

PLANNING ACT 2008

INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

**WRITTEN SUBMISSIONS OF NFU REGARDING THE A12 CHELMSFORD TO A120 WIDENING
SCHEME DEVELOPMENT CONSENT ORDER 201 [...]**

PLANNING INSPECTORATE REFERENCE NO TR010060

**SUBMISSIONS OF NATIONAL FARMERS UNION ON THE – NFU STATEMENT OF COMMON
GROUND**

DATE 12th JULY 2023

1.0 Introduction

1.1 Submissions on behalf of the National Farmers Union (“NFU”) in respect of the application for a Development Consent Order (DCO) by National Highways (NH) for the A12 Chelmsford to A120 Widening Scheme. The NFU is making a case on behalf of its members who are affected by the proposed DCO.

2.0 NFU Statement of Common Ground

2.1 Voluntary Agreements

The NFU remains concerned that the negotiation of voluntary agreements is too slow with some requested information still outstanding and therefore there are still very few voluntary agreements in place. The NFU feel that voluntary agreements still need to be progressed at a quicker pace before Development Consent is granted. The NFU would not want to see National Highways able to rely on their Compulsory Purchase Powers if Development Consent is granted and negotiations on matters such as land to be taken by temporary possession then fall away. The NFU strongly feels that it is essential that National Highways work to progress voluntary agreements where landowners have expressed an interest.

2.2 Prohibition of Agricultural Vehicles

National Highways have explained their position and the requirements that have resulted in the proposed prohibition of agricultural vehicles. However, the NFU remains concerned regarding the level of assessment that has been undertaken by National Highways of alternative local routes that will be affected by the proposed prohibition of slow-moving vehicles, which would include agricultural vehicles. It is essential that National Highways consider the safety implications of moving slow moving vehicles onto local routes and in some cases through residential areas, including the size and weight of the vehicles which could be significant.

In a meeting with National Highways on the 26th May, it was further discussed that National Highways didn't feel they had sufficient information such as vehicle movements, dimensions and weights which is needed to undertake the Safety Risk Assessment of the alternative routes. It was therefore discussed that National Highways would arrange a meeting for agricultural stakeholders to facilitate discussions and enable National Highways to obtain the level of information required. It was intended for this meeting to take place in late June/early July, however this has still not been arranged and is unlikely to be arranged before the end of the examination.

The NFU is also concerned about the amount of weight being put on the vehicle movements of agricultural vehicles today as businesses will change and adapt in the future and these movements may change rapidly over a short period. Some movements of agricultural businesses may change as frequently as from year to year due to the nature of their business such as agricultural contractors. The NFU therefore still remains concerned that not enough assessment has been undertaken of the local routes that would be impacted by this proposal and would not want to see Development Consent being granted until this has been thoroughly assessed.

2.3 Authority to survey and investigate the land – Article 26

Definition of Adjacent - Under Article 26 1(b), the NFU feels that the word adjacent needs to be more defined and there is no definition of adjacent within the draft DCO. The NFU requested that it was stated how far away from the Order Limits a survey can be carried out. In discussions with National Highways, they have stated that including a specified radius could prevent them from undertaking necessary surveys. The NFU therefore suggested some wording for the definition of adjacent which had been included in the DCO for the A428 Black Cat to Caxton Gibbet Scheme, however this has not been accepted by National Highways. The NFU feels that the word adjacent does need to be defined within the DCO and it is essential that all landowners and occupiers are aware of what land could be impacted by surveys.

Notice Period for Surveys - Paragraph (2) of Article 26 refers to the notice period for Surveys. The NFU has stated that it is happy to accept a 14 day written notice for surveys if it is agreed that a minimum notice of 28 days is given where the land in question is in an environmental scheme and a derogation is required from the RPA to avoid a financial penalty being applied.

National Highways had initially responded that financial penalties would become a compensation matter. The NFU had explained that if a financial penalty is applied, it is done so on the whole agreement area, not the area of land where the breach has occurred and therefore, financial penalties can become very large sums of money. The NFU feels that 28 days' notice to allow a derogation to be secured and therefore avoiding any financial penalties is not unreasonable, and the impact that this would have on the programme would be minimal.

In a further meeting on 22nd June, National Highways stated that they did not feel that surveys would impact environmental schemes. The NFU would like to reiterate that where there is damage caused to environmental areas or there is activity leading to non-compliance of an agreement for an environmental scheme, this can lead to a breach of the agreement resulting in a financial penalty. Surveys could therefore have an impact on environmental schemes and could result in a significant financial penalty. The NFU therefore feel it is reasonable for National Highways to provide 28 days' notice where the land in question is within an environmental scheme and a derogation needs to be secured. This could be carried out by the Agricultural Liaison Officer (ALO) and could be agreed as one of its roles to carry out this notification.

2.4 Soil Restoration and Aftercare

The NFU has specific wording that it would like to see agreed and included in the FIEMP to cover how practical aspects of the construction should be dealt with in relation to agricultural land. Whilst the majority of this wording has been agreed, the NFU wording on soil restoration and aftercare remains outstanding.

Following discussions with National Highways, the NFU understands that NH are in agreement with the principle of the NFU requests, however are not willing for this to be stated within the Second Iteration Environment Management Plan. The NFU would like to see that these requests are included within the Second Iteration Environment Management Plan so that it is clear what contractors are going to do in regard to the restoration and aftercare of soils following construction. This wording has been agreed on many other NSIP schemes.

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