



Transport Infrastructure Planning Unit

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1 December 2023

Dear Secretary of State for Transport

**A12 Chelmsford to A120 Widening Scheme (the Project)  
DCO Application  
Secretary of State's Second Request for Information dated 20 November 2023  
Responses from National Highways Limited due 1 December 2023**

Please find enclosed:

1. an updated "Clean" Draft Development Consent Order (dDCO) (word);
2. an updated "Clean" Draft Development Consent Order (dDCO) (pdf);
3. an updated Tracked Change PDF showing changes from the dDCO submitted at Examination Deadline 8;
4. an Updated Schedule of Changes to the dDCO;
5. a new version of the Environmental Management Plan (EMP); and
6. a tracked version of the EMP.

We hope to provide a validation report and fully validated dDCO shortly. We will provide this together with a further updated version of the dDCO, as we anticipate minor updates are needed to a few of the revision references for certified documents within Schedule 12 of the dDCO.

In addition, we are providing a new version of the EMP, which has been updated only to include references to revisions of appendices included for clarification purposes, to identify the final version references of the appendices to the EMP. The text of the EMP has not otherwise changed.

Please also see below our remaining responses to your consultation request dated 20<sup>th</sup> November 2023.

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

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

The certified copies supplied to the Secretary of State will be labelled as requested. The correct titles are as set out in Schedule 12 to the dDCO.

## **3 – Article 10(5)(b)**

The correct reference in Work No. 45(b) should be to Work No. 74(a). The dDCO has been amended accordingly.

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

The Applicant has sought to divide Schedule 4 into three categories:

Part 1 is highways which are to be stopped up for which no substitute is to be provided.  
Part 2 is highways which are to be stopped up for which a substitute is to be provided.  
Part 3 is new highways which are otherwise to be provided.

The contents of Part 3 of Schedule 4 are often rolled up into Part 2 which then performs the functions of both Parts 2 and 3 as set out above.

The Applicant considers that the rolled-up approach can lead to confusion because in a number of instances the same (or part of the same) lengths of new highway might be shown as being used to replace several stopped up lengths of highway (for example where a number of stopped up highways which cross the existing mainline A12 are replaced with a single purpose-built crossing). The new substituted highway may therefore be included several times in Part 2, and because it is the stopping up which is stated first in the table, these entries relating to the substituted highway might be several entries apart or even on different pages.

Also, unlike Parts 1 and 2, Part 3 of Schedule 4 is not directly connected with stopping up. It simply lists the new highways which are to be created.

For these reasons it seems logical to use Part 2 only to clearly state what is to be stopped up, and what substitute is to be provided for it. This is also designed to allow the Secretary of State to more easily fulfil his duty under Section 136 of the Planning Act 2008.

The Applicant notes the absence of introductory words for Part 3 of Schedule 4 in the main body of the Order, and would therefore propose to add the following wording:

*"The lengths of highway which may be provided under this Order are described in Part 3 of Schedule 4."*

For consistency, the Applicant would also propose to add the following wording in relation to new private means of access:

*"The new private means of access which may be provided under this Order are described in Part 5 of Schedule 4."*

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

5. The dDCO has been amended to remove the incorrectly included words in the line referring to bylaw 7.

6. Bylaw 29 is disapplied only as it would apply to the other disapplied byelaws. The dDCO has been amended accordingly.

## **7 & 8 - Archaeological Mitigation Strategy**

Response sent on 24th November.

## **9 - Discussions with the Environment Agency**

Response sent on 24<sup>th</sup> November.

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

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

By way of background in relation to restricted roads, restricted road status applies a road where and to the extent that street lighting has been erected along it (Section 82(1)(a) of the Road Traffic Regulation Act 1984). The speed limit on that road in England is automatically 30mph (Section 81(1) of the 1984 Act).

Under Section 82(2) the traffic authority for a road "may direct that" a road "which is a restricted road... shall cease to be a restricted road". Where restricted road status is removed by such a direction, and no other speed limit is in effect, the default position is that the national speed limit will automatically apply under the 70 miles per hour, 60 miles per hour and 50 miles per hour (Temporary Speed Limit) Order 1977 (as continued in force indefinitely).

The national speed limit is not one speed limit but varies depending on the type of vehicle which is being used.

These two factors (although primarily the automatic application of the 1977 speed limit order) mean that it is neither necessary nor desirable to state the speed limits in mph which will apply on a de-restricted road. They will simply apply by operation of law.

This is explained in the Note at the head of Part 6 of Schedule 3 (between the title and the table).

The entries in column (3) which state "removal of restricted road status" are introduced separately from the speed limits in mph, by Article 16(4), which states:

*(4) On and after the date on which the roads specified in Parts 6 (speed limits) and 7 (variable speed limits) of Schedule 3 (classification or roads etc) are open for traffic, where the words "removal of restricted road status" appear in column (3) of those Parts, those lengths of road will cease to be restricted roads as if, on that date, a direction had been made under section 82(2)(a) (what roads are restricted roads) of the 1984 Act.*

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

The Applicant has commented on those responses to the Secretary of State's consultation of 27 October 2023 in its letter of 24<sup>th</sup> November where useful.

If you have any further comments or queries, I can be contacted by email at [A12chelmsfordA120wide@nationalhighways.co.uk](mailto:A12chelmsfordA120wide@nationalhighways.co.uk)

Yours sincerely



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Encs.

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