brought on to the land. The wording for this additional paragraph has also been sent to National Highways as requested in the Hearing.</p> <p>NFU: The NFU notes NH's comments. The NFU proposes a change to the NFU wording on the role of the Agricultural Liaison Officer at 1.5.3 to ensure the wording is applicable to surveys both within and outside of the Order Limits. 24.05.23.</p> <p>In a meeting with National Highways on 25.05.23 an amendment to the wording in Appendix 1 was agreed to include providing the information requested above within the role of the agricultural liaison officer. Agreed 26.05.23</p>	<p>The Applicant does not propose to include the NFU's suggested additions in Article 26. The Applicant refers also to Page 17 of the Applicant's First Iteration Environmental Management Plan [APP-198], where the items proposed by NFU are included as responsibilities of the ALO . The content of the EMP means that the point is covered in the EMP and need not be repeated in the dDCO.</p> <p>The responsibilities within the EMP will be updated as per appendix A within the Second Iteration of the EMP.</p>	Agreed	25 th May 2023
14	Balance Ponds		<p>The NFU would like information to be provided to explain why there are so many balance ponds required for the scheme. The NFU would like to see further negotiations with landowners especially in regard to the design and refinement of balance ponds and to see whether some of the balance ponds could be relocated next to field boundaries to minimise the impact on farmland.</p> <p>The NFU understands that NH have now undertaken discussions with landowners that are affected by land being acquired for balance ponds and</p>	<p>National Highways has responded and detailed the reasons for the number of balance ponds within RR-024-007 [REP1-002]</p>	Agreed.	23 rd June 2023

Ref	Issue	Doc Reference	NFU Position	National Highways Position	Status	Date
			any reasonable amendments to reduce the land required have been made. 23.06.23			
15	Monitoring of Soil During the Works	APP-184 (6.5 First Iteration Environmental Management Plan	<p>1. The Developer's soil expert shall consult with the landowner/occupier (through the ALO if necessary) to assess as to whether to continue with or commence the Works in circumstances where long term and/or adverse weather conditions have led to cumulative wetting of the land so as to make it unsuitable for the Works to be carried out, provided that this regulation shall not apply where the Developer is required to work on stone or other similar material (including inter alia roads, access tracks and compounds).</p> <p>2. Works that have been suspended or not commenced under paragraph 1, may be carried out only with consultation having taken place with the Soil Expert and the landowner/occupier. The Soil Expert may suggest the conditions necessary before works start again.</p> <p>3. Soil will be stored and managed in accordance with DEFRA Construction Code of Practice for Sustainable Use of Soils on Construction Sites (Ref PB1328) or the latest relevant available guidance.</p> <p>4. The Developer shall as far as reasonably practicable reinstate and put back subsoil and top soil into the same condition as it was in prior to its opening or breaking up for the purpose of carrying out the Works but shall not be obliged to reinstate the soil into any better condition than as evidenced by the Schedule of Condition and the Pre-Construction Soil Survey.</p> <p>5. The Developer shall procure that any topsoil stripped from agricultural land shall be preserved and stored in a bund.</p> <p>6. Any damaged topsoil will be replaced with topsoil of equivalent grade (The Developer shall use reasonable endeavours to procure is free of contamination or disease).</p> <p>7. The subsoil will be stored in a separate bund to the topsoil.</p> <p>8. If required in accordance with Environment Agency Guidelines, the Developer shall install around each relevant bund entrenched vertical entrapment fences (also known as silt fences) provided that even if it is not required in accordance with Environment Agency Guidelines, the Developer may still choose (but shall not be obliged) to install the same.</p> <p>9. If requested by the Landowner/occupier each topsoil bund that has been in situ for more than 6 (six) months shall be seeded with a rapid-growing grass mix to minimise erosion.</p> <p>10. The Soil Expert shall carry out an assessment to consider where water may pond on subsoil in the stripped working area and, where appropriate, shall determine (such determination to be binding on both parties) means to drain this water away through the bund;</p> <p>11..The Developer shall procure the control of weed growth on the topsoil and subsoil bunds (and otherwise on the Construction Strip) before the weeds flower, where necessary hand roguing wild oats or black grass and taking precautions not to allow weed spray to drift onto adjoining crops adjacent to the Construction Strip.</p> <p>12. The subsoil from agricultural land shall be loosened (by appropriate sub-soiling) before any top soil is returned.</p> <p>The NFU and NH have been working on a joint position in Appendix B to be included within the Second Iteration EMP. 23.06.23</p>	Soils will be managed in accordance with the Soil Handling Management Plan [REP4-027] forming Appendix M of the First Iteration Environmental Management Plan. This will be updated to the Second Iteration Environmental Management Plan. National Highways notes the points raised by the NFU and in response Appendix B highlights soil handling principles contained within the Soil Handling Management Plan that will be applied to land temporarily acquired and to be returned to agriculture.	Agreed	23 rd June 2023

3.2 Issues in discussion

Table 3.2 Issues in discussion

Ref	Issue	Doc Reference	NFU Position	National Highways Position	Status	Date
16	Voluntary agreements		<p>The NFU would like to see NH having meaningful negotiations with landowners to seek a voluntary agreement and accommodating landowner's requirements where possible with compulsory purchase only being a last resort.</p> <p>The NFU still understands that voluntary negotiations with agricultural landowners have been progressing very slowly. The NFU would like to see further negotiation of voluntary agreements before a DCO is granted. 23.06.23</p>	National Highways is looking to secure agreement in as many cases as possible by the end of Examination. An update on this was provided at Deadline 4 [REP4-065].	Under Discussion	23 rd June2023
17	Prohibition of Agricultural Vehicles		<p>The A12 is used as a main route by a lot of agricultural businesses. NFU members are concerned regarding the suitability of local routes which will increase congestion and impact highway safety if more agricultural vehicles are moved to local roads in particular through Witham, Kelvedon High Street and around Marks Tey. It would be helpful if NH would highlight the alternative routes that that they consider agricultural vehicles will use.</p> <p>In the meeting with National Highways on 25.05.23, NH outlined that a plan is being produced identifying the alternative routes that will be used if a prohibition of agricultural vehicles is put in place. The NFU is pleased to understand that work is still ongoing to determine the suitable alternative routes and the NFU would like to see a copy of this plan when it is available to understand the alternative routes that have been identified as being suitable for agricultural vehicles.</p> <p>NH outlined the intention to hold a meeting with farmers to understand further the routes that would be used by agricultural vehicles if the prohibition is put in place. NH suggested that this meeting would likely to be late June/ early July. The NFU would encourage NH to arrange the meeting at the earliest opportunity to avoid clashes with harvest. 26.05.23</p> <p>The NFU is disappointed that the meeting with farmers mentioned in the comment above (26.05.23) to understand further the routes that would be used by agricultural vehicles if the prohibition is put in place has still not been arranged and is unlikely to be arranged before the close of the examination. The NFU do not feel that the DCO should be granted enabling National Highways to prohibit slow moving vehicles until a full and thorough assessment has been completed into the alternative local routes that agricultural vehicles would be using to assess the safety implications. 23.06.23</p>	<p>NH position is that slow moving vehicles (SMVs) can present a serious hazard to the safety of workers and users on A12, primarily due to the differential in travel speed relative to the speed of other A12 traffic</p> <p>Therefore the safety risk must be evaluated, considering all aspects of safety on all parts of routes, including the alternative routes on which prohibited vehicles would travel is prohibited.</p> <p>A Safety Risk Assessment (SRA), will be prepared to evaluate safety for highway workers; road users of all groups on local and strategic routes, and other people affected.</p> <p>This requires input information including</p> <ul style="list-style-type: none"> • the numbers and types of vehicles; • their weight; • their dimensions (width and length); • typical operating speed; • the routes currently followed <p>NH understands that these factors can change over time, for example with contractual arrangements for agricultural management; with seasonal effects, change of land ownership and other reasons. The SRA will be based on the best available estimate of the above information that affected businesses can provide.</p>	Under Discussion	22 nd June2023

3.3 Issues Not Agreed

Table 3.3 Issues Not Agreed

Ref	Issue	Doc Reference	NFU Position	National Highways Position	Status	Date
18	Powers to Survey Land	dDCO	<p>It is noted that in the DCO under Article 26: Authority to survey and investigate the land under 26.1 (b) ii it is stated that NH can discharge water from sampling operations. The NFU would like further detail on the types of sampling that is to be undertaken and the quantities water that could be discharged.</p> <p>The NFU is pleased to see that 26.3. does state that the nature of the survey must be stated in the notice. The NFU would further like to see that the ALO as part of its role is to: <i>“provide preconstruction survey information to landowners including company name, survey type and equipment to be used, an estimate of how long the surveys are expected to take and where surveys are to take place on land outside of the Order limits, an explanation of why such land is required”</i>.</p> <p>The NFU is seeking to ensure that large volumes of water are not discharged over agricultural land. The NFU would like to understand what volume of water would be taken in sampling operations. National Highways have confirmed that water would be discharged in line with Environment Agency requirements and not over surrounding agricultural land. The NFU would be grateful if this could be confirmed. 26.05.23</p>	<p>As set out in RR-024-005 [REP1-002] – Specific details of the quantity and nature of water to be discharged and the sampling requirements for such discharge, are not known at this stage. Water discharge would follow relevant Environment Agency guidelines and consenting requirements where required. Water would not be discharged over surrounding agricultural land outside of the red line boundary of the Scheme. This will be included in the second iteration EMP.</p> <p>Where required the ALO will provide explanations of why surveys are being completed prior to the survey. This responsibility will be included within the agreed ALO responsibilities in Appendix A.</p> <p>NH and the NFU are mostly agreed on this item, with the only outstanding issue being that the NFU has requested the volumes of water to be discharged during construction, which National Highways cannot provide at this time due to the discharges being adhoc and as required during construction. NH will follow Environment Agency Guidelines during discharge and gain consents where required.</p>	Not Agreed	28 th June 2023
19	Soil restoration and Aftercare	APP-184 (6.5 First Iteration Environmental Management Plan	<p>Restoration of agricultural land and aftercare: Where land is to be restored to agriculture the main works contractor shall liaise with the landowner / occupier, through the ALO, and set out the detail for restoration on each specific area of farmland. The land restoration will proceed with full consultation between the landowner/occupier and the main works contractor including inspection of works where applicable and in accordance with requisite site health and safety procedures.</p> <p>Where land is to be used temporarily and returned to the landowner/occupier, the ALO will carry out the following:</p> <ol style="list-style-type: none"> liaise with the landowner on the working methods and the detail for restoration of each specific land parcel and the restoration of the soil shall be assessed against the baseline schedule of soil condition (pre-construction soil statement); the schedule of aftercare maintenance is to include soil testing, appropriate to the target specification for a period of up to five years following completion of the relevant construction work. undertake site inspections during construction to monitor working practices and compliance of the contractors with their obligations to landowners and occupiers under the FIEMP; 	<p>NH’s principles for the aftercare of restored agricultural land is detailed in paragraphs M.7.18 to M.7.23 of Appendix M: Soil Handling Management Plan of the Environmental Management Plan [REP4-027]. The principles detailed within this document broadly align with the NFU’s requests and therefore NH believes the Soil Handling Management Plan’s wording does not need to be updated at this stage.</p>	Not agreed	22 nd June 2023

Ref	Issue	Doc Reference	NFU Position	National Highways Position	Status	Date
			<p>d) liaise with the landowner/occupier on the reinstatement measures following completion of the works;</p> <p>e) During the aftercare period, there will be annual monitoring of physical soil characteristics and soil nutrient levels to set aftercare management requirements for the following year. Undertake inspections of restored agricultural land with the landowner/occupier and the Developer's soil expert to assess the progress of the restoration;</p> <p>f) coordinate the appropriate remedial actions or compensation agreed within the parameters of the compensation code and/or any previous agreements made at the time of acceptance of the initial restoration works and handover to the landowner/occupier.</p> <p>The land will be handed back to the landowner/occupier at the earliest opportunity once the restored land is in a suitable condition to be returned to its former use.</p> <p>The landowner shall approve and agree the reinstatement works before and after soil replacement. A final report to determine the final handover condition of the agricultural soil will be produced.</p> <p>The NFU understands that NH is considering the wording outlined above in respect of soil restoration and aftercare. 26.05.23</p> <p>The NFU understands that National Highways agree in principle to the requests outlined above on Soil restoration and Aftercare and that this is likely to be carried out, however NH are not willing to commit to the above detail within the Second Iteration Management Plan. The NFU would like National Highways to reconsider including these commitments within the Second Iteration EMP as ensuring that temporary land is restored and returned to its original condition is essential. 23.06.23</p>			
20	Authority to survey and investigate the land	Article 26	<p>2.1.1 Under Article 26 1(b), the NFU feels that the word adjacent needs to be more defined. Under article 2, interpretation, there is no meaning of the word adjacent. Therefore, the NFU would like to see it stated how far away from the Order Limits a survey can be carried out. Surveys and investigations are often undertaken within a set radius and therefore the NFU feels that it is not unreasonable for National Highways to state the distance from the order limits where land may be affected by this. It is essential that all landowners and occupiers are aware of what land could be disturbed by surveys.</p> <p>The NFU notes the comments made by National Highways. The NFU would like to propose the following definition is included within the DCO, which was included in the DCO for the A428 Black Cat to Caxton Gibbet Scheme:</p> <p><i>land adjacent to the Order limits" means any land outside but adjacent to the Order limits the use of which is reasonably necessary to construct the authorised development or any section or part of the authorised development;</i> 26.05.23</p>	<p>A response has been provided within REP4-056, paragraph REP3-073-001:</p> <p>The wording of Article 26 is precedent in the Model Provisions. It enables surveys outside of the Order limits. The Applicant is otherwise confined to the Order limits while things which it may need to survey will not be similarly confined. For example, badgers or similar receptors may need to be surveyed outside of the Order land as they forage within Order land. Similar consideration may apply relating to a need to carry out noise or other surveys at a nearby building or to check the final outfall for a drainage run outside of Order limits. Including a specific radius in the DCO would therefore be likely to prevent the Applicant from undertaking the necessary surveys. The power will be used sparingly but is standard and also considered necessary to allow the scheme to proceed without unnecessary delay.</p>	Not agreed	22 nd June 2023

Ref	Issue	Doc Reference	NFU Position	National Highways Position	Status	Date
21	Authority to survey and investigate the land	Article 26	<p>2.1.2 Paragraph (2) of Article 26 refers to the notice period for Surveys. NFU is happy to accept a 14 day written notice for surveys if it is agreed that a minimum notice of 28 days is given where the land in question is in an environmental scheme and a derogation is required from the RPA to avoid a financial penalty being applied. This notification could be given by the ALO and detailed under their responsibilities in the FIMP.</p> <p>National Highways have responded that financial penalties would become a compensation matter. If a financial penalty is applied, it is done so on the whole agreement area, not the area of land where the breach has occurred and therefore, financial penalties can become very large sums of money. The NFU feels that 28 days notice to allow a derogation to be secured and therefore avoiding any financial penalties is not unreasonable, and the impact that this would have on the programme would be minimal.</p> <p>NFU: The request by the NFU is seeking the extended deadline of 28 days' notice on land where there is an environmental scheme in place and a need to secure a derogation, which may take longer than 14 days. There can be large financial penalties applied across a whole farm holding as a result of a breach of such agreement and the NFU doesn't feel that the additional time requested would have any significant impact on the programme. The NFU would be happy to accept 14 days notice on land where there is no environmental scheme in place. 24.05.23</p> <p>During the meeting on 22.06.23, NH outlined that they didn't feel that surveys on land would have any impact on environmental schemes. The NFU would like to reiterate that where damage to environmental areas or there is activity leading to non-compliance of an agreement for an environmental scheme, this can lead to a breach of the agreement resulting in a financial penalty. The NFU would therefore like to reiterate that surveys undertaken by NH could impact land where there is an environmental scheme and therefore would like to see an extended notice period of 28 days to allow time to secure a derogation if required from the RPA to avoid a financial penalty being applied. 23.06.23</p>	<p>A response has been provided within REP4-056, paragraph REP3-073-002: As set out in the Applicant's Written submission of oral case for Issue Specific Hearing 2 [REP3-013] the provision for 14 days' notice in Article 26 is appropriate notice for the exercise of survey powers, as is provided for in the similar power for parties possessing compulsory purchase powers, in sections 172 to 174 of the Housing and Planning Act 2016.</p>	Not agreed	22 nd June 2023

Appendix A – Agricultural Liaison Officer roles and responsibilities

- 1.1 The ALO will be appointed by the principal contractor prior to the commencement of the scheme and will be the primary contact for ongoing engagement about practical matters with the Landowner, the Occupier (if applicable) and their respective agents before and during the construction process. The principal contractor shall be permitted to appoint more than one ALO if required.
- 1.2 The ALO (or their company) will be contactable between 8am and 6pm during the construction phase of the scheme by and with the Landowner, the Occupier (if applicable) and their respective agents and will provide 24-hour team or company contact details for use in the event of an emergency.
- 1.3 The ALO will have relevant experience in working with landowners and agricultural businesses and will have knowledge of the compulsory acquisition process (if required) and working on a linear infrastructure project.
- 1.4 The ALO will remain appointed for up to one year after completion of the scheme to manage remediation
- 1.5 The role of the ALO will include responsibility for liaising with the Landowner, the Occupier (if applicable) and their respective agents. An agreed, final list of responsibilities is provided below:
 - 1.5.1 Coordinating the provision of the Schedule of Condition and Pre-Construction Soil Resource Survey for land temporarily acquired and returned to the landowner.
 - 1.5.2 Undertaking pre-construction liaison with affected parties to minimise disruption, where possible, to existing farming regimes and timings of activities (which will include endeavouring to keep the Landowner informed at least 3 months in advance (where practicable) of the Developer's intention to take entry to commence the Works);
 - 1.5.3 Providing pre-construction survey information to landowners including company name, survey type and equipment to be used, an estimate of how long the surveys are expected to take and where surveys are to take place on land both inside and outside of the Order limits, where National Highways do not occupy the land. An explanation of why such land is required;
 - 1.5.4 Coordinating drainage surveys, and sharing pre and post-construction drainage schemes for land drains with the Landowner or Occupier (if applicable) in advance for their consideration;
 - 1.5.5 Coordinating water supply statements;
 - 1.5.6 Ensuring the Landowner and the Occupier (if applicable) are consulted in respect of requirements to field entrances and accesses across the Works to landlocked and severed land parcels (If applicable);
 - 1.5.7 Liaising with owner/occupiers regarding:

- (a) measures to be implemented to maintain livestock water supplies which may be affected by construction works;
 - (b) fencing requirements both during and post-construction;
- 1.5.8 Liaising with landowners prior to any proposed discharges to existing drains if any such discharge is necessary;
 - 1.5.9 discussing the location, grouping, and marking of Inspection Chambers with the Landowner and the Occupier (if applicable);
 - 1.5.10 advising on risks relating to the translocation of soil diseases, where necessary, and ensuring appropriate protective provisions are implemented;
 - 1.5.11 Liaising with affected landowners/occupiers about activities which may affect their land/business prior to public release of information about those activities;
 - 1.5.12 Liaising and informing affected landowners/occupiers regarding balancing pond location;
 - 1.5.13 If required, liaising with the affected landowners/occupiers regarding gate design where agricultural access is required;
 - 1.5.14 Liaise with private water abstractors should any pollution incidents occur which may impact on private water supplies;
 - 1.5.15 arranging regular meetings with the Landowner, the Occupier (if applicable) or their respective agent representatives as deemed necessary by the ALO and Interested Party;
 - 1.5.16 Undertaking pre-construction and day-to-day discussions with affected owner/occupiers to minimise disruption, where possible, to existing farming regimes and timings of activities;
 - 1.5.17 Undertaking site inspections during construction to monitor working practices and compliance of the contractor/s with their obligations to owner/occupiers under this FIEMP;
 - 1.5.18 discussing and agreeing reinstatement measures following completion of the Works where land is taken temporarily and to be handed back to the land owner;

Appendix B – Soil Monitoring principles for temporarily acquired land to be returned to agriculture and to be included in the Second Iteration EMP

It should be noted that much of the NFU's and NH's principles are aligned on this, with the majority of the NFU's requests already included within the First Iteration Environment Management Plan, however for ease of understanding the agreed principles are provided below. These will be included within the second Iteration Environment Management Plan where the current wording within the first Iteration Environment Management Plan does not cover the NFU requests;

- 1.5 Appendix M: Soil Handling Management Plan of the First Iteration Environmental Management Plan [REP4-027] states at paragraph M.5.23 that the field suitable

method for assessing whether soils are in a reasonably dry and friable condition based on plastic limits contained in Part One (Supplementary Note 4, Table 4.2: Field Tests for Suitably Dry Soils) of the Institute of Quarrying's Good Practice Guide for Handling Soils in Mineral Working, together with the associated rainfall protocols, will be adopted for soil handling. This will also be included in the Second Iteration Environmental Management Plan. This guidance, alongside implementation and monitoring protocols to be detailed within the second iteration EMP would help ensure that soils are handled in suitable conditions and limit long-term damage (Position agreed with Natural England).

- 1.6 The position as agreed with Natural England, referred to in Point 1.5 above includes criteria for restarting works following wet conditions (refer to paragraphs M.7.11 and M.7.17 of Appendix M: Soil Handling Management Plan of the First Iteration Environmental Management Plan [REP4-027]).
- 1.7 Soil will be stored and managed in accordance with DEFRA Construction Code of Practice for Sustainable Use of Soils on Construction Sites (Ref PB13298) or the latest relevant available guidance.
- 1.8 The Applicant shall as far as reasonably practicable reinstate and put back subsoil and topsoil into the same condition as it was in prior to its stripping for the purpose of carrying out the Works but shall not be obliged to reinstate the soil into any better condition than as evidenced by the record of condition/pre entry condition survey and the Soil Resource Survey for land temporarily possessed and to be returned to agriculture.
- 1.9 The Applicant shall procure that any topsoil stripped from agricultural land shall be preserved and temporarily stored in stockpiles in accordance with Appendix M: Soil Handling Management Plan of the First Iteration Environmental Management Plan [REP4-027].
- 1.10 In accordance with Paragraph M.7.13 of the Appendix M: Soil Handling Management Plan of the First Iteration Environmental Management Plan [REP4-027], damaged topsoil may be replaced where appropriate with topsoil of an equivalent quality with reference to the soil resource plan and schedule of condition (the Principal Contractor shall use reasonable endeavours to procure soil free from contamination or disease).
- 1.11 The subsoil will be stored in separate stockpiles to the topsoil, in accordance with Appendix M: Soil Handling Management Plan of the First Iteration Environmental Management Plan [REP4-027] (refer to paragraph M.6.2).
- 1.12 In accordance with paragraph M.6.5 of the Appendix M: Soil Handling Management Plan of the First Iteration Environmental Management Plan [REP4-027] and in order to minimise the effects of storage, the stockpiles would be monitored for signs of ponding, as indicated by standing water, and erosion. Where it occurs, temporary drainage measures, regrading and/or silt fencing would be put into effect.
- 1.13 Where the duration of storage of soils in stockpiles is greater than six months, the stockpile surface will be seeded with a mix of grass and clover. This is detailed in

paragraph M.6.10 of Appendix M: Soil Handling Management Plan of the First Iteration Environmental Management Plan [REP4-027].

- 1.14 The Soil Expert shall carry out an assessment to consider where water may pond on subsoil in the stripped working area and, where appropriate, shall determine (such determination to be binding on both parties) means to drain this water away through the bund; The Applicant shall in accordance with paragraph M.6.10 of Appendix M: Soil Handling Management Plan of the first iteration Environmental Management Plan [REP4-027], manage any weeds that have established on the stockpiles (and otherwise within the Red Line Boundary) at appropriate times (such as before flowering) by the application of appropriate herbicide, by spraying techniques to kill off the weeds (taking precautions not to allow herbicide spray to drift onto adjacent crops), or by cutting techniques such as mowing and strimming to prevent any possible seed dispersion, taking precautions not to allow weed spray to drift onto adjoining crops adjacent to the Red Line Boundary.
- 1.15 In accordance with paragraph M.7.6 of Appendix M: Soil Handling Management Plan of the first iteration Environmental Management Plan [REP4-027], the subsoil from agricultural land shall be loosened (by appropriate sub-soiling) before any topsoil is returned.

Acronyms

Abbreviation	Term
BNG	Biodiversity Net Gain
dDCO	Draft Development Consent Order
DEFRA	Department for Environment, Food and Rural Affairs
EMP	Environmental Management Plan
SoCG	Statement of Common Ground
RDWE	Road Drainage and Water Environment