

A12 Chelmsford to A120 widening scheme

TR010060

8.22 List of matters not agreed where SoCG could not be finalised

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The Infrastructure Planning
(Examination Procedure) Rules 2010

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

List of matters not agreed where SoCG could not be finalised

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1 Introduction

1.1 Purpose of this document

1.1.1 This list of matters not agreed where a Statement of Common Ground (SoCG) could not be finalised has been prepared for submission at Examination Deadline 7 as requested by the Examining Authority (ExA) in the Rule 6 letter [PD-005] dated 12 December 2022.

1.1.2 This list only identifies those matters that are still indicated as being ‘under discussion’ in the final SoCG’s submitted at Deadline 7. For each of these matters, the current position of National Highways (the ‘Applicant’) and the relevant Interested Party is presented along with commentary on why the matter has not been agreed or is disagreed prior to Deadline 7 and how discussions on the matter will continue.

1.2 Statements of Common Ground

1.2.1 The SoCG’s submitted at Deadline 7 to which this document relates are listed in Table 1.1.

Table 1.1 List of SoCG’s at Deadline 7

| Interested Party | Examination Library Reference | Status of SoCG at Deadline 7 |
|--------------------------------|-------------------------------|---|
| Local Authorities | | |
| Colchester City Council | TR010060/EXAM/8.9 | Final Signed SoCG – all matters agreed |
| Chelmsford Borough Council | TR010060/EXAM/8.10 | Final Signed SoCG – matters disagreed/ in discussion |
| Essex County Council | TR010060/EXAM/8.12 | Final Signed SoCG – matters disagreed/ in discussion |
| Braintree District Council | TR010060/EXAM/8.14 | Final Signed SoCG – matters disagreed/ in discussion |
| Maldon District Council | TR010060/EXAM/8.11 | SoCG in draft – final Signed SoCG to be submitted before Deadline 8 |
| Prescribed Consultees | | |
| Natural England | TR010060/EXAM/8.1 | Final Signed SoCG – matters disagreed/ in discussion |
| Environment Agency | TR010060/EXAM/8.2 | Final Signed SoCG – matters disagreed/ in discussion |
| Historic England | TR010060/EXAM/8.3 | SoCG in draft – final Signed SoCG to be submitted before Deadline 8 |
| The Crown Estate Commissioners | TR010060/EXAM/8.7 | SoCG in draft – final Signed SoCG to be submitted before Deadline 8 |
| Boreham Parish Council | TR010060/EXAM/8.16 | Final Signed SoCG – matters disagreed/ in discussion |

| Interested Party | Examination Library Reference | Status of SoCG at Deadline 7 |
|--|-------------------------------|--|
| Witham Town Council | TR010060/EXAM/8.19 | Final Signed SoCG – all matters agreed |
| Hatfield Peverel Parish Council | TR010060/EXAM/8.20 | Final Signed SoCG – matters disagreed/ in discussion |
| Essex Police | TR010060/EXAM/8.1 | Final Signed SoCG – matters disagreed/ in discussion |
| Statutory Undertakers | | |
| Essex Waterways Limited on behalf of Chelmer and Blackwater Navigation Limited | TR010060/EXAM/8.4 | Final Signed SoCG – matters disagreed/ in discussion |
| Network Rail Infrastructure Limited | TR010060/EXAM/8.5 | Final Signed SoCG – matters disagreed/ in discussion |
| Anglian Water | TR010060/EXAM/8.21 | Final Signed SoCG – matters disagreed/ in discussion |
| Cadent Gas Limited | TR010060/EXAM/8.13 | Final Signed SoCG – matters disagreed/ in discussion |
| Interested Parties | | |
| Brice Aggregates Limited | TR010060/EXAM/8.8 | Final Signed SoCG – matters disagreed/ in discussion |
| National Farmers Union (NFU) | TR010060/EXAM/8.21 | Final Signed SoCG – matters disagreed/ in discussion |

2 List of matters not agreed

2.1 Overview

2.1.1 Tables 2.1 to 2.15 summarise those matters that have not been agreed e.g. matters that are still under discussion, with the relevant Interested Parties at Deadline 7.

2.2 Colchester City Council

2.2.1 There are no matters still in discussion with Colchester City Council at Deadline 7. All matters have been agreed as described in the SoCG.

2.3 Chelmsford City Council

2.3.1 There are no matters still in discussion with Chelmsford City Council at Deadline 7. All matters have either been agreed or disagreed as described in the SoCG.

2.4 Essex County Council

Table 2.1 Matters that have not been agreed with Essex County Council (ECC) at Deadline 7

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|--|--|---|--|
| 2.39 | Historic environment - identification of mitigation areas required | Refer to SoCG for full position. The Interested Party ask that more detailed plans locating areas and extent of areas proposed for mitigation need to be submitted. | This action is in process and the scope which has been subject to negotiation and now confirmed with the stakeholders will be presented in the respective Written Scheme of Investigation, (WSI's). | A meeting was held with relevant historic environment stakeholders on 29 June. At this meeting, the outstanding issues related to Paleolithic archaeological remains were discussed with an aim to revise the mitigation strategy. As such, this issue is still 'under discussion' until conversations have concluded. |
| 2.41 | Historic environment - further clarification | Refer to SoCG for full position. | Refer to SoCG for full position. The Applicant is in the process of commissioning further specialist work to | A meeting was held with relevant historic environment stakeholders on 29 June. At |

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|---|--|---|--|
| | of Palaeolithic archaeology mitigation strategy | Further evaluation should be completed prior to the detailed design phase to provide flexibility for scheme design change and therefore provide the opportunity for preservation in situ should nationally important sites of Palaeolithic archaeology be identified. | more clearly understand the Palaeolithic and palaeoenvironmental resource and the potential impact of the proposed scheme. | this meeting, the outstanding issues related to Paleolithic archaeological remains were discussed with an aim to revise the mitigation strategy. As such, this issue is still 'under discussion' until conversations have concluded. |
| 2.45 | Archaeology - clarification of roles of the archaeological curators and excavation strategy | <p>Refer to SoCG for full position.</p> <p>Clarification on the role of the archaeological curators is needed in regard to the signing off the archaeological mitigation in the field post excavation work.</p> <p>An additional action needs to be added to the REAC to secure the long-term publication and archiving of the</p> | <p>The below will be added to monitoring by the Curators to Commitments CH2 and CH5 in the REAC [APP-185] in regard to the long-term publication and archiving of the archaeological and geoarchaeological resource:</p> <p><i>The WSI shall include proposals for the publication of the results of the mitigation investigations, and for the deposition of the resulting archaeological archive.</i></p> | A meeting was held with relevant historic environment stakeholders on 29 June. At this meeting, the outstanding issues related to Paleolithic archaeological remains were discussed with an aim to revise the mitigation strategy. As such, this issue is still 'under discussion' until conversations have concluded. |

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|---|---|---|--|
| | | archaeological and geoarchaeological resource. | | |
| 2.53 | Drainage - amendments to the drainage and Green Infrastructure proposals, pollutant mitigation required. | The current proposals do not include pollution mitigation on all outfalls. The Interested Party states this should be included to make sure that this significant piece of infrastructure is held up to the same stringent requirements highlighted within the Essex SuDS Guide, that are placed on smaller scale developments. | In Environment Agency Relevant Representation [RR-011] the Environment Agency have confirmed they are satisfied that mitigation proposed (in the Water Quality Assessment Report AP-158) will reduce impacts to surface water to an acceptable level. | A fortnightly meeting with National Highways and Essex County Council drainage team has been arranged to discuss these matters in more detail. |
| 2.54 | Asset information - list and plans required for structures, drainage and other assets for which it is proposed ECC will be liable | The Interested Party needs to be clear on the assets, including their condition and design life / residual life, for which NH are proposing ECC will become liable. This will enable ECC to take an informed position on this. As a general rule we wish | The Classification of Roads plans were issued to Essex County Council in advance of the submission for Development Consent. More recently, National Highways Project Director has been in contact with the Head of Network Development at Essex County Council regarding the assets to be transferred, and the design standards to be applied. | Technical working groups have also been established and discussions will remain ongoing. |

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|--|---|--|---|
| | | to minimise future maintenance liabilities as far as possible. | | |
| 2.66 | Construction - health and Safety inspections | During construction, an appointed officer from ECC can enter, subjected to any H&S restrictions imposed by NH, and inspect any works that affects the local highway authority. This includes observing any testing. | <p>National Highways confirms that the Council's officers, subject to any H&S restrictions may inspect any works that affects the local highway authority.</p> <p>National Highways will make available on request the results of any testing carried out on assets to be handed to the local authority post construction.</p> | National Highways have provided further detail, waiting for ECC to review and provide feedback. |
| 2.69 | Timeframe of repair to defects | Where NH carries out any Works to local highway it must make good any defects in those Works notified to it by ECC within the period of 52 weeks after the date of the completion of the Works to the reasonable satisfaction of the local highway authority. | During the defects period as defined in contract between National Highways and its Principal Contractor "defects", as defined within that contract, must be remedied. National Highways will appoint a Project Manager (PM) who will administer the contract between National Highways and its Contractor, including Defects. Where ECC identifies such defects it should notify the PM who would assess the matter and, where appropriate, inform the contractor in accordance with the contract who would be expected to make good any such defect in accordance with that contract. | National Highways have provided further detail, waiting for ECC to review and provide feedback. |

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|-------|---|---|---|
| | | | This will allow ECC to ensure that any such defects to the existing or proposed local highway are suitably rectified. | |

2.5 Maldon District Council

Table 2.2 Matters that have not been agreed with Maldon District Council (MDC) at Deadline 7

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|--|---|---|--|
| 2.9 | Cadent Gas Main – Blue Mills Nature Reserve Tree Impacts | <p>Refer to SoCG for full position.</p> <p>Plans submitted by the Applicant have shown that significant amounts of trees within this area of the District (Wickham Bishops) are at risk of being removed due to the chosen route; should the worst-case scenario be realised.</p> <p>The loss of trees within the Blue Mills Nature Reserve would have a significant impact on the landscape to the north-west of Wickham Bishops and the landscape to the south-west of Little Braxted, resulting in a permanent maximum 30m scar and change to the visual</p> | <p>Refer to SoCG for full position.</p> <p>A number of commitments have been made in the REAC in regard to these concerns. LV13, LV14 and LV15.</p> | <p>Maldon District Council submitted an additional submission on 28 June. This will be responded to at Deadline 7 and discussions will continue.</p> <p>Both parties are seeking to submit a final SoCG at Deadline 8 to conclude matters.</p> |

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|-------|---|--|---|
| | | <p>appearance of the landscape and the Reserve caused by the Cadent Gas Main diversion. (Local Impact 12).</p> <p>MDC welcomes the arboricultural survey that has confirmed the Black Poplar as a potential veteran tree, which will help inform the appropriate control to be used in this sensitive area.</p> | | |

2.6 Braintree District Council

2.6.1 There are no matters still in discussion with Braintree District Council at Deadline 7. All matters have either been agreed or disagreed as described in the SoCG.

2.7 Natural England

Table 2.3 Matters that have not been agreed with Natural England at Deadline 7

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|-----------------|--|---|---|
| 6.11 | Soil mitigation | Apart from the replacement of topsoil (using the modified loose tipping method of soil replacement). The use of bulldozers should not be permitted for any soils being | The Applicant provided its response in the Deadline 1 Submission - 9.3 Applicant's Response to Relevant Representations [REP1-002]. | <p>Consultation with Natural England on the second iteration of the EMP to be developed post Examination.</p> <p>There is some confidence that an agreed position can</p> |

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|-----------------|--|--|--|
| | | <p>returned to best and most versatile quality.</p> <p>To minimise risk of soil damage, best practice is for soils to be stripped and replaced by excavators and dump trucks using the methods described in the Defra Construction Code.</p> | The methodology for soil stripping has not yet been determined and will be included within the second iteration Environmental Management Plan (EMP). | be reached on this matter soon. Should these matters be agreed in advance of Deadline 8 the Applicant will submit a revised final signed SoCG at Deadline 8. |
| 6.16 | Soil mitigation | <p>Clarification sought on what is meant by 'substrate' in this context. Perhaps a separate heading covering the treatment of subsoils.</p> <p>Preferred methodologies for reducing soil damage during restoration as commented on in M.5.23 & M.5.24.</p> | <p>Refer to SoCG for full position.</p> <p>The Applicant provided its response in the Deadline 1 Submission - 9.3 Applicant's Response to Relevant Representations [REP1-002].</p> <p>An initial list of machinery to be used for soil handling has been provided. This will be refined in the second iteration EMP.</p> | <p>Consultation with Natural England on the second iteration of the Environmental Management Plan (EMP) to be developed post Examination.</p> <p>There is some confidence that an agreed position can be reached on this matter soon. Should these matters be agreed in advance of Deadline 8 the Applicant will submit a revised final signed SoCG at Deadline 8.</p> |
| 6.17 | Soil mitigation | Subsoil handling methodologies, seasonal exclusions for handling and soil moisture criteria should follow the recommendations in M.5.22. | The Applicant provided its response in the Deadline 1 Submission - 9.3 Applicant's Response to Relevant Representations [REP1-002]. | Consultation with Natural England on the second iteration of the EMP to be developed post Examination. |

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|-----------------|---|---|---|
| | | | Precise details of the machinery to be used for spreading subsoils and topsoil are yet to be determined and will be specified within the second iteration Environmental Management Plan (EMP). | There is some confidence that an agreed position can be reached on this matter soon. Should these matters be agreed in advance of Deadline 8 the Applicant will submit a revised final signed SoCG at Deadline 8. |
| 6.18 | Soil mitigation | The use of machinery to be used for spreading the topsoil should be identified. See comment on risk reduction measures as per Paras M.5.23 & M.5.24. | The Applicant provided its response in the Deadline 1 Submission - 9.3 Applicant's Response to Relevant Representations [REP1-002]. | Consultation with Natural England on the second iteration of the EMP to be developed post Examination. There is some confidence that an agreed position can be reached on this matter soon. Should these matters be agreed in advance of Deadline 8 the Applicant will submit a revised final signed SoCG at Deadline 8. |
| 6.24 | Soil mitigation | The Interested Party reiterated comments made within its relevant representations associated with the Soil Handling Management Plan. | The Applicant provided its responses in the Deadline 3 Submission – 9.24 Applicant's Comments on Written Representations [REP3-009]. Representations in relation to the use of machinery for | Consultation with Natural England on the second iteration of the EMP to be developed post Examination. There is some confidence that an agreed position can be reached on this matter soon. Should these matters |

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|-------|---|--|---|
| | | | handling soils remain under discussion. | be agreed in advance of Deadline 8 the Applicant will submit a revised final signed SoCG at Deadline 8. |

2.8 Environment Agency

Table 2.4 Matters that have not been agreed with the Environment Agency (EA) at Deadline 7

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|--|--|--|---|
| F4 | Rivenhall Brook increase in water levels | The location of the increased flood levels on the Rivenhall Brook should be provided. The acceptability of this increase should be agreed with the landowner, or the NH land ownership boundary increased to include this area. The EA would expect to see copies of correspondence between NH and the landowner. | The increased flood depths downstream of the scheme are either within NH retained land or those outside the Order Limits are contained within the watercourse channel. Liaison with the riparian owners of the affected length of watercourse is ongoing | Liaison with the landowner is ongoing to seek acceptance of the change and subsequently share that with the EA. |
| F14 | Haul roads, borrow pits and all crossings of/works affecting ordinary watercourses | Some of the works will lead to minor increases in flood depths at specific locations. Where the affected land will not remain within the ownership of NH, it should be ensured that | The Applicant has prepared a summary note of the increase peak water levels at Witham to be shared with the affected landowner. | A plan was shared with the EA on 2/6/23 indicating the area of increase at Ashman's Bridge would remain with the ownership of NH, which was |

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|--|--|--|--|
| | | landowners are accepting of this increased risk or compensatory storage should be considered. Via email 25/5/23: "This point effectively only relates to the two areas of increased flood risk associated with the haul roads at Witham & Ashmans". | Additionally, measures to mitigate potential adverse impacts to the water environment during construction would be addressed by a Water Management Plan – see REAC item RDWE1 [APP-185 | accepted by the EA via email on 30/6/23. The Applicant has prepared a summary note detailing the increase in peak water levels at Witham which will be shared with the affected landowner. Once agreed the landowners acceptance would be shared with the EA. |
| F16 | Ordinary watercourse 7 and scheme NNNPS compliance | Refer to the SoCG for the full position. Agreed in principle. | Refer to the SoCG for the full position. The Applicant has liaised with local authority emergency planners, police and fire and rescue all of whom are accepting of the proposed position. The Applicant continues to seek similar acceptance from the Ambulance service. | Discussions with the Essex ambulance service to take place beyond the close of the Examination and agreement sought on this matter. |
| F25 | Scheme safety | Refer to the SoCG for the full position. Agreed in principle, subject to agreement of F16. | Refer to the SoCG for the full position. Under discussion, subject to agreement of F16. | As F16. |
| F29 | Rivenhall Brook | Refer to the SoCG for the full position. | Refer to the SoCG for the full position. | The Applicant is progressing discussions with the |

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|--------------------------------------|---|---|---|
| | | Agreed in principle, pending acceptance by landowner | Under discussion, pending acceptance by landowner. | landowner to resolve this matter. See F4 in SoCG. |
| F35 | Ordinary Watercourse 21 | Refer to the SoCG for the full position. Agreed in principle (subject to the Applicant providing a location plan confirming area within the Order Limits). | Refer to the SoCG for the full position. Under discussion (subject to the Applicant providing a location plan confirming area within the Order Limits). | The Applicant is preparing a summary memo for sharing with the EA to seek their acceptance. |
| F48 | Dewatering - Ordinary Watercourse 10 | Unclear if dewatering flows would lead to out of bank flooding. | The Applicant has shared a summary of the position that the EA accepted via email on 30/6/23. The EA indicated that section N/11/21 of the Environmental Management Plan (pausing od dewatering activities during a flood event) would address the potential increased flood risk. The EA has requested the Applicant seeks acceptance of this position by the landowner. | The Applicant is to liaise with the landowner to seek their acceptance of increased flows in Ordinary Watercourse 10. |

2.9 Historic England

2.9.1 There are no matters still in discussion with Historic England at Deadline 7. All matters have either been agreed or disagreed as described in the SoCG.

2.10 The Crown Estate Commissioners

Table 2.5 Matters that have not been agreed with The Crown Estate Commissioners at Deadline 7

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|-----------------------------|--|---|--|
| 3.2.1. | Planning for LPP21 | <p>Refer to SoCG for full position.</p> <p>The Interested Party has requested clarifications on or improvements to the A12 proposals to ensure that planned growth and infrastructure are aligned. Outstanding issues relate broadly to the extent, timing and use of permanent and temporary land take and impact on the design and deliverability of the strategic allocation at Feering under Policy LPP21.</p> | <p>The Applicant is committed to continuing ongoing engagement with the Interested Party to resolve the remaining matters. Meetings with the Interested Party are occurring regularly to resolve the issues raised as soon as is practicable.</p> | <p>The Applicant will continue to engage with TCE and work through any issues in relation to the LPP21.</p> |
| 3.2.2. | London Road Junction Design | <p>The Interested Party is concerned the proposed design may compromise their ability to provide the northern development access required to serve LPP21.</p> | <p>The Applicant will develop utilities design once the LPP21 junction design is finalised to avoid rebuilding the road.</p> <p>The Applicant has drafted a Technical Note on the Feering East Junction Layout (May 2023).</p> <p>National Highways are designing the junction with</p> | <p>National Highways are designing the junction with the aim of minimising abortive highways and utility works. Further detailed design information will be shared with the Interested Party when available.</p> |

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|--|--|---|--|
| | | | the aim of to minimising abortive highways and utility works. | |
| 3.2.3. | Land take – 15/8g, 15/8h, 15/8i, 15/8j | Refer to SoCG for full position. The Interested Party believes the land take is excessive. | Once detailed design has taken place regarding drainage at 15/8i and 15/8j, land take can be further refined. National Highways is aware that TCE also have to attenuate surface water in this location and is factoring this into their proposals. | Once detailed design has taken place regarding drainage at 15/8i and 15/8j, land take can be further refined in discussion with the Interested Party. |
| 3.2.3a | New Lane Ditch (15/8i, 15/8j) | Refer to SoCG for full position. The Interested Party wants to minimise possible adverse impacts of the Applicant's proposed drainage for the Scheme to ensure the site drainage is not compromised when the site is developed out. | The Applicant has to provide drainage design. Design to be refined in detailed design which is currently ongoing. | Design to be refined in detailed design which is currently ongoing. Information will be shared with the Interested Party when available. |
| 3.2.12 | Landscaping on land take east of the proposed A12 route at Feering (TCE Parcels 14/5d, 14/5e, 14/5f, 14/7b, 15/8d, 15/8e, 18/8f) | The Interested Party has requested landscaping to be Crown Estate standard at this location. | The Applicant has confirmed it will consider the detailed design of the highway landscaping to take into account the Interested Party's developing landscape design. | Detailed design will continue and the Interested Party's developing landscape design. Further information will be shared with the Interested Party when available. |

2.11 Boreham Parish Council

2.11.1 There are no matters still in discussion with Boreham Parish Council at Deadline 7. All matters have either been agreed or disagreed as described in the SoCG.

2.12 Witham Town Council

2.12.1 There are no matters still in discussion with Witham Town Council at Deadline 7. All matters have been agreed as described in the SoCG.

2.13 Hatfield Peverel Parish Council

Table 2.6 Matters that have not been agreed with Hatfield Peverel Parish Council at Deadline 7

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|--------------|--|--|--|
| 2.5 | Construction | Refer to SoCG for full position. The Interested Party are not satisfied on the proposed for diverted traffic during the (potentially) six month replacement of Station Road Bridge. | Refer to SoCG for full position. The Applicant believes the route selected is viable as this avoids obstructions such as low height bridges. The Applicant appreciates the concerns on the use of this route, and has proposed a suite of options, which are detailed in section 5.9 of the Outline Construction Traffic Management Plan (Clean) - Rev 5 [REP6-054] to reduce | The Applicant will continue to liaise with the developers (Bellway) on the diversion route as the detailed design continues. |

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|----------------------------|---|---|---|
| | | | the number of journeys on this diversion route. | |
| 2.6 | Air Quality – traffic flow | Refer to SoCG for full position. The Interested Party is concerned over the traffic flow to/from junction 21 causing congestion and further impacting on air quality. | Refer to SoCG for full position. The air quality assessment outlined in Chapter 6: Air Quality of the Environmental Statement [APP-073] considered all changes in emissions with respect to the predicted total concentrations. The assessment concluded there would be no significant effects to human health during the construction and operation of the proposed scheme, in accordance with the DMRB LA 105 significance criteria. | The Interested Party has taken this matter up with Secretary of State for Environment & Rural Affairs through the local MP and has stated it is not possible to reconsider their position until such time that a reply is received. |
| 2.7 | Air Quality – health | Refer to SoCG for full position The Interested Party's position is that based on modelling produced by National Highways for PM 2.5, many of the sensitive receptor points will be above 10 micrograms during construction and operational and reflect a | Refer to SoCG for full position As per the Applicant's Response to Open Floor Hearing 1 [REP1-009], the air quality assessment for the worst-case receptors was assessed against the current | The Interested Party has taken this matter up with Secretary of State for Environment & Rural Affairs through the local MP and has stated it is not possible to reconsider their position until |

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|-------|---|---|---|
| | | <p>degree of deterioration in Air Quality as a result of the proposed scheme.</p> <p>Parties recognise that the Air Quality assessment was undertaken against LA105 - Air Quality November 2019, however the Parish considers that elements of the DMRB are out of date given new legislation on PM 2.5 introduced as a requirement of the Environment Act 2021 and DEFRA's Clean Air Strategy, including their Air Quality strategy framework for local authority delivery published 28/4/2023, and as such the assessments presented are not fair and reasonable.</p> | <p>applicable standard for PM2.5 of 20µg/m3. Judgement of significance was not required as no exceedance of the current standard was reported (see Chapter 6: Air Quality of the Environmental Statement [APP-073]). Until otherwise directed, the assessment undertaken is deemed to be appropriate and in line with current guidance.</p> | <p>such time that a reply is received.</p> |

2.14 Essex Police

Table 2.7 Matters that have not been agreed with Essex Police at Deadline 7

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|-----------------------|--|---|---|
| 1.13 | Traffic Managers Post | Essex Police remain committed to seeking, through National | The Applicant has proposed a pilot scheme for the | The Applicant will continue to work with Essex Police and |

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|-------|--|---|---|
| | | <p>Highways, a funded temporary Traffic Management Officer post.</p> <p>This post is critical to the management of communications, operational planning and liaison with residents effected by the project works, as well as working alongside planners at various geographic operational offices.</p> | <p>proposed scheme. The pilot scheme would be a job role that would act as a liaison between the Applicant and Essex Police, the person would be employed by the Applicant. A meeting will be set up between the Applicant and Essex Police to discuss this role in detail post examination.</p> <p>The Applicant will continue to work with Essex Police and will endeavour to meet the requirements of Essex Police, where practical with regards to this item.</p> | <p>will endeavour to meet the requirements of Essex Police, where practical with regards to this item</p> |

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

Table 2.8 Matters that have not been agreed with Essex Waterways Limited (EWL) at Deadline 7

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|---|--|---|---|
| 3.2.1 | Land Take and impact along the River Chelmer. | <p>Refer to SoCG for full position.</p> <p>Key concerns:</p> | <p>Refer to SoCG for full position.</p> <p>The Applicant will provide more detail on the timings as</p> | <p>The Applicant is working on the detailed design and will have further discussions with</p> |

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|--|---|--|---|
| | | <p>More detail on the timing of the works will be required in due course.</p> <p>More detail on the design of the headwall and the outfall will be required.</p> | the Stage 5 Detailed Design develops. The Applicant are reviewing the outfall design as part of the Stage 5 Detailed Design. | EWL when further information is available. |
| 3.2.2 | Access to the towpath | <p>There is potential for adverse effects on EWL's waterway operations during the construction of the relevant works, particularly regarding access to the towpath.</p> <p>The towpath needs to be kept open for walkers at all times, loss of width would not be an option</p> | There will be a temporary diversion of Public Rights of Way (PRoW) 234/18 as shown in Table 8.1 of the [App 7.7] Outline Construction Traffic Management Plan (OCTMP) and also detailed in the Construction Phase Plans (Sheet 1) notes a temporary minor diversion around drainage works. Where practicable, access will be maintained. The Applicant will use reasonable endeavours to investigate alternative temporary access to Chelmer Navigation along the pond access track. | The Applicant is working on the detailed design and will have further discussions with EWL when further information is available. |
| 3.2.3 | Adverse effect on navigation due to permanent changes to the towpath | EWL believes that there is potential for adverse effects on navigation during the operational phase of the Scheme, due to | Refer to SoCG for full position. | The Applicant is working on the detailed design and will have further discussions with |

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|--|---|---|--|
| | | <p>permanent changes to the towpath and obstruction of the navigation through the outfall structure intruding into the waterway channel.</p> <p>These concerns can be removed if the outfall is designed as a ditch with no works required to towpath ditch crossing.</p> | <p>Scheme outfall location is indicative and will be developed through detailed design to ensure towpath will be reinstated to its current design and the outfall does not protrude into the navigation.</p> <p>The Applicant's preferred design is for a ditch.</p> | <p>EWL when further information is available.</p> |
| 3.2.4 | <p>Adverse effect on siltation arising from discharge of surface water drainage from the highway – during construction</p> | <p>Any siltation entering the river from the ponds needs to be minimised, and arrangements put in place to clear any that does arise.</p> | <p>Discharges to surface water courses will follow the appropriate legislation. The Applicant will gain Discharge consents from the appropriate regulator (e.g., Environment Agency or lead local flood authority) or follow the appropriate exemptions prior to discharge taking place. The Applicant will take measures to control sediment runoff during construction, ensuring that best practice guidance is followed prior to discharging any water to surface water courses.</p> | <p>The Applicant is working on the detailed design and will have further discussions with EWL when further information is available.</p> |

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|-----------------------|--|--|---|--|
| 3.2.4a | Adverse effect on siltation arising from discharge of surface water drainage from the highway – during operation | Any siltation entering the river from the ponds need to be minimised, and arrangements put in place to clear any that does arise. EWL is looking for a commitment to long-term maintenance of the attenuation pond (desilting when/if necessary). | Refer to SoCG for full position. It is considered that the provision of an attenuation pond in parcel 1/11a will provide a reduced risk of pollution and sediment runoff to the watercourse over the existing situation. | The Applicant is working on the detailed design and will have further discussions with EWL when further information is available. |
| 3.2.5 | Disapplication of the original 1793 C&BN Act and waterway byelaws identified in Schedule 10, where these conflict with the rights established by the draft DCO | EWL would welcome an undertaking that any contravention of the Byelaws or disapplication of the Act will be to the minimum extent required to allow construction and operation of the works authorised by the DCO. | The Applicant will continue to work with EWL to minimise any practical implications of temporary disapplication of the Byelaws. The Applicant will provide a letter for circulation to river users around what this may mean for river users regarding construction impacts and disapplication of Byelaws. | The Applicant is working on the detailed design and will have further discussion with EWL when further information is available. The letter may not be required based on the outcome of the detailed design. |
| 3.2.6 | Review of detailed design and construction method statements relating to works on EWL | EWL is unable at this stage to confirm that the works will not have any adverse effects on its interests. | The Applicant will consult with EWL once detailed design is available. Any required Consents or Approvals will be gained from the appropriate Statutory | The Applicant will consult with EWL once detailed design is available. Any required Consents or Approvals will be gained from the appropriate Statutory |

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|---|---|---|--|
| | | | Bodies prior to the commencement of works. | Bodies prior to the commencement of works. |
| 3.2.7 | Concern about outfall protruding into navigation forming an obstruction | EWL is concerned about the outfall protruding into the navigation on the outside of a bend. This poses a navigation hazard that could lead to damage to craft | <p>Siting of the outfall is still under discussion and these concerns will be taken into account.</p> <p>Any outfall design would be either set back from the bank or flush with the bank therefore would not protrude into the navigation.</p> | The Applicant will consult with EWL once detailed design is available. |

2.16 Network Rail Infrastructure

Table 2.9 Matters that have not been agreed with Network Rail (NR) at Deadline 7

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|--------------------|--|--|---|
| 3.2.1 | Business clearance | <p>Refer to SoCG for full position.</p> <p>Some of the submitted business clearances have been rejected or put on hold due to safety concerns, primarily relating to access and signalling.</p> <p>Plots 2/17i and 2/17j will not be vested pursuant to the DCO and,</p> | The Applicant is requesting an update on the 32 NR land business clearances submitted. | Weekly discussions will continue between the parties to resolve these concerns. |

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|--|---|--|--|
| | | therefore, clearance will not be required in respect of those plots. NR will review which clearances are no longer needed and to update this list. | | |
| 3.2.1a | Business Clearance – Utilities interests | Awaiting business clearance on third party land and utilities clearances. | The Applicant is working through these with NR and is sharing utilities data as requested by NR. Awaiting design details from Openreach, expected end of July 2023. The Applicant is waiting for further information from Essex and Suffolk Water and Anglian Water for possible direction regarding drilling under the railway line at Hatfield Peverel and at Boreham. | The Applicant and NR will continue to work through the utilities interests and the Applicant will continue to share information with NR as it becomes available. |
| 3.2.2 | Technical Clearance | Refer to SoCG for full position. Signals and Structures have lodged objections. Details of these objections were shared with the Applicant on 5 th April 2023. Other disciplines still to feedback. | Refer to SoCG for full position. Discussions on Technical Clearance have commenced. The Applicant is progressing the design to mitigate the concerns raised by the Signalling team. | Progression of the detailed design of the Paynes Lane Footbridge and continued discussions between the Applicant and the discipline specific teams should address some of NR's other concerns. |

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|--|--|---|---|
| | | | | The Applicant would like to work through the objections with NR. |
| 3.2.3 | Framework Agreement | NR provided their template draft Framework Agreement, including proposed protective provisions for Network Rail on 29 th December 2022. | The Applicant's legal team (WBD) will provide an updated draft Framework Agreement to the NR team. | The Applicant and NR will continue to negotiate the Framework Agreement. |
| 3.2.4 | Network Rail Documents – Third Party Asset Protection Agreement (APA)/Outside Party Asset Protection Agreement (OPAPA) | NR have provided templates of APA and OPAPA. The template is now agreed and detailed negotiations can begin. | The Applicant believes it will be an APA but awaiting confirmation from NR. The Applicant's legal team (WBD) have reviewed the Bridge Agreement. | Ongoing discussions will take place to resolve the approach on this matter. |
| 3.2.5 | Protective Provisions (PPs) | NR supplied their Standard PPs for inclusion within the DCO on 29 th December 2022. NR provided comments on the PPs in the DCO to the Examining Authority at Deadline 6. | Refer to SoCG for full position. The Applicant agrees in principle to the inclusion of PPs in the DCO and the parties are currently discussing a few technical point | Ongoing discussions will take place to resolve matter. Each party will make their own submission in respect of the PPs to the ExA. |
| 3.2.8a | Access concerns at Beaulieu Park Station (2/15b) | The Proposed BPS Development impacts on plots that will be needed for parking to the new station and its car park. | The Applicant has asked for temporary rights for the access road to construct Paynes Lane Bridge. The Applicant will ensure that any | This will be reflected in the Framework Agreement between the parties. |

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|---|--|--|--|
| | | The extent of land parcel 2/15b is being reduced so that NR's car park access will not be affected. | operational needs to access the proposed car park are maintained during construction. | |
| 3.2.8b | Parking concerns at Beaulieu Park Station (2/15b) | <p>The Proposed BPS Development impacts on plots that will be needed for parking to the new station and its car park.</p> <p>The extent of temporary land take at land parcel 2/15b is being reduced so that NR's car park access will not be affected. This is to be reflected in the Framework Agreement.</p> | The car park is not affected. The Applicant requires a route from the adopted highway to the proposed construction area. | This will be reflected in the Framework Agreement between the parties. |
| 3.2.8c | Utilities concerns at Beaulieu Park Station (2/22b) | <p>The Proposed BPS Development impacts on plots that will be needed for utilities to the new station and its car park.</p> <p>NR has sent a SMI form to NH asking for a utility survey to be undertaken. If clearance is required, NR's easements and wayleaves team will deal with this. The issue will need to be addressed in the Framework Agreement.</p> | The Applicant is awaiting detailed information regarding Beaulieu Park Station utilities. | The Applicant is awaiting detailed information regarding Beaulieu Park Station utilities. Any rights/easements required will be detailed in the Framework Agreement. |

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|-----------------------|---|---|---|---|
| 3.2.8d | Drainage concerns at Beaulieu Park Station (2/15a and 2/15b) | <p>The Proposed BPS Development impacts on plots that will be needed for drainage to the new station and its car park.</p> <p>NR is to secure a drainage easement from Countryside Zest. The Framework Agreement must incorporate that NH's rights over the plots are subject to NR's existing and future drainage rights.</p> | The Applicant is awaiting detailed information regarding Beaulieu Park Station drainage. | The Applicant is awaiting detailed information regarding Beaulieu Park Station drainage. The Applicant has agreed to incorporate any existing and future drainage rights/easements required by NR into the Framework Agreement. |
| 3.2.8f | 2/18b and all plots in close proximity to the operational railway | <p>NR has called for land take to be adjusted in Framework Agreement. NR is concerned that plot 2/18b is excessive for NH's proposed engineering solution.</p> <p>There is concern that revised NR ownership will not allow for future rail enhancements and have a detrimental impact on NR's ability to operate and maintain the railway.</p> | The Applicant agrees that the Framework Agreement will provide for a smaller extent of land to be vested. | The Applicant has agreed not to vest the following plots pursuant to the draft Order: 2/17a, 2/17b, 2/17h, 2/17m, 2/17n. Ongoing discussions will take place between the parties. |
| 3.2.8g | Concerns over proximity of Paynes Lane footbridge to OLE gantry B/32/39A will restrict access for | The foundations for the new OLE (goalpost) gantry B/32/39A, immediately adjacent to the west of the proposed Paynes Lane | The Applicant has 700mm flexibility to move the bridge. The Applicant has offered to pay for a stanchion redesign | The Applicant has offered for the works associated with this remodelling to be considered as a stand-alone project, |

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|--|--|--|--|
| | maintenance and future enhancement works (2/17c) | footbridge, have already been installed. The BPS team have advised that due to programme constraints, any remodelling of the OLE gantry could not be accommodated until after May 2024. | and repiling or investigate other mitigations. | sponsored and paid for by the Applicant. |
| 3.2.12 | Signal Sighting (plots 2/17a, 2/17g 2/17h, 2/17i, 2/17j, 2/17k, 2/17l, 2/17m, 2/17n 2/18a, 2/18b, 2/18c) | The A12 scheme will impact on sighting of NR signals to train drivers. This is a concern which cannot be resolved by NR modifying its infrastructure; therefore, it necessitates the Applicant to make modifications to the design of the project. Network Rail have asked the Applicant to undertake separate specialist Signal Sighting and Luminance studies. | Refer to SoCG for full position. The Applicant is working to resolve signal sighting concerns by undertaking Signal Sighting and Luminance Studies and addressing any issues that are raised. | The Applicant is to by undertake Signal Sighting and Luminance Studies, provide the results to NR and will address any issues that are raised. The Applicant has also agreed not to vest the following plots pursuant to the draft Order: 2/17a, 2/17b, 2/17h, 2/17m, 2/17n. |
| 3.2.14 | Existing Infrastructure - Drainage and Embankment Stability (plots 2/17g and 2/7m) | There is concern about the works at plots 2/17g and 2/17m which would lead to structural implications relating to the stability of the existing railway embankments. The NR embankment must not be affected by the the Applicant's drainage proposals. | The drainage design proposal will be worked through in detailed design with due consideration of the potential interface with the existing railway embankment and agreed with NR. | The drainage design proposal will be worked through in detailed design with due consideration of the potential interface with the existing railway embankment and agreed with NR. These issues will be addressed in the Framework Agreement |

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|--|---|--|---|
| | | NR need to agree to any outline/in principal design rather than waiting until the detailed design stage. | Revised in Principle Drawings were circulated to Network Rail on 2nd June 2023. | between the parties. The agreement will allow for the plot sizes to be reduced. |
| 3.2.15 | Section 10 (S10) Claim for Loss of Profit to existing Hatfield Peverel Station Car Park for Greater Anglia (Train Operating Company) | Greater Anglia has requested confirmation of the legal mechanism for recovery of revenue loss due to the temporary car park proposed in Hatfield Peverel being free. If TOC submit a claim to NR, The Applicant will deal and be liable for any losses. An indemnity is needed from the Applicant for any claim by TOC. | The Applicant has confirmed that Greater Anglia would need to substantiate and evidence the claim. The Applicant will consider the substance of the claim in line with the normal process and further to Greater Anglia request, the Applicant has clarified the process for claiming via the S10 process. | The Applicant will continue to work with Greater Anglia and work through issues. This matter is further discussed in the Protective Provisions. The Framework Agreement between the parties will include a clause that states that an indemnity is needed from The Applicant for any claim by TOC. |

2.17 Anglian Water Services

Table 2.10 Matters that have not been agreed with Anglian Water Services (AWS) at Deadline 7

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|--------|--|--|---|
| 14 | Access | Rivenhall End access from the A12 Service Area (11/11b) will be removed and AWS to continue using current access off Braxted Road. | Refer to SoCG for full position. An easement will be provided in land plot 11/8a for AW to use if their existing access is removed in the future. The | The Applicant will provide a Letter of Comfort pre DCO decision for an easement along the pond access track in land plot 11/8a. |

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|-------|---|--|---|
| | | | <p>easement will replace the alternative freehold access from the A12 that will be lost due to the A12 traversing the land</p> <p>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. Therefore, it is proposed that AW continue to use the existing access to the pumping station.</p> <p>However, it was discussed and agreed that rather than the Applicant providing a physical alternative access to AWS's freehold, that an easement over the Applicant new access to their balancing facility in land plot 11/8a and continuing to AWS freehold would be agreeable.</p> <p>A Letter of Comforts could be prepared for AWS stating that</p> | |

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|-----------------------|---|---|---|
| | | | the Applicant would enter into an easement when they have taken possession of the land. | |
| 15 | Protective provisions | The form of protective provisions for the benefit of AWS. | Refer to SoCG for full position. The protective provisions included for the benefit of AWS in Schedule 11 of the draft DCO are partially agreed. Stand-off distances are to be set out in Sch.11 Pt.3 Clause 27 (Retained Apparatus) Para. (7) of the draft DCO. | 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 position on stand off distances. |

2.18 Cadent Gas Limited

Table 2.11 Matters that have not been agreed with Cadent Gas Limited at Deadline 7

| SoCG Issue Ref | Issue | Interested Party Position at deadline 7 | National Highways Position at deadline 7 | What is required for matter to be resolved? |
|----------------|-----------------------|--|--|--|
| 1 | Protective provisions | The draft Order includes protection for Cadent's apparatus and the gas network. However, it does not include the specific protection provisions that Cadent requires to prevent serious detriment to this undertaking. | Cadent has engaged with the Applicant in relation to the protective provisions that Cadent require are included within the draft Order (the Cadent Protective Provisions) throughout the | National Highways are agreeing Protective Provisions that will be secured by an agreement in due course. |

| SoCG Issue Ref | Issue | Interested Party Position at deadline 7 | National Highways Position at deadline 7 | What is required for matter to be resolved? |
|----------------|--|---|--|---|
| | | | pre-application process. Cadent has agreed the Cadent Protective Provisions with National Highways and expects the agreed form of the Cadent Protective Provisions to be secured by an agreement in due course. | |
| 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. | Cadent has undertaken a review of existing and proposed accesses to apparatus which may be impacted by proposals. Resolution is also subject to agreed form of Protective Provisions. | National Highway's position is that the PPs as included in Part 5 of Schedule 11 afford adequate protection for Cadent assets during and after the construction works planned for the A12 scheme. National Highways are agreeing Protective Provisions that will be secured by an agreement in due course. | National Highways are agreeing Protective Provisions that will be secured by an agreement in due course. |
| 3 | Cadent is not yet satisfied that the DCO includes all land and rights required to accommodate diversions as detailed design studies will | Cadent has not yet completed detailed design studies of its diversions therefore land and consents cannot be confirmed at this stage. Cadent will update the ExA once these studies have completed. | National Highways have made appropriate provision in the DCO to acquire land and rights for accommodating the diversions proposed for the scheme and sufficient contingency has been allowed for variations of the | Detailed design for the high pressure and medium pressure gas main diversions are in progress and several investigations carried out to ensure all options are explored and the best solution |

| SoCG Issue Ref | Issue | Interested Party Position at deadline 7 | National Highways Position at deadline 7 | What is required for matter to be resolved? |
|----------------|--|--|--|--|
| | need to influence these requirements. | | <p>proposed diversions along these corridors.</p> <p>Detailed design for the high pressure and medium pressure gas main diversions are in progress and several investigations carried out to ensure all options are explored and the best solution identified within the order limits.</p> | identified within the order limits. |
| 4 | Cadent will require National Highways to obtain and grant to Cadent adequate rights to lay, access, protect and maintain apparatus on Cadent's standard easement terms or equivalent rights acquired by compulsion including the imposition of restrictive covenants to protect apparatus. | As above | This is agreed and Cadent's position is protected by paragraph 57 of the protective provisions as contained in the dDCO. | National Highways are agreeing Protective Provisions that will be secured by an agreement in due course. |
| 5 | Development of detail design for Cadent Gas | The final solution required for each AIA has yet to be | National Highways and Cadent are working jointly at | Detailed designs for the high-pressure gas diversions are in |

| SoCG Issue Ref | Issue | Interested Party Position at deadline 7 | National Highways Position at deadline 7 | What is required for matter to be resolved? |
|----------------|---|--|--|--|
| | High Pressure diversions | determined and agreed by both parties. Final designs for the Scheme and it's infrastructure, as well as the final designs of other utilities and services affected by the Scheme have yet to be concluded, therefore the resolution of each AIA is yet to be achieved. | present to progress and develop the detail design required for the 5 number AIA identified in the Design study phase. | progress and several investigations carried out to ensure all options are explored and the best solution identified within the order limits. |
| 6 | Development of detail design for Medium Pressure diversions | Cadent is working with National Highways to progress the detailed design studies required to confirm the final routing of the proposed 13 medium pressure diversions to facilitate the scheme. | National Highways and Cadent are working collaboratively to progress the detailed design required for the 13 diversions required for medium pressure assets affected by the works. | Detailed designs for the medium pressure gas main diversions are in progress and several investigations carried out to ensure all options are explored and the best solution identified within the order limits. |

2.19 The Brice Family

Table 2.12 Matters that have not been agreed with The Brice Family at Deadline 7

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|-----------------|---|---|--|
| 3.2.3 | Balancing Ponds | The area of proposed permanent acquisition of land for balancing ponds beyond the carriageway footprint is of concern and | Refer to SoCG for full position. The issue with hydrology is subject to final design | National Highways is awaiting detailed design to resolve concerns about hydrology. |

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|--|---|---|--|
| | | <p>contrary to the Brice Family's agricultural interests and quarry restoration. The Brice Family asked to retain the freehold if there is a requirement for balancing ponds on their land. Several waterbodies are to be provided by the Brice Family as part of the quarry restoration. The Brice Family request the presence of these to be included in hydrology modelling and in setting the need for balancing ponds on their land.</p> | <p>details. The drainage ponds will not have any interface with Quarry restoration due to the nature of the water quality that would be collected for road runoff. From the hydrology point of view, these restoration works sit downstream of the scheme so they should not be a part of the National Highways assessment.</p> <p>Acquiring the land is progressing through ongoing negotiations. However, where National Highways need to locate an asset such as an attenuation pond, they will require the freehold of that land.</p> | <p>Discussions with the District Valuer and The Brice Family are ongoing.</p> |
| 3.2.5 | <p>Land Take and Red Line Boundary on Environmental/ Ecological Mitigation Areas</p> | <p>The Brice Family note that the current DCO order limits (the red line boundary) will be reduced and refined.</p> <p>The Brice Family expect that Order Limit alterations are likely as utility diversion routing emerges and as the detailed design progresses. There is a corridor to the south of the quarry</p> | <p>Refer to SoCG for full position.</p> <p>National Highways believes that all the land included within Order Limits is required for the proposed scheme. Through feedback and engagement since publication of the Preferred Route Announcement, there have been significant changes and</p> | <p>National Highways is still awaiting confirmation of Cadent detailed design regarding utility diversions and will discuss further with the Brice Family once further information is available.</p> |

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|---|---|---|--|
| | | weighbridge which has been included in the DCO boundary for utility diversions but it is understood by the Brice Family that this will no longer be required. The Brice Family requested a final design of the permanent accommodation works. | reductions in the order limits to meet the Brice Family's requirements as much as reasonably practicable. | |
| 3.2.7b | Agricultural Vehicles – Access to Farm during construction period | <p>To ensure continuity of farming operations, agricultural vehicles must have access at all times during construction.</p> <p>Due to the proposed restriction of slow and agricultural traffic from use of the new A12, Oak Road must remain open onto the old, de-trunked A12 until the new A12 is complete with bridge-over.</p> | <p>Refer to SoCG for full position.</p> <p>National Highways will ensure that accesses are maintained during daytime operational hours where practicable.</p> <p>During construction, traffic would be kept on the Braxted Road until the new Braxted Road and overbridge is built.</p> <p>National Highways continues to work closely with the Brice Family to fully understand the site operations and programme and to minimise impacts on business continuity. Order limits at this location and land use plans</p> | <p>National Highways is investigating the issue regarding Oak Road and will engage in discussions with the Brice Family when detailed design information is developed.</p> <p>The construction phasing is being developed to maintain access to The Brice Family's business operations during normal operating hours.</p> <p>National Highways continues to work closely with the Brice Family to fully understand the site operations and programme and to minimise impacts on business continuity.</p> |

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
|----------------|--|--|--|--|
| | | | have taken into consideration these requirements. | |
| 3.2.8a | Access to Willow planted land off Henry Dixon Road | <p>Access to the willow plantation is needed for timber extraction. If access is not possible then National Highways will need to acquire that land also.</p> <p>The Brice Family request confirmation that access for vehicles used for timber extraction will be capable of having the access provided and that the Brice Family will have all legal rights necessary to enter the willow plantation from the adopted highway.</p> | <p>Refer to SoCG for full position.</p> <p>National Highways is exploring whether to retain the existing access, belonging to H Siggers, or to provide a new access off the old A12 (which is proposed to become a localised road).</p> | Further discussions will take place with The Brice Family in relation to this and the decision will be reflected in the detailed design. |
| 3.2.8b | Farm Access – Access from Rivenhall Roundabout | The access must be suitable for a combine harvester, tractors and trailers with 15t of grain. The Brice Family would like the gate to be set back to accommodate a tractor and trailer. The exact size is to be confirmed but it is anticipated to be similar to a 16.5m articulated HGV. | A drop section is proposed in the middle of the roundabout with a different pavement construction. The gate is proposed to be moved so as to not impede on the roundabout. National Highways will ensure the access can accommodate large agricultural vehicles and the gate will be pushed back | National Highways will reflect the proposed changes in detailed design drawings which will be shared with The Brice Family when available. |

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| | | | accordingly to cater for a tractor and trailer. | |
| 3.2.10 | Commercial shoot | <p>Refer to SoCG for full position.</p> <p>The Project will have a detrimental impact on the commercial game shoot that operates over Simon Brice's and Brice Aggregates' land interest both: during survey; construction; and post completion of the Project. Further consultation is required.</p> <p>Access is required to Colemans on both ends, from Appleford and back to Ashmans, on a shoot trailer.</p> | This will be taken into account whilst the detailed design is developed. | This will be taken into account whilst the detailed design is developed. |
| 3.2.11a | Commercial Lets Access – Temporary | <p>There are a number of commercial lets at Appleford Farm which consist of mixed office, storage and distribution use across seven units, uses include sorting and distribution for a large parcel delivery franchise. As part of the requirements of these businesses, continued access to the A12 is fundamental to allow them to continue to trade onsite. The site accommodates</p> | <p>Refer to SoCG for full position statement.</p> <p>National Highways can confirm that all vehicles of a size legally permitted to be on the road can pass through Rivenhall End, so commercial operations should not be materially affected during construction. To minimise any disruption to the commercial</p> | National Highways' construction phasing is being developed to ensure access to the Brice Family's business operations can be maintained during normal operating hours and National Highways will continue to work together and provide detailed information when it becomes available. |

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| | | <p>approximately seven lorry movements a day as well as various cars and vans during the normal working day. The Brice Family would like confirmation from National Highways that the Commercial businesses at Appleford Farm will be able to access the A12 from Braxted Road (including HGV access) during construction.</p> | <p>and farming businesses, National Highways will ensure that accesses are maintained during daytime operational hours whenever practicable. However, occasionally for safety or other physical reasons, this may not always be possible, and National Highways would liaise with the Brice Family to ensure that adequate notice is provided, and where practicable an alternative access for the businesses is available.</p> | |
| 3.2.12 | Commercial Lets Disruption | <p>The Brice Family are concerned that during the works there could be a significant impact upon businesses. This could be an impact which results in job losses and, from a landlord point of view, loss of rent and/or occupancy. Appleford Industrial Uses currently support approximately 30 jobs across circa 24,000 square feet of commercial space.</p> | <p>Access will be maintained where practicable. Any compensation issues will be dealt with by the District Valuer.</p> <p>To minimise any disruption to the commercial and farming businesses, National Highways will ensure that accesses are maintained during daytime operational hours whenever practicable. However, occasionally for safety or other physical</p> | <p>The issue on access at all times is currently being reviewed by National Highways. Updates will be provided to The Brice Family when available.</p> <p>Discussions are ongoing to further understand business operations to ensure business continuity.</p> |

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| | | | reasons, this may not always be possible, and National Highways would liaise with the Brice Family to ensure that adequate notice is provided, and where practicable an alternative access for the businesses is available. | |
| 3.2.13 | Biodiversity Priority Habitats – Quarry Restoration | Whilst discussions have been progressing well and collaboratively regarding a revised restoration of Colemans Quarry, it is inevitable that some of the land available for the provision of Biodiversity Priority Habitats will be lost to the A12 land take. It is expected that there will be the flexibility to provide these habitats along the scheme corridor or within scheme borrow pits | Refer to SoCG for full position. Landscape planting for the proposed scheme has been designed to mitigate these losses through the creation of replacement habitats, and the proposed scheme aims to maximise biodiversity delivery where practical. | Discussions are ongoing between National Highways and The Brice Family regarding this matter. |
| 3.2.14 | Access to main Highway - Temporary | The Brice Family request further detail as to how the access will be maintained during the scheme construction. The Brice Family require additional clarification and detail on the design and specification of the proposed | Refer to SoCG for full position. National Highways continues to work closely with the Brice Family to fully understand the site operations and programme and to minimise | The issue on access at all times is currently being reviewed by National Highways. Updates will be provided to The Brice Family when available. |

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| | | <p>access to include but not limited to horizontal and vertical alignment; road width; drainage design; cross fall; pavement design including surface course; binding course; base; sub-base; security; construction process and period; and together with the interface with “new walkers” provision. Details are also required as to the boundary point at which the access will leave the adopted highway. The continued access of HGVs from the quarry site onto the trunk road network is critical to business continuity.</p> <p>The Brice Family have requested access at all times to ensure continued business operations and that any temporary impact will be mitigated.</p> | <p>impacts on business continuity.</p> <p>Order limits at this location and land use plans have taken into consideration these requirements.</p> <p>National Highways will ensure that accesses are maintained during daytime operational hours whenever practicable. However, occasionally for safety or other physical reasons, this may not always be possible, and National Highways would liaise with The Brice Family to ensure that adequate notice is provided, and where practicable an alternative access for the businesses is available.</p> | <p>The construction phasing is being developed to take into account The Brice Family’s requirements.</p> |
| 3.2.15 | Operation of Quarry – during and post scheme to include both the Processing and Batching Plant | The Brice Family acknowledge discussions regarding this matter are ongoing but reiterate the importance of being able to establish a new aggregate processing yard and weighbridge | Refer to SoCG for full position. National Highways and The Brice Family have held monthly catchup meetings since 2022. The Heads of Terms are progressing. | Awaiting a planning application decision for the relocation of the on-site processing plant. National Highways will continue to |

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| | | / access where existing facilities will be within the A12 land take boundary. The successful resolution of this matter is critical to business continuity. | | engage with The Brice Family on this matter. |
| 3.2.16 | Compound | The Brice Family have reservations about National Highways' access to this compound and whether there will be a slip road off the existing A12 heading northbound or an access off the roundabout. Simon Brice wishes to retain ownership and is prepared to enter into suitable agreement with National Highways to facilitate this. | <p>Access to the Junction 22 compound will be off the A12 Northbound carriageway, where a new on/off slip will be created to provide access from / to the existing A12. There will not be an access from the proposed roundabout.</p> <p>Future land use is subject to Cadent's gas main diversion design, as the design is still unknown at this stage.</p> <p>National Highways will always endeavour to secure the land it requires by negotiation where this can be agreed on reasonable terms.</p> | <p>National Highways is still awaiting confirmation of Cadent detailed design regarding utility diversions and will discuss further with the Brice Family once further information is available.</p> <p>Discussions with the District Valuer and The Brice Family are ongoing.</p> |
| 3.2.17 | Grassland | The Brice Family would like to retain the freehold of this land. | If National Highways need to locate an asset (such as an attenuation pond), they will | Discussions with the District Valuer and The Brice Family are ongoing. |

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| | | | need to acquire freehold of that land. | |
| 3.2.18 | Rose Cottage – plot 11/10a | <p>Taking this land will affect the visibility splay for the access to Rose Cottage. There are concerns about the safety of the access out on to the main road. There are concerns on the visibility splay for the heavy vehicle movements that use the farm buildings behind Rose Cottage.</p> <p>The Brice Family need a better understanding of the front drive access to Rose Cottage and the link to the southern properties.</p> | <p>Refer to SoCG for full position.</p> <p>The proposed hedgerow planting will be positioned to ensure adequate visibility. Moreover, traffic will be much lighter in this location as a stub is proposed rather than a through route.</p> <p>National Highways has proposed to move the tie end vertically before the Rose Cottage access which will result in no change to the existing driveway.</p> <p>The intention of the design is to provide drainage to the road proposed to go up and over the A12.</p> | National Highways will reflect the proposed changes in detailed design drawings which will be shared with The Brice Family when available. |

2.20 National Farmers Union

Table 2.13 Matters that have not been agreed with the National Farmers Union (NFU) at Deadline 7

| SoCG Issue Ref | Issue | Interested Party Position at Deadline 7 | National Highways Position at Deadline 7 | What is required for matter to be resolved? |
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| 16 | Voluntary agreements | <p>The NFU would like to see the Applicant 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.</p> | National Highways is looking to secure agreement in as many cases as possible by the end of Examination. | The process for agreeing voluntary agreements is an ongoing activity and therefore will remain open post examination. |
| 17 | Prohibition of Agricultural Vehicles | <p>Refer to SoCG for full position.</p> <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</p> | <p>Refer to SoCG for full position.</p> <p>National Highways position is that slow moving vehicles (SMVs) can present a serious hazard to the safety of workers and users on any road, but this can be greatest on A12, primarily due to the differential in travel speed between SMVs</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. |

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| | | <p>particular through Witham, Kelvedon High Street and around Marks Tey. It would be helpful if the Applicant would highlight the alternative routes that that they consider agricultural vehicles will use.</p> | <p>and other A12 traffic. Therefore the safety risk must be evaluated for all affected strategic and local routes.</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>National Highways will coordinate a meeting with affected people to gather the above information. This work will be completed post examination.</p> |

A12 Chelmsford to A120 widening scheme

List of matters not agreed where SoCG could not be finalised

