

TR010060 / A12 Chelmsford to A120 Widening Scheme

Post-examination Submissions

Last updated: 11 October 2023

Date Examination Closed: 12 July 2023

Date of Recommendation Report: 12 October 2023

Date of Decision: 12 January 2024

This document lists submissions that have been submitted by any party either to the Planning Inspectorate or the Department and accepted since the Examination closed.

The order of documents within each sub-section is either chronological, numerical, or alphabetical and confers no priority or higher status on those that have been listed first.

Submissions made to the Planning Inspectorate during Recommendation stage				
No.	Name / Organisation	On behalf of	Receipt Date	Date sent to SoS
PIR-001	National Highways		11 October 2023	12 October 2023

Submissions made to the Department during Recommendation stage			
No.	Name / Organisation	On behalf of	Receipt Date
DR-001	Rt Hon Priti Patel MP		17 July 2023
DR-002	Rt Hon Priti Patel MP		17 July 2023
DR-003	Rt Hon Priti Patel MP		01 August 2023
DR-004	Rt Hon Priti Patel MP		11 August 2023

Submissions made to the Planning Inspectorate during Decision stage				
No.	Name / Organisation	On behalf of	Receipt Date	Date sent to SoS
PID-001	Andrew Harding	Messing Cum Inworth Parish Council	23 October 2023	23 October 2023
PID-002	National Highways		05 December 2023	6 December 2023
PID-003	National Highways		05 December 2023	6 December 2023
PID-004	National Highways		14 December 2023	15 December 2023

Submissions made to the Department during Decision stage			
No.	Name / Organisation	On behalf of	Receipt Date
DD-001	Andrew Harding		08 December 2023
DD-002	Rt Hon Priti Patel MP		26 October 2023

Submission number: PIR-001

Date submission received by Secretary of State: 12 October 2023

Name: National Highways

Description: Letter to SoS dated 11 October 2023

Sent by email 11/10/23

Philip Davie
Project Director
National Highways
Woodlands
Manton Lane
Bedford MK41 7LW

11 October 2023

Dear Secretary of State for Transport

Development consent application for the A12 Chelmsford to A120 widening scheme

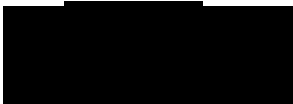
We are writing to update the Secretary of State on progress made with the Environment Agency in relation to matters which were still outstanding at the close of the Examination on 12 July 2023.

Prior to the close of the Examination, the Examining Authority requested National Highways to submit a case for derogation under The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (**WFD Regulations**). Entirely without prejudice to National Highways' position that the Scheme is compliant with the WFD Regulations, National Highways have prepared a without prejudice derogation case in light of the Examining Authority's request to do so. National Highways propose to engage with the Environment Agency on the content of the without prejudice derogation case before submitting it to the Secretary of State.

Separately, further discussions have been held with the Environment Agency to progress the detailed design of a number of structures on which the Environment Agency raised concerns. Those discussions have been very positive and significant progress has been made to produce updated designs with which the Environment Agency are content, although discussions are still continuing in relation to the detailed design of the Domsey Brook (West) underbridge.

At this stage, it is hoped that National Highways will be able to submit updated Engineering Drawings and Sections which show the minor revisions to the design of the culverts and the without prejudice derogation case to the Secretary of State in early November 2023.

Yours sincerely



Philip Davie
A12 Project Director
National Highways

Cc: The Environment Agency

Submission number: DR-001

Date submission received by Secretary of State: 17 July 2023

Name: Rt Hon Priti Patel MP

Description: Letter to SoS dated 17 July 2023



THE RT. HON. PRITI PATEL MP
WITHAM

HOUSE OF COMMONS
LONDON SW1A 0AA

Tel: 020 7219 3528

E-mail: withamp@parliament.uk

Website: www.pritipatelmp.com

The Rt Hon Mark Harper MP
Secretary of State for Transport
Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Our Ref: ZA83373

17 July 2023

Dear Mark,

A12 Widening Scheme

As you will know, the examination process for the DCO application has been completed this month with significant evidence gathered and representations made by interested parties.

While there is broad support for the scheme and recognition of the benefits it will bring to road safety, journey times and the economy, there are some localised impacts of the current designs which local communities have been seeking revisions to.

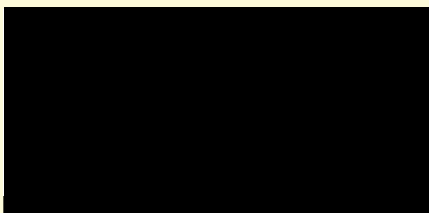
These include requests to ensure that the junction at Hatfield Peverel can fully accommodate a future A12 to Maldon link road that bypasses Hatfield Peverel and road improvements in the village to better manage traffic flows to and from the A12.

In Witham, residents have raised concerns with me about the proposals for the Gershwin Boulevard footbridge. They have queried the location and suggested an alternative location nearby to address their concerns.

With regard to Junction 24 and the Inworth Road, the Department will be familiar with extensive previous correspondence from me on this matter. The local community have proposed a bypass to prevent pressures and traffic on the Inworth Road/B1023.

In respect of the A120, concerns have been raised about the delay to the A120 dualling scheme, which has been the subject of previous correspondence between us. Further clarity and assurances would be welcome about the timescales for this to ensure that any A12 Widening Scheme works can align with the future A120 dualling scheme to minimise adverse impacts and to factor a junction into the designs.

I would be most grateful if you could ensure that these points with the A12 Widening Scheme are fully considered and look forward to your reply.



Putting the Witham Constituency, Essex and Britain first.

Rt Hon Priti Patel
Member of Parliament for Witham

Submission number: DR-002

Date submission received by Secretary of State: 17 July 2023

Name: Rt Hon Priti Patel MP

Description: Letter to SoS dated 17 July 2023



The Rt Hon Mark Harper MP
Secretary of State for Transport
Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Our Ref: ZA81315

17 July 2023

Dear Mark,

A12 Widening Scheme and Witham

I have received from residents in Witham regarding the design proposals for a bridge at Gershwin Boulevard.

Residents, who were given relatively short notice of the proposed design, have raised concerns about it and have suggested an alternative location. They have raised this matter at the Public Inquiry as part of the DCO application and these concerns have also been raised with National Highways. However, so far, no change in the design has been made and residents are concerned about this. Extracts from the comments I have received are copied below:

I was wondering what your position was in relation to the proposed Bridge to be built in Oliver's drive (Gershwin Boulevard)

Myself and Residents of Oliver's Drive seem to be Totally Ignored

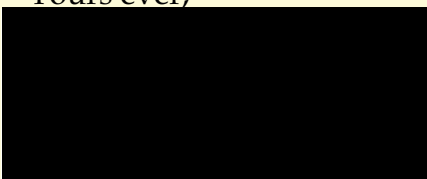
This bridge will be a blight on the view for the Residents of Oliver's drive

Please as a matter of extreme urgency

Please look at this and support Your Community and Voice your concerns and hopefully support the Move of the Bridge to Gershwin Boulevard And not in Oliver's drive the people who designed this bridge live over 150 miles away and do not know how dangerous the bend in Spring lane is 50 years ago it was a lot safer to walk along that road towards Oliver's Farm Nursery my Petition to you as our MP is to support the move of the bridge to Howbridge Hall Rd from Gershwin Boulevard and not anywhere near Oliver's Drive

I would be most grateful if you could ensure that these comments and concerns are considered as part of the decision-making process on the DCO.

Yours ever,



Rt Hon Priti Patel
Member of Parliament for Witham

Submission number: DR-003

Date submission received by Secretary of State: 01 August 2023

Name: Rt Hon Priti Patel MP

Description: Letter to SoS dated 1 August 2023



The Rt Hon Mark Harper MP
Secretary of State for Transport
Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Our Ref: ZA84535

1 August 2023

Dear Mark,

A120 and Coggeshall

I have been contacted by a constituent who lives in Coggeshall regarding the A120 and their concerns about road safety.

My constituent is particularly concerned about the junctions along the A120 which connect to roads leading towards Earls Colne. They have written to me:

I am contacting you regarding the A120 junctions at Coggeshall. I am aware of many serious accidents and even fatalities on these junctions since living in Coggeshall.

The middle of the 3 Coggeshall junctions to Earl's Colne is extremely dangerous. If you are trying to turn right to Colchester or straight on to Earls Colne from Coggeshall and are waiting in the centre of the A120, if a high vehicle e.g. a lorry or van is turning into Coggeshall. Your view is totally blocked from seeing up the A120 to pull out.

I am unsure what a driver is supposed to do in this instance as the high vehicle can't move as it is being blocked by the person turning right, and the person turning right can't see to pull out. What has happened to me and many others is that to turn right you have to creep out and hope to pull on to the A120 without hitting anything. I literally feel I am risking my life and my children's lives every time I have to use this junction.

The junction further towards Colchester has the same problem.

I wanted to know if anything is being done about this please as I know it is something that has been raised for many years and constantly put on hold as the A120 is meant to be scheduled to be rebuilt?

However as this will not happen for many years I feel something urgently needs to be done to improve the situation in the short to medium term. Ideally a roundabout, maybe traffic lights, a bridge or a cheaper option may be a 30mph speed limit or banning vehicles over car height from coming off at the junctions and blocking the view for other drivers.

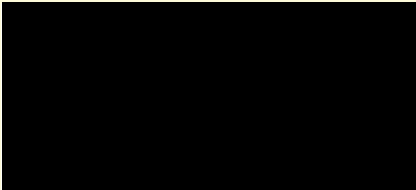
I am horrified that 300 new houses are being built right next to one of the junctions to make this even more dangerous and don't understand why planning permission was granted without the developer having to sort the problems at these junctions.

I would be very grateful if you could advise what is being done to address these dangerous junctions in the short to medium term. I would also appreciate any advice on how to stay safe and tackle the

junctions in the safest way when high vehicles are turning right.

In view of the delays to the A120 dualling scheme coming forward, I have raised this with National Highways to see what measures can be put in place to improve road safety. However, this correspondence reiterates the importance of the A120 dualling scheme being brought forward sooner, which as you know from my previous correspondence, is a scheme that is advanced.

I look forward to your reply and considerations of this matter.



Rt Hon Priti Patel
Member of Parliament for Witham

Submission number: DR-004

Date submission received by Secretary of State: 11 August 2023

Name: Rt Hon. Priti Patel MP

Description: Letter to SoS dated 11 August 2023



The Rt Hon Mark Harper MP
Secretary of State for Transport
Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Our Ref: ZA81315

11 August 2023

Dear Mark,

**Mr Allan J Baker, St Ives, Maldon Road, Witham, Essex, CM8 1HX and the A12
Widening Scheme**

Further to my previous correspondence about the A12 Widening Scheme and the DCO process, I continue to receive representations from constituents regarding the proposals and reiterating the cases put forward at the examination in public.

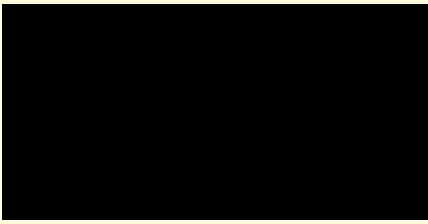
My constituent Mr Baker has sent me the correspondence copied below regarding the proposals for the Gershwin Boulevard Bridge:

*Hello and a very good day to you and your staff
Thank you for replying to me and my concerns
Just to reiterate our concerns about the Gershwin Boulevard Bridge
The position of the Bridge by Oliver's Drive
Is wrong, If it is moved 100 yds and crosses the A12 at the point of the road that connects with
Howbridge hall rd This will give a Straight access to a Path that will make it safer for All Residents
young and old, Without trying to walk along Maldon rd to access the Footpath that runs along the
side of Oliver's Nursery's
The access to James Cook Wood is by car only
With the Bridge meeting up with Howbridge hall rd Mr C Willet the owner of Oliver's Nursery has
Kindly Offered to allow Permissive access along his land to James cook wood this will give a Much
Safer route to the Wood for all Residents
Please forgive me if I have Repeated myself
But the safety of the Residents (in my opinion)
Is Paramount. The original footpath (not used for over 50 Years) leads to a Dangerous Road
With Regards and Respect for you and your Position and the many problems you face*

You will note that Mr Baker would like the design and location changed and has explained the benefits of the alternative that he and others have put forward.

I would be most grateful if you could ensure that these comments are fully considered and look forward to your reply.

Yours ever,



Rt Hon Priti Patel
Member of Parliament for Witham

Submission number: PID-001

Date submission received by Secretary of State: 23 October 2023

Name: Andrew Harding

Description: Emails between Mr Harding and the Applicant

From: [REDACTED]
To: [REDACTED]; [Data Protection Advice](#); ["ICO Casework"](#)
Cc: [REDACTED]
Subject: RE: Your Subject Access Request
Date: 30 October 2023 11:59:40
Attachments: [REDACTED]

Mr Harding

Just to update you on the points that I said I would make further enquiries on with the A12 team.

- On the Grant Shapps letter, National Highways were asked for any contributions that we'd like to make to the draft and my understanding is that none were made. The response would then have been made by DfT and we were supplied with a copy.
- On the issue of letters from 3rd Parties there is no further documents for me to consider under this SAR.

As previously stated, if you have any issues with how your SAR has been handled then you do have the right to raise them with the Information Commissioner's Office at [@ICO Casework](#).

Regards

Graham

Graham Woodhouse
National Highways Ltd
Deputy Data Protection Officer
Digital Services
Piccadilly Gate
Manchester

From: Graham Woodhouse [REDACTED]
Sent: Monday, October 23, 2023 5:31 PM
To: 'andrew harding' [REDACTED] Data Protection Advice
<DataProtectionAdvice@nationalhighways.co.uk>
Cc: [REDACTED]
withamp@parliament.uk; A12chelmsfordA120
<A12chelmsfordA120@planninginspectorate.gov.uk>
Subject: RE: Your Subject Access Request

Mr Harding

Apologies for the delay in responding. I have replicated your questions and provided answers in red.

1. Why 'draft letters' (for example, from Grant Shapps, MP), are included in this list but no

letter/email was ever sent?

Drafts of documents are still covered by DP legislation if they are still held by the data controller. I cannot answer as to whether or not a formal letter was ever issued but I can make enquiries.

2. Does NH hold records of letters sent to me from 3rd Parties where NH have been 'copied' in?

The documents I forwarded to you were from those sent to me by the project team. Again I can make enquiries if such documents are held by the project team if you can let me have details of the 3rd parties.

3. If NH does not, how does this draft (of an unsent letter), from a Member of Parliament come to be in your files?

The draft letter from Mr Shapps was included in the documents sent to me by the project team. If the letter was issued then I'd assume that it was issued by DfT so I can make enquiries as to what the project knows.

4. Where is the internal documentation following instruction from NH to Womble Dickinson (your lawyers at the hearings)?

Any requests for advice from our lawyers have been refused under the exemption in the Data Protection Act (2018) for Legal & Professional Privilege.

5. I find it difficult to fathom that copies of my emails were sent to your complaints and HLC teams and no further internal communication resulted from that. Please explain why no further action was taken from the various 'forwarded' emails from executives following my emails?

That is not a Data Protection issue and is therefore not for me to comment on.

6. Your commentary on MIAG – clearly internal NH communications are *inter alia* about me, and are to be included. Please forward those;

SARs are requests for information about an individual and not an organisation. Therefore emails about MIAG, which I understand is a company limited by guarantee, are not necessarily about you as an individual.

7. The exchanges between NH and WD are not exempt from release, and are being erroneously withheld. You are not entitled to seek refuge from disclosure by those sections of 'Legal and Professional Privilege', where I have reasonable grounds to suspect communication is personal and relevant to me and not to the 'matter' for which your lawyers are instructed. Please explain in full any continued refusal on the part of NH to release this information.

Any requests for advice from our lawyers have been refused under the exemption in the Data Protection Act (2018) for Legal & Professional Privilege.

Again, I am obliged to inform you that if you are unsatisfied with this response that you do have the right to refer this matter to the Information Commissioner's Office and their email address is icocasework@ico.org.uk.

Regards

Graham

Graham Woodhouse

National Highways Ltd

Deputy Data Protection Officer

Digital Services

Piccadilly Gate
Manchester

From: andrew harding [REDACTED]
Sent: Monday, October 23, 2023 2:36 PM
To: Data Protection Advice <DataProtectionAdvice@nationalhighways.co.uk>; Graham Woodhouse [REDACTED]
Cc: [REDACTED]
withamp@parliament.uk; A12chelmsfordA120
<A12chelmsfordA120@planninginspectorate.gov.uk>
Subject: RE: Your Subject Access Request

Good afternoon

I have been more than 'patient' in this matter. I require you to answer the questions I have raised.

This is your LEGAL duty.

I have now alerted the press to this, and they too are investigating. I continue to have the support of my MP and the Leader of Essex County Council.

I will permit 5 working days for an answer that satisfies my enquiry, otherwise I shall begin the process of legal challenges and legal involvement in your faiklures.

Andrew Harding
[REDACTED]

This is a private email – if you are not the intended recipient, please delete. Thank you.

From: [Data Protection Advice](#)
Sent: 18 September 2023 13:17
To: [REDACTED]
Cc: [REDACTED]
withamp@parliament.uk
Subject: RE: Your Subject Access Request

Mr Harding,

Graham has been managing your case and is on leave this week.

Unfortunately, we will be unable to respond to your query until his return to the office, which is planned for Monday 25th September.

Apologies for any inconvenience and thank you for your patience in this matter.

Regards

Mandi

Mandi Jones

Information Rights Analyst

Data Protection Team

CISO - Digital Services



Data Protection: If in doubt, give us a shout!

From: andrew harding [REDACTED]

Sent: Monday, September 18, 2023 12:14 PM

To: [REDACTED]

Advice <DataProtectionAdvice@nationalhighways.co.uk>

Cc: [REDACTED]

withamp@parliament.uk

Subject: FW: Your Subject Access Request

Mr Woodhouse

I have determined that this matter is so serious and full of implication, that I have alerted both the leader of Essex County Council, and my local MP.

Your silence on this matter is not acceptable and I request you respond forthwith.

Thank you

Andrew Harding
[REDACTED]

This is a private email – if you are not the intended recipient, please delete. Thank you.

From: [REDACTED]

Sent: 24 August 2023 11:26

To: [REDACTED]

Cc: [Data Protection Advice](#)

Subject: RE: Your Subject Access Request

Mr Woodhouse

Thank you for the documents attached to your email. As we progress the results of this initial submission from you, please explain the following;

1. Why 'draft letters' (for example, from Grant Shapps, MP), are included in this list but no letter/email was ever sent?
2. Does NH hold records of letters sent to me from 3rd Parties where NH have been 'copied' in?

3. If NH does not, how does this draft (of an unsent letter), from a Member of Parliament come to be in your files?
4. Where is the internal documentation following instruction from NH to Womble Dickinson (your lawyers at the hearings)?
5. I find it difficult to fathom that copies of my emails were sent to your complaints and HLC teams and no further internal communication resulted from that. Please explain why no further action was taken from the various 'forwarded' emails from executives following my emails?
6. Your commentary on MIAG – clearly internal NH communications are *inter alia* about me, and are to be included. Please forward those;
7. The exchanges between NH and WD are not exempt from release, and are being erroneously withheld. You are not entitled to seek refuge from disclosure by those sections of 'Legal and Professional Privilege', where I have reasonable grounds to suspect communication is personal and relevant to me and not to the 'matter' for which your lawyers are instructed. Please explain in full any continued refusal on the part of NH to release this information.

I am minded to feel that this list from you is not complete and that several areas of communication – especially internal – have been omitted from your submission to me. You will be aware that Ms Priti Patel, MP, has taken a keen interest in this request, and is aware of our communication. With that in mind, please respond to these questions in order that I may then determine how to proceed.

Thank you

Andrew Harding
[REDACTED]

This is a private email – if you are not the intended recipient, please delete. Thank you.

From: [REDACTED]
Sent: 23 August 2023 17:57
To: [REDACTED]
Cc: [Data Protection Advice](#)
Subject: Your Subject Access Request

Mr Harding

Please find attached all the documents that we believe fall within the scope of your Subject Access Request (SAR). A SAR is a request that can be made in writing, by email or verbally asking for access to the personal information a company or organisation holds on you. Therefore the emails were you are clearly acting on behalf of the Messing Action Group will not be included in this response as those details will primarily relate to the group rather than yourself. In addition exchanges between National Highways and our legal advisers have been withheld on Legal and Professional Privilege grounds under Schedule 2, Part 4, Paragraph 19 of the Data Protection Act (2018).

I trust that this brings this matter to a close although if you do have any further queries then please let me know. In addition, I am obliged to inform you that if you

are unsatisfied with this response that you do have the right to refer this matter to the Information Commissioner's Office and their email address is icocasework@ico.org.uk.

Regards

Graham

Graham Woodhouse
National Highways Ltd
Deputy Data Protection Officer
Digital Services
Piccadilly Gate
Manchester

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National Highways Limited | General enquiries: 0300 123 5000 | National Traffic Operations Centre, 3 Ridgeway, Quinton Business Park, Birmingham B32 1AF | <https://nationalhighways.co.uk> | info@nationalhighways.co.uk

Registered in England and Wales no 9346363 | Registered Office: Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ

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Submission number: PID-002

Date submission received by Secretary of State: 06 December 2023

Name: National Highways

Description: Letter to SoS dated 5 December 2023



Transport Infrastructure Planning Unit

Phil Davie
Project Director
National Highways
Woodlands
Manton Lane
Bedford MK41 7LW

5th December 2023

Dear Secretary of State for Transport

**A12 Chelmsford to A120 Widening Scheme (the Project)
DCO Application**

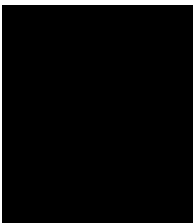
Essex Waterways Limited on behalf of The Company of Proprietors of Chelmer and Blackwater Navigation Limited – **Statement of Common Ground**

Please find attached, for your information, an updated Statement of Common Ground between the Applicant and Essex Waterways Limited on behalf of The Company of Proprietors of Chelmer and Blackwater Navigation Limited Please note that the ongoing discussions between the parties have resulted in all matters now being agreed.

The matters now agreed include the bylaws relating to the River Chelmer, noting that these were raised at point 8 in your consultation letter of the 20th November. The Applicant has responded separately to this point in its letter of 1st December 2023.

If you have any further comments or queries, I can be contacted by email at A12chelmsfordA120wide@nationalhighways.co.uk

Yours sincerely



Phil Davie
Project Director
A12 Chelmsford to A120 Widening Scheme

Submission number: PID-003

Date submission received by Secretary of State: 06 December 2023

Name: National Highways

Description: 8.4 Statement of Common Ground with Essex Waterways Limited on behalf of The Company of Proprietors of Chelmer and Blackwater Navigation Limited

A12 Chelmsford to A120 Widening Scheme

TR010060

8.4 Statement of Common Ground with Essex Waterways Limited on behalf of The Company of Proprietors of Chelmer and Blackwater Navigation Limited

Rule 8 (1)(e)

Planning Act 2008
Infrastructure Planning (Examination Procedure)
Regulations 2010

Volume 8

November
2023

Infrastructure Planning

Planning Act 2008

The Infrastructure Planning
(Examination Procedure) Rules 2010

A12 Chelmsford to A120 Widening Scheme

Development Consent Order 202[]

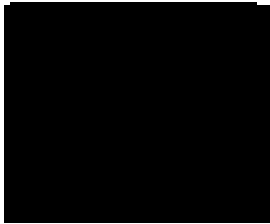
**Statement of Common Ground with Essex Waterways Limited on behalf
of The Company of Proprietors of Chelmer and Blackwater Navigation
Limited**

Regulation Reference	Rule 8 (1)(e)
Planning Inspectorate Scheme Reference	TR010060
Application Document Reference	TR010060/EXAM/8.4
Author	A12 Project Team and National Highways

Version	Date	Status of Version
1	February 2023	Draft for Deadline 2
2	April 2023	Draft for Deadline 4
3	June 2023	Draft for Deadline 6
4	July 2023	Final for Deadline 7
5	November 2023	Update following Detailed Design

STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) National Highways Limited and (2) Essex Waterways Limited on behalf of The Company of Proprietors of Chelmer and Blackwater Navigation Limited.



Signed.....

Philip Davie

Project Manager

on behalf of National Highways

Date: 4 December 2023



Signed... ..

John Pomfret

Director on behalf of Essex Waterways Limited on behalf of The Company of Proprietors of Chelmer and Blackwater Navigation Limited

Date: 4 December 2023

Following the end of Examination and the development of Detailed Design, updates have been made in the following sections of the document:

Location	Update made
Record of Engagement	Numerous emails exchanged and one update meeting.
Issues agreed	Wording updated for 3.1.1, 3.1.2, and 3.1.3. Addition and updates to 3.1.5 (formerly 3.2.1), 3.1.6 (formerly 3.2.2), 3.1.7 (formerly 3.2.3), 3.1.8 (formerly 3.2.5), 3.1.9 (formerly 3.2.6), and 3.1.10 (formerly 3.2.7).
Issues in discussion	Updates added to 3.2.4 and 3.2.4a. Renumbered 3.2.1 and 3.2.1a.

For the submission of the Statement of Common Ground for Deadline 7, between **National Highways** and **The Company of Proprietors of Chelmer and Blackwater Navigation Limited**, updates have been made in the following sections of the document:

Location	Update made
Record of Engagement	No material change.
Issues agreed	Addition of 3.1.4.
Issues in discussion	No material change.

For the submission of the Statement of Common Ground for Deadline 6, between **National Highways** and **The Company of Proprietors of Chelmer and Blackwater Navigation Limited**, updates have been made in the following sections of the document:

Location	Update made
Record of Engagement	One SoCG meeting held.
Issues agreed	Addition of 3.1.2 and 3.2.3 (both discussed and agreed since Deadline 4 submission).
Issues in discussion	Updates added to 3.2.1, 3.2.2, 3.2.3, 3.2.4, 3.2.5, and 3.2.7. Addition of 3.2.4a (formerly part of point 3.2.4).

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1 Introduction

1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground ("SoCG") has been prepared in respect of the proposed A12 Chelmsford to A120 Widening Scheme ("the Application") made by National Highways Company Limited ("National Highways") to the Secretary of State for Transport ("Secretary of State") for a Development Consent Order ("the Order") under section 37 of the Planning Act 2008 ("PA 2008").
- 1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and/or the Planning Inspectorate website.
- 1.1.3 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and focus on specific issues that may need to be addressed during the examination.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) National Highways as the Applicant and (2) Essex Waterways Limited on behalf of The Company of Proprietors of Chelmer and Blackwater Navigation Limited ("EWL").
- 1.2.2 National Highways became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing National Highways made provision for all legal rights and obligations of the Highways Agency, including in respect of the Application, to be conferred upon or assumed by National Highways.
- 1.2.3 The Chelmer and Blackwater Navigation, built between 1793 and 1797, links Chelmsford with the Blackwater estuary, allowing suitably dimensioned boats to reach the centre of Chelmsford from the open sea via the sea lock at Heybridge Basin. The Chelmer & Blackwater Navigation Limited own the River Chelmer, including banks, and for more than 200 years have maintained the waterway and acted as the navigation authority. Since 2005, the day-to-day management and maintenance of the navigation is undertaken by Essex Waterways Limited (a division of the Inland Waterways Association (a registered charity)). Approximately 839 square meters (0.21 acres) of their interest fall within the extents of the DCO boundary. The land was initially required to accommodate a new outfall / headwall from the proposed attenuation pond to the north of the river. Detailed design [Oct 2023] now proposes for the outfall to drain into the existing ditch, thus removing any permanent land take from EWL.

The River Chelmer is located between Springfield (to the south of Junction 19) and the village of Sandon (Junction 18), running along the eastern side of the A12 within the local authority area of Chelmsford.

- 1.2.4 It is open for the general public both on water and land (via the adjoining tow path) for recreational use.

1.3 Terminology

- 1.3.1 In the tables in the Issues chapter of this SoCG, “Not Agreed” indicates a final position, and “Under discussion” where these points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. “Agreed” indicates where the issue has been resolved.

- 1.3.2 It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to The Company of Proprietors of Chelmer and Blackwater Navigation Limited, and therefore have not been the subject of any discussion between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to The Company of Proprietors of Chelmer and Blackwater Navigation Limited.

2 Record of Engagement

- 2.1.1 A summary of the meetings and correspondence that has taken place between National Highways and Essex Waterways Limited on behalf of The Company of Proprietors of Chelmer and Blackwater Navigation Limited in relation to the Application is outlined in Table 2.1.

Table 2.1 Record of Engagement

Date	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
4 February 2022	Email from Essex Waterways Limited (EWL) to National Highways (NH)	Email from Neil Edwards to Theresa Tschainer. Requested additional information about intended works.
4 February 2022	Email from NH to EWL	Email from Theresa Tschainer to Neil Edwards. Confirmed the proposed works involve a new attenuation pond and outfall to River Chelmer.
6 February 2022	Email from EWL to NH	Email from Neil Edwards to Theresa Tschainer. Key concerns detailed: <ul style="list-style-type: none"> The river needs to be kept open for boat movements at all times

Date	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
		<ul style="list-style-type: none"> • The towpath needs to be kept open for walkers at all times as it is a public right of way • Any siltation entering the river from the ponds needs to be minimised and arrangements need to be put in place to clear any that does arise • Access tracks to the river
8 February 2022	Letter from NH	Land Use Design Changes letter.
21 February 2022	Microsoft Teams meeting between EWL and NH	<p>Roy Chandler, Andrew Goodwin, Asit Modi, Nick Dexter and Theresa Tschainer attended.</p> <p>Key topics discussed:</p> <ul style="list-style-type: none"> • Timescales • Junction 19 outfall • Water quality • Maintenance of permanent features • Access • Temporary diversion of the tow path • Requirement to keep the river open at all times for boat movement
12 April 2022	Microsoft Teams meeting between EWL and NH	<p>Neil Edwards, Roy Chandler, Andrew Goodwin, Nuno Fernandes, Asit Modi, Theresa Tschainer and Megan Doherty attended.</p> <p>Key topics discussed:</p> <ul style="list-style-type: none"> • Byelaws • Update on programme • Access • Ongoing river maintenance and excavation works • Headwall design
1 June 2022	Email from EWL to NH	<p>Email from Neil Edwards to Hugo Rawstone. Clarified that Byelaws made by Essex County Council concerning country parks do not apply to Navigation, confirmed that EWL are happy to discuss the disapplication of certain Navigation Byelaws, a deed of easement and works agreement for the proposed drainage discharge into the Chelmer and related works to the towpath.</p>

Date	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
1 June 2022	Email from NH to EWL	Email from Hugo Rawstone to Neil Edwards. Link to Byelaws provided. Answers to questions attached.
14 June 2022	Microsoft Teams meeting between EWL and NH	Neil Edwards, Roy Chandler, Andrew Goodwin, Nuno Fernandes, Asit Modi, Hugo Rawstone and Laura Crumpton attended. Key topics discussed: <ul style="list-style-type: none"> • Land ownership • Tow paths • Byelaws • DCO timeline • Latest proposals • Access • Ground levels • Statement of Common Ground (SoCG)
15 June 2022	Email from NH to EWL	Email from Hugo Rawstone to Neil Edwards. Land registry data shared; Land plans attached; legal fees clarified. SoCG attached (correct as of 15 th June 2022). Screenshot of Streets, Rights of Way and Access Plans for the subject area.
23 June 2022	Email from EWL to NH	Email from Neil Edwards to Hugo Rawstone. Details of legal arrangements RE: A138 viaduct crossing attached (the original notice and Statutory Instrument) and the Notice to aid with Byelaws. Also attached an extract from the Land Registry search map. Confirmed ownership. Incorrect registration of EX563273.
7 July 2022	Microsoft Teams meeting between EWL and NH	Neil Edwards, Roy Chandler, John Pomfret, Andrew Goodwin, Richard Guyatt, Sarah Phillips, Hugo Rawstone, Laura Crumpton and Asit Modi attended. Key topics discussed: <ul style="list-style-type: none"> • Previous meeting actions • Project update • Headwall • Land ownership • Working space

Date	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
		<ul style="list-style-type: none"> • Footpath • Statement of Common Ground • Byelaws • AOB
12 July 2022	Email from NH to EWL	Email from Hugo Rawstone to Neil Edwards. Confirmed that National Highways is unable to pick up fees regarding the Land Registry tow path issue.
25 July 2022	Email from NH to EWL	Email from Hugo Rawstone to Neil Edwards. Fee clarification provided.
26 July 2022	Letter from NH	Early negotiations letter.
31 July 2022	Email from EWL to NH	Email from Neil Edwards to Laura Crumpton. Completed early negotiations form attached. Confusion over wording in the letter and land take.
31 July 2022	Email from NH to EWL	Email from Richard Guyatt to Neil Edwards. Draft DCO attached.
31 July 2022	Email from EWL to NH	Email from Neil Edwards to Hugo Rawstone. Confirmed that solicitors are working on the Deed of Rectification to correctly register the towpath with Land Registry.
1 August 2022	Email from NH to EWL	Email from Laura Crumpton to Neil Edwards. Confirmed receipt of completed form and clarified the land take will be temporary possession with permanent rights.
20 September 2022	Letter from NH	Section 56 letter.
14 October 2022	Microsoft Teams meeting between EWL and NH	<p>John Pomfret, Neil Edwards, Roy Chandler, Antonia Nelson, Miguel Machado, Asit Modi, Nuno Fernandes, Hugo Rawstone and Isabel Doyle attended.</p> <p>Key topics discussed:</p> <ul style="list-style-type: none"> • DCO/Project Update • Access • Amendment of boundary of the Boltons' property to exclude the

Date	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
		<p>towpath as this is owned by Essex Waterways/Navigation.</p> <ul style="list-style-type: none"> • SoCG • Trees • Access for maintenance to the outfall • Towpath • Environmental Management Plan • Legal Representation and fees
14 October 2022	Email from NH to EWL	Email from Hugo Rawstone to John Pomfret. Rights of Way plan attached.
15 November 2022	Email from NH to EWL	<p>Email from Hugo Rawstone to Roy Chandler, John Pomfret, Anthony Comber and Neil Edwards.</p> <p>Provided an update that the outfall design is being progressed.</p>
7 February 2023	Email from NH to EWL	Email from Hugo Rawstone to Neil Edwards. Current SoCG shared with EWL for comment.
3 April 2023	Microsoft Teams meeting between EWL and NH – SoCG meeting	<p>John Pomfret, Asit Modi, Hugo Rawstone and Isabel Doyle attended.</p> <p>Key topics discussed:</p> <ul style="list-style-type: none"> • Siltation • Disapplication of the acts and bye-laws • Outfall – possibility of an open ditch • Detailed design
3 April 2023	Email from EWL to NH	Email from John Pomfret to Hugo Rawstone. Comments provided for SoCG.
5 May 2023	Email from NH to EWL	Email from Isabel Doyle to John Pomfret. Enquired about ditch ownership.
8 May 2023	Email from EWL to NH	Email from John Pomfret to Isabel Doyle. Clarification provided on ditch ownership.
11 May 2023	Email from NH to EWL	Email from Hugo Rawstone to John Pomfret. Consultation for Junction 19 changes attached. Drainage and Surface Water Plans shared.

Date	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
12 May 2023	Microsoft Teams meeting between EWL and NH – SoCG meeting	John Pomfret, Andrew Goodwin, Tom Scott, Hugo Rawstone and Isabel Doyle attended. Key topics discussed: <ul style="list-style-type: none"> • Outfall • Change consultation. • Disapplication of Byelaws
19 May 2023	Email from EWL to NH	Email from John Pomfret to Hugo Rawstone. Confirmation that Essex Waterways Limited has no concerns about the Junction 19 proposed change as it does not affect EWL land or the total amount of water draining to the River Chelmer.
9 June 2023	Email from NH to EWL	Email from Laura Crumpton to John Pomfret. Latest SoCG attached.
29 June 2023	Email from NH to EWL	Email from Isabel Doyle to John Pomfret. Final SoCG attached for signature.
3 July 2023	Email from EWL to NH	Email from John Pomfret to Hugo Rawstone. Signed SoCG attached.
29 September/3 October	Email from NH to EWL	Email from Matthew Brown to John Pomfret. All meeting minutes shared.
5 October 2023	Email from EWL to NH	Email from Neil Edwards to Isabel Doyle. Deed of Rectification confirmed and map attached.
5 October 2023	Email from NH to EWL	Email from Isabel Doyle to Neil Edwards and John Pomfret. Screenshot from latest plans to reflect the latest design changes which removes any permanent land take or temporary land take with permanent rights from Essex Waterways Limited. The drainage pond is now proposed to drain into the ditch rather than the Navigation. Meeting offered.
13 October 2023	Microsoft Teams meeting between EWL and NH	John Pomfret, Andrew Goodwin, Hugo Rawstone and Isabel Doyle attended. Key topics discussed: <ul style="list-style-type: none"> • Scheme Update

Date	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
		<ul style="list-style-type: none"> • Design Update • Byelaws • Siltation • Statement of Common Ground • Deed of Rectification • Public Right of Way
3 November 2023	Email from NH to EWL	Email from Hugo Rawstorne to John Pomfret and Neil Edwards. Updated SoCG attached.
21 November 2023	Email from NH to EWL	Email from Hugo Rawstorne to John Pomfret and Neil Edwards. Letter from Secretary of State attached. Clarification on Byelaws issue requested.
21 November 2023	Email from EWL to NH	Email from Neil Edwards to Hugo Rawstorne. EWL satisfied that now the design of the outfall has been revised to not create a new outfall there is no need to disapply any Byelaws.
23 November 2023	Email from NH to EWL	Email from Hugo Rawstorne to Jogn Pomfret. Additional wording proposed for SoCG 3.1.8 to reflect current position. Updated SoCG attached.
26 November 2023	Email from EWL to NH	Email from John Pomfret to Hugo Rawstorne, SoCG attached, signed with comments.
30 November 2023	Email from NH to EWL	Email from Hugo Rawstorne to John Pomfret. SoCG attached with requested amendments.

2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) National Highways and (2) Essex Waterways Limited on behalf of The Company of Proprietors of Chelmer and Blackwater Navigation Limited in relation to the issues addressed in this SoCG.

3 Issues

3.1 Issues agreed

Table 3.1 Issues agreed.

Ref	Issue	Doc Reference	Essex Waterways Limited on behalf of The Company of Proprietors of Chelmer and Blackwater Navigation Limited Position	National Highways Position	Status	Date
3.1.1.	Use of the towpath (1/11g)	RR-071-001	The towpath is used extensively by members of the public and by EWL for access for plant to maintain waterway structures, control vegetation, undertake dredging etc.	National Highways will work to minimise any disruption to EWL's waterway operations. National Highways no longer requires the use of the towpath for the Scheme.	Agreed	Oct 2023
3.1.2	River operations (1/14a)	N/A	The river needs to be kept open for boat movements at all times.	National Highways has made the commitment to keep the river open for boat movements at all times.	Agreed	Oct 2023
3.1.3	Temporary Possession of the towpath	N/A	Essex Waterways Limited is satisfied with National Highways' response on this.	Following Detailed Design, National Highways has removed any impacts associated with temporary construction and any consequential temporary restrictions to the towpath.	Agreed	Oct 2023
3.1.4	Design changes to Junction 19 slip road	AS-077	Essex Waterways Limited has no concerns about the Junction 19 proposed change as it does not affect EWL land or the total amount of water draining to the River Chelmer.	National Highways welcomes EWL's comments on this design change.	Agreed	Jun 2023

Ref	Issue	Doc Reference	Essex Waterways Limited on behalf of The Company of Proprietors of Chelmer and Blackwater Navigation Limited Position	National Highways Position	Status	Date
3.1.5	Land take along River Chelmer around Junction 19 and how it might impact temporarily and permanently on the ability of the general public to use the waterway & towpath. (1/11g and 1/11a)	RR-071-001	<p>The proposed DCO boundary affects circa 945 square meters of land owned by The Company of Proprietors of Chelmer and Blackwater Navigation Limited. A new outfall feature will be required as part of the Scheme (due to the additional water that will run off from the A12 and impact on the river and surrounding flood mitigation areas); the outfall feature is proposed to be connected via an underground pipe to the river.</p> <p>EWL is satisfied that the latest design proposals suggest that the drainage design will be a ditch which feeds down from the attenuation pond in parcel 1/11a into the existing ditch which runs under the A12 and alongside the river.</p>	<p>If it is not possible to keep the towpath open, a temporary diversion would be put in place to ensure continued use/access is possible through land parcel 1/11a. Considerations are being made to work around constraints and keep impact to recreational users, flora and fauna to a minimum.</p> <p>National Highways provided more detail on timings and the outfall design as part of the Detailed Design stage in October 2023, which confirmed that National Highways no longer requires use of the towpath or the River Chelmer as part of the Scheme.</p>	Agreed	Oct 2023
3.1.6	Access to the towpath	RR-071-002, REP6-054, REP6-034	<p>There is potential for adverse effects on EWL's waterway operations during the construction of the relevant works, particularly regarding access to the towpath.</p> <p>The towpath needs to be kept open for walkers at all times, loss of width would not be an option.</p>	<p>In the DCO, a temporary diversion of PRow 234/18 as shown in Table 8.1 of the Outline Construction Traffic Management Plan (OCTMP) and also detailed in the Construction Phase Plans (Sheet 1) was proposed, noting a temporary minor diversion around drainage works.</p>	Agreed	Oct 2023

Ref	Issue	Doc Reference	Essex Waterways Limited on behalf of The Company of Proprietors of Chelmer and Blackwater Navigation Limited Position	National Highways Position	Status	Date
				As National Highways is no longer proposing to connect into the Chelmer, there will be a gap between the land National Highways needs to acquire for the Scheme and EWL land. National Highways no longer requires the use of the towpath (PROW 234/18) for the Scheme and there will be no impediment on access to the river.		
3.1.7	Adverse effect on navigation due to permanent changes to the towpath	RR-071-003, REP6-031	<p>EWL believes that there is potential for adverse effects on navigation during the operational phase of the Scheme due to permanent changes to the towpath and obstruction of navigation through the outfall structure intruding into the waterway channel.</p> <p>Following Detailed Design proposals, EWL is happy that these concerns have now been resolved and there will be no permanent changes to the towpath nor obstruction of navigation through outfall structure intruding into the waterway channel.</p>	The Scheme outfall location shown on the Drainage and Surface Water Plans - Part 2, Sheet 1 of 21 is indicative and informed through preliminary surface water drainage design. The proposed outfall details have been developed as part of the design development process to ensure the existing towpath will be reinstated in its current form and that the proposed outfall does not intrude upon the navigation. The Scheme's order limits allow for the flexibility in determining an appropriate location for the outfall to accommodate such design amendments.	Agreed	Oct 2023

Ref	Issue	Doc Reference	Essex Waterways Limited on behalf of The Company of Proprietors of Chelmer and Blackwater Navigation Limited Position	National Highways Position	Status	Date		
				<p>To avoid clashes with an irrigation pipe and existing Anglian Water asset, the design will now be a ditch which feeds down from the attenuation pond in parcel 1/11a into the existing ditch which runs under the A12 and alongside the river.</p>				
3.1.8	<p>Disapplication of the original 1793 C&BN Act and waterway Byelaws identified in Schedule 10, where these conflict with the rights established by the DCO</p>	RR-071-004, AS-020	<p>Under Articles 55 and 56, the DCO also includes powers to disapply parts of the original 1793 C&BN Act and waterway Byelaws identified in Schedule 10, where these conflict with the rights established by the DCO.</p> <table border="1" data-bbox="696 906 1243 1295"> <tr> <td data-bbox="696 906 954 1295">Chelmer and Blackwater Navigation Byelaws 1994</td> <td data-bbox="954 906 1243 1295"> Byelaw 3 (Damage etc); Byelaw 13 (Harassment); Byelaw 27 (Obstruction of Officers); Byelaw 28 (Enforcement); and Byelaw 29 (Penalty and Defence) </td> </tr> </table> <p>EWL would welcome an undertaking that any contravention of the Byelaws or</p>	Chelmer and Blackwater Navigation Byelaws 1994	Byelaw 3 (Damage etc); Byelaw 13 (Harassment); Byelaw 27 (Obstruction of Officers); Byelaw 28 (Enforcement); and Byelaw 29 (Penalty and Defence)	<p>National Highways has discussed with EWL the proposed application of Byelaws detailed in the DCO. The disapplication is proposed to allow National Highways to proceed with the construction of the proposed Scheme without the need for further applications for consent from the IP, which may delay implementation of the authorised development.</p> <p>Following Detailed Design, it is not believed that National Highways will need access to the towpath as the connection will now go elsewhere.</p> <p>National Highways will not carry out works that would contravene the Chelmer and Blackwater Navigation Byelaws 1994 or the provisions of 1793 Act without having first sought</p>	Agreed	Oct 2023
Chelmer and Blackwater Navigation Byelaws 1994	Byelaw 3 (Damage etc); Byelaw 13 (Harassment); Byelaw 27 (Obstruction of Officers); Byelaw 28 (Enforcement); and Byelaw 29 (Penalty and Defence)							

Ref	Issue	Doc Reference	Essex Waterways Limited on behalf of The Company of Proprietors of Chelmer and Blackwater Navigation Limited Position	National Highways Position	Status	Date
			<p>disapplication of the Act will be to the minimum extent required to allow construction and operation of the works authorised by the DCO.</p> <p>If the towpath is not needed at all then the disapplication of the Byelaws is no longer relevant.</p> <p>Following Detailed Design, EWL is satisfied that this issue has been resolved.</p>	<p>consent from the Navigation Authority (not to be unreasonably withheld or delayed) for such works and will comply with the reasonable requirements of the Navigation Authority in carrying out the works.</p> <p>If temporary disapplication of the Byelaws is necessary, National Highways will provide a letter for circulation to river users around what this may mean for them regarding construction impacts and disapplication of Byelaws.</p>		
3.1.9	Review of Detailed Design and construction method statements relating to works on EWL	N/A	EWL is satisfied that the latest design does not affect EWL land and will not have any adverse effects on its interests.	<p>Any required Consents or Approvals will be gained from the appropriate Statutory Bodies prior to the commencement of works.</p> <p>National Highways has now updated their design so the outfall drains into the existing ditch outside EWL land ownership. National Highways provided EWL with a design update in October 2023 via email correspondence and a Teams meeting to confirm these matters.</p>	Agreed	Oct 2023

Ref	Issue	Doc Reference	Essex Waterways Limited on behalf of The Company of Proprietors of Chelmer and Blackwater Navigation Limited Position	National Highways Position	Status	Date
3.1.10	Concern about outfall protruding into navigation forming an obstruction	N/A	EWL is concerned about the outfall protruding into the navigation on the outside of a bend. This poses a navigation hazard that could lead to damage to craft. Following Detailed Design proposals, EWL is content that National Highways is no longer planning to protrude into navigation, therefore not affecting EWL operations.	Detailed Design proposes for the outfall to drain into the existing ditch outside EWL land ownership which will not affect navigation operations.	Agreed	Oct 2023

3.2 Issues in discussion

Table 3.2 Issues in discussion.

Ref	Issue	Doc Reference	Essex Waterways Limited on behalf of The Company of Proprietors of Chelmer and Blackwater Navigation Limited Position	National Highways Position	Status	Date
3.2.1.	Adverse effect on siltation arising from discharge of surface water drainage from the highway – during construction	RR-071-003	Any siltation entering the river from the ponds needs to be minimised, and arrangements put in place to clear any that does arise.	Discharges to surface water courses will follow the appropriate legislation. National Highways will gain Discharge consents from the appropriate regulator (e.g. Environment Agency or lead local flood authority) or follow the appropriate exemptions prior to discharge taking place. National	Under discussion	Oct 2023

Ref	Issue	Doc Reference	Essex Waterways Limited on behalf of The Company of Proprietors of Chelmer and Blackwater Navigation Limited Position	National Highways Position	Status	Date
				<p>Highways will take measures to control sediment runoff during construction, ensuring that best practice guidance is followed prior to discharging any water to surface water courses.</p> <p>National Highways has committed to maintain the attenuation pond in its Commitment Register.</p> <p>The second and third iteration of the Environmental Masterplan will further confirm that National Highways will maintain the pond and any siltation that arises.</p>		
3.2.1a	Adverse effect on siltation arising from discharge of surface water drainage from the highway – during operation.	RR-071-003	<p>Any siltation entering the river from the ponds need to be minimised, and arrangements put in place to clear any that does arise.</p> <p>EWL is looking for a commitment to long-term maintenance of the attenuation pond (desilting when/if necessary).</p>	<p>Discharges to surface water courses will follow the appropriate legislation. National Highways will gain Discharge consents from the appropriate regulator (e.g., Environment Agency or lead local flood authority) or follow the appropriate exemptions prior to discharge taking place.</p> <p>During operation, the proposed attenuation ponds will intercept sediment runoff from the road and will ensure it does not affect the</p>	Under discussion	Oct 2023

Statement of Common Ground with Essex Waterways Limited on behalf of Chelmer and Blackwater Navigation Limited

Ref	Issue	Doc Reference	Essex Waterways Limited on behalf of The Company of Proprietors of Chelmer and Blackwater Navigation Limited Position	National Highways Position	Status	Date
				<p>Navigation. It is considered that the provision of an attenuation pond in parcel 1/11a will provide a reduced risk of pollution and sediment runoff to the watercourse over the existing situation.</p> <p>National Highways has committed to maintain the attenuation pond in its Commitment Register.</p> <p>The second and third iteration of the EMP will further confirm that National Highways will maintain the pond and any siltation that arises.</p>		

Acronyms

Abbreviation	Term
AOB	Any Other Business
C&BN	Chelmer and Blackwater Navigation
DCO	Development Consent Order
DMRB	Design Manual for Roads and Bridges
EMP	Environmental Masterplan
EWL	Essex Waterways Limited
IP	Interested Party
NH	National Highways
OCTMP	Outline Construction Traffic Management Plan
PRoW	Public Right of Way
RR	Relevant Representation

For each of those areas that are in dispute, it would be beneficial if each party would put their estimation as to the likelihood that disagreement will remain by the end of the Annex F

F2 Examination. This should be done on a ‘Low’, ‘Medium’ and ‘High’ traffic light model. This will allow the ExA to assess those areas where oral discussions may be most beneficial.

The majority of these concerns is now removed as Detailed Design has confirmed that the outfall will drain into the ditch with no works required to the towpath ditch crossing.

	Low
	Medium
	High

Issue/ Matters under discussion	RAG Status Estimation National Highways	RAG Status Estimation Essex Waterways Limited on behalf of The Company of Proprietors of Chelmer and Blackwater Navigation Limited
Adverse effect on siltation arising from discharge of surface water drainage from the highway – during construction		
Adverse effect on siltation arising from discharge of surface water drainage from the highway – during operation		

Submission number: PID-004

Date submission received by Secretary of State: 06 December 2023

Name: National Highways

Description: Letter to SoS dated 14 December 2023 - Further responses to interested parties responding to Secretary of State's Second Request for Information dated 20 November 2023



Transport Infrastructure Planning Unit

Phil Davie
Project Director
National Highways
Woodlands
Manton Lane
Bedford MK41 7LW

14 December 2023

Dear Secretary of State for Transport

**A12 Chelmsford to A120 Widening Scheme (the Project)
DCO Application
Further responses to interested parties responding to Secretary of State's Second
Request for Information dated 20 November 2023**

The Applicant has reviewed the consultation responses received by the Secretary of State in response to the Secretary of State's letter of 20 November 2023.

The Applicant believes it is useful to address, where appropriate, the responses made by some of the interested parties.

Essex County Council (ECC)

Item 10: Article 16(1) (Speed Limits) and Part 6 of Schedule 3

The Applicant has nothing further to add, having provided its response in its letter of 1st December 2023.

Item 12: The Council's comments on responses received to the first consultation letter issued by the Secretary of State dated 27 October 2023

With regard to the lengths of road highlighted by ECC, the Applicant confirms its commitment to include measures, as detailed below, in the detailed design of the scheme to encourage compliance with speed limits. Initial concepts have been proposed at the joint Technical Working Group meetings with ECC and National Highways described in the Applicant's response to the Secretary of State's first consultation letter of 27th October 2023. We continue to work towards a jointly acceptable design solution and the Applicant continues to investigate and propose further amendments to encourage compliance with the posted speed limits.

In addition to the details provided below, in accordance with the requests in ECC's letter of 1st December:

- National Highways will provide, on the four roads referred to below, such suite of measures to encourage speed limit compliance, whilst according with the preliminary scheme design geometry, as may be requested by Essex County Council as Local Highway Authority (including where requested speed cameras):
 - Braxted Road (south of the junction Henry Dixon Road, Rivenhall End)
 - The new B1024 Link Road between Rivenhall End and Kelvedon
 - The new Essex County Fire and Rescue Service Access Road
 - London Road Roundabout (Marks Tey)
- National Highways will liaise with Essex County Council as the Local Highway Authority before agreeing or discounting any Road Safety Audit recommendations that may affect the local highway network.

The Applicant's response on the key sections set out in the ECC's letter is as follows:

1. Main Road

The Applicant provided responses to ECC's proposed wording of requirement 14 in the Applicant's Comments on Information received at Deadline 7 [REP8-014] (see the Applicant's response to REP-049-010). The Applicant maintains its view that the measures proposed in Requirement 14 are sufficient to reinforce the speed limit and that additional road narrowing is neither appropriate nor required on the B1137 in Boreham. This localised road narrowing presents an additional danger to cyclists as it can push cyclists who are riding on the road into the path of motor vehicles.

2. De-trunked A12

The Applicant has considered ECC's proposed "re-engineering" of the existing A12 (that is to be de-trunked) and discounted this for the reasons presented in Document 9.43 A12 Technical Note on De-trunking Proposals - Rev 2 [REP6-023]. The Applicant has proposed requirement 19 in the Draft DCO to provide of the approval of further written details of the roads to be de-trunked prior to these roads being de-trunked. As part of this, requirement 19(1)(b) states that the Applicant must demonstrate how the proposals maintain a safe and reliable highway network. The Applicant must commission further assessment of the de-trunked road provision as part of the Stage 2 Road Safety Audit where, should any issues be identified, recommendations will be made for their resolution. As written above the Applicant will liaise with Essex County Council as the local highway authority before agreeing or discounting any recommendations that may affect the local highway network as a result of the Road Safety Audit.

3. a) Braxted Road

The Applicant confirms that vertical alignment details were included on the Highways Engineering Sections Drawings submitted as part of the DCO Application package, showing the constrained location and vertical geometry of Braxted Road Bridge and its approaches. This has been confirmed to the Council in the Applicant's letter of 24

November. ECC has asked for further details and the Applicant continues to liaise with the Council to provide this in a timely fashion as the detailed design becomes available.

b) Cranes Bridge

The Applicant is pleased to read that ECC is considering the narrative and further design detail provided as the Applicant develops the detailed design.

c) Inworth Road Roundabout

The Applicant maintains its view, provided in its responses in Applicant's Comments on Information received at Deadline 7 [REP8-014] (see the Applicant's response to REP-049-011).

d) London Road Roundabout (Marks Tey)

Whilst the roundabout itself is proposed to be an asset maintained by the Applicant, the Applicant appreciates that the Council's concern is about the speed limit on its direct approach from the de-trunked A12. As with 3a) (above) geometrical information was included on the Highways Engineering Sections Drawings submitted as part of the DCO Application package. The Applicant confirms that further detail has been requested by the Council and continues to liaise with the Council to provide this in a timely fashion as the detailed design becomes available.

Mr Cathcart

The Applicant continues to request that some ability to remove vegetation within Mr Cathcart's land is required, as surface access for inspection of the to-be installed gas main may be required. This might be required if, for instance there is a failure of the equipment being used to drill the route of the new apparatus, and a narrow corridor with limited vegetation removal is required to allow recovery from the surface.

The Applicant continues to work on detailed design for the proposed work, together with Cadent Gas Limited. The relevant drawings are not yet sufficiently advanced for them to be provided to the landowner.

Maldon District Council

Regarding the Council's point 1, the Applicant has already provided, in its response to Consultation Letter 1, its view that a 28 day consultation period is appropriate in respect of consultation under requirement 22.

The Applicant notes the Council's welcoming of the updates provided by the Applicant in points 2 and 32 of the Council's letter.

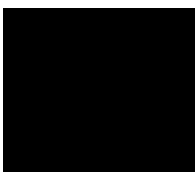
Mr Elliston/ The Trustees of Hatfield Peverel Feoffees

The Applicant is continuing to engage with the Trustees. Substantial correspondence has taken place and the Applicant will continue to actively engage with the Owners and to inform them of the latest detailed design. The detailed design, once concluded, will assist the Owners' understanding of the impacts of the scheme on their land.

The provisions of the Compensation Code will apply to the proposed acquisition, including the statutory provisions regarding retained land following other land held by an owner being taken by way of compulsory acquisition.

If you have any further comments or queries, I can be contacted by email at A12chelmsfordA120wide@nationalhighways.co.uk

Yours sincerely



Phil Davie
Project Director
A12 Chelmsford to A120 Widening Scheme

Submission number: DD-001

Date submission received by Secretary of State: 08 December 2023

Name: Andrew Harding

Description: Emails between Mr Harding and the Applicant

Evans, Rebecca

From: Andrew Harding [REDACTED]
Sent: 08 December 20
To: dftcorrespondence
Cc: A12chelmsfordA120; [REDACTED]
Kevin Bentley; transp
Subject: ref TO-00006593 and TO-00005367

Good afternoon

We now have 3 emails from your office dealing with this situation.

It is perfectly apparent that your left hand is not in any kind of communication with your right hand. The incompetence of this is breath-taking, and deeply concerning for a Government office to behave in such an amateur and ridiculous fashion.

Once again, we have copied this correspondence to our MP, Ms Priti Patel, who you will see has designated a special reference number to this.

The email from the office of Ms Broome, 5th December, falsely claimed that a further 28 days were needed for a reply to the original exchange of 1st November. Our response was to not permit your failings to allow you even more time to demonstrate your incompetence, and we demanded a substantive response by no later than today, Friday 8th December. Whilst we now do, indeed, have that response, it would appear that in fact no additional time was required because you already had the letter. You had simply failed all basic management systems to check and ensure it had actually been sent.

We raised a series of questions which your response, now attached twice to separate emails, attempts to respond to. That so much time and effort has been wasted by your department in simply answering legitimate questions is frustrating and wasteful. In fact, the 'response' merely parrots my questions and then cuts and pastes a standard 'non-answer' answer. You should all be ashamed of yourselves.

Did anyone in your offices actually READ our questions before attaching pre-drafted pre-templated responses?

- a) This question was about appropriate arms length distancing and impartiality. At absolutely no point was this question about your standard non-answer of 'detailed design and technical standards'. We would not expect the DfT to be able to comment on that. We asked an entirely different question, and this has not been answered. We demand you answer it immediately;
- b) This concerned 'answer-*ability*' and justification. On the basis that we do not accept the answer detailed at (a), this answer is pointless. If you had seen the letter revealed by the SAR request – which you have not asked to see – then you would know this was not a matter of simple 'advice'. It was a matter of SEEKING GUIDANCE in how to respond. Your department is therefore simply parroting the inaccurate, wrong and misleading detail from NH – which was the point of coming to you. Once again, your incompetence, lack of professional detachment and simple common sense has failed to come any where *near* answering the real questions;
- c) Firstly, it is not a 'purported letter'. We strongly object to the inference in this word, and demand you retract it. It was a draft letter and it was from the DfT. It is in the possession of NH, and clearly seeks their opinion and guidance. We know it was never sent. That is patronising and upsetting. The question is why was it never sent? You cite a letter from Mr Trupp. That correspondence

ended up as a complaint – or have you not read your own files? Mr Trupp was ill prepared, ill advised and ill thought through in all his communications. His ‘line manager’ stepped in and tried to excuse the inexcusable. She failed. Once again – are you seeing a pattern? – you too have failed to answer the actual question. We urge you to check your files and ensure any statements you make are accurate and true;

- d) Technical information? What technical information? None was being requested. This is no answer;
- e) Hiding behind vast documents to excuse incompetence and failures is no answer. You are attempting to push away any need for a genuine response;
- f) You are proving by this answer that, in fact, your decision making process is inextricably linked to guidance and advice from NH, and that you are absolutely NOT independent and impartial. (For your information, we have received no such email from Transport Infrastructure Planning. Why have you not made enquiry to ensure it has been sent?).

Why do you believe it is acceptable to fail, in all respects, to answer any of the questions? You have added further proof - if indeed it were necessary, - that you are ‘hand-in-glove’ with NH. You are clearly and emphatically **not** impartial and you are, instead, guided and instructed by them on **ALL** matters.

This means your department has abrogated its responsibility to a leviathan of self interest. NH are deeply inured in a philosophy of their own infallibility, and myopic delusional determination that they are ‘right’ and will brook no argument, despite very many proofs of their failings. They suffer from ‘confirmational bias’, and only believe and respond to what they have predetermined is ‘correct’. You have simply reinforced this by your deference to them, and your incompetence in the execution of the role you have been entrusted to do.

We have no trust or confidence in this system, and your department is simply not fit for purpose.

ANSWER THE QUESTIONS.

You may even decide to ask for the draft that NH had, together with the attached note from the DfT.

cc Ms Priti Patel, MP, ref; ZA777794
cc BBC LookEast
cc Daily Telegraph – Political Editor

Andrew Harding
for

Messing and Inworth Action Group Limited
MIAGLTD@outlook.com

*‘To successfully campaign for the Secretary of State, through the Planning Inspectorate, to accept and adopt **The Main Alternative** proposed by the Messing-cum-Inworth Parish Council’.*

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From: dftcorrespondence
Sent: 07 December 2023 17:52

To: [REDACTED]

Subject: The reply to your correspondence, ref TO-00006593 is attached

Dear Andrew Harding,

Please find attached the response to your recent correspondence to the Department for Transport.

Thank you,

Department for Transport
PO Correspondence
1st Floor, Great Minster House
33 Horseferry Road
LONDON
SW1P 4DR

The information in this email may be confidential or otherwise protected by law. If you received it in error, please let us know by return e-mail and then delete it immediately, without printing or passing it on to anybody else. Incoming and outgoing e-mail messages are routinely monitored for compliance with our policy on the use of electronic communications and for other lawful purposes.

Submission number: DD-002

Date submission received by Secretary of State: 26 October 2023

Name: Rt Hon. Priti Patel MP

Description: Letter



THE RT. HON. PRITI PATEL MP
WITHAM

HOUSE OF COMMONS
LONDON SW1A 0AA

Tel: 020 7219 3528
E-mail: withamp@parliament.uk
Website: www.pritipatelmp.com

The Rt Hon Mark Harper MP
Secretary of State for Transport
Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Our Ref: ZA85376

23 October 2023

Dear Mark,

A12 Widening Scheme and A120 Dualling Scheme

I have received correspondence from the A12 Villages Traffic Action Group regarding the A12 widening scheme and the A120 dualling scheme.

My constituents are keen to see both schemes taken forward in a strategic and coordinated manner, and have written to me as below:

Dear Priti,

Reading your recent " Reporting Back " newsletter particularly about the current situation for the proposed 3 lane A12 and improvements to the A120.

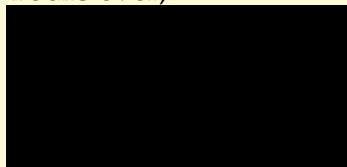
Our Group (A12VTAG) have been informed that the A120 is basically back to the drawing board and we feel that these two major projects should be considered together as they are inter related and it would take best advantage of the situation and avoid waste of resources that would occur if the two were considered individually

We would appreciate your views on this important matter

I would be most grateful if you could consider the points that have been raised and respond to them. As you will recall from my intervention in the Chamber last week, there is disappointment locally that the A120 dualling scheme has been delayed as the benefits of both schemes being strategically coordinate are well-recognised.

I look forward to your reply.

Yours ever,



Rt Hon Priti Patel
Member of Parliament for Witham

Putting the Witham Constituency, Essex and Britain first.