



# Department for Transport

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To: **The Applicant, All Interested Parties, Essex County Council and Environment Agency**

20 November 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 and Essex County Council**

#### **Request for comments from the Applicant**

#### **Changes and queries regarding the Draft Development Consent Order**

1. The Secretary of State seeks comments from **the Applicant** on proposed changes to and queries about the draft Development Consent Order (“dDCO”)

#### **Articles 2 and 60, Schedule 12 and elsewhere**

2. The Secretary of States notes that reference is made throughout the dDCO (including article 60 (certification of documents, etc)) to “the revocation of existing traffic orders plans”, “the traffic regulation measures movement restrictions plans”, “the traffic regulation measures speed limits plans” and “the utility diversions plans”. The documents in the examination library do not include the word “plans” in their titles. **The Applicant** is asked to confirm the correct titles for the documents and, if necessary, that the titles of the documents will be altered to include “plans” before their submission for certification.

#### **Article 10(5)(b)**

3. The Secretary of State notes the Applicant’s reference to Work No. 45(b). In the description of that work in Schedule 1, there is a cross-reference to Work No. 45(b),

where it is believed that the correct reference should be to Work No. 74(a). The Secretary of State invites **the Applicant** to confirm whether this is correct.

#### **Schedule 4 (Permanent stopping up of highways and private means of access & provision of new highways and private means of access)**

4. The Secretary of State invites the Applicant to explain the purpose of Part 3 (new highways which are otherwise to be provided) and how it differs from highways which are to be provided before specified highways are to be stopped up under Part 2. It is also noted that Part 3 of that Schedule does not appear to be introduced in the main body of the Order. Therefore, **the Applicant** is requested to explain how Part 3 of that Schedule should be introduced and provide drafting.

#### **Schedule 10 (Disapplication and modification of byelaws)**

5. The Secretary of State notes that the entry relating to byelaw 7 appears to be incomplete. Therefore, **the Applicant** is asked to provide the full wording of the modification proposed.
6. With regards to the entry relating to byelaw 29, the Secretary of State asks **the Applicant** to confirm if it is the intention to disapply byelaw 29 in its entirety or only in relation to the other byelaws proposed to be disapplied.

#### **Archaeological Mitigation Strategy**

7. The Secretary of State is aware the Applicant met with relevant historic environment stakeholders on 29 June 2023 to discuss outstanding issues related to Palaeolithic archaeological remains with the aim of revising the Archaeological Mitigation Strategy.
8. The Applicant is asked to confirm whether the Archaeological Mitigation Strategy has been revised. If a revised version is available **the Applicant** is requested to submit the updated version, and if not, to provide an update on the status of this matter.

#### **Discussions with the Environment Agency**

9. The Secretary of State is aware of the ongoing discussions between the Applicant and Environment Agency regarding several main river crossings, as referred to in Section 3 of the Applicant's response to the consultation [letter](#) of 27 October 2023. The Applicant has supplied several revised engineering drawings and Register of Environmental Actions and Commitments (REAC) to the Environment Agency for review and comment. The Secretary of State requests that **the Applicant** provides the revised drawings and REAC with Environment Agency comments to him, or if not, to provide an update of when they will do so. The Secretary of State requests the **Environment Agency**, if it has not already done so, to provide comments to the Applicant as soon as possible on the revised engineering drawings and revised REAC referred to by the Applicant in its response relating to the Water Framework Directive Regulations.

#### **Request for comments from the Applicant and Essex County Council**

#### **Change and queries regarding the Draft Development Consent Order**

#### **Article 16(1) (Speed limits) and Part 6 of Schedule 3**

10. The Secretary of State notes article 16, which states that the speed limits for the roads listed in Part 6 of Schedule 3 are to be the limit in miles per hour specified in column (3) of that Part. In five cases the entry in column (3) is "Removal of restricted road status," without any indication of what speed limit replaces it (whether it be a speed limit in miles per hour or the national speed limit). The **Applicant** and **Essex County Council** are asked to explain what the speed limit is intended to be for each of those five roads.

### **Request for comments from all interested parties**

### **Response to the consultation letter issued by the Secretary of State**

11. In response to the Secretary of State's consultation [letter](#) of 27 October 2023, the Applicant and Interested Parties provided responses that have been published on the [project page](#) on the Planning Inspectorate website.

12. The Secretary of State would like to invite comments from **all interested parties** on the responses provided.

### **Deadline for Response**

The deadline for the Applicant to respond to points 8 and 9 of this consultation letter is 27 November 2023 at 23:59. The deadline for response for all other points is 1 December 2023 at 23:59.

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