



# Department for Transport

Great Minster House  
33 Horseferry Road  
London, SW1P 4DR

E-mail: [transportinfrastructure@dft.gov.uk](mailto:transportinfrastructure@dft.gov.uk)  
Web: [www.gov.uk/dft](http://www.gov.uk/dft)

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To: **The Applicant, All Interested Parties, Essex County Council, Cadent Gas Limited, and Brice Aggregates Limited**

27 October 2023

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Dear Sir/Madam

## **Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010**

### **Application by National Highways Limited (“the Applicant”) Seeking Development Consent for the Proposed A12 Chelmsford to A120 Widening Scheme**

### **Consultation Seeking Comments from The Applicant, All Interested Parties, Essex County Council, Cadent Gas Limited and Brice Aggregates Limited.**

Following the completion of the examination on 11 October 2023, the Examining Authority (“the ExA”) submitted a Report and Recommendation in respect of its findings and conclusions on the above application to the Secretary of State for Transport on 12 October 2023. In accordance with Section 107 of the Planning Act 2008, the Secretary of State has until 12 January 2024 to determine the application. There are outstanding issues on which the Secretary of State would be grateful if parties identified in bold could provide an update or further clarification. The issues are grouped by the subject of the request for information.

#### **Request for Information from the Applicant**

##### **Postponed ban on the sales of petrol and diesel cars**

1. The Secretary of State notes the Prime Minister’s announcement on 20 September 2023 postponing the ban on the sales of petrol and diesel cars to 2035. The Secretary of State invites the **Applicant** to respond to this and to confirm if any update is needed to the carbon assessment or any other assessment that supports this application, and to provide this information as appropriate and an explanation to support their response.

## **Tree Preservation Order**

2. The Secretary of State requests clarification from the Applicant on the exact nature of the works to be carried out within the area subject to Tree Preservation Order 07/22, as set out in Schedule 9, Part 3 of the dDCO. The Secretary of State invites the **Applicant** to provide this information and an explanation to support their response.

## **Case for Derogation under The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017**

3. The Secretary of State notes the Applicant's Post Examination Submission dated 11 October 2023 (see [Annex A](#)) in which they confirmed that, without prejudice to its position that the Scheme is compliant with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017, it would submit a without prejudice case for derogation under those regulations, as requested by the ExA. The Secretary of State requests the **Applicant** to submit this by 9 November 2023.

## **Planning Permission**

4. The Secretary of State notes that Article 8 regarding Planning Permission has been included by the Applicant. The Secretary of State has removed this Article in several recently made applications for transport Development Consent Orders. Therefore, the Secretary of State invites comments from the **Applicant** on why Article 8 is required in this draft Development Consent Order. In particular, the Applicant is asked to specify whether Article 8 is required because of the existence of a particular planning permission (as indicated by paragraph 4.30 of the Explanatory Memorandum) or because of planning permissions yet to be obtained by the undertaker (as indicated in the Applicant's response to ExA question 6.0.6 in [\[REP2-025\]](#)), or both. The Applicant is also asked to clarify whether the intention is that the article applies to planning permissions issued before the DCO would come into force, or to any planning permission, whenever issued.

## **Request for comments from all Interested Parties**

### **New requirement 22**

5. The Secretary of State notes the Applicant proposed insertion of the new Requirement 22 - Timing of Consultation into the dDCO at Deadline 8. The Secretary of State invites comments from **all interested parties** on the wording for [Requirement 22](#) set out in National Highways 9.40 Schedule of Changes to draft DCO.

## **Request for information from the Applicant and Essex County Council (ECC)**

### **Proposed Speed Limits**

6. The Secretary of State notes due to the limited time remaining in the Examination there was no opportunity for ECC to provide confirmation that the additional detail and the amendments to the Traffic Regulation Measures Speed Limits plans addressed ECC's concerns. Therefore, the Secretary of State requests the views of the **Applicant** and **ECC** in relation to the proposed speed limits identified in Part 6 of Schedule 3 to the dDCO.

## **Request for an update on outstanding Protective Provisions from the Applicant and Cadent Gas Limited.**

### **Cadent Gas Limited Protective Provisions**

7. The Secretary of State notes that at the close of the Examination an agreement on the wording of the Protective Provisions for the benefit of Cadent Gas Limited had not been reached.

The **Applicant** and **Cadent Gas Limited** are asked to confirm whether an agreement has been reached on the Protective Provisions and if no agreement has been reached, the parties are asked to provide an update on the current position. If an agreement has been reached, the parties are asked to provide the updated version of the agreed Protective Provisions.

## **Request for comments from Applicant and Brice Aggregates Limited**

### **S106 agreement**

8. The Secretary of State requests an update on the planning application for amended operations at Coleman's Farm Quarry, in particular the status of the S106 agreement. The Secretary of State invites the **Applicant** and **Brice Aggregates Limited** to confirm whether this has been completed, and if not, to provide an update on the current position.

### **Deadline for Response**

The deadline for response is 9 November 2023.

Submissions sent by post may be subject to delay therefore your response on the information requested above should be submitted to the Case Team, if possible, by email to [A12chelmsfordA120@planninginspectorate.gov.uk](mailto:A12chelmsfordA120@planninginspectorate.gov.uk)

If you will have difficulty in submitting a response by the consultation deadline, or difficulty in submitting a response by email, please inform the Case Team.

Responses will be published as soon as possible after the deadline on the A12 Chelmsford to A120 widening Scheme project page of the National Infrastructure Planning website at:

[A12 Chelmsford to A120 Widening Scheme | National Infrastructure Planning \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/a12-chelmsford-to-a120-widening-scheme)

This letter is without prejudice to the Secretary of State's decision on the A12 Chelmsford to A120 widening Scheme Application, and nothing in this letter is to be taken to imply what that decision might be.

Yours faithfully,

Transport Infrastructure Planning Unit