



Our ref: Planning Policy

Sustainable Development

Your ref:

Causeway House
Braintree

Ask for:

Essex CM7 9HB

Dial: 01376 552525

Tel: 01376 552525

Ext: 2525

Date: 9th November 2023

www.braintree.gov.uk

Via email only

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.

Thank you for seeking comments from Braintree District Council on the new requirement 22 in relation to the timing of consultation for part 1 requirements. This includes the 2nd and 3rd iteration of the EMP, landscaping scheme, contaminated land, noise mitigation and detrunking – areas where the Council has statutory responsibility for.

In the latest version of the DCO (deadline 8 submission), it is stated as follows:

Timing of consultation

22. —(1) *Where any paragraph in this Schedule requires the undertaker to consult with any authority or statutory body, the undertaker must, subject to sub-paragraph (2), provide that the authority or statutory body with not less than 28 days from the provision of any documents being consulted upon for any response to the consultation.*

(2) The undertaker may consent, such consent not to be unreasonably withheld, to an extension of period in sub-paragraph (1)(a) so that an authority or statutory body has not less than 42 days from provision of any documents being consulted upon to provide a response to the consultation following a request made by an authority or statutory body no later than 21 days from receipt of any documents being consulted upon.

(3) Where sub-paragraph (2) applies an authority or statutory body must provide a response to the consultation as soon as reasonably practicable.

Source: [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010060/TR010060-002932-National%20Highways%20-%20Other-%20Draft%20DCO%20\(Tracked\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010060/TR010060-002932-National%20Highways%20-%20Other-%20Draft%20DCO%20(Tracked).pdf)

Given the depth of importance and likely impact of the part 1 requirements, the Council's view is that a 28 day turn around for comments appears remarkably hasty and there is little time for a measured, thought-out response. The Council's preference is for a 42 day timescale to be implemented by default with an option to extend this by 2 weeks upon request.

Yours Sincerely,

Gary Sung

Senior Planning Policy Officer

Braintree District Council

cc. Councillor G. Spray, Portfolio holder for Planning, Braintree District Council