

A12 Chelmsford to A120 widening scheme

TR010060

8.18 Statement of Common Ground with ANGLIAN WATER

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A12 Chelmsford to A120 widening scheme

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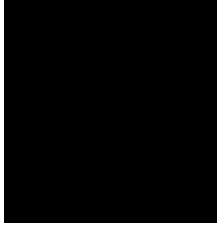
**Statement of Common Ground with
ANGLIAN WATER SERVICES LIMITED**

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1	February 2023	Draft for deadline 2
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4	June 2023	Final for deadline 7

STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) National Highways Limited and (2) Anglian Water Services Limited

Signed... 

Phil Davie

Project Director

on behalf of National Highways

Date: 29/06/2023

Signed... 

Tessa Saunders

Spatial Planning Advisor

on behalf of Anglian Water Services Limited

Date: 29/06/2023

For the submission of the Statement of Common Ground for Deadline 6, between **National Highways** and **Anglian Water Services Limited**, updates have been made in the following sections of the document.

Location	Update made
Record of Engagement	Additional record added for engagement since the previous Deadline 6 update.
Agreed issues	One item (13) has been agreed since deadline 6 update.
Issues under discussion	Two items are still under discussion. No new topics have been added.

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1 Introduction

1.1 Purpose of this document

- 1.1.1 SoCGs are a useful and established means of ensuring that the evidence at the DCO examination focuses on the material differences between the main parties, and so aim to help facilitate a more efficient examination process.
- 1.1.2 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.
- 1.1.3 The purpose of the SoCG is to set out agreed factual information about the proposed DCO application. It is intended that the SoCG should provide matters on which both parties agree. As well as identifying matters which are not in dispute, the SoCG may also identify areas where agreement has not been reached.
- 1.1.4 It is envisaged that this SoCG will evolve during the examination phase of the DCO application.
- 1.1.5 Any subsequent drafts will be agreed and issued, with the version numbers clearly recorded in the 'Document Control' table at the beginning of the document.
- 1.1.6 This Statement of Common Ground ("SoCG") relates to an application made by National Highways Limited ("the Applicant") to the Planning Inspectorate ("PINS") under Section 37 of the Planning Act 2008 ("PA 2008") for the A12 Chelmsford to A120 Widening Development Consent Order ("the DCO"). If made, the DCO would grant consent for the Applicant to undertake the A12 Chelmsford to A120 Widening Scheme ("the Scheme").
- 1.1.7 A detailed description of the Scheme can be found in the ES Chapter 2 "The Proposed Scheme" [[6.1 Environmental Statement - Chapter 2 The proposed scheme \(planninginspectorate.gov.uk\)](#)].
- 1.1.8 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:
[\[A12 Chelmsford to A120 Widening Scheme | National Infrastructure Planning \(planninginspectorate.gov.uk\)\]](#)

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) the Applicant and (2) Anglian Water Services Limited ("Anglian Water").
- 1.2.2 The Applicant 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.

- 1.2.3 Anglian Water is a water and water recycling company whose apparatus is affected by the Scheme.

2 Record of Engagement

- 2.1.1 A summary of the meetings and correspondence that has taken place between the Applicant and Anglian Water in relation to the Application is outlined in table below.

Table 2.1 Record of Engagement

Date	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
18/10/19	Meeting	Introductory meeting to discuss AW interests within the project boundary.
30/03/20	Meeting	A12 team Introduction and notification of scheme.
31/01/22	Teams Meeting	Meeting to discuss critical AW assets along A12 corridor, access arrangements for AW assets & PPs
27/04/22	Teams Meeting	Meeting to discuss diversion works (update), stat. consultation and supp. Consultation response, Chelmsford diversion & Barrows Creep underpass, replacement land and & access across Whetmead
15/06/22	TEAMS Consultation Meeting	Meeting to discuss sewer flooding, foul water/early works, Essex & Suffolk Water Main, culvert, open Space and Effluent Pipe at north end of Whetmead Reserve
13/07/22	TEAMS Consultation Meeting	Meeting to discuss air quality, Essex Water Main, review of Hatfield Hill, Barrows Creep, New Lane, Rivenhall End pump house, Maldon Road, Witham, Benton Close Pump Station, Blackwater Lane, Eastways Ind Est, Inworth Road,
20/07/22	Site Meeting at Whetmead Nature Reserve and Barrows Creep	<ul style="list-style-type: none"> • Review of the assets at Whetmead Nature Reserve • Rivenhall End STW- discussion on access
17/08/22	TEAMS Consultation Meeting	Discussion Topics on air quality and tree removal, construction and asset protection, PPs, Essex & Suffolk Water Main & Rivenhall Hall End access
14/09/22	TEAMS Consultation	Discussion on odour, Pipe Investigation, bund, PPs, easement and access under Brain Bridge.
26/09/22	TEAMS Consultation	Meeting on frequency of access at Rivenhall End

Date	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
14/10/22	TEAMS Consultation Meeting	Discussion on <ul style="list-style-type: none"> • Access to the Brain Bridge underpass area. • Clarification of the weight restriction for the Farmer's Bridge • 3 large diameter pipes to the north of Witham – ongoing discussions with AW and NH • AW requested a CCTV survey to be undertaken by AW ops team and levels to be assessed both sides. • There is a Plastic water main pipe at Hatfield Peverel, JZ has concerns about piling and the diversions for access, houses, businesses in this area PPs – using the Lower Thames Crossing as a base
03/01/23	Progress meeting	SoCG discussion.
23/01/23	Teams meeting	Meeting to discuss odour issues and removal of trees at Witham WRC.
01/02/23	Teams meeting	SoCG discussion
09/03/23	Teams meeting	SoCG discussion
25/04/23	Teams meeting	SoCG discussion for deadline 6
25/05/23	Teams meeting	SoCG discussion for deadline 6
26/06/23	Teams meeting	SoCG discussion for deadline 7

2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) the Applicant and (2) Anglian Water in relation to the issues addressed in this SoCG.

2.2 Terminology

2.2.1 In the tables in the Issues chapter of this SoCG

- “Agreed” indicates where the issue has been resolved;
- “Under discussion” indicates area(s) of current disagreement where resolution remains possible, and where the parties will continue to discuss the issue(s) to seek to reach agreement by the end of the examination; and
- “Not Agreed” indicates a final position for area(s) of disagreement where the resolution of divergent positions will not be possible, and parties agree on this point.

2.2.2 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 Anglian Water Services, 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 Anglian Water Services.

3 Issues

3.1 Issues agreed

Table 3.1 Issues agreed.

Ref	Issue	Doc Ref	Agreement	Date
1	The protection of access to the Witham Water Recycling Works (WWRW) along Blackwater Lane. NH may take temporary possession under the DCO.	TR010060/APP/3.1	<p>During the construction of the A12, provision will be made for AWS to have vehicular access to their assets as required via Blackwater Lane and Perry Road.</p> <p>It must be noted that Blackwater Lane is not a highway maintainable at the public expense, although it is a public footpath along part of its length. AWS has the benefit of private rights to access the Witham WWRW over Blackwater Lane. Under article 31 of the draft DCO if NH takes possession of Blackwater Lane, the starting point would be that private rights would be suspended and unenforceable while NH remained in possession. However, the private rights of AWS would be preserved under article 31(6) which excludes any right to which Section 138 of the Planning Act 2008 or Article 42 of the draft DCO applies (ie the rights of statutory undertakers).</p> <p>In short Anglian Water's rights to access WWRW would not be affected by NH taking temporary possession of the land.</p>	25/01/2023

Ref	Issue	Doc Ref	Agreement	Date
			<p>Under paragraph 27 of Schedule 11, Anglian Water's protective provisions provide that before NH carries out any works "that are near to, or will or may affect, any apparatus (or any means of access to it) the removal of which has not been required by the undertaker under paragraph 25(2), the undertaker must submit to AWS a plan of the works". Where such a plan is submitted AWS may impose "such reasonable requirements as may be made in accordance with sub-paragraph (3) by AWS for the alteration or otherwise for the protection of the apparatus, or for securing access to it".</p> <p>NH is also seeking powers to temporarily exclude traffic from roads within the Order Limits under article 19. However, under paragraph 22(2) of Schedule 11, Anglian Water's protective provisions provide that "Anglian Water is at liberty at all times to take all necessary access across any such altered, diverted, prohibited or restricted highway".</p> <p>The proposed scheme will not therefore interfere with access to Witham WWRW.</p> <p>Agreed proposed text for inclusion in the Construction Traffic Management Plan</p>	

Ref	Issue	Doc Ref	Agreement	Date
2	Barrows Creep Underpass and Land at Whetmead Nature reserve.	(Plot 9/10c and 9/10d)	From AWS point of view the scheme can include provision for the Barrow's Creep Underpass to be sealed off. NH will need to ensure longitudinal drainage provision is provided at the toe of embankment to capture and drain surface water runoff.	25/01/2023
3	Open Space Replacement Land (replacement of 9/10d with 9/1q) Replacement land of AW lost to the project and its links with land including connectivity for nature conservation purposes to land owned by Witham Town Council.	TR010060/APP/7.9 -Replacement-Land Statement	NH has made provisions within the dDCO for replacement land to be provided (due to Whetmead Nature reserve being considered public open space) for plot number 9/10d. Further to this during discussions AWS have agreed to Plot 9/1q being included as suitable replacement land in the order for these purposes.	25/01/2023
4	AWS are concerned about the protection of operations of Witham WWRW during construction.		NH does not anticipate that the construction and operation of the proposed scheme will adversely affect the operations of the Witham WWRW. Protective provisions have been included in the dDCO to ensure that Anglian Water's assets are suitably protected (see the response to paragraph 1 above in relation to maintaining access to the WWRW).	25/01/2023
5	Connectivity of Land owned by Witham Town Council for nature conservation purposes - NH must include a		NH has made provision in the Application for replacement land for AWS, which will include a	25/01/2023

Ref	Issue	Doc Ref	Agreement	Date
	connection for nature conservation purposes to land owned by Witham Town Council, subject to agreement of Witham Town Council.		connection for nature conservation purposes to land owned by Witham Town Council.	
6	Possible relocation of Essex and Suffolk Water's main route into plot no's 9/10a and 9/10b (Work No. U67). Relocation of this water main will cause AWS operational problems.	Land Plots 9/10a and 9/10b	NH has finalised the trial holes in the Witham Water Recycling Works ("WWRW") to establish the location of the existing asset. The trial holes have highlighted that the existing main runs inside the WWRW land and hence will not be impacted by the proposed scheme.	20/03/2023
7	Access at Hatfield Peverel Pumping Station whilst River Ter bridge modifications are carried out.		NH are advising AWS the scheme will maintain this access during works (2025-2026). If it is not possible via existing access, then access will need to be created from Bury Road across the fields within the Order land. Any changes to the permanent access need to ensure the clearances remain the same for vehicles.	23/03/2023
8	Existing clearance of Brain Bridge to be maintained following the completion of the widening works proposed	Land plots 8/1i & 8/1k	A cross section has been produced and issued to AW to demonstrate that the clearance will not be compromised during and after construction.	07/02/2023

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Ref	Issue	Doc Ref	Agreement	Date
9	AWS access requirements to assets to the area to the East of the A12 to the Whetmead Nature Reserve to access the Surface Water Outfall on plot no 9/1q.	Final Outfall from WWRW inspection chamber (Located outside the Order Limits on title EX74597, owned by Witham Town Council.)	<p>Sampling and emergency tankering would take place.</p> <p>During the construction of the A12, provision will be made for AWS to have vehicular access via the haul road within the Order land to their assets as required via Blue Mills Hill Road, subject to standard site safety eg induction. AWS has agreed that the 70 tonne weight limit for the Bailey bridge over the river Brain is satisfactory for the purpose of maintaining their assets.</p>	22/03/2023
10	New Anglian Water Rising main at Junction 19 on Countryside Zest Ltd land. NH to ensure access route through Countryside Zest land is not impacted by our work.	TR010060/APP/2.7 Land plans Plot 2/15a	<p>AWS have confirmed ownership of the rising main and pumping station and have provided the as built drawings.</p> <p>Access is guaranteed by the Protective Provisions.</p>	02/05/2023
11	AWS have ongoing concerns about any impacts the A12 works may have on 3 no. various diameter assets located to the North of Witham STW. Project references AWF15, 16 and 17.		<p>AWS have advised NH to need to undertake CCTV and other investigations to confirm depth of assets.</p> <p>NH to undertake the required design checks and clash detection and engage AWS plant protection to confirm no works are required.</p>	02/05/2023

Ref	Issue	Doc Ref	Agreement	Date
12	Removal of Trees within AW land (odour screening). The trees provide screening in respect of the odour arising out of the Witham Water Recycling Works ("WWRW").	Land Plots 9/10a and 9/10b HE551497-JAC-LDC-SCHW-DR-L-0108 and HE551497-JAC-LDC-SCHW-DR-L-0109 Land plots 8/32a, 9/10a and 9/12b	NH does not agree that the trees provide odour screening and does not consider that the A12 scheme will cause any adverse impact to the operation of the WRW. The extent of the trees/vegetation that will be removed will be as per "Retained and removed vegetation plans" referenced in the dDCO. Screening will be re-planted post construction work along this corridor in AW land plots 8/32a, 9/10a and 9/12b to maintain a suitable visual screening which will be designed during the landscape detail design. AWS will continue to deal with the responses in regard to the odour complaints raised at this site.	02/05/2023
13	AWS wishes to be included as a consultee through inclusion on the on-going Surface Water Management investigations and designs.		NH does not consider it appropriate or necessary that AWS should be included as a consultee given the existing requirement to consult local authority and the Environment Agency in this regard. Anglian Water acknowledges the position taken by National Highways with regard to the requirement to consult on surface and foul water drainage and recognises that surface water will be managed by sustainable drainage systems and not reliant on connections to the	26/06/23

Ref	Issue	Doc Ref	Agreement	Date
			public sewer network. Anglian Water will therefore seek to engage with the Local Planning Authorities, as the Requirements approval body, and the Environment Agency when they are consulted on surface and foul drainage systems under Requirement 11.	

3.2 Issues in discussion

Table 3.2 Issues in discussion.

Ref	Issue	Doc Reference	Agreement	Status	Date
14	Rivenhall End access from the A12 Service Area (11/11b) will be removed and AWS to continue using current access off Braxted Road.	Land plots 11/11b 11/16a, 11/2c, 11/20b	Alternative access rights from the Starbucks coffee will no longer be available once the scheme is constructed as the new A12 will be traversing the area. All the associated land from the existing A12 will be permanently acquired as part of the dDCO. It is proposed that AW continue to use the existing access to the pumping station however, it was discussed and agreed that rather than NH provide a physical alternative access to AW's freehold, that an easement over NH new access to their balancing facility in land plot 11/8a and	Under Discussion	20/03/23

Ref	Issue	Doc Reference	Agreement	Status	Date
			<p>continuing to AW freehold would be agreeable.</p> <p>A Letter of Comfort could be prepared for AW stating that we would enter into an easement when we have possession of the land.</p>		
15	The form of protective provisions for the benefit of AWS.	TR010060/APP/3.1	<p>The protective provisions included for the benefit of AWS in Schedule 11 of the draft DCO are partially agreed. The only outstanding issue between the parties is the stand-off distances to be set out in Sch.11 Pt.3 Clause 27 (Retained Apparatus) Para. (7)</p> <p>National Highways is prepared to consider Anglian Water's concerns further, however:</p> <ul style="list-style-type: none"> (1) The wording which National Highways has included in the dDCO reflects previous precedent in the A47 Blofield, Tuddenham, Thickthorn and Wansford orders. (2) The wording also reflects Cross Sector Infrastructure Access Statement (3) Anglian Water has stated that the wording in the draft DCO is 	Under Discussion	02/05/2023

Ref	Issue	Doc Reference	Agreement	Status	Date
			<p>not sufficient, however National Highways does not consider that sufficient justification has been provided for it to accept this departure from the precedent protective provisions. If further justification can be provided National Highways will consider this further, and whether the amendments may be justified. [Anglian Water has agreed to provide further details to National Highways and discussions will continue after the signing of the Statement of Common Ground].</p> <p>In the event that agreement is not reached by the end of the examination the Secretary of State will need to adjudicate on whether to accept National Highways' or Anglian Water's distances.</p>		

3.2.2 The parties will update the Examining Authority as to progress in negotiations as the Examination proceeds and as requested by the Examining Authority. If agreement is not reached, then the Protective Provisions in Schedule 11 of the DCO will apply.

Acronyms

Abbreviation	Term
AWS	Anglian Water Services
NH	National Highways
CAD	Computer Aided Design
DCO	Development Consent Order
dDCO	Draft Development Consent Order
SoCG	Statement Of Common Ground
SOS	Secretary of State