

# A12 Chelmsford to A120 widening scheme

TR010060

## 8.17 Statement of Commonality for Deadline 7

Rule 8(1)(e)

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## Infrastructure Planning

### Planning Act 2008

#### The Infrastructure Planning (Examination Procedure) Rules 2010

## **A12 Chelmsford to A120 widening scheme** Development Consent Order 202[ ]

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### **Statement of Commonality for Deadline 7**

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<b>Regulation Number</b>	Rule 8(1)(e)
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# 1 Introduction

## 1.1 Purpose of this document

- 1.1.1** This Statement of Commonality for Statements of Common Ground (this Statement) relates to an application made by National Highways (the Applicant) to the Planning Inspectorate to the Planning Inspectorate under Section 37 of the Planning Act 2008 (the 2008 Act) for a Development Consent Order (DCO). If made, the DCO would grant consent for the Applicant to undertake the A12 Chelmsford to A120 Widening Scheme (the Scheme). A detailed description of the Scheme can be found in Chapter 2: The Proposed Scheme of the Environmental Statement [APP-069].
- 1.1.2** This Statement has been prepared to provide the Examining Authority (the ExA) with the current position on Statements of Common Ground (SoCG) between the Applicant and prescribed consultees, statutory undertakers and Interested Parties (other parties) in relation to the Scheme.
- 1.1.3** This Statement also provides the final position on the commonality on specific points between SoCGs at Examination Deadline 7 on 3 July 2023.
- 1.1.4** As requested by the ExA in the Rule 6 letter dated 12 December 2022 [PD-005], this version of the Statement of Commonality being submitted at Deadline 7 is the final version.
- 1.1.5** Those matters still under discussion at Deadline 7 are explained further in the 'List of Matters Not Agreed' document [TR010060/EXAM/8.22]. This document also explains how the Applicant is working, and will continue to work beyond the Examination, to agree these matters with the relevant Interested Parties.

## **2 Structure of Statements of Common Ground**

- 2.1.1** To ensure consistency in the approach taken to documenting matters agreed, matters subject to further negotiation or matters not agreed, each of the SoCGs adopts a standard format in order to provide clarity to other parties and ultimately the ExA.
- 2.1.2** Each SoCG has the following structure:
- Section 1: provides an introduction to the SoCG and a description of its purpose.
  - Section 2: states the engagement that has occurred between the Applicant and other Party.
  - Section 3: sets out any issues that have arisen, reporting on the status of each issue, i.e. whether it is agreed, still under discussion or not agreed and any remaining actions.
- 2.1.3** Where relevant, documents not forming part of the Application that are referenced in the SoCG and which it is helpful to draw to the ExA's attention, have been appended to the SoCG.

### 3 List of Statements of Common Ground

- 3.1.1** The Applicant has prepared SoCGs with a number of Interested Parties (IPs), as requested by the Examining Authority in their Rule 6 letter of 12 December 2022 and Rule 8 letter [PD-008] of 20 January 2023, as well as with other IPs, where it considers it has been beneficial to do so to assist with the Examination.
- 3.1.2** The parties which the Applicant has prepared SoCGs with at Deadline 7 are listed in Table 3.1 below. Those with a “\*” after have been specifically requested by the ExA to be submitted during the Examination.
- 3.1.3** Further detail about the current position of each SoCG can be found at Chapter 4, Table 4.1 of this Statement.

**Table 3.1 List of Final SoCGs at Deadline 7**

<b>Local Authorities</b>
Colchester City Council*
Chelmsford Borough Council*
Essex County Council*
Braintree District Council*
<b>Prescribed Consultees</b>
Natural England*
Environment Agency*
Historic England*
The Crown Estate Commissioners*
Messing and Inworth Parish Council and Messing and Inworth Action Group (MIAG) * (see comment at 3.1.4)
Boreham Parish Council*
Witham Town Council*
Hatfield Peverel Parish Council
Essex Police
<b>Statutory Undertakers</b>
Essex Waterways Limited on behalf of Chelmer and Blackwater Navigation Limited*
Network Rail Infrastructure Limited*
Anglian Water
Cadent Gas Limited*
<b>Interested Parties</b>
The Brice Family*
National Farmers Union (NFU)

- 3.1.4** Submission of an SoCG with Messing and Inworth Parish Council and MIAG was requested by the ExA in the Rule 8 letter dated 20 January 2023. An Additional Submission by the Interested Parties was accepted by the ExA on 25 May 2023 [AS-065] which outlined their position on not wishing to progress the SoCG with the Applicant. As the Applicant outlined at Issue Specific Hearing 5, no progress has been made on reaching any commonality with the MIAG and the Parish Council and this SoCG is not being progressed.

## 4 Summary of current position

4.1.1 This section provides the final position of each SoCG at Deadline 7.

4.1.2 Table 4.1 provides a high-level position and where necessary includes further detail to aid understanding. The high-level positions used in the table are:

- a) **Final Signed SoCG all matters agreed** – The final SoCG has been signed by both parties and all matters are agreed.
- b) **Final Signed SoCG with matters disagreed or in discussion** – The final SoCG has been signed by both parties and there are either matters that are not in agreement, where the Applicant and the other party agree will not be resolved during the Examination, or where matters are still in discussion and will continue to be discussed beyond the Examination.
- c) **SoCG in draft (relevant to historic Deadline submissions only)** – The SoCG has been drafted by the Applicant, it has been shared with the other party and comments have been provided. Discussion is ongoing to reach a ‘Final Signed SoCG all matters agreed’ or ‘Final Signed SoCG with matters disagreed or in discussion’. This category is split into the following sub-categories:
  - **Sub-category 1** – SoCG is/has been drafted but not shared with party (SC1)
  - **Sub-category 2** – SoCG has been shared with party and no comments have been received (SC2)
  - **Sub-category 3** – SoCG has been shared with party and comments have been received (SC3)
  - **Sub-category 4** – SoCG has been shared with party, comments have been received and a draft version of the SoCG has been signed (SC4)

**Table 4.1 SoCG Final Positions**

Document Reference	Party	Position at Deadline 2 13 February 2023	Position at Deadline 4 11 April 2023	Position at Deadline 6 12 June 2023	Position at Deadline 7 3 July 2023
<b>Local Authorities</b>					
TR010060/EXAM/8.9	Colchester City Council	SoCG in draft (SC4)	SoCG in draft (SC4)	SoCG in draft (SC4)	Final Signed SoCG – all matters agreed
TR010060/EXAM/8.10	Chelmsford City Council	SoCG in draft (SC3)	SoCG in draft (SC3)	SoCG in draft (SC3)	Final Signed SoCG –



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Document Reference	Party	Position at Deadline 2 13 February 2023	Position at Deadline 4 11 April 2023	Position at Deadline 6 12 June 2023	Position at Deadline 7 3 July 2023
					matters disagreed/ in discussion
TR010060/EXAM/8.12	Essex County Council	SoCG in draft (SC4)	SoCG in draft (SC4)	SoCG in draft (SC4)	Final Signed SoCG – matters disagreed/ in discussion
TR010060/EXAM/8.11	Maldon District Council	SoCG in draft (SC4)	SoCG in draft (SC3)	SoCG in draft (SC4)	SoCG in draft (SC4) <b>(see comment at paragraph 4.1.3)</b>
TR010060/EXAM/8.14	Braintree District Council	SoCG in draft (SC4)	SoCG in draft (SC4)	SoCG in draft (SC4)	Final Signed SoCG – matters disagreed/ in discussion
<b>Prescribed Consultees</b>					
TR010060/EXAM/8.1	Natural England	SoCG in draft (SC3)	SoCG in draft (SC4)	SoCG in draft (SC4)	Final Signed SoCG – matters disagreed/ in discussion
TR010060/EXAM/8.2	Environment Agency	SoCG in draft (SC3)	SoCG in draft (SC4)	SoCG in draft (SC4)	Final Signed SoCG – matters disagreed/ in discussion

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Document Reference	Party	Position at Deadline 2 13 February 2023	Position at Deadline 4 11 April 2023	Position at Deadline 6 12 June 2023	Position at Deadline 7 3 July 2023
TR010060/EXAM/8.3	Historic England	SoCG in draft (SC2)	SoCG in draft (SC3)	SoCG in draft (SC3)	Final Signed SoCG – matters disagreed/ in discussion (see comment at paragraph 4.1.4)
TR010060/EXAM/8.7	The Crown Estate Commissioners	SoCG in draft (SC2)	SoCG in draft (SC2)	SoCG in draft (SC3)	Final Signed SoCG – matters disagreed/ in discussion (see comment at paragraph 4.1.5)
TR010060/EXAM/8.15	Boreham Parish Council	SoCG in draft (SC2)	SoCG in draft (SC2)	SoCG in draft (SC4)	Final Signed SoCG – matters disagreed/ in discussion
TR010060/EXAM/8.16	Witham Town Council	SoCG in draft (SC2)	SoCG in draft (SC2)	SoCG in draft (SC3)	Final Signed SoCG – all matters agreed
TR010060/EXAM/8.19	Hatfield Peverel Parish Council	-	SoCG in draft (SC4)	SoCG in draft (SC4)	Final Signed SoCG – matters disagreed/ in discussion

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Document Reference	Party	Position at Deadline 2 13 February 2023	Position at Deadline 4 11 April 2023	Position at Deadline 6 12 June 2023	Position at Deadline 7 3 July 2023
TR010060/EXAM/8.20	Essex Police	-	SoCG in draft (SC4)	SoCG in draft (SC4)	Final Signed SoCG – matters disagreed/ in discussion
<b>Statutory Undertakers</b>					
TR010060/EXAM/8.4	Essex Waterways Limited on behalf of Chelmer and Blackwater Navigation Limited	SoCG in draft (SC2)	SoCG in draft (SC3)	SoCG in draft (SC3)	Final Signed SoCG – matters disagreed/ in discussion
TR010060/EXAM/8.5	Network Rail Infrastructure	SoCG in draft (SC2)	SoCG in draft (SC3)	SoCG in draft (SC3)	Final Signed SoCG – matters disagreed/ in discussion
TR010060/EXAM/8.21	Anglian Water	SoCG in draft (SC3)	SoCG in draft (SC3)	SoCG in draft (SC3)	Final Signed SoCG – matters disagreed/ in discussion
TR010060/EXAM/8.13	Cadent Gas Limited	SoCG in draft (SC2)	SoCG in draft (SC3)	SoCG in draft (SC3)	Final Signed SoCG – matters disagreed/ in discussion
<b>Interested Parties</b>					
TR010060/EXAM/8.8	The Brice Family	SoCG in draft (SC4)	SoCG in draft (SC3)	SoCG in draft (SC3)	Final Signed SoCG – matters

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Document Reference	Party	Position at Deadline 2 13 February 2023	Position at Deadline 4 11 April 2023	Position at Deadline 6 12 June 2023	Position at Deadline 7 3 July 2023
					disagreed/ in discussion
TR010060/EXAM/8.21	National Farmers Union (NFU)	-	SoCG in draft (SC3)	SoCG in draft (SC3)	Final Signed SoCG – matters disagreed/ in discussion

- 4.1.3** The Maldon District Council SoCG is being submitted as a draft SoCG at Deadline 7 with the final signed version to be submitted on or before Deadline 8. This is because Maldon District Council and the Applicant hope to find a solution to the one remaining matter still in discussion before close of examination and will therefore provide the final SoCG at Deadline 8 (see section 6.5).
- 4.1.4** The SoCG with Historic England is finalised and the Parties have agreed the content but due to time constraints a signed version has not been submitted at Deadline 7. The signed version is expected to be received on 4 July 2023 and will be submitted to the ExA as soon as possible.
- 4.1.5** The SoCG with The Crown Estate is finalised and has been signed by both Parties. However it has not been submitted as the Applicant is working closely with the Interested Party to secure s.135 consent under the Planning Act 2008 and agree Heads of Terms (HoT) before the end of examination. The Applicant therefore proposes to submit a final SoCG alongside the s.135 and HoT before Deadline 8.

## 5 Commonality

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

**5.1.2** The table is presented to show broad topics covered within the various SoCGs, how these topics are relevant to each Interested Party and a position for each topic as follows:

	There is broad agreement on specific matters within this general topic area
	Specific matters within this general topic area are subject to further discussion that will continue beyond the Examination
	There is general disagreement between the parties within this general topic area that remains at the end of the Examination

**5.1.3** Where a matter is not relevant, or of interest, to the other party, it is not included within the SoCG and therefore not covered in Table 5.1 and shown as a blank.

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

Table 5.1 Table of Commonality at Deadline 7

Party	Topics																								
	Draft DCO	Protective Provisions	Other Consents and Licenses	Consultation and Engagement	Design and Engineering	Detrunking	Outline Construction Traffic Management Plan and associated documents	First Iteration Environmental Management Plan and Register of Environmental Actions and Commitments (REAC)	Assessment of Alternatives	Local Planning Policy	Landscape and Visual	Cultural Heritage	Biodiversity (including Arboriculture)	Biodiversity Net Gain	Traffic and Transport	Air Quality	Noise and Vibration	Road Drainage and the Water Environment	Geology and Soils	Population and Health	Material Assets and Waste	Cumulative Effects	Climate	Replacement Land	Compulsory Acquisition
Colchester City Council				Green	Green			Green		Green	Green	Green	Green		Green	Green	Green			Green					
Chelmsford City Council	Red			Green	Red		Red			Green	Red	Green		Red	Green	Red									
Essex County Council	Red			Green	Red	Red	Red	Yellow	Red		Green	Yellow	Green	Red	Green			Yellow		Yellow	Green	Yellow	Green	Green	
Maldon District Council				Green	Red		Green	Green	Red	Red	Green	Green	Yellow	Red	Red	Green		Green							
Braintree District Council				Green	Green	Red	Green	Green		Green	Green	Green	Green		Green	Green	Green		Green	Green				Green	
Natural England			Green	Green				Green		Green			Green		Green			Green	Yellow	Green			Green		
Environment Agency	Green	Green	Green	Green	Red		Green					Red	Red					Red	Green		Green	Green	Green		
Historic England				Green			Green	Green			Green	Red						Green				Green			
The Crown Estate Commissioners	Yellow			Green	Yellow		Green				Yellow														Yellow
Boreham Parish Council				Red				Red							Green	Green	Red								
Witham Town Council							Green	Green	Green		Green		Green		Green		Green		Green					Green	Green
Hatfield Peverel Parish Council				Green			Yellow								Red	Yellow	Green								
Essex Police			Yellow	Green	Green	Green	Green														Green				
Essex Waterways Limited on behalf of Chelmer and	Yellow				Yellow													Green		Green					Yellow

Party	Topics																									
	Draft DCO	Protective Provisions	Other Consents and Licenses	Consultation and Engagement	Design and Engineering	Detrunking	Outline Construction Traffic Management Plan and associated documents	First Iteration Environmental Management Plan and Register of Environmental Actions and Commitments (REAC)	Assessment of Alternatives	Local Planning Policy	Landscape and Visual	Cultural Heritage	Biodiversity (including Arboriculture)	Biodiversity Net Gain	Traffic and Transport	Air Quality	Noise and Vibration	Road Drainage and the Water Environment	Geology and Soils	Population and Health	Material Assets and Waste	Cumulative Effects	Climate	Replacement Land	Compulsory Acquisition	
Blackwater Navigation Limited	Yellow				Yellow													Green		Green						Yellow
Network Rail Infrastructure Limited		Yellow	Yellow	Green	Yellow													Yellow								Yellow
Anglian Water		Yellow	Green	Green	Green		Green	Green			Green				Green			Green						Green		Green
Cadent Gas Limited		Yellow		Green	Yellow			Yellow																		Yellow
The Brice Family				Green	Yellow								Yellow	Green				Yellow						Yellow		Yellow
National Farmers Union (NFU)	Red			Green				Green					Green	Yellow	Green			Green	Red							Yellow

## 6 Position at Deadline 7 (3 July 2023)

**6.1.1** This section provides a summary of the final SoCG position between the Applicant and each Interested Party as at Deadline 7. This section explains what has changed since the previous iteration of the Statement, summarising the matters that have now been agreed and where relevant, the matters that are still under discussion or the matters that will not be agreed by the end of the Examination. The individual SoCGs should be referred to for further detail on specific matters.

### 6.2 Colchester City Council

**6.2.1** The Applicant has been discussing the draft SoCG with Colchester City Council since 18 May 2022. The most recent SoCG draft was shared with Colchester City Council on 28 June 2023 and a signed version subsequently returned.

**6.2.2** There are no matters outstanding with Colchester City Council at Deadline 7.

### 6.3 Chelmsford City Council

**6.3.1** The Applicant has been discussing the draft SoCG with Chelmsford City Council since 11 May 2022. The most recent SoCG draft was shared with Chelmsford City Council on 26 June 2023 and their comments were received on 29 June 2023. The matters that have been agreed since the Deadline 6 SoCG submission are:

- SoCG Reference 2.9 – Traffic at Main Road, Boreham
- SoCG Reference 2.7 – Air Quality, Main Road Boreham
- SoCG Reference 2.6 – Landscape and visual, Canopy cover assessment
- SoCG Reference 2.5 – Biodiversity, badgers
- SoCG Reference 2.4 – Biodiversity, water voles

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

- SoCG Reference 3.1 - Noise and vibration – disagreement on the level of noise mitigation required.
- SoCG Reference 2.1, 2.2 and 2.3 Cultural Heritage – assessment methodology, mitigation of impacts on setting of Boreham House and the Conservation Area and listed buildings along Main Road.
- SoCG Reference 2.10 – Design and capacity of Junction 19.
- SoCG Reference 2.11 and 2.15 – Design and construction of Paynes Lane Bridge.
- SoCG Reference 2.12 - construction timing at Junction 19.



- SoCG Reference 2.14 - Draft DCO – requirements relating to design.

## **6.4 Essex County Council**

**6.4.1** The Applicant has been discussing the draft SoCG with Essex County Council since 28 March 2022. The most recent SoCG draft was shared with Essex County Council on 30 June 2023 and their comments were received on 30 June 2023.

**6.4.2** The matters that have been agreed since the Deadline 6 SoCG submission are:

- SoCG Reference 2.1 – Information on traffic modelling.
- SoCG Reference 2.4 - Uncertainty regarding traffic impact at Duke of Wellington junction (Maldon Road/The Street) and consideration of requirements for future link road
- SoCG Reference 2.37 - Replacement land
- SoCG Reference 2.12, 2.13, 2.14 and 2.15 Passenger Transport.
- SoCG Reference 2.55 - Design of Little Braxted Lane to deter HGVs travelling southbound.
- SoCG Reference 2.11 - Design of key 'gateway' bridges and evidence of Design Council Review.
- SoCG Reference 2.38 and 2.40 - Historic environment.
- SoCG Reference 2.22, 2.31, 2.32, 2.33 - Ecology issues.
- SoCG Reference 2.20 - Access and delays to journey times for school transport during construction.
- SoCG Reference 2.21 - Access to Hatfield Peverel resulting from Station Road bridge replacement.
- SoCG Reference 2.24, 2.25, 2.60, 2.61 - Carbon.
- SoCG Reference 2.49 and 2.50 - Social value.
- SoCG Reference 2.63 - Viewpoints.
- SoCG Reference 2.48 - Speed limits during construction.
- SoCG Reference 2.19 - Greener construction
- SoCG Reference 2.64 - Dilapidation survey of the condition of the roads, bridges and retaining walls.
- SoCG Reference 2.34 - Air quality and noise assessments.
- SoCG Reference 2.47 - Diversion route through Witham for slow vehicles.
- SoCG Reference 2.67 - Essex County Council participation in Road Safety Audits.

- 6.4.3** The main matters still under discussion are:
- SoCG Reference 2.39 and 2.41 - Historic environment.
  - SoCG Reference 2.45 - Archaeology.
  - SoCG Reference 2.53 - Amendments to the drainage and Green Infrastructure proposals and pollutant mitigation.
  - SoCG Reference 2.54 - Asset information regarding assets for which it is proposed ECC will be liable.
  - SoCG Reference 2.58 - Classification of roads and speed limits.
  - SoCG Reference 2.66 - Health and Safety inspections and officers.
  - SoCG Reference 2.69 - Timeframe to repair defects.
- 6.4.4** The Applicant will continue discussion on these matters before the close of Examination but are not confident that all matters will be resolved.
- 6.4.5** The following matters are in disagreement:
- SoCG Reference 3.1, 3.2 and 3.3 – Acceptability of the approach to de-trunking.
  - SoCG Reference 3.4 - Electric Vehicle Charging and renewable energy.
  - SoCG Reference 2.57 - Recovery of ECC costs associated with the DCO Examination and other post-submission processes.
  - SoCG Reference 2.8 - Junction 23 Kelvedon South – evidence requested to confirm that the Project has taken appropriate account of the A120 Braintree to A12 proposals.
  - SoCG Reference 2.3 - Compatibility of Junction 19 with longer-term plans to dual the proposed Chelmsford North East Bypass.
  - SoCG Reference 2.59 - Bridge cross sections and LTN 1/20.
  - SoCG Reference 2.2 - Speed limits and enforcement on Main Road, Boreham.
  - SoCG Reference 2.9 - Monitoring and evaluation of operational impacts.
  - SoCG Reference 2.10 - Walking, cycling and horse-riding proposals and LTN 1/20.
  - SoCG Reference 2.5, 2.6 and 2.7 - Mitigation measures and optioneering process at Inworth Road/Messing.
  - SoCG Reference 2.65 - Pre and post construction condition surveys.
  - SoCG Reference 2.58 – Classification of roads and speed limits.

## **6.5 Maldon District Council**

**6.5.1** The Applicant has been in discussion with Maldon District Council on the draft SoCG since 25 August 2022. The most recent draft SoCG was shared with Maldon District Council (MDC) on 30 June 2023. Comments were received on 3 July 2023.

**6.5.2** The main matter still under discussion is:

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

**6.5.3** The following matters are in disagreement:

- SoCG Reference 2.2 - Junction 21 design and impact on local road network and the Duke of Wellington mini-roundabout.
- SoCG Reference 2.3 Local road network and the omission of the Maldon Link Road/ Hatfield Peverel Bypass from the Project.
- SoCG Reference 2.4 Duke of Wellington mini-roundabout suitability for the intended use.
- SoCG Reference 2.5 Duke of Wellington Bridge – impacts of two way traffic on the upgraded bridge.
- SoCG Reference 3.1 Maldon Road – lack of consideration of options for the Maldon Link Road.
- SoCG Reference 3.2 Junction 20b – suitability of the Duke of Wellington mini-roundabout for its intended use.
- SoCG Reference 3.3 Local road network – traffic modelling the level of service and the Duke of Wellington mini-roundabout.
- SoCG Reference 3.7 Cadent Gas Main – application of Biodiversity net gain should be applied separately to the Cadent Gas Main rather than applied across the whole of the Project.

**6.5.4** In relation to the under-discussion matter noted above, Maldon District Council provided the Applicant with a letter titled Arboricultural concern at Blue Mills Nature Reserve [AS-114] on 29/06/2023. While the Applicant has responded to the letter at Deadline 7 in the Applicant's comments on Information received at Deadline 6 [TR010060/EXAM/9.72], the council needs to consider the response prior to being able to provide a definitive position for the SOCG. As such, the Applicant has agreed with the council to provide the final SoCG on or before Deadline 8.

## **6.6 Braintree District Council**

**6.6.1** The Applicant has been in discussion with Braintree District Council on the draft SoCG since 12 May 2022. The most recent draft SoCG was shared with Braintree District Council on 28 June 2023 and a signed version subsequently returned.

- 6.6.2** Since the Deadline 6 submission the following matters have now been agreed:
- SoCG Reference 2.2 - Replacement land within Braintree.
  - SoCG Reference 2.1 - Ownership of Land – opening of National Highways land for public use.
- 6.6.3** The following matter is in disagreement:
- SoCG Reference 2.3 - Detrunking for communities in Witham, Rivenhall End and Feering.

## **6.7 Natural England**

- 6.7.1** The Applicant has been in discussion with Natural England on the draft SoCG since 29 November 2022. The most recent meeting with Natural England was held on 10 May 2023 to specifically discuss outstanding matters relating to soils. Correspondence via email has continued since this meeting regarding the matters relating to soils and also the matter relating to impact on Sites of Special Scientific Interest (SSSIs) (see paragraph 6.7.2).
- 6.7.2** Since Deadline 6, an amendment has been made to the previously agreed matter 4.4 relating to impacts on SSSIs. This amendment included the addition of four SSSIs to matter 4.4 in response to a further representation received by the Environment Agency [REP6-104] in relation to SSSIs with hydrological connectivity with the proposed scheme. The addition of these SSSIs has been discussed and agreed with Natural England.
- 6.7.3** The main matters still under discussion are:
- SoCG Reference 6.11, 6.16, 6.17, 6.18 and 6.24 Soil mitigation - in particular the machinery to be used for soil handling.
- 6.7.4** There is some confidence that an agreed position can be reached on the above matters soon. Should these matters be agreed in advance of Deadline 8 the Applicant will submit a revised final signed SoCG at Deadline 8.

## **6.8 Environment Agency**

- 6.8.1** The Applicant has been in discussion with the Environment Agency since 4 November 2022. The most recent iteration of the SoCG was shared with the Environment Agency on 3 July 2023 and a signed version subsequently returned on the same day.
- 6.8.2** Since the Deadline 6 SoCG submission the following matters have now been agreed:
- SoCG Reference F6: Ordinary Watercourse 15.
  - SoCG Reference D7: Environmental Permits.
- 6.8.3** The main matters still under discussion are:

- SoCG Reference F4 – Rivenhall Brook increase in water levels. The Environment Agency would like to see copies of the correspondence between the Applicant and landowner regarding these increases. Resolution of this matter is currently pending acceptance by the landowners of the affected length of watercourse.
- SoCG Reference F14 – Haul roads, borrow pits and all crossings of/works affecting ordinary watercourses. The Environment Agency notes that some of the works will lead to minor increases in flood depths at Witham and Ashman’s Bridge and that it should be ensured that landowners are accepting of this risk/compensatory storage should be considered. The Applicant has prepared a summary note of the increase peak water levels at Witham to be shared with the affected landowner and discussions will continue on this matter. The Environment Agency is now satisfied that the area of increased risk at Ashman’s Bridge remains within the Order Limits but the risk at Witham is still under discussion.
- SoCG Reference F16 – Ordinary watercourse 7 and scheme NNNPS compliance. Resolution of this matter is subject to discussion with the Essex ambulance service and the Applicant will work to agree this matter beyond the close of the Examination.
- SoCG Reference F25 – Scheme safety. This matter has been agreed in principle subject to the resolution of F16 above.
- SoCG Reference F29 – Rivenhall Brook. The Environment Agency has advised that landowner permission should be sought if the impacted scheme channel is outside the Order Limits. The Applicant is progressing discussions with the landowner to resolve this matter.
- SoCG Reference F35 Ordinary watercourse 21 – the Applicant is in the process of resolving this matter by demonstrating that the area of increased flood risk would remain within land owned by the Applicant.
- SoCG Reference F48 Dewatering Ordinary Watercourse 10. The Environment Agency has accepted the proposed change in flows due to dewatering but has requested that the Applicant obtains agreement with the landowners of this change which is pending.

**6.8.4** It has now been agreed between the Applicant and the Environment Agency that resolution on the following matters will not be achieved by the end of Examination and these matters have therefore been moved to ‘not agreed’ in the SoCG:

- SoCG Reference B1-B5, B7 – Culverts. There remains a fundamental difference in the positions of the Environment

Agency and the Applicant regarding the approach to culverts and a common position cannot be reached.

- SoCG Reference B9 Biodiversity Net Gain (BNG). The Environment Agency has raised concerns that the BNG report does not demonstrate a clear delivery of BNG for Main Rivers. The Applicant maintains its position that the proposed scheme will result in a greater than 10% BNG despite there being no statutory target. There would be a +0.16% increase in the Rivers biodiversity unit.
- SoCG Reference B10 Mammal crossings. The Environment Agency is asking for further mitigation that is proposed by the Applicant for mammals. The Applicant maintains that its current approach to mammal crossings is adequate.
- SoCG Reference B12 Assessment of aquatic ecology. The Environment Agency disagrees with the PEIR assessment of no significant effects on local aquatic ecology and requests new meandering sections to offset impacts caused by crossings. The Applicant maintains its position of no significant effects and that the mitigation proposed is adequate.
- SoCG Reference S16 WFD assessment and individual water quality elements. The Environment Agency does not consider that the WFD assessment adequately accounts for the impact of the proposed main river crossings on biodiversity.

## 6.9 Historic England

**6.9.1** The Applicant has been engaging with Historic England on the Project since January 2017. The most recent meeting was held on 29 June 2023 to discuss the outstanding matters in the SoCG.

**6.9.2** Since the Deadline 6 SoCG submission a way forward has now been agreed on the following matters:

- SoCG Reference 2.9 and 2.11 - Assessment of palaeolithic, environmental and geoarchaeological potential.

**6.9.3** There are no matters still under discussion.

**6.9.4** It has now been agreed between the Applicant and Historic England that resolution on the following matters will not be achieved by the end of Examination and these matters have therefore been moved to 'not agreed' in the SoCG:

- SoCG Reference 2.12 - Impacts on designated heritage assets. Historic England has concerns regarding impacts on the setting of the scheduled Neolithic long mortuary enclosure at Appleford Farm, Rivenhall End (Asset 399) and medieval moat at Marks Tey Hall (Asset 818), and grade II\* listed barn at Marks Tey Hall (Asset 816). Both parties agree that additional mitigation within the order limits would not further reduce the effects of the

proposed scheme on the setting of the affected assets, and the Applicant cannot offer mitigation outside of the Order Limits therefore this matter cannot be not agreed.

- SoCG Reference 2.6 - Potential impacts on the setting of scheduled monuments.
- SoCG Reference 2.17 – Impacts on designated and non-designated heritage assets.

## **6.10 The Crown Estate Commissioners**

**6.10.1** Discussions have been ongoing with The Crown Estate Commissioners (TCE) since January 2020 and have been monthly since June 2022. A meeting was held on 2 June 2023 to discuss the SoCG. An updated SoCG was subsequently shared with TCE on 29 June 2023 for signing.

**6.10.2** No further matters have been agreed since the Deadline 6 SoCG submission.

**6.10.3** The main matters still under discussion are:

- SoCG Reference 3.2.1 - The Crown Estate's LPP21 Planning Application to develop the land adjacent to the A12 works. The parties will continue to work together to accommodate both schemes, updating each other of their designs and to resolve the outstanding issues as soon as is practicable.
- SoCG Reference 3.2.2 - London Road Junction design.
- SoCG Reference 3.2.3 - Land take at plots 15/8g, 15/8h, 15/8i and 15.
- SoCG Reference 3.2.3a - Drainage at New Lane Ditch.
- SoCG Reference 3.2.12 - Landscaping on retained land to the east of the A12 (plots 15/8d and 15/8e).

## **6.11 Boreham Parish Council**

**6.11.1** The Applicant has been in discussion with Boreham Parish Council on the draft SoCG since 13 February 2023. The most recent draft SoCG was shared with Boreham Parish Council on 22 June 2023 with a follow up exchange of emails.

**6.11.2** Since the Deadline 6 SoCG submission the following matters have now been agreed:

- SoCG Reference 2.2 - Main Road, Boreham – missed opportunity to provide cycle route along Main Road.
- SoCG Reference 2.3 - Design of Paynes Lane Bridge
- SoCG Reference 2.5 - Boreham Village traffic modelling.
- SoCG Reference 2.6 - Air Quality at Main Road, Boreham.

**6.11.3** The following matters have now been disagreed:

- SoCG Reference 2.1 - Closure of Junction 20a – Boreham Parish Council believe Junction 20a should be retain
- .SoCG Reference 2.4 - Noise reducing surfacing -
- SoCG Reference 2.7 - Noise and vibration at Main Road, Boreham -

## 6.12 Witham Town Council

- 6.12.1** Discussions have been ongoing with Witham Town Council since August 2016. The most recent iteration of the SoCG was shared with Witham Town Council on 31 May 2023 and their comments were received on 22 June 2023.
- 6.12.2** There are no matters still under discussion at Deadline 7. All matters have been agreed

## 6.13 Hatfield Peverel Parish Council

- 6.13.1** Discussions have been ongoing with Hatfield Peverel Parish Council since 27 March 2023. The most recent iteration of the SoCG was shared with Hatfield Peverel Parish Council on 28 June 2023 and comments received 29 June 2023..
- 6.13.2** Since the Deadline 6 SoCG submission no further matters have been agreed.
- 6.13.3** The main matters still under discussion are:
- SoCG Reference 2.5 – construction of Station Road bridge – traffic diversion proposals.
  - SoCG Reference 2.6 Air Quality – impacts resulting from perceived increase in traffic congestion on Maldon Road.
  - SoCG Reference 2.7 Air Quality – health impacts to residents.
- 6.13.4** The following matter is not agreed and the parties do not believe a common position can be reached:
- SoCG Reference 2.3 – “rat running” of Church Road and need for traffic calming measures.

## 6.14 Essex Police

- 6.14.1** Discussions have been ongoing with Essex Police since November 2021. The most recent iteration of the SoCG was shared with Essex Police on 27 June 2023.
- 6.14.2** The following matter is still under discussion:
- SoCG Reference 1.13 - Funding of a temporary Traffic Management Officer post during the construction phase of the scheme.



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

- 6.15.1** Discussions have been ongoing with Essex Waterways Limited (EWL) since February 2022. The SoCG was originally shared with EWL on 7 February 2023 and their comments were received on 3 April 2023. A further call was held to discuss SoCG matters on 12 May 2023 and email correspondence has been exchanged since then.
- 6.15.2** No further matters have been agreed since the Deadline 6 submission of the SoCG.
- 6.15.3** The main matters still under discussion are:
- SoCG Reference 3.2.1 - Land Take and impact along the River Chelmer.
  - SoCG Reference 3.2.2 and 3.2.3 - Access, use and adverse effects of towpath.
  - SoCG Reference 3.2.4 and 3.2.4a - Siltation arising from discharge of surface water from the highway during construction and operation.
  - SoCG Reference 3.2.5 - Disapplication of byelaws in the draft DCO.
  - SoCG Reference 3.2.6 - Review of detailed design and construction method statements relating to works on EWL.
  - SoCG Reference 3.2.7 Concern about outfall protruding into navigation forming an obstruction.
- 6.15.4** For all of the above matters still under discussion, the Applicant is working on the detailed design and will have further discussions with EWL when further information is available.

## **6.16 Network Rail Infrastructure Limited**

- 6.16.1** Discussions have been ongoing with Network Rail Infrastructure since August 2021 with weekly meetings taking place since July 2022. A call was most recently held on 28 June 2023 to finalise the SoCG.
- 6.16.2** Since the Deadline 6 SoCG submission the following matters have now been agreed:
- SoCG Reference 3.2.7a - Concerns over ownership of part of 2/15a, owned by Countryside Zest SoCG Reference 3.2.8a – Access concerns to Beaulieu Park Station
  - SoCG Reference 3.2.8b - Parking concerns at Beaulieu Park Station
  - SoCG Reference 3.2.8d - Drainage concerns at Beaulieu Park Station (plots 2/15a and 2/15b)

- SoCG Reference 3.2.8e - Overhead Line Equipment - Auto Transformer Feed. Locally NR can accommodate the ATF within troughing.
- SoCG Reference 3.2.10 - Access via Boreham Viaduct plots 2/17i , 2/17j - these plots will not be vested pursuant to the DCO.

**6.16.3** The following matters are still under discussion:

- SoCG Reference 3.2.1 and 3.2.1a – Business clearance.
- SoCG Reference 3.2.1a - Business Clearance - Utilities Interests.
- SoCG Reference 3.2.2 – Technical clearance.
- SoCG Reference 3.2.3 Framework agreement.
- SoCG Reference 3.2.4 Network Rail documents – Third Party Asset Protection Agreement (APA)/Outside Party Asset Protection Agreement (OPAPA).
- SoCG Reference 3.2.5 - Protective Provisions (PPs).
- SoCG Reference 3.2.8a - Access concerns at Beaulieu Park Station (2/15b).
- SoCG Reference 3.2.8b - Parking concerns at Beaulieu Park Station (2/15b).
- SoCG Reference 3.2.8c – Utilities concerns at Beaulieu Park Station (2/22b).
- SoCG Reference 3.2.8d - Drainage concerns at Beaulieu Park Station (2/15a, 2/15b).
- SoCG Reference 3.2.8f – Land take at plot 2/18b and all plots in close proximity to the operational railway.
- SoCG Reference 3.2.8g – Concerns over proximity of Paynes Lane footbridge to OLE gantry B/32/39A will restrict access for maintenance and future enhancement works (2/17c).
- SoCG Reference 3.2.12 – Signal sighting.
- SoCG Reference 3.2.14 - Existing Infrastructure - Drainage and Embankment Stability – 2/17g and 2/7m. Rail.
- SoCG Reference 3.2.15 – Section 10 Claim for Loss of Profit to existing Hatfield Peverel Station Car Park for Greater Anglia (Train Operating Company).

**6.16.4** There are no matters that have been disagreed at this stage.

## **6.17 Anglian Water**

**6.17.1** Discussions with Anglian Water Services (AWS) have been undertaken as part of a Position Statement since January 2022. Since February 2023, a SoCG has been developed to capture bespoke protective provisions for

the benefit of Anglian Water. Multiple iterations of the draft SoCG have been shared with Anglian Water, the most recent being on 26 June 2023.

**6.17.2** The following matters are still under discussion:

- SoCG Reference 14 - Rivenhall End access from the A12 service area (11/11b) will be removed and AWS to continue to use current access off Braxted Road.
- SoCG Reference 15 - The form of protective provisions for the benefit of AWS in Schedule 11 of the draft DCO are partially agreed. Stand-off distances to be set out in Sch.11 Pt.3 Clause 27 (Retained Apparatus) Para. (7).

## **6.18 Cadent Gas Limited**

**6.18.1** Discussions have been ongoing with Cadent Gas Limited (Cadent) since 15 May 2020. The most recent iterations of the SoCG were shared with Cadent on 5 May 2023 and 26 May 2023 and their comments were received on 15 May 2023 and 30 May 2023 respectively. Further comments were received on the SoCG on 29 June 2023 and the SoCG updated accordingly and subsequently signed by Cadent.

**6.18.2** Since the Deadline 6 SoCG submission no further matters have been agreed.

**6.18.3** The following matters are still under discussion:

- SoCG Reference 1 - Protective Provisions.
- SoCG Reference 2 - Cadent's rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the order limits should be maintained at all times and access to inspect such apparatus must not be restricted.
- SoCG Reference 3 - Cadent is not yet satisfied that the DCO includes all land and rights required to accommodate diversions as detailed design studies will need to influence these requirements.
- SoCG Reference 4 - Cadent will require the Applicant to obtain and grant to Cadent adequate rights to lay, access, protect and maintain apparatus on Cadent's standard easement terms or equivalent rights acquired by compulsion including the imposition of restrictive covenants to protect apparatus.
- SoCG Reference 5 - Development of detail design for Cadent Gas High Pressure diversions.
- SoCG Reference 6 - Development of detail design for Medium Pressure diversions.

## **6.19 The Brice Family**

- 6.19.1** Discussions have been ongoing with The Brice Family (S Brice, R A Brice & Partners, P VI Brice, C E Brice and Brice Aggregates Limited) since 2020. Monthly meetings have been held with The Brice Family since 2022 and will continue post examination to come to an agreement on outstanding issues. The most recent iteration of the SoCG was shared with Brice on 22 June and subsequent email correspondence confirmed no further amendments between Deadline 6 and Deadline 7. A signed version was received on 29 June 2023.
- 6.19.2** Since the Deadline 6 SoCG submission, no further matters have been agreed.
- 6.19.3** The main matters still under discussion are:
- SoCG Reference 3.2.3 - Balancing Ponds.
  - SoCG Reference 3.2.5 - Land take and Red Line Boundary on Environmental/Ecological Mitigation Areas.
  - SoCG Reference 3.2.7b - Agricultural Vehicles - Access to Farm during construction period.
  - SoCG Reference 3.2.8a - Access to Willow planted land off Henry Dixon Road.
  - SoCG Reference 3.2.8b - Farm Access – Access from Rivenhall Roundabout.
  - SoCG Reference 3.2.10 - Commercial shoot. This matter will be taken into account as detailed design develops.
  - SoCG Reference 3.2.11a – Commercial Lets Access – Temporary. The Applicant is currently developing sequencing and methodology of the works through detailed design and will share information with the Brice Family once it is available. The Applicant is currently developing its construction phasing and will provide detailed information when this is available.
  - SoCG Reference 3.2.12 - Commercial Lets Disruption. The Applicant will endeavour to minimise impact where practicable and will continue to engage with the Brice Family.
  - SoCG Reference 3.2.13 - Biodiversity Priority Habitats – Quarry Restoration. Discussions between The Applicant and The Brice Family regarding this matter are ongoing.
  - SoCG Reference 3.2.14 - Access to the main Highway. The Applicant is developing its construction phasing to maintain access to Brice Aggregates Limited’s operations during normal operating hours. Further information will be shared with the Brice Family once available.
  - SoCG Reference 3.2.15 - Operation of Quarry – during and post scheme to include both the Processing and Batching Plant. Valuation matters are progressing. The Applicant will continue

discussions with the Brice Family regarding the progress of their planning application for the relocation of the on-site processing plant.

- SoCG Reference 3.2.16 - Compound. The Applicant is still awaiting confirmation of Cadent's detailed design regarding this and will discuss with The Brice Family once further information is available. Discussions are progressing with the District Valuer regarding land acquisition.
- SoCG Reference 3.2.17 - Acquisition of grassland. Discussions are progressing with the District Valuer regarding this.
- SoCG Reference 3.2.18 - Rose Cottage – visibility splays and access. The Applicant has proposed to move the tie end vertically before the Rose Cottage access which will result in no change to the driveway itself. Detailed design will show this change and to clarify drainage concerns from the Brice Family. Information will be shared with the Brice Family when it is available.

## **6.20 National Farmers Union**

**6.20.1** Discussions have been ongoing with the National Farmers Union (NFU) since 1 February 2023. The most recent iteration of the SoCG was shared with the NFU on 27 June 2023 with a signed version received back from the NFU on 28 June 2023.

**6.20.2** Since the Deadline 6 SoCG submission the following matters have now been agreed with the NFU:

- SoCG Reference 3 – Irrigation.
- SoCG Reference 4 – Soils.
- SoCG Reference 5 – Private Water Supplies.
- SoCG Reference 6 – Temporary use of land for carrying out the authorised development.
- SoCG Reference 9 – Clarity on Agricultural Liaison Officers responsibility.
- SoCG Reference 14 – Balance Ponds.
- SoCG Reference 15 – Soil Monitoring during construction works.

**6.20.3** The main matters still under discussion are:

- SoCG Reference 16 – Voluntary agreements.
- SoCG Reference 17- Prohibition of agricultural vehicles.

**6.20.4** The matters not agreed are:

- SoCG Reference 18 – Water Discharge.
- SoCG Reference 19 - Soil Aftercare Restoration.

- SoCG Reference 20 and 21 - Authority to Survey and investigate land.